



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SOUTH ATLANTIC DIVISION
60 FORSYTH STREET SW, ROOM 10M15
ATLANTA GA 30303-8801

* DR 1130-15-1

CESAD-PD

Division Regulation
No. 1130-15-1

1 December 2015

Programs Directorate
SHORELINE MANAGEMENT AT SOUTH ATLANTIC DIVISION
CIVIL WORKS PROJECTS

Supplementation of this regulation is prohibited except for the development of the District's internal procedures and controls for the execution of the Shoreline Management Program.

1. **PURPOSE.** To establish guidance and procedures applicable to the use of Government fee-owned and easement land and water areas at Civil Works projects for minor private purposes.
2. **APPLICABILITY.** This regulation is applicable to all Districts and field operating activities within the South Atlantic Division performing shoreline management activities under an approved Shoreline Management Plan. This regulation is not applicable to those activities that are permitted within the Regulatory Program.
3. **DISTRIBUTION STATEMENT.** Approved for public release; distribution is unlimited.
4. **REFERENCES.**
 - a. Section 1134(d) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (16 U.S.C 460d notes) (grandfathering of lawfully installed docks or appurtenant structures on and after 31 December 1989)
 - b. Section 6 of Public Law 97-140, 29 December 1981 (16 U.S.C 460d notes) (grandfathering of lawfully installed docks or appurtenant structures before 31 December 1989)
 - c. 10 U.S.C. 2695, Acceptance of funds to cover administrative expenses relating to certain real property transactions
 - d. Section 4 of the Flood Control Act of 1944, Public Law 87-874, as amended, (16 U.S.C. 460d)

* This Division Regulation supersedes Division Regulation PDS-O-3, dated 31 May 2010.

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- e. 36 C.F.R. Part 327, Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers
- f. Department of Defense (DoD) 7000.14-R, DoD Financial Management Regulations, Volume 11A, Reimbursable Operations, Policy and Procedures, Chapter 4 (User Fees)
- g. Army Regulation (AR) 405-80, Management of Title and Granting Use of Real Property
- h. Engineer Regulation (ER) 37-1-30, Financial Administration – Accounting and Reporting; Chapter 5, Accounts Receivable and Collections
- i. ER 405-1-12, Real Estate Handbook, Chapter 8, Real Property Management
- j. ER 1130-2-406, Shoreline Management at Civil Works Projects
- k. ER 1130-2-540, Environmental Stewardship Operations and Maintenance Policies
- l. Engineer Policy (EP) 1130-2-540, Environmental Stewardship and Maintenance Guidance and Procedures
- m. CEMP-CR/CERM memorandum, subject: "Guidance-Administrative Fees," 5 September 2012
- n. CECW-IP memorandum, subject: "Collection of Civil Works Appropriation Reimbursements," 2 October 2008
- o. CERM-F memorandum, subject: "Collection of Civil Works Appropriations Reimbursements," May 21, 2008

5. **POLICY**. ER 1130-2-406, Shoreline Management at Civil Works Projects, establishes the basic policy of the Chief of Engineers relative to the management of shorelines at certain water resource projects and allows for minor private uses through the issuance of shoreline use permits. AR 405-80, Management of Title and Granting Use of Real Property, outlines Army policy for granting Real Estate Licenses for the use of minor land-based facilities in support of approved shoreline management activities. This regulation establishes coordination requirements for the implementation of a regional Shoreline Management Program within the South Atlantic Division.

a. Shoreline Use Permits

(1) The issuance of shoreline use permits must be administered in accordance with each project's Shoreline Management Plan. Each Shoreline Management Plan identifies the types of activities that may also require real estate instruments in accordance with ER 1130-2-406 and as set forth below.

(2) Shoreline use permits are not required for facilities or activities covered by a real estate instrument.

(3) Only one shoreline use permit will be issued per deeded lot/tract, notwithstanding the number of items authorized. However, multiple permits may be issued for community facilities, if appropriate.

(4) Shoreline use permits may be modified; however, the modification shall not extend the original expiration date.

