



**US Army Corps of Engineers**  
Mobile District

lakes & recreation



## Camping

at [Allatoona Lake](#)



For **Camping Reservations** phone **877-444-6777**  
or reserve online at [www.recreation.gov](http://www.recreation.gov) For  
**Camping information** phone **678-721-6700**.

[Lake Map](#)

[Passes](#)

[Annual  
Pass Sale  
Locations](#)

[Boat Ramp  
and Beach  
Status](#)

[GPS  
Coordinates](#)

[Addresses:  
Corps  
Operated  
Recreation  
Areas](#)

**CLARK CREEK SOUTH CAMPGROUND WILL BE CLOSED DURING THE  
2010 RECREATION SEASON.**

## Campground Facilities at Allatoona Lake

Click on a campground for details. [More information follows the chart below.](#)

| FACILITIES            | <a href="#">Clark<br/>Creek<br/>North</a> | <a href="#">McKaskey<br/>Creek</a> | <a href="#">McKinney</a> | <a href="#">Old<br/>Highway<br/>41 #3</a> | <a href="#">Payne</a> | <a href="#">Sweet-<br/>water<br/>Creek</a> | <a href="#">Upper<br/>Stamp<br/>Creek</a> | <a href="#">Victoria</a> |
|-----------------------|---|------------------------------------|--------------------------|---|-----------------------|--|---|--------------------------|
| Camping               | X   | X                                  | X                        | X   | X                     | X  | X   | X                        |
| Hookups               | X   | X                                  | X                        | X   | X                     | X  | X   | X                        |
| Showers               | X   | X                                  | X                        | X   | X                     | X  | X   | X                        |
| Dump Station          | X   | X                                  | X                        | X   | X                     | X  | X   | X                        |
| Boat Ramp             | *   | X                                  | X                        | X   | X                     | X  | X   | *                        |
| Playground            |   | X                                  |                          |   |                       | X  |   | X                        |
| Handicapped<br>Access | X   | X                                  | X                        | X   | X                     | X  | X   | X                        |
| Group Camping         |   |                                    |                          |   |                       | X  |   |                          |
| Grills & Tables       | X   | X                                  | X                        | X   | X                     | X  | X   | X                        |
| Water                 | X   | X                                  | X                        | X   | X                     | X  | X   | X                        |
| Swimming Area         |   | X                                  | X                        |   | X                     | X  | X   | X                        |
| Toilet                | X   | X                                  | X                        | X   | X                     | X  | X   | X                        |
| Laundry               | X   | X                                  | X                        | X   | X                     | X  |   | X                        |
| Use Fee               | X   | X                                  | X                        | X   | X                     | X  | X   | X                        |

\* Registered Campers at Clark Creek North may use Clark Creek South Ramp. A

**\* Registered Campers at Victoria Campground may use Victoria Day Use Ramp.  
A valid camping pass is required.**

---

***More about the campgrounds at Allatoona Lake:***

---

**Clark Creek North Campground**

Click [here](#) for map Click [here](#) for Campground Rules

24 campsites, all sites have 50 amp electrical and water hookups, dump station, coin laundry, hot showers, attendant on duty. Site Fees \$26 per night (subject to change). 14 day stay limit.

Directions: I-75 to exit 278, go north on Glade Road and follow signs.

**NOTICE: Visitor Hours are 7 a.m. to 10 p.m. Campground closes at 10:30 p.m.**

**(Opens April 30, 2010 - Closes September 07, 2010)**

---

**McKaskey Creek Campground**

Click [here](#) for map Click [here](#) for Campground Rules

51 campsites, 32 sites have 50 amp electrical and water hookups, dump station available, coin laundry, hot showers, boat ramp, playground, swimming beach, attendant on duty. Site Fees \$16-\$26 per night (subject to change). 14 day stay limit. Directions: I-75 to exit 290, go east 50 yards, turn right onto GA Spur 20 and follow signs.

**NOTICE: Visitor Hours are 7 a.m. to 10 p.m. Campground closes at 10:30 p.m.**

**(Opens March 26, 2010 - Closes September 07, 2010)**

---

**McKinney Campground**

Click [here](#) for map Click [here](#) for Campground Rules

150 campsites, all sites have 50 amp electrical and water hookups, dump station, coin laundry, hot showers, boat ramp, swimming beaches, attendant on duty. Open all year. \$22-\$26 per night (subject to change). 14 day stay limit. Directions: I-75 to exit 278, go north on Glade Road, turn left at the second 4-way stop onto King's Camp Road and follow signs.

**NOTICE: Visitor Hours are 7 a.m. to 10 p.m. Campground closes at 10:30 p.m.**

**\*October 1 until March 31: Visitor Hours are 7am to 8:30 pm. Campground Hours are 7 a.m. - 9 p.m.**

**(Open All Year)**

---

**Old Hwy 41 # 3 Campground**

Click [here](#) for map Click [here](#) for Campground Rules

50 campsites, all sites have 50 amp electrical and water hookups, dump station, coin laundry, hot showers, boat ramp, attendant on duty. Site Fees \$22-\$52 per night(subject to change). 14 day limit. Directions: I-75 to exit 283, go west on Sandtown Road, take Hwy 293 south and follow signs.

**NOTICE: Visitor Hours are 7 a.m. to 10 p.m. Campground closes at 10:30 p.m.**

**(Opens April 30, 2010 - Closes September 07, 2010)**

---

**Payne Campground**

Click [here](#) for map Click [here](#) for Campground Rules

60 campsites, 49 sites have 50 amp electrical and water hookups, 2 with sewer hookups, dump station, coin laundry, hot showers, boat ramp, swimming beach, attendant on duty. Site fees \$16-\$52 per night (subject to change). 14 day stay limit. Directions: I-75 to exit 277, go east on Hwy 92, turn left on Kellogg Creek Road and follow signs. SAM AR000188

Case 4:14-cv-00139-HLM Document 39-5 Filed 11/16/15 Page 3 of 197  
**NOTICE:** Visitor Hours are 7 a.m. to 10 p.m. Campground closes at 10:30 p.m.

**(Opens March 26, 2010 - Closes September 07, 2010)**

---

### **Sweetwater Campground**

Click [here](#) for map

Click [here](#) for Campground Rules

151 campsites, 118 sites have 50 amp electrical and water hookups, 2 with sewer hookups, dump station, coin laundry, hot showers, boat ramp, swimming beach, playgrounds, nine-site group camp area which includes group shelter \$220 per night, attendant on duty. Site Fees \$16-\$52 per night (subject to change). 14 day stay limit. Directions: I-75 to exit 290, go east on GA Hwy 20, approx. 12 miles Right on Fields Chapel Road and follow signs.

**NOTICE:** Visitor Hours are 7 a.m. to 10 p.m. Campground closes at 10:30 p.m.

**(Opens March 26, 2010 - Closes September 07, 2010)**

---

### **Upper Stamp Creek Campground**

Click [here](#) for map

Click [here](#) for Campground Rules

20 campsites, 18 sites have 50 amp electrical and water hookups, dump station available, hot showers, boat ramp, swimming beach on duty. Site fees \$16 - \$ 26 per night (subject to change). Directions: I -75 to Exit 290, go east on GA Hwy 20 approx. 4 miles, turn right onto Wilderness Camp Road for approx 1 mile and follow signs.

**NOTICE:** Visitor Hours are 7 a.m. to 10 p.m. Campground closes at 10:30 p.m.

**IMPORTANT:** Campground opens at 7 a.m. on Fridays and closes at 3 p.m. on Mondays during the recreation season.

**(Opens April 30, 2010 - Closes September 07, 2010)**

---

### **Victoria Campground**

Click [here](#) for map

Click [here](#) for Campground Rules

74 campsites, all sites have 50 amp electrical and water hookups, dump station, coin laundry, hot showers, swimming beach, playground, boat ramp nearby, attendant on duty. Site fees \$22-\$28 per night (subject to change). 14 day stay limit. Directions: I-75 to exit 290, go east on Hwy. 20, go 12 miles and turn right on Butterworth Rd., go to 4-way stop and turn right then follow signs.

