

## ***Chapter 4***

### ***Land Allocation, Land Classification, Water Surface, & Project Easement Lands***

This Master Plan is essentially a land use plan; specific parcels of land are classified into land use categories based on resource capability. This Plan provides a conceptual guide for use, management, and development of all Corps lands. This is not a plan for private lands, lands acquired in fee title by the FWS for refuge purposes, or other non-Corps public lands.

This Master Plan revision replaces the land use classifications from previous versions of the plan and the Land Use Allocation Plan (LUAP, 1989). This Master Plan does not update the Shoreline allocations for Protected shoreline classification areas including Limited Development Areas that were designated in the 1989 LUAP. Any changes to the protected area status would be through a future update or revision of the Shoreline Management Plan (SMP, 1989) and a supplement to the Master Plan. For more information on shoreline allocations, the SMP, and its relation to the MP, please reference Chapter 6.

The following Land Allocation and Land Classification information was developed referencing the Corps EP 1130-2-550 (30 Jan 2013) guidance. Additional details were added to provide Project specific clarification.

#### **4.1. LAND ALLOCATION**

In accordance with Engineer Pamphlet (EP) 1130-2-550 land allocations identify the authorized purposes for which corps lands were acquired. (See Appendix **TBD**). There are four categories of allocation:

- Operations
- Recreation
- Fish and Wildlife
- Mitigation

The entire 93,600 acres originally acquired for the Rock Island District portion of the Mississippi River Project are allocated for Operations as they were acquired primarily for river navigation. Those lands acquired since the original acquisition also relate to navigation through purchase of lands for or in mitigation of dredged material placement. Lands accreted to or acquired in addition to Project lands outside of the original footprint of acquisition are also allocated to Operations. Since the original acquisition, Project and Corps missions have been added such as Recreation and Environmental Stewardship but are not reflected in the allocation as the lands were not originally specifically acquired for these purposes.

#### **4.2. LAND USE CLASSIFICATION**

Land Use Classifications correspond to the primary use for which Project lands are managed. Project lands are apportioned for development and resource management consistent with authorized project purposes and the provisions of the National Environmental Policy Act and

other Federal laws. A project map delineating land according to the following classifications is found in appendix **TBD**. Agriculture or grazing use of Project lands is not a land classification but may be an interim use to meet management objectives.

Mississippi River Project lands are divided into management areas. Division of these lands into individual management areas was an integral part of the planning process and facilitated identification of the most appropriate land and resource uses of the various project areas. The boundaries of the management areas are based on physical, administrative, operational characteristics, and Master Plan objectives.

The land use classifications from EP 1130-2-550 include:

#### *Project Operations*

This classification provides for the safe, efficient operation of the navigation project for those authorized purposes other than recreation and environmental stewardship related activities. Typical areas include project operation and maintenance structures, such as, but not limited to, locks and dams, wing dams, bank protection, closure dams, mooring cells, dredged material beneficial use sites, dredged material placement sites with long-term planned use, and other uses directly associated with the operation and maintenance of the project. Commercial activities such as private/public commercial port facilities, and leased areas for public utilities/industrial sites, etc., also are classified as Project Operations lands and generally are not managed as part of the General Plan lands.

Environmental stewardship related public use activities are allowed on project operation areas, including the locks and dams, providing they are not in conflict with the project operations activities. Agricultural use will be permitted on an interim basis when not in conflict with specified uses. Limited interpretive and low-density recreational uses that are compatible with and beneficial to existing features and purposes will also be allowed.

Operational requirements for navigation may also occur on other classifications.

#### *High Density Recreation*

Land developed for intensive recreational activities for the visiting public including day use areas, campgrounds, and marinas. Areas include those provided by the Corps, other public agencies, commercial concessionaires (marinas), and civic organizations.

#### *Mitigation*

This classification would only be used for lands with an allocation of Mitigation and that were acquired specifically for the purposes of offsetting losses associated with development of the Project. There are no Project lands in this classification.