(5) The Shoreline Management Plan, in accordance with ER 1130-2-406, provides guidance to maintain a balance between minor permitted private uses and resource protection for general public use. Uses that may be authorized by shoreline use permits include the following:

- (a) Individually-owned boat docks and floating facilities;
- (b) Community or multiple-owner docks and floating facilities;
- (c) Vegetative modifications (to include meandering paths created by foot traffic alone);
- (d) Erosion control (Note: other permits or authorizations may be required); and
- (e) Pumps for minor water withdrawals (Note: If a pump is to be allowed to be attached to a dock for minor water withdrawal purposes, it must be included in the shoreline use permit, and the permittee shall not pump or remove water for use beyond the floating facility/dock area.)

b. Real Estate Licenses

(1) Only one real estate license associated with shoreline uses will be issued for each deeded lot/tract, notwithstanding the number of items authorized. The approved licensed activities shall be listed with conditions in the authorized uses paragraph of the license. Requests to add new real estate activities to an existing real estate license will require a new license that covers all real estate activities. This new license shall not

extend the expiration date of the original real estate license.

(2) ER 405-1-12 Chapter 8 describes the general procedures for management of, title to, and interest in Army (civil and military) controlled real property and for issuing, managing, and administering outgrants authorizing the use of this real property. The issuance of a real estate license must be administered in accordance with each project's Shoreline Management Plan. Uses that may be authorized by real estate licenses for SAD shoreline management include:

- (a) Individual or group utility rights-of-way;
- (b) Any shoreline activities which involve grading, cuts, fills, or other changes in land form;
- (c) Steps, handrails, footbridges, and improved walkways (where "improved walkway" means any walkway constructed of crushed stone, concrete, woodchips, stepping stones, treated wood, asphalt, or other similar materials);
- (d) Any land-based support facilities required for private floating facilities, to include all anchorages of boat docks to government fee property;
- (e) Any land-based pumps associated with minor water withdrawals (Note: The pump shall not be allowed for the purpose of water withdrawal beyond the floating facility/dock area);
- (f) Fixed docks authorized as policy exceptions at Lake Seminole, Okeechobee Waterway, Walter F. George Lake and George W. Andrews Lake; and
- (g) Boat launching ramps authorized as SAD approved policy exceptions at Okeechobee Waterway.

(3) The following facilities may be approved only if currently allowed in an executed license and are continued to be allowed in a reissued license, but no new such facilities will be permitted:

- (a) Boat launching ramps, except as authorized above;
- (b) Marine rails;
- (c) Pump houses. (Note: the pump shall not be allowed for the purpose of water withdrawal beyond the floating facility/dock area);

- (d) Improved roads and turnarounds;
- (e) Picnic shelters and patios; and
- (f) Land-based or stationary docks and/or boathouses, except as authorized above.

(4) All correspondence and notices associated with real estate licenses received by the project shall be forwarded to the Real Estate Contracting Officer.

c. Revocation

(1) The District Commander or authorized representative may revoke any permit when it is determined that the public interest requires such revocation or when the permittee fails to comply with terms and conditions of the permit and/or the Shoreline Management Plan.

(2) The Real Estate Contracting Officer may revoke the license for cause or terminate the license at will when it is in the interest of the government.

(3) Revocation of the shoreline use permit will be required should the associated real estate license for required land-based support facilities (dock anchoring) be revoked.

d. General Provisions

(1) Any existing permitted or licensed facilities may be grandfathered until the facilities fail to meet the criteria set forth in 36 C.F.R. Part 327.30(h).

(2) No new shoreline use permits or real estate licenses will be issued for facilities in areas zoned as Public Recreation, Protected Shoreline or Prohibited Access. However, a shoreline use permit may be issued in a Protected Shoreline Area for vegetative modification only if the Operations Project Manager determines and documents that the activity will not adversely impact the environment or physical characteristics for which the area was designated as Protected Shoreline.

(3) The Real Estate Division will return the executed license to the Operations Project upon execution. The Operations Project shall provide the shoreline use permit and/or real estate license to the applicant concurrently.

(4) The shoreline use permit and the real estate license shall have the same expiration date.

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(5) Any action taken on an existing consolidated permit/license after the implementation date of this policy shall comply with this regulation.

(6) Compliance inspections for real estate licenses and shoreline use permits are to be conducted at least once every five years.

(7) Upon deployment, districts shall utilize the SAD Automated Shoreline Management Software for issuance of all shoreline use permits and real estate licenses. This software includes electronic signature and forms generation. District Operations Divisions shall be responsible for the costs of development and maintenance of the software.