**NOTICE:** Visitor Hours are 7 a.m. to 10 p.m. Campground closes at 10:30 p.m.

**\*October Campground Hours are 7 a.m. to 9 p.m. Visitor Hours are 7am to 8:30 pm.**

**(Opens March 26, 2010 - Closes October 11, 2010)**

---

[Privacy and Security Notice.](#) [Return to Lakes and Recreation.](#) [Mobile District Home Page.](#)

**62684**

**You are visitor**

**since January 5, 2007**

SAM AR000189





**US Army Corps of Engineers**  
Mobile District

lakes & recreation

U.S. Army Corps of Engineers, Allatoona Lake Fishing.



## Fishing at Allatoona Lake



The Allatoona Lake Project is a heavily used boating and angling lake located 30 miles north of Atlanta. The area offers fishermen numerous opportunities in terms of locations to fish and fish species. Convenient boat ramps, day use areas and campgrounds are situated around Allatoona ([Lake Map](#)).

Allatoona Lake is approximately 11 miles long with 12,010 acres and 270 miles of shoreline. Shoreline fishing locations are numerous with many areas offering fishing jetties.

The Georgia Department of Natural Resources annually restock the lake through their fish stocking program. Along with native fish found in the lake, this provides a wide variety for anglers. Fish species include bass (largemouth, hybrid, striped, spotted, and white), crappie, bream (bluegill, redbreast and redear sunfish), gar and catfish.

In 2002, the Fish Habitat Improvement Program was created through a joint effort between the Corps of Engineers, Georgia DNR, local businesses, volunteers and anglers. The fruits of this effort has been obvious around the lake since that time. Expanded projects in 2007 and others planned for 2008 will further expand the fishing opportunities at Allatoona Lake. For a detailed fishing forecast at Lake Allatoona click on the [Georgia DNR fishing](#) information web site. For more information on fish habitat improvement on Allatoona please click here- [Fish Habitat Improvement Program](#).

### [-Fish Attractor Location Maps-](#)

Click below to hear a water safety message from NASCAR drivers Justin, Terry, and Bobby Labonte.



(800k Quicktime movie)

The four major causes of drownings are:

- ✓ Not wearing a life jacket;
- ✓ Abuse of alcohol;
- ✓ Lack of sufficient swimming skills;
- ✓ Hypothermia

*Wear your  
life jacket!*



You  
Ou



**General  
Informa:**  
678-721

**Genera**  
706-334

**Lake El**  
770-386

**[Boating](#)**

**[Boat Rai  
Status](#)**

**[Boat Rai](#)**

**[Bridge C](#)**

**[Fish Hal  
Improve  
Program](#)**

**[Fish Att  
Location](#)**

**[Georgia](#)**

**[Marinas](#)**

**[Special I](#)**

SAM AR000190





Back to [Allatoona Lake](#)

[Privacy and Security Notice.](#)

[Return to Lakes and Recreation.](#)

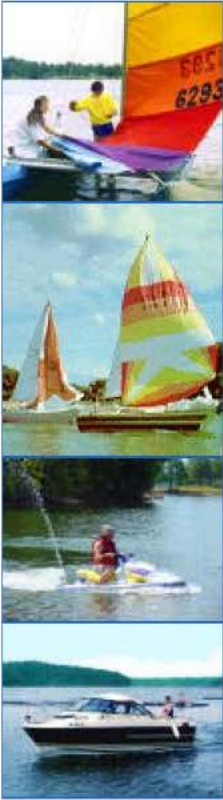
[Mobile District Home Page.](#)

You are visitor **12310**  
since December 05, 2007



**US Army Corps of Engineers**  
Mobile District

lakes & recreation



## Boating

at [Allatoona Lake](#)

**Effective immediately, the U.S. Army Corps of Engineers, Mobile District will impose a ban on all "Tube Kiting".**

[Click for more information](#)

With its 270 miles of shoreline and over 12,000 surface acres of water, Allatoona Lake is a boater's paradise. There are boat launching ramps located in 27 public recreation areas around the lake. Ramps charge a \$3 boat launch fee, day use areas charge a \$4 facility use fee, or you may purchase a Corps of Engineers Annual Day Use Pass for \$30.

In addition, eight [privately operated marinas](#) (see [below](#)) provide fuel, storage, boat repairs, rentals, supplies, and other boater's needs.

You can [check the status of water levels at our boat ramps and beaches](#).

Whether your preference is sailing, wind surfing, or power boating, Allatoona Lake is the place to be!!

### MARINAS\* at ALLATOONA LAKE

|                       |              |
|-----------------------|--------------|
| Wilderness Camp       | 770-386-2170 |
| Little River Marina   | 770-345-2900 |
| Victoria Harbour      | 770-926-7718 |
| Harbor Town Marina    | 770-974-6422 |
| Park Marina           | 770-974-6063 |
| Glade Marina          | 770-975-7000 |
| Holiday Harbor Marina | 770-974-2575 |
| Allatoona Landing     | 770-974-6089 |

For more information or to arrange for a ranger presentation on water safety, please contact the Allatoona Project Management Office at

## Your Safety Is Our Priority

The four major causes of drownings are:

- ✓ Not wearing a life jacket;
- ✓ Abuse of alcohol;
- ✓ Lack of sufficient swimming skills;
- ✓ Hypothermia

***Wear your life jacket!***



### [Lake Map](#)

### [General Lake Information](#)

678-721-6700

### [Generation Schedule](#)

706-334-7213

### [Lake Elevation](#)

770-386-0549

### [Boat Ramp and Beach Status](#)

### [Boat Ramp Elevations](#)

### [Boating Safety Courses](#)

### [Bridge Clearances](#)

### [Life Jacket Loaner Program](#)

### [Georgia Boating Rules](#)



**Recreational Boating Safety Information** by the  
U.S. Coast Guard












\*The appearance of this information does not constitute an endorsement by the U.S. Army Corps of Engineers.

**Effective immediately, the U.S. Army Corps of Engineers, Mobile District has imposed a ban on all "Tube Kiting".** [Click for more information](#)

## FOR YOUR SAFETY

*When visiting Allatoona Lake, we recommend that you review the following safety messages for a safe and enjoyable time:*

-  Did you know that the operator of a boat is responsible for the safety of all passengers on board, for the boat and for any damage the boat's wake may cause? Avoid taking unnecessary risks that could endanger life, limb, or property! Safe boating is no accident!
-  Be alert to underwater hazards such as submerged stumps, logs, and rocks that are present in the lake.
-  Be especially careful when approaching the shoreline since the depth of the water will vary from time to time and place to place.
-  Do you know the rules of the road when boating? Ignorance is a major factor in most boating accidents. On water, as on land, there are rules of the road - keep to the right in narrow channels. Yield right of way to any boat approaching in your danger zone. Steer wide and clear when overtaking another boat.
-  Requirements for equipment vary with size and type of boat - so check state and federal laws before putting your boat on the water. Make sure before you cast off that your boat is not overloaded, and you have an approved type personal flotation device for each person on board.
-  When on or near the water, children should be wearing a properly fitted coast guard approved personal flotation device. Don't let a moment of carelessness cause a lifetime of grief! Water Safety is your responsibility.
-  Alcohol and boat operation don't mix. Think twice before getting behind the wheel of a boat if you've been drinking. It's not worth the risk of injuring or killing someone by operating a boat while intoxicated.
-  File a trip plan with someone to let them know where you will be and when you plan to return.
-  Do you like to fish from a boat at night? Make sure you have a white light burning that is visible from all directions. Sorry, those black lights used for crappie fishing are not acceptable.