#### *Environmentally Sensitive Areas*

Environmentally Sensitive Areas include those where scientific, ecological, cultural and/or aesthetic features have been identified. Designation of these lands is not limited to just lands that are otherwise protected by laws such as the Endangered Species Act, the National Historic Preservation Act or applicable State statutes. These areas were considered by management to ensure they are not adversely impacted. Typically, limited or no development of public use is

allowed on these lands. No agricultural or grazing uses are permitted on these lands unless necessary for a specific resource management benefit, such as prairie restoration. This designation does not preclude: continued management by other agencies under congressionally authorized use of Corps lands for fish and wildlife management purposes as specified under General Plan and Cooperative Agreement; environmental restoration projects such as UMRR EMP HREP and other restoration authorities, Corps forest management, and Corps navigation operations and maintenance. Normal review protocols will be followed for proposed federal actions or for proposed changes in agency management to determine anticipated impacts and potential acceptance. A brief narrative is provided in Chapter 5 describing the association resource analysis and inventory used in making the classification.

#### *Multiple Resource Management Lands*

This classification allows for the designation of a predominate use as described below, with the understanding that other compatible uses may also occur on these lands (e.g. a boat ramp in an area designated as Wildlife Management). Hunting, fishing, trapping, bird watching, photography, and canoeing are examples of related dispersed recreation uses allowed under these classified lands unless posted as prohibited or restricted by special regulation. Land classification maps reflect the predominant sub-classification, rather than just Multiple Resource Management. The “Future or Inactive Recreation Areas” classification was not used in this plan.

- **Low Density Recreation.** Lands with minimal development or infrastructure that support passive public recreational use (e.g. primitive camping, fishing, hunting, trails, wildlife viewing, etc.). Private recreational mooring facilities and related structures and use are allowed within specific and designated areas based on conditions specified in the Shoreline Management Plan (SMP). Location of Limited Development Areas is shown on the mapping in Appendix TBD as originally designated in the SMP and 1989 LUAP. For additional general information on the SMP and shoreline protected area allocation, please reference Chapter 6.
- **Wildlife Management.** Lands designated for stewardship of fish and wildlife resources. Wildlife Management related activities include vegetative management of forest, prairie, marsh, submersed aquatic vegetation, and other native vegetative cover. Forest management objectives on refuge lands will be directed whenever possible to improve timber quality for wildlife habitat. Designated portions of such lands are reserved as waterfowl sanctuaries ("closed areas") during migration periods, thereby limiting certain uses. The existence and operation of structures for water level management for fish and wildlife habitat purposes is also consistent with this classification. Wildlife Management land designation is used only for lands leased to the FWS, IADNR, WIDNR, and MDC under general plans and cooperative agreements.
- **Vegetative Management.** Lands designated for stewardship of forest, prairie, marsh, submerge aquatic vegetation, and other native vegetative cover on Corps managed lands. Permitted uses and activities, unless posted as prohibited or restricted by special regulation, may also include dispersed recreation and scientific/ecological research.

#### *Water Surface*

This category was not used for the entire water surface area on the Mississippi River as most of the river is open recreation. Project waters fall under multiple jurisdictions including state

waters and inclusion in FWS refuge. One example is the state processes for designation and enforcement of no wake areas that are independent of this plan. Therefore, the water classifications provided by the plan are not meant to capture all existing restrictions or no wake areas. However, the Master Plan has included water surface classification in some locations including two types of water surface classifications: 1) Restricted and 2) Fish and Wildlife Sanctuary. Designated No-Wake and Open Recreation were not specifically used in the Master Plan.

- **Restricted.** Water areas restricted for project operations, safety, and security purposes including areas 600 feet upstream of lock gates and spillways as well as 150 feet downstream.
- **Fish and Wildlife Sanctuary.** Waters that are part of state or FWS refuge with annual or seasonal restrictions on areas to protect fish and wildlife species during periods of migration, resting, feeding, nesting, and/or spawning.