6. **RESPONSIBILITIES.**

a. The Operations Division is responsible for:

(1) Applicant appointment coordination and initial site investigation;

(2) Receipt and review of application/documentation; verification of eligibility and conformance with the applicable Shoreline Management Plan and applicable provisions of 36 CFR Part 327;

(3) Approval of application and execution of shoreline use permit;

(4) Collection and remittance of all associated payments;

(5) Providing funding for Real Estate Division;

(6) Compliance inspections and decisions for shoreline use permits; and

(7) Providing a copy of the compliance inspection report to Real Estate Division.

b. Real Estate Division is responsible for:

(1) Receipt and review of documentation, determination of eligibility for real estate license, and execution of license;

(2) Verification of receipt of fair market value (if applicable) and administrative fees;

(3) Return of the executed license to the Operations Project;

- (4) Data entry into the Real Estate Management Information System database, including entry of completed compliance inspections;
- (5) Inspections and compliance decisions for all real estate licenses; and
- (6) Quality Assurance/Quality Control of the real estate license program.

7. **INSTRUMENTS.**

a. The SAD Application for Shoreline Use Permit (Appendix A) shall be used to authorize all shoreline use permits. Updates to this form will be approved and provided by the SAD Chief, Operations and Regulatory Division. No District variation to this form will be authorized. Forms currently in use may be utilized until the SAD Automated Shoreline Management Software is fully implemented.

b. The real estate license template (Appendix B) shall be used to generate a license to authorize all real estate licensed activities. Updates to this form will be approved and provided by the SAD Chief, Real Estate Division. No District variation to this form will be authorized.

8. **PROCEDURE.** Each District shall develop internal procedures and controls for the execution of the Shoreline Management Program in compliance with this policy.

9. **FEES.**

a. Fees will be charged in accordance with Appendix C.

b. In accordance with Chapter 5 of ER 37-1-30, the real estate administrative fees are collected and credited as appropriation reimbursements. These funds will be returned to the originating civil works project.

c. The fee schedule will be periodically reviewed (minimum of every five years) to determine if modification is necessary.

10. **OTHER OUTGRANTS.** Requests for other uses of Government land that are not covered by the Shoreline Management Program will be processed in accordance with appropriate policies and guidelines.

11. **POLICY UPDATE.** Appendices may be updated or added by the SAD Director of Programs as necessary.

12. **IMPLEMENTATION.** Districts will have thirty days after issuance of this policy to implement.

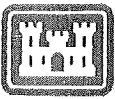
13. **PROPONENT**. The proponent for this policy is the SAD Natural Resources Program Manager in the Operations and Regulatory Division.



C. DAVID TURNER
Brigadier General, USA
Commanding

APPENDICES

- A. SAD Application for Shoreline Use Permit
- B. SAD Real Estate License Template
- C. Shoreline Management Program Fees



US Army Corps
of Engineers
South Atlantic Division

Shoreline Use Application/Permit

For use of this application, see ER 1130-2-406 and SADR 1130-15-1

Print or type the information requested below. Submit two signed copies with two complete sets of plans and specifications to the **Operations Project Manager**. (READ PRIVACY ACT STATEMENT AND PERMIT CONDITIONS PRIOR TO COMPLETING THIS APPLICATION.)

Name of Applicant: _____ Home Telephone: _____
 E-Mail Address: _____ Work Telephone: _____
 Mailing Address: _____ Cell Telephone: _____
 City: _____ State: _____ Zip Code: _____
 Lake Address: _____ Subdivision Name/Lot# _____
 Other Description: _____

Describe facility, activity, or use requested and include location. List boat registration number(s), length and color of boat(s) if this request is for a boat mooring facility.

The following person will be available on short-notice call and will be responsible for providing any needed surveillance of the structure in my absence (PERSON NOT A MEMBER OF IMMEDIATE HOUSEHOLD).

Name: _____ Telephone: _____
 Mailing Address: _____ Work Telephone: _____
 City: _____ State: _____ Zip Code: _____ Email: _____

I hereby apply for a permit to perform the above described use of public property or that which is authorized by the U.S. Army Corps of Engineers and agree to abide by all regulations, policies and conditions that govern such privileges. I also agree that NO WORK will begin until I receive WRITTEN APPROVAL to proceed. I have read and understand the Privacy Act Notice and all 36 Permit Conditions and hereby accept this instrument with all conditions thereof.