SAM AR000193



Plan your fishing trip carefully and make sure you have all the proper equipment on board your boat. It could save you money and even your life.

[Privacy and Security Notice.](#) [Return to Lakes and Recreation.](#) [Mobile District Home Page.](#)

You are visitor  
since January 5, 2007

42253



**US Army Corps of Engineers**  
Mobile District

lakes & recreation



## Hunting

at [Allatoona Lake](#)



### WILDLIFE MANAGEMENT INFORMATION



### We are now taking requests for 2009-2010 hunting permits.

On the north side of Allatoona Lake, a Wildlife Management Area of nearly 7,000 acres provides habitat for many kinds of game and non-game wildlife. (See area number 9 on the [Lake Map](#).) This area, operated by the Game and Fish Division of the Georgia Department of Natural Resources, offers the public excellent hunting and wildlife viewing opportunities. Hunters with a Georgia Wildlife Management Area stamp may hunt here seasonally.

For more information about the Wildlife Management Area call Georgia Department of Natural Resources, Wildlife Resource Division at 706-295-6041 or visit:  
<http://georgiawildlife.dnr.state.ga.us>.

Hunting is also permitted in specific Corps-managed areas, provided the hunter has a valid state hunting license, an Allatoona Lake Corps Hunting Permit, and is using weapons designated for the area on the current hunting map.

All hunting permits from Allatoona Lake are free. **To obtain a permit**, hunters must send a self-addressed and stamped business class (no. 10) envelope to our office with a note indicating the envelope is for a hunting permit. Hunters must include their phone numbers on the note. Hunters with permits from the previous year may send the survey issue with their permit and forego the envelope. The first 400 requests received will be issued a hunting permit. Additional requests will be returned to the requester.

#### Mailing Address

Operations Project Manager  
U.S. Army Corps of Engineers  
P.O. Box 487  
Cartersville, Georgia 30120-0487

\*Waterfowl hunting in the dry lake bed or from a boat on project waters does not require a Corps hunting permit. However, all Federal, State, and local hunting laws & regulations still apply.

[Frequently Asked  
Hunting Questions](#)

[Lake Map](#)

[Passes](#)

[Annual Pass Sale  
Locations](#)

SAM AR000195











For more information about a Corps hunting Permit, contact the Allatoona Lake Project Management Office at 678-721-6700.

For Wildlife Resource Information contact:  
Georgia Department of Natural Resources  
Wildlife Resource Division  
2592 Floyd Springs Road, NE  
Armuchee, Georgia 30105  
Phone: 706-295-6401

The State of Georgia Department of Natural Resources "Turn In Poachers" TIPS phone number is: **1-800-241-4113**  
Callers may remain anonymous.

## FOR YOUR SAFETY

### HUNTING SAFETY TIPS

-  Never rely on your gun's safety. Treat all weapons as if they're loaded and ready to fire.
-  Never cross a fence, climb a tree or stand or jump in a ditch with a loaded gun.
-  Never load or carry a loaded weapon until you are ready to use it.
-  Watch your muzzle so the other individuals don't have to.
-  Wear hunter orange so you can be seen. A blaze orange hat and at least 400 square inches of hunter orange above the waist-line should be worn during all gun deer seasons.
-  Never shoot unless you are absolutely sure of your target and what is beyond it.
-  Always wear eye and ear protection when shooting firearms.
-  Always be sure your gun barrel and action are clear of obstructions.
-  Tell someone where you're going and when you plan to return.
-  Dress for the weather, take a compass and maps to prevent from getting lost and be alert for other sources of danger such as poisonous snakes.

[Privacy & Security Notice](#) [Return to Lakes and Recreation](#) [Go to Mobile District Home Page](#)

You are visitor   
since January 5, 2007





**US Army Corps of Engineers**  
Mobile District

lakes & recreation



## Parks

at [Allatoona Lake](#)



For [Day Use Area Information](#) and [Picnic Shelter](#) reservations, phone 678-721-6700.

For camping reservations visit: [www.recreation.gov](http://www.recreation.gov)

[Lake Map](#)

[Passes](#)

[Annual Pass Sale Locations](#)

[Boat Ramp and Beach Status](#)

[GPS Coordinates](#)

[Addresses:  
Corps Operated  
Recreation Areas](#)

### THE FOLLOWING AREAS WILL BE CLOSED DURING THE 2010 RECREATION SEASON:

**KELLOGG CREEK DAY USE AREA  
OLD HIGHWAY 41#2 DAY USE AREA**

**FOR MORE INFORMATION, [CLICK HERE](#)**

While many people visit the area to fish or camp, Allatoona Lake also offers 14 Corps of Engineers Day Use Parks for public use. The parks offer a variety of recreation facilities including ball fields, fishing jetties, picnic tables, swimming beaches, horse-shoe pits, volleyball areas, and large [picnic shelters](#). (The picnic shelters are ideal for family reunions, birthday parties or company gatherings and may be reserved in advance by calling 678-721-6700.)

See the [Recreation Facilities](#) chart below for more information.

A Facility Use fee of \$4 per vehicle is charged at day use areas that have beaches. A \$3 boat launching fee is charged at day use areas with boat launching ramps. A Corps of Engineers Annual Day Use Pass may be purchased for \$30. The Corps of Engineers Annual Day Use Pass is honored at Corps of Engineers day use areas and boat launching ramps nationwide. Ten [state, county and municipal parks](#) located on the lake offer similar facilities and day use areas as well.

### NOTICE: CLOSING HOURS VARY AT DAY USE AREAS.

**Jan 01 - Mar 11 - 8 AM - 6 PM**  
**Mar 12 - Apr 30 - 8 AM - 8 PM**  
**May 01 - Jul 31 - 8 AM - 9 PM**  
**AUG 01 - OCT 24 - 8 AM - 8 PM**



SAMAR000197

Case 4:14-cv-00139-HLM Document 39-5 Filed 11/16/15 Page 12 of 197  
OCT 25, 2010 - MAR 12, 2011 - 8 AM - 6 PM

| RECREATION FACILITIES                      | <a href="#">Picnic Shelters</a> | Boat Ramp | Play-ground | Handicap Access | Grills & Tables | Water | Swim Area | Fishing Jetty | Use Fee | Hiking Trail |
|--|---------------------------------|-----------|-------------|-----------------|-----------------|-------|-----------|---------------|---------|--------------|
| Visitor's Center                           |                                 |           |             | X               |                 | X     |           |               |         | X            |
| Cooper Branch #1                           | X                               | X         |             | X               | X               | X     |           |               | X       | X            |
| Cooper Branch #2                           | X                               |           |             | X               | X               | X     |           |               |         | X            |
| Upper Stamp Creek                          |                                 | X         |             | X               |                 |       |           |               | X       |              |
| Sweetwater                                 | X                               |           | X           | X               | X               | X     | X         |               | X       |              |
| Knox Bridge                                |                                 | X         |             |                 |                 |       |           |               | X       |              |
| Victoria                                   |                                 | X         |             | X               |                 | X     | X         | X             | X       |              |
| Payne                                      |                                 | X         |             | X               |                 |       |           |               | X       |              |
| Galt's Ferry                               | X                               | X         | X           | X               | X               | X     | X         | X             | X       |              |
| Clark Creek South Ramp                     |                                 | X         |             | X               |                 |       |           |               | X       |              |
| Tanyard Creek                              |                                 | X         |             | X               |                 | X     |           |               | X       |              |
| Old Highway 41 #1                          |                                 | X         |             | X               | X               | X     | X         |               | X       |              |
| Blockhouse                                 |                                 | X         |             | X               |                 | X     |           | X             | X       |              |
| Riverside Park                             | X                               | X         | X           | X               | X               | X     |           |               |         | X            |
| Cooper's Furnace                           | X                               |           | X           | X               | X               | X     |           |               |         | X            |
| <b>All parks have restroom facilities.</b> |                                 |           |             |                 |                 |       |           |               |         |              |

