

Shoreline Use Permit Conditions for Mississippi River Use

1. This permit is granted solely for the purpose described by the permittee's application and is limited to the construction of watercraft mooring and storage of gear essential to watercraft operation. The following types of structures are **not permitted** in Limited Development Areas: patio's, decks, picnic tables, benches, screen houses, burn barrels, fireplaces, barbecue pits, grills, privies, fish cleaning tables, smokers, fuel tanks, septic tanks, septic fields, wastewater drains, playground equipment, all types of antennas, satellite dishes, habitable structures or any other structure of such size or nature that the placement on Government land would be considered contrary to public interest.
2. The permittee to and does hereby release and agree to have and hold the Government harmless from any and all causes of action. Also from suits at law or equity, claims, demands or from any liability of any nature whatsoever. Also, on account any damages to persons or property, including the permitted facility, growing out of the ownership, construction, operation or maintenance by permittee of the permitted facility.
3. The ownership, construction, operation or maintenance of the permitted facility is subject to the Government's navigation servitude. No attempt shall be made by permittee to forbid the full and free use by the public of all navigable waters. Either at or adjacent to the permitted facility or to unreasonably interfere with navigation in connection with the ownership, construction, operation or maintenance of the permitted facility.
4. The permittee agrees that if subsequent operations by the Government requires alteration in the location of the permitted facility or if in the opinion of the District Engineer the permitted facility shall cause unreasonable obstruction to navigation or the public interest so requires the permittee shall be required, upon written notice from the District Engineer to remove, alter, or relocate the permitted facility, without expense to the Government.
5. The Government shall in no case be liable for any damage or injury to the permitted facility which may be caused by or result from subsequent operations undertaken by the Government for the improvement of navigation or for other lawful purposes, and no claims or right to compensation shall accrue from any such damage.
6. This permit does not convey any property rights either in real estate or material.
7. The permittee agrees that he/she will complete the facility construction action within one year of the permit issuance date. This pertains to new applications and renewals. The permit shall become null and void if the construction action is not completed within that period. Further, he/she agrees that he/she will operate and maintain the permitted facility in a manner so as to minimize any adverse impact on fish and wildlife habitat, natural environmental values of aesthetics, and in a manner so as to minimize the degradation of water quality.

8. At such time that the permittee ceases to operate and maintain the permitted facility, upon expiration of this permit, or upon revocation of this permit, the permittee shall remove the permitted facility within 30 days, at his/her expense, and restore the waterway and lands to its former condition. If the permittee fails to remove and restore to the satisfaction of the District Engineer, the District Engineer may do so by contract or otherwise and recover the cost thereof from the permittee.

9. Charging the public a fee to use the permitted facility is prohibited. Commercial activities are prohibited.

10. All facilities are subject to periodic inspections by a Corps representative. If an inspection reveals conditions which make the facility unsafe, or aesthetically offensive, or conditions which deviate from the approved plans, such conditions will be corrected immediately by the owner upon receipt of notification. No deviation or changes from approved plans will be permitted without prior written approval of the Park Manager.

11. The identification plates provided shall be posted on the mooring facility or a post as specified by the Park Manager so that it can be visually checked with ease from both land and water. No plates shall be attached to trees.

12. The planting and retention of native trees and shrubs on government-owned property for the purpose of bank stabilization requires prior approval from the Park Manager. Plantings for the prevention of erosion cannot form a barrier to public access or interfere with the surveying of the government property line.

13. **No vegetation may be removed or altered on government property without the permission of the Park Manager.** Consideration will be given to requests to remove vegetation which could endanger private property or individuals. Vegetative modifications that would create or increase erosion problems will not be allowed. Vegetative modification includes planting, trimming, cutting or use of pesticides and/or herbicides.

14. All permits for private recreational use are automatically terminated upon either the death of the permittee (s) and his/her spouse, or upon the transfer in ownership of the structures authorized on federal land.