_____ Date

_____ Signature of Applicant

DO NOT WRITE BELOW THIS LINE
Shoreline use permit

Permit Number: _____ Date Issued: _____ Expiration Date: _____

Additional Special Permit Conditions: YES: NO:

This permit is hereby granted by delegation of the Secretary of the Army under authority conferred on him by the Act of Congress approved 31 August 1951 (USC 140). The applicant is hereby authorized to perform that which is described by the attached Exhibits A/B, C and D of this permit.

_____ Date

_____ Operations Manager or Designee

PERMIT CONDITIONS

i. Permits may be revoked by the District Commander when it is determined that the public interest requires such revocation or when the permittee fails to comply with terms and conditions of the permit, the Shoreline Management Plan, or this regulation. (Appendix A to § 327.30, paragraph 3. Permit Revocation)

1. This permit is granted solely to the applicant for the purpose described on the attached permit.
2. The permittee agrees to and does hereby release and agree to save and hold the Government harmless from any and all causes of action, suits at law or equity, or claims or demands or from any liability of any nature whatsoever for or on account of any damages to persons or property, including a permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities and/or activities.
3. Ownership, construction, operation, use and maintenance of a permitted facility are subject to the Government's navigation servitude.
4. No attempt shall be made by the permittee to forbid the full and free use by the public of all public waters and/or lands at or adjacent to the permitted facility or to unreasonably interfere with any authorized project purposes, including navigation in connection with the ownership, construction, operation or maintenance of a permitted facility and/or activity.
5. The permittee agrees that if subsequent operations by the Government require an alteration in the location of a permitted facility and/or activity or if in the opinion of the district commander a permitted facility and/or activity shall cause unreasonable obstruction to navigation or that the public interest so requires, the permittee shall be required, upon written notice from the district commander to remove, alter, or relocate the permitted facility, without expense to the Government.
6. The Government shall in no case be liable for any damage or injury to a 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. This includes any damage that may occur to private property if a facility is removed for noncompliance with the conditions of the permit.
7. Ownership, construction, operation, use and maintenance of a permitted facility and/or activity are subject to all applicable Federal, state and local laws and regulations. Failure to abide by these applicable laws and regulations may be cause for revocation of the permit.
8. This permit does not convey any property rights either in real estate or material; and does not authorize any injury to private property or invasion of private rights or any infringement of Federal, state or local laws or regulations, nor does it obviate the necessity of obtaining state or local assent required by law for the construction, operation, use or maintenance of a permitted facility and/or activity.
9. The permittee agrees to construct the facility within the time limit agreed to on the permit issuance date. The permit shall become null and void if construction is not completed within that period. Further, the permittee agrees to operate and maintain any permitted facility and/or activity in a manner so as to provide safety, minimize any adverse impact on fish and wildlife habitat, natural, environmental, or cultural resources values and in a manner so as to minimize the degradation of water quality.
10. The permittee shall remove a permitted facility within 30 days, at his/her expense, and restore the waterway and lands to a condition accepted by the resource manager upon termination or revocation of this permit or if the permittee ceases to use, operate or maintain a permitted facility and/or activity. If the permittee fails to comply to the satisfaction of the resource manager, the district commander may remove the facility by contract or otherwise and the permittee agrees to pay all costs incurred thereof.
11. The use of a permitted boat dock facility shall be limited to the mooring of the permittee's vessel or watercraft and the storage, in enclosed locker facilities, of his/her gear essential to the operation of such vessel or watercraft.
12. Neither a permitted facility nor any houseboat, cabin cruiser, or other vessel moored thereto shall be used as a place of habitation or as a full or part-time residence or in any manner which gives the appearance of converting the public property, on which the facility is located, to private use.
13. Facilities granted under this permit will not be leased, rented, sub-let or provided to others by any means of engaging in commercial activity(s) by the permittee or his/her agent for monetary gain. This does not preclude the permittee from selling total ownership to the facility.
14. Floats and the flotation material for all docks and boat mooring buoys shall be fabricated of materials manufactured for marine use. The float and its flotation material shall be 100% warranted for a minimum of 8 years against sinking, becoming waterlogged, cracking, peeling, fragmenting, or losing beads. All floats shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions for the area. All floats and the flotation material used in them shall be fire resistant. Any float which is within 40 feet of a line carrying fuel shall be 100% impervious to water and fuel. The use of new or recycled plastic or metal drums or non-compartmentalized air containers for encasement or floats is prohibited. Existing floats are authorized until it or its flotation material is no longer serviceable, at which time it shall be replaced with a float that meets the conditions listed above. For any floats installed after the effective date of this specification, repair or replacement shall be required when it or its flotation material no longer performs its designated function or it fails to meet the specifications for which it was originally warranted.
15. Permitted facilities and activities are subject to periodic inspection by authorized Corps representatives. The resource manager will notify the permittee of any deficiencies and together establish a schedule for their correction. No deviation or changes from approved plans will be allowed without prior written approval of the resource manager.
16. Floating facilities shall be securely attached to the shore in accordance with the approved plans by means of moorings which do not obstruct general public use of the shoreline or adversely affect the natural terrain or vegetation. Anchoring to vegetation is prohibited.