[Privacy and Security Notice.](#) [Return to Lakes and Recreation.](#) [Mobile District Home Page.](#)

You are visitor **33203**  
since January 5, 2007

SAM AR000198



**US Army Corps of Engineers**  
Mobile District

lakes & recreation

## Did you know?

- Allatoona was authorized by the Flood control Acts of 1941 and 1946.
- The general contractor for construction of Allatoona Dam was National Constructor Inc.
- The total cost of the Allatoona project for construction, land, clearing, and relocation was \$31,500,000 in 1950.
- Allatoona serves seven authorized purposes:
  1. Flood Control
  2. Hydropower generation
  3. Water supply
  4. Recreation
  5. Fish and wildlife management
  6. Water quality
  7. Navigation
- The power plant began operation January 31, 1950.
- Since 1957 the summer pool elevation has been 840.
- Since 1957 the winter draw down has been 823.
- Two municipalities that withdraw water from the lake.
  1. The City of Cartersville uses 12 million gallons per day
  2. Cobb County-Marietta Water Authority uses 43 million gallons per day.
- In 1998 Allatoona clocked 86,813,126 hours, which were more visitor hours than any of the other 450 Corps of Engineer projects in the United States and exceeded that in 2006 with more than 92 million visitor hours.
- Hydroelectric power generation at Allatoona returns more than \$3.5 million to the Federal Treasury annually.

SAM AR000199



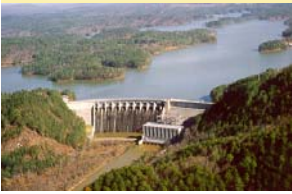
- The Corps collected more than \$1 million in Camping and Day Use fees in 2006.
- Visitors to Allatoona spent more than \$12 million for consumable goods in 1999.
- The presence of Allatoona Dam has prevented nearly \$80 million in flood damages since 1950.
- The record high water on Allatoona of 861.19 occurred on April 9, 1964.
- From 1950 through 2006, 281 drownings have occurred in Allatoona.
- Allatoona Pass was the site of an intensive 8-hour battle during the Civil War in 1864. More than 1500 Union and Confederate soldiers were killed, wounded or missing.
- The Corps of Engineers has 662 campsites on Allatoona.

Back to [History of Allatoona](#)



**US Army Corps of Engineers**  
Mobile District

lakes & recreation

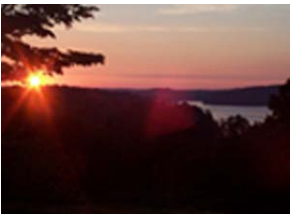


## History of the Allatoona Project



Allatoona is the oldest multipurpose project in the South Atlantic Division (SAD). It was authorized under the Flood Control Acts (FCAs) of August 18, 1941, and December 22, 1944, for the purposes of flood control and hydroelectric generation. The FCA of 1944 also authorized construction of recreation facilities. Impoundment of the project began in December 1949 and was in full operation by January 1950. The total cost of the Allatoona project for construction, land, clearing and relocation was \$31.5 million. Allatoona was authorized for flood control, hydroelectric power generation, water supply and water quality, recreation and fish and wildlife management. The Allatoona project has an 1,110 square mile drainage area. This is the first impoundment for water as it flows from the Blue Ridge Mountain region, and additional water for the project depends on rainfall.

Responsible stewardship of the lake and surrounding 25,000 acres of public lands is the highest priority for the staff at Allatoona.



As one of the most frequently visited Corps lakes in the nation, Allatoona provides recreation opportunities for over 6 million visitors annually. The Corps and other public and private organizations work together to provide a wide spectrum of quality recreation opportunities. These opportunities fuel the regional economy by nearly \$250 million annually. As metro Atlanta moves northwest, this usage is certain to increase. The Corps of Engineers has 688 campsites on the lake along with 453 picnic sites. Additional facilities are found in nine city and county parks, one state park and eight commercial marinas. Allatoona has 270 miles of shoreline on which 978 Shoreline Use permits have been issued.



Please visit our [interesting facts](#) page to learn more about Lake Allatoona.

Back to [Lake Allatoona](#)

SAM AR000202-SAM AR000212





**Corps Lakes Gateway**  
Your gateway to fun at Corps Lakes!

US Army Corps of Engineers  
[www.CorpsLakes.us](http://www.CorpsLakes.us)



Select a State  Select a Corps of Engineers Lake  Select an Activity

January 6, 20

**Trip Planning**

- [Plan Your Trip!](#)
- [Corps Lakes Photo Album](#)
- [Recreation.gov](#) (877) 444-6777
- [USACE Recreation Brochures](#)
- [Age & Disability Discount Passes](#)

**DoD Opportunities**

- [Great Travel Deals](#)
- [Paths Across America](#)
- [Military Homefront](#)
- [Military/Civilians on OCO Leave](#)

**Happenings Around the Lakes**

- [Take Me Fishing](#)
- [Discover Boating](#)
- [National Public Lands Day](#)
- [Healthier US](#)
- [Get Outdoors, It's Yours!](#)
- [Great Outdoors Month](#)
  - [Corps Participation](#)

**Become a Volunteer**

- [Corps Clearinghouse](#)
- [Volunteer.Gov](#)

**Become a Partner**

- [Natural Resources Management Partnerships](#)

**Educational Resources**

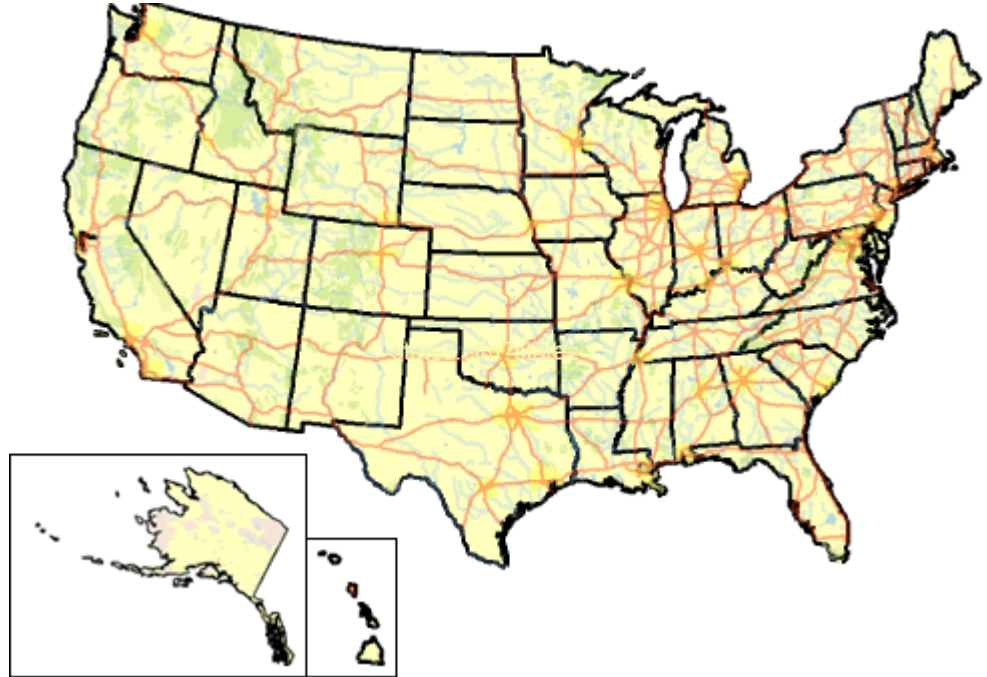
- [National Water Safety Program](#)
- [Office of Boating Safety](#)
- [Corps Education Center](#)
- [White House for Kids](#)

**Communities of Practice**

- [Natural Resources Management](#)

**U.S. Army Corps of Engineers**

- [Headquarters](#)
- [Value to the Nation](#)
- [Employment](#)
- [NRM Recruitment DVD](#)



The Army Corps of Engineers is the steward of the lands and waters at Corps water resources projects. Its Natural Resources Management mission is to manage and conserve those natural resources, consistent with the ecosystem management principles, while providing quality public outdoor recreation experiences to serve the needs of present and future generation. This site is your gateway to recreation opportunities at Corps lands and waters. Welcome to the Corps Lakes Gateway!

