DEPARTMENT OF THE ARMY PERMIT

Regional Permit 23
Private Recreational Structures on U.S. Government Land
in the states of Iowa, Illinois, and Missouri

Permittee: General public meeting the terms and conditions herein.

Number: CEMVR-OD-P-2010-0113 (Regional Permit 23)

Expiration Date: **December 31, 2015**

Issuing Office: U.S. Army Corps of Engineers, Rock Island District
Clock Tower Building - P.O. Box 2004
Rock Island, Illinois 61204-2004

You are authorized to perform work in accordance with the terms and conditions specified below.

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

Project Description. This regional permit will apply to activities which are granted Shoreline Use Permits (boat docks) or Special Use Licenses (lifts, marine rails, ramps, winches, rollers, steps, and walkways) located in or over the Mississippi River.

Project Location. This regional permit will authorize work in waters of the United States located in or over the Mississippi River.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on the date specified on page 1. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before that date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party, in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions. (Condition is not applicable for Section 10 Permits.)

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. Requirements.

a. Density and Design Criteria for Boat Docks.

(1) Size, spacing, and design criteria will be applicable to all new boat docks. New docks will be required to be no less than 3 feet nor more than 6 feet in width, no closer than 50 feet to an adjacent permittee's water-based structure, and extend no more than 100 feet from the ordinary high water mark. In addition, no structures will extend closer than 150 feet to the navigation channel.

(2) Variably shaped docks are authorized, provided that no portion of the dock exceeds 16.5 feet in width and that the total dock surface area does not exceed 600 square feet. Variance from these criteria may be authorized after consideration of the site-specific circumstances by the park manager or his/her designee.

(3) All existing structures which are authorized by a currently valid permit will be exempted from conforming to the density and design criteria until such time as the structure requires replacement or modification. To be allowed, all replacement, modified, or new structures must conform to the density and design criteria. At the discretion of the District Engineer or his representative, docks that pose an obstruction or a hazard to navigation will not be allowed, regardless of size, spacing, or current authorization.

b. Construction Standards for Boat Docks.

(1) Structures must be constructed in accordance with the plans and specifications approved by District representative(s).

(2) All docks must be securely anchored in place using posts, deadmen, or other suitable means. Altering the natural terrain or vegetation, anchoring to trees, or obstructing general public use of the shoreline will not be allowed.

(3) Electrical installations must be weatherproofed and meet all current applicable electric codes and regulations. In addition, electrical installations must be certified in writing by a state-registered electrician. The written certification must be submitted to the Corps of Engineers upon request.

(4) Floats and flotation material. Floats and the flotation material must be specifically fabricated for marina use and warranted by the manufacturer for a minimum of 8 years against sinking becoming water logged, cracking, peeling, fragmenting, or losing beads. Specific requirements may be found in the Federal Register, July 1, 1998, Volume 63, Number 126, Pages 35826-35828. Foam bead flotation is not allowed. All floats shall resist puncture and penetration and shall not be subject to damage by animals. Reuse of plastic or metal drums or barrels not specifically manufactured for marine flotation use is prohibited.

- All new or replacement docks. On all new dock applications and/or applications for replacement floating docks using foam, the foam must be encased with concrete, galvanized steel, aluminum, recycled plastic lumber, polyethylene, fiberglass, or tough flexible plastic.

- Change of ownership. The requirements above apply to existing docks at Shoreline Use effective upon the transfer of ownership. The owner must bring the flotation to the current standards before the structure will be permitted in the name of the new owner. Failure to update the dock flotation could result in denial of the Shoreline Use Permit.

(5) Only quick-disconnect temporary electric lines, waterlines, and telephone lines to the vessel will be allowed. No permanent utility hookups will be allowed.

(6) Installation of structures conducive to human habitation such as sleeping accommodations, cooking facilities, heating facilities, toilet or shower facilities, refrigeration, television, etc. is prohibited.

c. Habitation. No dock structure shall be used for human habitation.

d. Posting of Permits. Each license/permit will be assigned an identifying number. The licensee/permittee shall post the plates provided by the government, which bear the number, at the site.

e. Duration and Renewal.

(1) All licenses/permits are nontransferable and become null and void upon the sale of legal ownership or the death of the permittee. Anyone purchasing structures authorized under an existing license/permit must apply to renew a license/permit in their name. An application does not guarantee approval.

(2) Licenses/permits may be considered for renewal every three years. The District will attempt to notify existing licensees/permittees of the upcoming renewal by sending a renewal notice to the address on file with the District. Failure to receive a renewal notice will not constitute an extension or renewal of a license/permit. It is the responsibility of the license/permit holder to request renewal prior to its expiration. Prior to the expiration of the license/permit, the holder must submit a renewal information sheet for the renewal to be processed.

(3) Prior to finalizing the sale of any authorized structures, the permittee/licensee will notify the District. The new owner must apply to renew the permit/license within 14 days of the sale. Otherwise, the structures must be removed and the area restored within 30 days of the sale.

<<<<< END OF SPECIAL CONDITIONS >>>>>

Further information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(**X**) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

( ) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, and in accordance with CEMVR-OD-P appointment order dated 28 March 2000, has signed below.

Shawn P. McGinley
Colonel, U.S. Army
Commander & District Engineer

6 Dec 2010
Date

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

Transferee

Date