17. The permit display tag shall be posted on the permitted facility and/or on the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions provided by the resource manager.
 18. No vegetation other than that prescribed in the permit will be damaged, destroyed or removed. No vegetation of any kind will be planted, other than that specifically prescribed in the permit.
 19. No change in land form such as grading, excavation or filling is authorized by this permit.
 20. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death of the permittee and his/her legal spouse, this permit is null and void.
 21. By 30 days written notice, mailed to the permittee by certified letter, the district commander may revoke this permit whenever the public interest necessitates such revocation or when the permittee fails to comply with any permit condition or term. The revocation notice shall specify the reasons for such action. If the permittee requests a hearing in writing to the district commander through the resource manager within the 30-day period, the district commander shall grant such hearing at the earliest opportunity. In no event shall the hearing date be more than 60 days from the date of the hearing request. Following the hearing, a written decision will be rendered and a copy mailed to the permittee by certified letter.
 22. Notwithstanding the conditions cited in condition 21 above, if in the opinion of the district commander, emergency circumstances dictate otherwise, the district commander may summarily revoke the permit.
 23. When vegetation modification on these lands is accomplished by chemical means, the program will be in accordance with appropriate Federal, state and local laws, rules and regulations.
 24. The resource manager or his/her authorized representative shall be allowed to cross the permittee's property, as necessary to inspect facilities and/or activities under permit.
 25. When vegetation modification is allowed, the permittee will delineate the government property line in a clear, but unobtrusive manner approved by the resource manager and in accordance with the project Shoreline Management Plan.
 26. If the ownership of a permitted facility is sold or transferred, the permittee or new owner will notify the Resource Manager of the action prior to finalization. The new owner must apply for a Shoreline use permit within 14 days or remove the facility and restore the use area within 30 days from the date of ownership transfer.
 27. If permitted facilities are removed for storage or extensive maintenance, the resource manager may require all portions of the facility be removed from public property.
- ii.* In accordance with Appendix A to § 327.30—Guidelines for Granting Shoreline use permits, 2. *Applications for Shoreline use permits*, paragraph c.(9), the District Commander has placed the following Special Conditions on this permit:
28. The permittee agrees to complete the construction and installation of the facility within 1 year of the permit issue date, or by the deadline stated in the Additional Special Conditions of the permit which shall take precedence. The permittee of a community dock agrees to construct/install the facility (facilities) within the time limit agreed to on the permit issue date, as stated in the Additional Special Conditions.
 29. The effective date stated in Condition 14 shall be July 1, 1998.
 30. Permitted facilities are directly linked to a specific tract/parcel of adjacent private property (or a private existing permitted facility in a leased area) which met the requisites under the Shoreline Management Plan. Permitted facilities cannot be relocated from these authorized (linked) locations to different locations on the subject lake without prior approval of the Operations Project Manager.
 31. Failure of the original owner and/or new owner to notify the Project Office when the ownership of permitted facilities/activities is sold or transferred does not negate the responsibility for payment of applicable fees during the period the facilities/activities should have been covered by a permit. When permits are not issued in a timely manner following a change of ownership, the start date for the permit will be backdated to the effective date of the sale or other transfer of ownership and all applicable fees will be collected for the period. The permit expiration date will be five years from the effective start date.
 32. Diving boards, platforms, or similar structures are prohibited. Suspended boat hoists are prohibited without the expressed written authorization of the Operations Project Manager.
 33. All activities/facilities must conform to authorization shown in attached Exhibits and the policies of the project Shoreline Management Plan. A copy of the Shoreline Management Plan is available at the Operations Project Manager's Office.
 34. Activities and facilities not expressly authorized by any attached Exhibits, Specified Act Permits, or by CFR Title 36 part 327 are prohibited.
 35. "Additional Special Conditions" specific to this permit may also apply. Please refer to the Exhibits referenced below.