**New - Corps Lakes E-Card System!**

Click on the postcard to create your own electronic postcard!

**New - Corps Lakes & Google Earth!**

[Click here to view Corps Lakes via Google Earth](#)

*You must have Google Earth installed to use*

NOTE: This file will appear in your "Places" window in Google Earth as "NET\_Rec\_Project\_011108" under the Temporary folder, you can move it into "My Places" folder and open it directly in Google Earth later. For returning users, please remove any older Rec\_Project files that you have previously saved in your "Places" window.

SAM-AR000202

[USA.Gov](#)



Corps Lakes  
Photo Album

**New - Corps Lakes Photo album**

Click on the photo album to view the  
Corps Album.



[Privacy and Security Notice](#)

[Technical Problems](#)

Updated: November 2008





[Print this page](#) | [Close window](#)

### Allatoona Lake

U.S. Army Corps of Engineers

P.O. Box 487

Cartersville, GA 30120-0487

Phone: (678) 721-6700

Lake Information Number: (770) 386-0549

### Directions & Factoid















▪ **Directions:** From Atlanta, 45 miles north on I-75 to Exit 290, east on GA 20, south on GA 20 Spur to the dam and visitor center.

▪ **Factoid:** Allatoona Lake is one of the most frequently visited U.S. Army Corps of Engineers lakes in the nation. Located only 30 miles from Atlanta, more than 6 million visitors each year enjoy picnicking, camping, hunting, fishing, swimming and other water sports, and observing the abundant wildlife along the shores of this beautiful lake. The visitor center features video exhibits and displays about the area's history, ranging from the time of early Indians to the gold mining and iron making days, from Civil War up to the present.


Reservations available through ReserveUSA 1-877-444-6777

| Recreation Area              | Camping | Lodging | Showers | Boat Ramps | Marina | Gas | Picnic Area   Shelter | Playground | Swimming Area | Fishing Facilities | Trails | Golf Course | Amphitheater | Grocery / Snack Bar |
|------------------------------|---------|---------|---------|------------|--------|-----|-----------------------|------------|---------------|--------------------|--------|-------------|--------------|---------------------|
| Acworth Beach                |         |         | X       | X          |        |     | A G                   | X          | BE            |                    | H      |             |              | S                   |
| Acworth Regional Park (Cobb) |         |         | X       |            |        |     |                       |            |               |                    | M      | X           |              | S                   |
| Allatoona Landing            | N       | X       | X       | X          | X      |     | A G                   |            |               |                    |        |             |              |                     |
| Allatoona-Proctor Day Use    |         |         |         |            |        |     | A GS                  |            | BE            |                    |        |             |              |                     |
| Bartow Carver                |         |         |         | X          |        |     | A G                   | X          | BE            |                    |        |             |              |                     |
| Bartow County Park           | N D     |         |         | X          |        |     | A G                   | X          | BE            |                    |        |             |              | S                   |
| Blankets Creek               |         |         |         |            |        |     |                       |            |               |                    |        |             |              |                     |
| Blockhouse Day Use           |         |         |         | X          |        |     |                       |            |               |                    |        |             |              |                     |
| Camp Windy Waters            | N G     |         |         |            |        |     | G                     |            |               |                    |        |             |              |                     |

SAMAR000204

|  |                 |   |   |   |   |  |         |   |    |  |          |  |     |          |
|--|-----------------|---|---|---|---|--|---------|---|----|--|----------|--|-----|----------|
| <i>Canton City Park</i>  |                 |   |   |   |   |  | A G     | X |    |  | H        |  |     |          |
| <i>Cherokee County Park</i>  |                 |   |   | X |   |  | A G     | X |    |  |          |  |     |          |
| <i>Cherokee Mills Day Use</i>  |                 |   |   | X |   |  |         |   |    |  | M        |  |     |          |
| Clark Creek North Campground  | E T<br>G D      |   |   |   |   |  | GS      |   |    |  |          |  |     |          |
| Cooper Furnace Day Use        | G               |   |   |   |   |  | A<br>GS | X |    |  | I        |  |     |          |
| Coopers Branch Day Use        |                 |   |   | X |   |  | A<br>GS | X |    |  | H I      |  |     |          |
| <i>Dallas Road Day Use</i>   |                 |   |   |   |   |  | A<br>GS |   | BE |  |          |  |     |          |
| <i>Forscom</i>   | N D             | X | X | X |   |  | A G     | X | BE |  |          |  |     | S        |
| Galts Ferry Day Use           |                 |   |   | X |   |  | A<br>GS | X | BE |  |          |  |     |          |
| <i>Glade Marina</i>  |                 | X | X | X | X |  |         |   |    |  |          |  |     |          |
| <i>Harbour Town Marina</i>   |                 |   | X | X | X |  |         |   |    |  |          |  |     | G        |
| <i>Holiday Marina</i>  | N               |   | X | X | X |  |         |   |    |  |          |  |     | G S      |
| <i>J.J. Biello Park</i>  |                 |   |   |   |   |  |         |   |    |  |          |  |     |          |
| Knox Bridge Day Use          |                 |   |   | X |   |  |         |   |    |  |          |  |     |          |
| <i>Little River Landing Marina</i>   |                 | X |   | X | X |  |         |   |    |  |          |  |     | G S      |
| McKaskey Creek Campground   | E N<br>T D      |   |   | X |   |  |         | X | BE |  |          |  |     |          |
| McKinney Campground         | E T<br>D        |   |   | X |   |  |         |   | BE |  |          |  |     |          |
| <i>Naval Air Station</i>   | N G<br>D        | X | X | X |   |  | A G     | X | BE |  |          |  |     | S        |
| Old Hwy 41 #1 Day Use       |                 |   |   | X |   |  | A       |   | BE |  | M        |  |     |          |
| Old Hwy 41 #3 Campground    | E T<br>D        |   |   | X |   |  |         |   |    |  |          |  |     |          |
| Payne Campground            | E N<br>T D      |   |   | X |   |  |         |   | BE |  |          |  |     |          |
| <i>Red Top Mountain</i>  | N G<br>D        | X | X | X | X |  | A G     | X | BE |  | H I<br>M |  | X   | G S      |
| Riverside Day Use           |                 |   |   | X |   |  | A<br>GS | X |    |  | H        |  |     |          |
| Stamp Creek Day Use         |                 |   |   | X |   |  |         |   |    |  |          |  |     |          |
| Sweetwater Campground       | E N<br>T G<br>D |   |   | X |   |  | GS      | X | BE |  |          |  |     |          |
| Sweetwater Day              |                 |   |   |   |   |  | A       |   |    |  | H        |  | SAM | AR000205 |



|  |     |   |   |   |   |  |    |   |    |  |  |  |  |    |
|--|-----|---|---|---|---|--|----|---|----|--|--|--|--|----|
| Use  |     |   |   |   |   |  | GS |   | BE |  |  |  |  |    |
| Upper Tanyard Day Use  |     |   |   | X |   |  |    |   |    |  |  |  |  |    |
| Victoria Campground  | ETD |   |   |   |   |  |    | X | BE |  |  |  |  |    |
| Victoria Day Use   |     |   |   | X |   |  | A  |   | BE |  |  |  |  |    |
| Victoria Harbour Marina  |     | X |   | X | X |  |    |   |    |  |  |  |  | GS |
| Wilderness Camp Marina   |     | X |   | X | X |  |    |   |    |  |  |  |  | GS |
| Wildlife Action  | NG  | X | X |   |   |  | AG | X | BE |  |  |  |  |    |
|  Corps Managed           \$ Corps Fees Collected           Managed by Others in <i>Italics</i> |     |   |   |   |   |  |    |   |    |  |  |  |  |    |