15. New owners of existing private recreational structures shall submit a new application to authorize such use. New owners may be required to modify or even completely remove certain structures that pose a hazard to safety or navigation.

16. By 30 days written notice, mailed to the permittee by registered or certified letter, the District Engineer may revoke this permit whenever he/she determines that the public interest necessitates such revocation or when he/she determines that the permittee has failed to comply with the conditions of this permit. The revocation notice shall specify the reasons for such action. If within the 30-day period, the permittee, in writing requests a hearing, the District Engineer shall grant such hearing at the earliest opportunity. In no event shall the hearing date exceed 60 days from the date of the hearing request. At the conclusion of such hearing, the District Engineer shall render a final decision in writing and mail such decision to the permittee by registered or certified letter. The permittee may, within 5 days of receipt of the decision of the District Engineer appeal such decision in writing to the Chief of Engineers. The decision of the Chief of Engineers shall be final from which no further appeal may be taken.

17. Filling, excavation, replacement of riprap, or changes in landform requires written permission from the U.S. Army Corps of Engineers. Construction of retaining walls for the purpose of erosion control will be considered.

18. **Density & Design Criteria:** 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. Variably shaped docks are authorized, provided that no portion of the dock exceeds 16.5 feet in dimension and that the total dock surface area does not exceed 600 square feet. Variance from this criteria may be authorized after consideration of the site-specific circumstances by the Park Manager or his/her designee. All existing structures which are authorized by a current and valid permit will be exempt 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/her representative, docks that pose an obstruction or a hazard to navigation will not be allowed, regardless of size and spacing.

19. Construction Standards:

The following construction standards apply to **new, replacement, or modified structures of any type:**

- a. Structures must be constructed in accordance with the plans and specifications approved by the District representative(s).
- b. All docks must be securely anchored in place by using posts, dead man, or other suitable means. Anchoring to trees is prohibited. The alteration of the natural terrain and/or vegetation or obstructing the general public's use of the shoreline will not be allowed.
- c. Electrical installations must be weatherproof and meet all current applicable electric codes and regulations. Electrical service and equipment leading to or on private mooring facilities must not pose a safety hazard or conflict with other recreational use. In addition, electrical installations must be certified, in writing, by a state registered electrician. The written certification must be submitted to the Corps upon request.
- d. On all new or replacement docks and boat mooring buoys, all systems using foam, (except blue board) must encase the foam with concrete, galvanized steel, aluminum, recycled plastic lumber, polyethylene, fiberglass or tough flexible plastic. Reuse of plastic, metal or other previously used drums or containers for encasement or flotation purpose is prohibited. Flotation units and devices must be composed of low-density, closed cell, rigid plastic foam. Foam bead flotation will not be allowed unless commercially encapsulated and designed specifically for dock flotation purposes. **Plastic drums, metal barrels, pesticide and other containers will not be allowed.**
- e. Only quick-disconnect temporary electric lines, waterlines, and telephone lines to the vessel will be allowed. No permanent utility hookup will be allowed.

f. Installation of structures conducive to human habitation such as sleeping accommodations, cooking facilities, heating facilities, toilet or shower facilities, refrigeration, televisions, etc. is prohibited.

20. Habitation: No structure or vessel shall be used for human habitation. Household furnishings are not permitted. At the discretion of the District Engineer or his/her representative, some enclosed structures, such as storage sheds are allowed. However, the interior of the structure will be subject to inspections at unscheduled intervals. The presence of facilities conducive to human habitation will be treated as presumptive evidence of such use and will be cause for termination of the permit.

21. All vessels must be removed from the water each year prior to freeze up. Vessels may not be returned to the water until spring thaw.

22. This permit does not obviate the need to obtain other federal, state or local authorization required by law. It is the applicant's responsibility to obtain these prior to the start of work on government land.

23. In order to gain approval for actions referred to above or to notify of change of address please contact by phone at 309/794-4439 or write to:

Mississippi River Project Office
Attn: Shoreline Management
P.O. Box 534
Pleasant Valley, Iowa 52767