Exhibit	Description

PRIVACY ACT NOTICE

AUTHORITY

Section 4, 1944 Flood Control Act as amended, PL 87-874.

PURPOSES

These applications are used in considering the issuance of permits for floating facilities and landscaping by private landowners adjacent to U.S. Army Corps of Engineers lakes. This information is collected and maintained at project offices and is used as a basis for issuing permits. Needed for description of facility to assure conditions of permit requirement are met. To provide auditing information for programs with financial involvement. To provide information for contact of responsible party available on short notice in case of emergency.

ROUTINE USES

This information may be disclosed to Department of Justice or other Federal, state, or local law enforcement agencies charged with the responsibility of investigating or prosecuting violations or potential violations of law or enforcing or implementing statutes, rules, regulations, or orders issued pursuant thereto; or to a Congressional office in response to an inquiry made at the applicant's request. The applicant's name and address are considered public information and may be disclosed in response to a Freedom of Information Act request.

EFFECTS OF NONDISCLOSURE

Disclosure of information is voluntary. Failure to provide information will preclude issuance of a permit

DEPARTMENT OF THE ARMY LICENSE

«PROJECT»

«CITY, COUNTY, STATE»

License No. _____

THE SECRETARY OF THE Army (hereinafter the "Secretary"), under authority of the general administrative authority of the Secretary, hereby grants to «GRANTEE NAME», at «ADDRESS» (hereinafter the "grantee"), a license for Shoreline Use, over, across, in and upon lands of the United States, as identified on EXHIBIT "A", attached hereto and made a part hereof (hereinafter the "premises").

THIS LICENSE is granted subject to the following conditions.

1. TERM

This license is granted for a term of five years, beginning «BEGINNINGDATE» and ending «ENDINGDATE», but revocable at will by the Secretary.

2. CONSIDERATION

The grantee shall pay in advance to the United States the amount of «Amount» and NO/100 Dollars in full for the term hereof, payable to the order of the Finance and Accounting Officer, «District» and delivered to «Project/Address».

3. ADMINISTRATIVE FEE

The grantee shall pay in advance to the United States an administrative fee in the amount of «Amount» and NO/100 Dollars in full for the term hereof, payable to the order of the Finance and Accounting Officer, «District» and delivered to «Project/Address».

4. NOTICES

All correspondence and notices to be given pursuant to this license shall be addressed, if to the grantee, to «GRANTEE NAME», «GRANTEE ADDRESS»; and if to the United States, to the District Engineer, Attention: Real Estate Contracting Officer, «Project», «Address»; or as may from time to time otherwise be directed by the parties. Notice shall be deemed to have been duly given if and when enclosed in a properly sealed envelope or wrapper, addressed as aforesaid; and received at this address via hand-delivery or with postage prepaid and received via mail, including by the United States Postal Service or a commercial carrier.

5. AUTHORIZED REPRESENTATIVES

Except as otherwise specifically provided, any reference herein to "Secretary", "District Engineer", or "said officer" shall include their duly authorized representatives. Any reference to "grantee" shall include any duly authorized representatives. Any reference to "Operations Manager" shall be interpreted to be the Corps of Engineers Operations Manager, «PROJECT», «STATE», and include his/her duly authorized representatives.

6. SUPERVISION BY THE REAL ESTATE CONTRACTING OFFICER

The use and occupancy of the premises shall be subject to the general supervision and approval of the Real Estate Contracting Officer (hereinafter "said officer"), and subject to such rules and regulations as may be prescribed from time to time by said officer.

7. APPLICABLE LAWS AND REGULATIONS

The grantee shall comply with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the premises are located.