**X** Exists at lake

#### Camping

**E** Electric Campsites  
**N** Non-electric Campsites  
**T** Pull Through Campsites  
**G** Group Camping  
**D** Dump Station

#### Picnic

**A** Picnic Area  
**G** Group Picnic  
**GS** Group Picnic Shelter

#### Swimming

**BE** Beach  
**P** Swimming Pool  
**Fishing**  
**C** Fish Cleaning Stations  
**D** Fishing Docks

#### Trails

**B** Bike Trails \*  
**Q** Equestrian Trails  
**H** Hiking Trails  
**I** Hiking Trails - Interpretive  
**R** Off Road Vehicle Trails  
**M** Miscellaneous Trails

\* Bike trails upgraded with help from International Mountain Bicycling Association (IMBA)

[Top of Page](#) | [Print this page](#) | [Close window](#)



[Print this page](#) | [Close window](#)

Carters Lake  
U.S. Army Corps of Engineers  
P.O. Box 96  
Oakman, GA 30732-0096  
Phone: (706) 334-2248  
Lake Information Number: (706) 334-2248

### Directions & Factoid

▪ **Directions:** From North East Atlanta; I-575 North to Carters Lake Exit. Follow signs to desired project locations. From North Atlanta; I-75 North to Exit 293 then Right on Hwy 136. Follow signs to desired project locations. From Chattanooga TN. I-75 South to Exit 336.

▪ **Factoid:** Carters Lake Project is managed by the U.S. Army Corps of Engineers, Mobile District. Carters Lake is one of the most scenic lakes in the Southeast. Located at the southern end of the Blue Ridge Mountains, its sparkling waters and rugged shoreline provide a beautiful surrounding for a variety of recreational opportunities which includes: camping, picnicking, boating, fishing, and hunting.

Reservations available through ReserveUSA 1-877-444-6777

| Recreation Area     | Camping     | Lodging | Showers | Boat Ramps | Marina | Gas | Picnic Area   Shelter | Playground | Swimming Area | Fishing Facilities | Trails | Golf Course | Amphitheater | Grocery / Snack Bar |
|---------------------|-------------|---------|---------|------------|--------|-----|-----------------------|------------|---------------|--------------------|--------|-------------|--------------|---------------------|
| Carters Lake Marina |             | X       |         |            | X      | X   |                       |            |               |                    |        |             |              |                     |
| Damsite             |             |         |         | X          |        |     | A<br>GS               |            |               |                    |        |             |              |                     |
| Doll Mt. Campground | E<br>N<br>D |         |         | X          |        |     |                       | X          |               |                    |        |             | X            |                     |
| Doll Mt. Day Use    |             |         |         | X          |        |     | A<br>GS               |            |               |                    |        |             |              |                     |
| Harris Branch       | N<br>G      |         |         |            |        |     | A                     | X          | BE            |                    |        |             |              |                     |
| Northbank           |             |         |         |            |        |     | A<br>GS               | X          |               |                    | I      |             |              |                     |
| Rereg Dam           |             |         |         |            |        |     | A<br>GS               | X          |               | D                  | I      |             |              |                     |
| Ridgeway Park       | N           |         |         | X          |        |     | A                     |            |               |                    | B<br>I |             |              |                     |
| Woodring Campground | E<br>N<br>D |         |         | X          |        |     |                       | X          |               |                    |        |             | X            |                     |
| Woodring Day Use    |             |         |         | X          |        |     | A<br>GS               |            |               |                    | I      |             |              |                     |

SAM AR000207



Corps Managed

\$ Corps Fees Collected

Managed by Others in *Italics***X** Exists at lake**Camping**

**E** Electric Campsites  
**N** Non-electric Campsites  
**T** Pull Through Campsites  
**G** Group Camping  
**D** Dump Station

**Picnic**

**A** Picnic Area  
**G** Group Picnic  
**GS** Group Picnic Shelter

**Swimming**

**BE** Beach  
**P** Swimming Pool

**Fishing**

**C** Fish Cleaning Stations  
**D** Fishing Docks

**Trails**

**B** Bike Trails  
**Q** Equestrian Trails  
**H** Hiking Trails  
**I** Hiking Trails - Interpretive  
**R** Off Road Vehicle Trails  
**M** Miscellaneous Trails

[Top of Page](#) | [Print this page](#) | [Close window](#)





[Print this page](#) | [Close window](#)

Claiborne Lock - Alabama - Coosa Rivers

U.S. Army Corps of Engineers

1226 Powerhouse Road

Camden, AL 36726-9109

Phone: (334) 682-4244

## Directions & Factoid



▪ **Directions:** From Grove Hill, Highway 84 east to 41 north to county road 17 to dam.

▪ **Factoid:** Claiborne Lake is the most primitive of the Alabama River Lakes. Nestled in Alabama's southwest hill country, the lake encompasses over 60 miles of the Alabama River, stretching from the Claiborne Lock and Dam to Millers Ferry Lock and Dam. Claiborne Lock and Dam was completed in 1971 but was opened for navigation in November 1969. It has no power installation. Although the lake remains mostly within the original river banks, Claiborne provides extensive opportunities for water-related recreation.

Reservations available through ReserveUSA 1-877-444-6777

| Recreation Area        | Camping  | Lodging | Showers | Boat Ramps | Marina | Gas | Picnic Area \ Shelter | Playground | Swimming Area | Fishing Facilities | Trails | Golf Course | Amphitheater | Grocery / Snack Bar |
|------------------------|----------|---------|---------|------------|--------|-----|-----------------------|------------|---------------|--------------------|--------|-------------|--------------|---------------------|
| Bells Landing          | N        |         |         | X          |        |     | A                     |            |               |                    | H      |             |              |                     |
| Black Creek            |          |         |         | X          |        |     |                       |            |               |                    |        |             |              |                     |
| Clifton Ferry          |          |         |         | X          |        |     | A                     |            |               |                    |        |             |              |                     |
| Cobbs Landing          |          |         |         | X          |        |     |                       |            |               |                    |        |             |              |                     |
| Damsite East Bank      |          |         |         |            |        |     |                       |            |               |                    |        |             |              |                     |
| Damsite West Bank      | N        |         |         |            |        |     | A<br>GS               |            |               | C                  |        |             |              |                     |
| Davis Ferry            |          |         |         |            |        |     |                       |            |               |                    |        |             |              |                     |
| Gulleys Bluff          |          |         |         |            |        |     |                       |            |               |                    |        |             |              |                     |
| Haines Island          | N G      |         |         | X          |        |     | A<br>GS               | X          |               |                    | H I    |             |              |                     |
| Holleys Ferry          |          |         |         | X          |        |     | A<br>GS               |            |               |                    | H      |             |              |                     |
| Holleys Ferry Pavilion |          |         |         |            |        |     |                       |            |               |                    |        |             |              |                     |
| Isaac Creek            | E T<br>D |         | X       | X          |        |     | A G<br>GS             | X          |               | C                  | H      |             |              |                     |
|                        |          |         |         |            |        |     |                       |            |               |                    |        |             | SAM          | AR000209            |



|  |  |                         |  |  |   |  |  |   |  |  |  |                                     |  |  |  |
|--|--|-------------------------|--|--|---|--|--|---|--|--|--|-------------------------------------|--|--|--|
| Silver Creek   |  | G                       |  |  | X |  |  | A |  |  |  | H                                   |  |  |  |
|  | Corps Managed  | \$ Corps Fees Collected |  |  |   |  |  |   |  |  |  | Managed by Others in <i>Italics</i> |  |  |  |