#### *Project Easement Lands*

Project Easement Lands are lands for which the Corps holds an easement interest, but not a fee title. Easements were acquired for specific purposes or rights and do not convey the same rights or ownership to the Corps as other lands. Planned use and management of easement lands will be in strict accordance with the terms and conditions of the easement estate acquired for the project. Easements may vary by location and type so the language of individual easements should be directly referenced to identify their specific provisions.

There are two types of easements for the Project including operations easement and flowage easement. The possible Conservation Easement classification identified in Corps policy was not utilized for the Project.

- **Operations Easement.** The Corps retains rights to these lands necessary for project operations. This includes roadway easements to allow the government to operate and maintain a roadway and sometimes a utility corridor to allow government and public access to federal lands.
- **Flowage Easement.** Flowage easements were purchased for improvement of the river for navigational purposes. They provide the Government with the right to overflow and submerge the property. The easements often include the right to clear obstructions to river flow, and/or the right to clear timber.

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For more information on flowage easements, please refer to Chapter 2.

The Corps also has constitutionally derived Navigational Servitude authority for placement of navigational related structures below the ordinary high water mark that do not require a specific easement. For more information on Navigational Servitude, please reference Chapter 2.

Table 4-1 identifies the designated land use classification acreages within Pools 11-22. Acreage figures for the land use categories are based upon computations taken from mapping used to illustrate the land classifications and do not represent legal real estate figures.

### *Administrative details*

In some cases, submerged Project operation and maintenance structures exist along the shoreline or connected to lands more appropriately zoned for another management use such as Wildlife Management rather than Project Operations. As previously indicated, the project allocation of operations for navigation preempt designated land use management classifications. Therefore, where project operations structures or features exist (i.e., wingdams, shoreline bank protection, closure dams), maintenance access to inspect and repair these structures is a given condition apart from the zoning of adjacent lands. Consequently, project-owned lands are classified in accordance with the best use of the resource while guaranteeing upkeep of navigational features. Established coordination procedures, public review, and legal environmental and permit requirements remain in effect throughout.

A portion of the land parcels purchased by the federal government along the river are submerged (below normal pool levels) as a result of construction and operation of the navigation project. To the degree possible, these submerged lands will be treated in a manner consistent with adjacent land-use classification designations.

Accreted lands which are either adjoining or surrounded by Project lands are considered Federal holdings within this plan, and were classified accordingly. Accreted lands that were identified and classified in the 1989 LUAP were classified in this revision. Additional lands accreted to Corps lands since 1989 and are included and classified in this revision. Any legal conflicts in ownership claims/rights will require resolution on a case-by-case basis.

Permitted use of Project lands by other interests must be compatible and/or complementary to the designated land use classification. Project lands made available to others are subject to the conditions of the specific real estate agreements involve. Permitted public recreational use on project lands administered by others will be subject to their authorized purposes, management goals, and objectives such as the details outlined in FWS Comprehensive Conservation Plans (CCP) and yearly General Plan reports to the Corps. Existing plans and management objectives of the states and the FWS were considered in the land classification of areas under their management.

### **4.3. LAND USE CLASSIFICATION SUMMARY**

The acreage in the following tables was based upon digital mapping. Erosion and accretion along the Mississippi River shoreline has changed the acreage managed and therefore does not correspond to the totals for the acreage that was originally purchased. Recreation Areas include Corps recreation areas, marinas, and state recreation areas.

Table 4-1. Land Use Classification Summary for Mississippi River Project.

<b>Land Use Classification</b>	<b>No. of Areas</b>	<b>Acres</b>
Project Operations	TBD	TBD

High Density Recreation Areas		
Low Density Recreation Areas		
Environmentally Sensitive Areas		
Fish & Wildlife Sanctuary		
Vegetative Management Areas		
Wildlife Management (GP Lands)		
Mitigation Areas		
Flowage Easements		
Operational Easement		
Industrial Lease Areas		
<b>Total Management Areas</b>		

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