8. AUTHORIZED USES

Specific construction guidelines are identified in the «Project» Shoreline Management Plan dated «Date» and will be followed without deviation. Receipt of a hard copy of this Shoreline Management Plan or electronic copy that the licensee agrees to obtain via the provided internet address is acknowledged. This license authorizes the following activities and/or placement of the following facilities on public land:

- «List Activities/Facilities Here»

9. CONDITIONAL USE BY GRANTEE

This license does not convey any property rights and does not negate the need to comply with any applicable legal requirement to obtain any state or local approvals (e.g., permits) for the construction, operation, use and/or maintenance of the authorized activities and/or facilities set forth in Condition 8. The exercise of the privileges herein granted shall be:

- without cost or expense to the United States;
- subject to the right of the United States to improve, use, or maintain the premises;
- subject to other outgrants of the United States on the premises; and
- personal to the grantee, and this license, or any interest therein, may not be transferred or assigned.

10. CONDITION OF PREMISES

The grantee acknowledges that it has inspected the premises, knows its condition, and understands that the same is granted without any representations or warranties whatsoever and without any obligation on the part of the United States.

11. PROTECTION OF PROPERTY

The grantee shall keep the premises in good order and in a clean, safe condition by and at the expense of the grantee. The grantee shall be responsible for any damage that may be caused to the property of the United States by the activities of the grantee under this license, and shall exercise due diligence in the protection of all property located on the premises against fire or damage from any and all other causes. Any property of the United States that is damaged or destroyed by the grantee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the grantee to a condition satisfactory to said officer, or at the

election of said officer, reimbursement made therefore by the grantee in an amount necessary to restore or replace the property to a condition satisfactory to said officer.

12. INDEMNITY

The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incidental to the exercise of the privileges herein granted, or for damages to the property of the grantee, or for damages to the property or injuries to the person of the grantee's officers, agents, or employees or others who may be on the premises at their invitation or the invitation of any one of them, and the grantee shall hold the United States harmless from any and all such claims, not including damages due to the fault or negligence of the United States or its contractors.

13. RESTORATION

On or before the expiration of this license or its termination by the grantee, the grantee shall vacate the premises, remove the property of the grantee, and restore the premises to a condition satisfactory to said officer. If, however, this license is revoked or terminated by the Secretary, the grantee shall vacate the premises, remove said property and restore the premises to the aforesaid condition within such time as the said officer may designate. In either event, if the grantee shall fail or neglect to remove said property and restore the premises, then, at the option of said officer, the property shall either become the property of the United States without compensation therefor, or said officer may cause the property to be removed and no claim for damages against the United States or its officers or agents shall be created by or made on account of such removal and restoration work. The grantee shall also pay the United States on demand any sum which may be expended by the United States after the expiration, revocation, or termination of this license in restoring the premises.

14. PROHIBITION ON INHIBITING ACCESS

The grantee shall not take any action that inhibits any member of the public from full and free use of all navigable waters and/or public lands that are at or adjacent to the authorized activity(ies) and/or facility(ies), which are specified in Condition 8.

15. TERMINATION

The grantee may terminate this license at any time by giving the District Engineer at least ten (10) days written notice, provided that no refund by the United States of any consideration and/or administrative fee previously paid shall be made.

The Secretary may revoke this license for cause or terminate this license at will.

16. ENVIRONMENTAL PROTECTION

a. Within the limits of their respective legal powers, the parties to this license shall protect the premises against pollution of its air, ground and water. The grantee shall comply with any laws, regulations, conditions, or instructions affecting the activity(ies) and/or facility(ies) hereby authorized if and when issued by the Environmental Protection Agency, or any Federal, state, interstate or local governmental agency having jurisdiction to abate or prevent pollution. The disposal of any toxic or hazardous substances within the premises is specifically prohibited. Such regulations, conditions, or instructions in effect or prescribed by the Environmental Protection Agency or any Federal, state, interstate or local governmental agency are hereby made a condition of this license. The grantee shall not discharge waste or effluent from the premises in such a manner that the discharge will contaminate the premises, streams or other bodies of water, or otherwise become a public nuisance.

b. The grantee will use all reasonable means available to protect the environment and natural resources, and where damage nonetheless occurs from the grantee's activities, the grantee shall be liable to restore the damaged resources.

c. The grantee must obtain approval in writing from said officer before any pesticides or herbicides are applied to the premises.