X Exists at lake

#### Camping

E Electric Campsites  
 N Non-electric Campsites  
 T Pull Through Campsites  
 G Group Camping  
 D Dump Station

#### Picnic

A Picnic Area  
 G Group Picnic  
 GS Group Picnic Shelter

#### Swimming

BE Beach  
 P Swimming Pool  
**Fishing**  
 C Fish Cleaning Stations  
 D Fishing Docks

#### Trails

B Bike Trails \*  
 Q Equestrian Trails  
 H Hiking Trails  
 I Hiking Trails - Interpretive  
 R Off Road Vehicle Trails  
 M Miscellaneous Trails

\* Bike trails upgraded with help from International Mountain Bicycling Association (IMBA)

[Top of Page](#) | [Print this page](#) | [Close window](#)



[Print this page](#) | [Close window](#)

Robert F. Henry Lock / Jones Bluff- Alabama - Coosa Rivers

U.S. Army Corps of Engineers

8493 U.S. Highway 80 West

Hayneville, AL 36040-4319

Phone: (334) 872-9554

## Directions & Factoid

▪ *Directions:* From Montgomery, US 80 30 miles to Benton.

▪ *Factoid:* Woodruff Lake offers such activities as fishing, boating, water-skiing, picnicking, camping, swimming and hiking. The project features 11 parks that are well-facilitated for visitors. Conveniences at the parks include beaches, campgrounds, picnic areas, trails and boat launching ramps. Since construction of the first park in 1975, annual attendance figures have soared to over 2 million.

| Recreation Area   | Camping | Lodging | Showers | Boat Ramps | Marina | Gas | Picnic Area \ Shelter | Playground | Swimming Area | Fishing Facilities | Trails | Golf Course | Amphitheater | Grocery / Snack Bar |
|---|---------|---------|---------|------------|--------|-----|-----------------------|------------|---------------|--------------------|--------|-------------|--------------|---------------------|
| Benton  |         |         |         | X          |        |     | A                     |            |               |                    |        |             |              |                     |
| Cooters Pond  |         |         |         | X          |        |     |                       |            |               |                    |        |             |              |                     |
| Damsite East Bank - Woodruff  |         |         |         |            |        |     |                       |            |               | C                  |        |             |              |                     |
| Damsite West Bank - Woodruff  |         |         |         |            |        |     |                       |            |               | C                  |        |             |              |                     |
| Ft. Toulouse  | E       |         |         | X          |        |     | G                     |            |               |                    |        |             |              |                     |
| Gunter Hill Campground  | E G D   |         |         | X          |        |     | GS                    | X          |               |                    | B H    |             |              |                     |
| Holy Ground Battlefield Park  |         |         |         | X          |        |     | A GS                  | X          | BE            | D                  | H I    |             |              |                     |
| Montgomery Marina   |         |         |         |            |        |     |                       |            |               |                    |        |             |              |                     |
| Powder Magazine   |         |         |         | X          |        |     |                       |            |               |                    |        |             |              |                     |
| Prairie Creek   | E N T D |         |         | X          |        |     | GS                    | X          |               | C                  | B      |             |              |                     |
| Swift Creek   |         |         |         | X          |        |     |                       |            |               |                    |        |             |              |                     |
| Corps Managed      \$ Corps Fees Collected      Managed by Others in <i>Italics</i> |         |         |         |            |        |     |                       |            |               |                    |        |             |              |                     |

X Exists at lake

SAM AR000211

**Camping**

**E** Electric Campsites  
**N** Non-electric Campsites  
**T** Pull Through Campsites  
**G** Group Camping  
**D** Dump Station

**Picnic**

**A** Picnic Area  
**G** Group Picnic  
**GS** Group Picnic Shelter

**Swimming**

**BE** Beach  
**P** Swimming Pool

**Fishing**

**C** Fish Cleaning Stations  
**D** Fishing Docks

**Trails**

**B** Bike Trails  
**Q** Equestrian Trails  
**H** Hiking Trails  
**I** Hiking Trails - Interpretive  
**R** Off Road Vehicle Trails  
**M** Miscellaneous Trails

[Top of Page](#) | [Print this page](#) | [Close window](#)

SAM AR000213-SAM AR000222





# Using Army Corps of Engineers Reservoirs for Municipal and Industrial Water Supply: Current Issues

Nicole T. Carter

Specialist in Natural Resources Policy

January 4, 2010

Congressional Research Service

7-5700

[www.crs.gov](http://www.crs.gov)

R41002

**CRS Report for Congress**

*Prepared for Members and Committees of Congress*

SAM AR000213

## Summary

Congress has limited the use of Army Corps of Engineers dams and reservoirs for municipal and industrial (M&I) water supply. Growing M&I demands have raised interest in—and concern about—changing current law and reservoir operations to give Corps facilities a greater role in M&I water storage. A reallocation of storage to M&I use from a currently authorized purpose (e.g., hydropower or navigation) changes the types of benefits produced by a facility and the stakeholders served.

While Congress has specifically authorized 91 Corps multi-purpose facilities for M&I supply, it also has delegated to the Secretary of the Army constrained authority to reallocate storage to M&I water supply. In the Water Supply Act of 1958 (1958 WSA; P.L. 85-500), Congress provided that storage at Corps facilities could be allocated to M&I water supply without congressional approval if this reallocation did not seriously harm authorized project purposes or involve major structural or operational changes. Whether the Corps has regularly exceeded its discretion to reallocate is a concern raised in response to a July 2009 federal court order that found the Corps exceeded its discretion at Lake Lanier (GA).

In order to guide its implementation of the discretionary authority to reallocate, the agency developed guidance on what may constitute a major change or serious harm to an authorized purpose. Since 1977 that guidance has included quantitative limits on reallocations conducted without congressional authorization. Issues for Congress include whether the Corps' interpretation of its discretionary authority is consistent with congressional intent and whether current law and policy are appropriate for current demands and constraints on water resources.

CRS analysis of available data indicates that the Corps generally has not exceeded agency-established quantitative limits, with two exceptions in addition to Lake Lanier. One of the exceptions, Cowanesque Lake (PA), was made with the consent of Congress but conducted under the 1958 WSA authority. The other exception was a 1985 reallocation from hydropower to M&I use at Lake Texoma (TX/OK). The Corps found that a reallocation at Lake Texoma would neither require significant modification of the project, nor seriously harm authorized purposes (as the result of compensation being provided for lost hydropower). The Corps concluded that it could make the reallocation without congressional approval using its discretionary authority, in spite of the reallocation exceeding the agency-established quantitative limit. Whether this or other Corps reallocations and operational changes performed without congressional authorization (including those that have fallen within agency-established quantitative guidelines) have seriously harmed other project purposes or constituted a major operational change cannot be independently determined by available data, and is beyond the scope of the analysis herein.