17. HISTORIC PRESERVATION

The grantee shall not remove or disturb, or cause or allow to be removed or disturbed, any

historical, archaeological, architectural or other cultural artifacts, relics, remains or objects of antiquity. In the event such items are discovered on the premises, the grantee shall immediately notify said officer and protect the site and the material from further disturbance until said officer gives clearance to proceed.

18. DISCLAIMER

This license is effective only insofar as the rights of the United States in the premises are concerned; and the grantee shall obtain any permit or license which may be required by Federal, state, or local law in connection with the use of the premises. It is understood that the granting of this license does not preclude the necessity of obtaining a Department of the Army permit for activities which involve the discharge of dredge or fill material or the placement of fixed structures in the waters of the United States, pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 U.S.C. § 403), and Section 404 of the Clean Water Act (33 U.S.C. § 1344).

19. APPLICABILITY OF EXECUTIVE ORDER 13658.

This license is issued to a private party to authorize the activities and/or placement of the facilities on public land as specified in Condition 8 and is not subject to Executive Order 13658, "Establishing a Minimum Wage for Contractors," or the implementing regulations issued by the Secretary of Labor in 29 C.F.R. Part 10.

If a duly authorized representative of the United States determines, whether before or subsequent to the granting of this license, that Executive Order 13658 is applicable to this license, the licensee agrees, to the extent permitted by law, to indemnify and hold harmless the United States, its officers, agents, and employees, for and from any and all liabilities, losses, claims, expenses, suits, fines, penalties, judgments, demands or actions, costs, fees, and damages directly or indirectly arising out of, caused by, related to, resulting from, or in any way predicated upon, in whole or in part, the erroneous Executive Order 13658 determination.

20. FEDERAL FUNDS.

This license does not obligate the Secretary to expend any appropriated funds. Nothing in this license is intended or should be interpreted to require any obligation or expenditure of funds in violation of the Anti-Deficiency Act (31 U.S.C. § 1341).

THIS LICENSE is not subject to 10 U.S.C. § 2662, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Army, this _____ day of _____, _____.

<<Name>>
Real Estate Contracting Officer
<<District>>

THIS LICENSE is executed by the grantee this _____ day of _____, _____.
Note: Grantee must sign first prior to RECO signature.

SIGNATURE

GRANTEE PRINTED NAME

Shoreline Management Program Fees
(Effective October 2006)

1. SHORELINE USE PERMIT FEES. Shoreline use permit fees consist of a \$10 fee for each new permit and a \$5 annual inspection fee for floating facilities. The annual inspection fee will be charged for each year of the five year permit term. There will be no annual inspection fee for permits for vegetative modification on shoreline areas. In all cases, the fees will be collected initially at the time of permit issuance rather than on a piecemeal basis. Shoreline use permit fees are shown in the table below:

Shoreline Use Permit Fee	.....	\$10
Floating Facility Inspection Fee¹	.....	\$25

¹Floating facility inspection fees charged for changes to an existing permit shall be prorated for the remainder of the term.

2. REAL ESTATE ADMINISTRATION FEES. Administrative fees will be applied to all real estate licenses issued under this policy. Although all license actions are considered to be 'New', the administrative fee for items re-issued to existing owners or for changes to an existing license will be different than fees for previously non-existing or change of ownership.

New (previously non-existent or change of ownership)	.....	\$365
Re-issue (to same owner of existing facility)	.....	\$140
Change (to existing license)	.....	\$90

3. FAIR MARKET VALUE FEE. A fair market value fee¹ will be charged for each land-based facility authorized through the real estate license instrument. Fair market value fees are shown in the table below:

Utility rights-of-way (each utility)	.....	\$35
Steps, footbridges and/or improved walkway	.....	\$50
Handrails only	.....	\$28
Boat launching ramp ²	.....	\$67
Marine way ²	.....	\$67
Improved road and turnaround ²	.....	\$56
Picnic shelter and patios ²	.....	\$50
Land-based or stationary boathouse ²	.....	\$67
Pump House ^{2,3}	.....	\$20
Floating Facility Anchorage	.....	TBD

¹Fair market value fees charged for changes to an existing license shall be prorated for the remainder of the term.

²No new structures of this type will be permitted.

³Pump shall not be allowed for purpose of withdrawal beyond immediate dock area