## Contents

|  |   |
|--|---|
| Limited Use of Federal Reservoir Storage for Municipal and Industrial (M&I) Water Supply ..... | 1 |
| M&I Water Storage at Corps Facilities .....  | 2 |
| Authority for M&I Storage Can Be Project-Specific or General.....                              | 2 |
| Congress Limited Agency Discretion for Reallocating Storage .....                              | 2 |
| 2009 Court Order Found the Corps Exceeded Its Authority .....                                  | 3 |
| Corps Reallocations Under 1958 WSA.....  | 4 |
| Questions and Challenges for M&I Water Supply Storage at Federal Reservoirs.....               | 6 |

## Tables

|  |   |
|--|---|
| Table 1. Corps Reservoirs with M&I Water Supply Reallocated Using 1958 WSA Authority ..... | 5 |
|--|---|

## Contacts

|                                  |   |
|----------------------------------|---|
| Author Contact Information ..... | 7 |
|----------------------------------|---|

## Limited Use of Federal Reservoir Storage for Municipal and Industrial (M&I) Water Supply

Increasing pressures on the quantity and quality of available water supplies are raising interest in—and concern about—changing operations at Corps facilities to meet municipal and industrial (M&I) demands. Corps M&I reallocations at Lake Lanier (GA) are central to an ongoing tri-state conflict involving Alabama, Florida, and Georgia. Furthermore, the agency is studying whether to reallocate storage to M&I use at dams in numerous states (e.g., Colorado, Kentucky, and Georgia), and Corps data indicate that more reallocation requests are forthcoming.<sup>1</sup> A reallocation embodies tradeoffs; shifting storage to M&I use from a currently authorized purpose (e.g., hydropower or navigation) changes the types of benefits produced by a dam and the stakeholders served.

The federal role in M&I water supply development is constrained, with states and local entities having the prominent role. Congress recognized state primacy in developing M&I supplies in the Water Supply Act of 1958 (1958 WSA; P.L. 85-500; 72 Stat. 319; 43 U.S.C 390b) as follows:

It is hereby declared to be the policy of the Congress to recognize the primary responsibilities of the States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes and that the Federal Government should participate and cooperate with States and local interests in developing such water supplies in connection with the construction, maintenance, and operation of Federal navigation, flood control, irrigation, or multiple purpose projects.

Therefore, although the federal government has made significant investments in water resources infrastructure, these investments primarily have been to support flood control, navigation, irrigation, multipurpose dams (including hydropower), and diversion facilities.

The largest federal projects were constructed by the Department of the Interior's Bureau of Reclamation under the Reclamation Act of 1902 and subsequent project authorizations known as Reclamation Law, and by the Department of Defense's Army Corps of Engineers (hereafter referred to as the Corps) through myriad Rivers and Harbors, Flood Control, and Water Resources Development Act (WRDA) legislation.<sup>2</sup> Since the 1960s, construction of large federal dams has slowed markedly, in response to their high cost, their ecological and social impacts, and the availability of appropriate sites. Reservoir planning in recent decades largely has focused on balancing competing objectives in operating existing reservoirs (as opposed to planning new projects), and in some cases on managing for new objectives.<sup>3</sup>

---

<sup>1</sup> As part of an assessment of its water supply portfolio, the Corps identified 109 reallocation possibilities within 10 years. (Presentation titled *National Portfolio Assessment for Water Supply Reallocations*, by Ted Hillier, Corps Water Supply Business Line Manager, June 2009, available at [http://www.vtn.iwr.usace.army.mil/docs/CleanWaterSupplyWorkshop/Ted%20Jun%2009%20workshop%20Portfolio%20\(2\).pdf](http://www.vtn.iwr.usace.army.mil/docs/CleanWaterSupplyWorkshop/Ted%20Jun%2009%20workshop%20Portfolio%20(2).pdf).)

<sup>2</sup> Other agencies such as the Natural Resources Conservation Service of the U.S. Department of Agriculture, the Tennessee Valley Authority, and the International Boundary and Water Commission have also played roles in federal water resource development.

<sup>3</sup> For example, actions to protect threatened or endangered species listed under the Endangered Species Act have changed many reservoir operating plans. Conflicting objectives for operating Missouri River dams—namely, maintaining flows for navigation and changing dam release regimes to protect seasonal needs of some bird and fish species—required controversial updates to the basin's reservoir control manual. Operational changes also are part of (continued...)



## M&I Water Storage at Corps Facilities

### Authority for M&I Storage Can Be Project-Specific or General

Congress authorizes the Corps to undertake construction of dams and other water resources infrastructure. Each dam and the reservoir it creates are operated in large measure to meet the project's authorized purposes and for compliance with federal laws. For each project (or set of projects in a basin), the principal purposes generally are laid out in the language authorizing project construction or in agency documents supporting the authorization, and in subsequent legislation specific to that project. Approximately 91 Corps reservoirs have M&I storage as a specifically authorized purpose (e.g., Lake Sakakawea, ND; Joe Pool Lake, TX).

Congress, through general legislation, has included additional requirements (e.g., fish and wildlife protection and coordination) for all Corps facilities, and has given the Corps authority to provide some additional benefits from its projects, such as recreation. The 1958 WSA and Section 6 of the Flood Control Act of 1944 (58 Stat. 890, 33 U.S.C. 708) provide the Corps some general, but limited, authority to provide M&I water supply. The 1944 authority allows the Corps to provide surplus water at its facilities (i.e., water not assigned to a project purpose) for M&I use on a temporary basis. This report does not analyze the Corps' use of the 1944 authority because it is not likely to have a significant future role in the permanent reallocation of significant quantities of water for M&I purposes. Instead, this report focuses on how the 1958 WSA has been implemented by the Corps, and provides data on the 44 Corps reservoirs that have had all or some of their storage reallocated under the Corps' 1958 WSA discretionary authority. For a discussion of legal issues related to the 1958 WSA, see CRS Report R40714, *Use of Federal Water Projects for Municipal and Industrial Water Supply: Legal Issues Related to the Water Supply Act of 1958 (43 U.S.C. § 390b)*, by Cynthia Brougher.

### Congress Limited Agency Discretion for Reallocating Storage

In the 1958 WSA, Congress provided the Corps some general M&I water supply authority, but limited the agency's decision-making without congressional approval. Specifically, Section 301 of the 1958 WSA provides:

Modifications of a reservoir project heretofore authorized, surveyed, planned, or constructed to include storage [for water supply] which would seriously affect the purposes for which the project was authorized, surveyed, planned, or constructed, or which would involve major structural or operational changes shall be made only upon the approval of Congress.

That is, M&I water supply can be provided as long as it is accomplished incidental to operations for the authorized purposes. If provision of water supply seriously affects a facility's authorized purposes or would cause a major operational change, the reallocation requires congressional authorization. How to gauge whether an effect is serious or a change is major was not defined by Congress.

---

(...continued)

restoration efforts for salmon runs in the Sacramento and Columbia River basins and fish in the California Bay-Delta.

After passage of the 1958 WSA, the Corps developed a guidance manual for implementing this authority (EM 1165-2-105). In March 1977, the Corps adopted as part of its manual the following provision for determining when a reallocation does not require congressional approval:

Modifications of reservoir projects to allocate all or part of the storage serving any authorized purpose from such purpose to storage serving domestic, municipal, or industrial water supply purposes are considered insignificant if the total reallocation of storage that may be made for such water supply uses in the modified project is not greater than 15 per centum of total storage capacity allocated to all authorized purposes or 50,000 acre feet, whichever is less.<sup>4</sup>

Earlier guidance had not included numeric criteria.

## **2009 Court Order Found the Corps Exceeded Its Authority**

The questions of whether the Corps has regularly exceeded its discretionary authority and how many reservoirs have storage reallocated under this authority have received attention in the wake of a federal court decision related to Corps operations and reallocations at Lake Lanier (GA). Numerous lawsuits related to Lake Lanier were consolidated and transferred to the U.S. District Court for the Middle District of Florida in 2007. A July 17, 2009, court order addressed a fundamental question common to many of the cases: whether the Corps violated Section 301 of the 1958 WSA by not seeking congressional approval for changes made in Lake Lanier operations to provide M&I water supply.<sup>5</sup> The court order largely agreed with Florida, Alabama, the Alabama Power Company, and the Southeastern Federal Power Customers. These litigants had contended that the Corps was obligated to seek congressional approval, because the provision of water supply required major operational changes that harmed authorized purposes. The court estimated that, since the mid-1970s, the Corps had reallocated more than 21% of Lake Lanier's usable storage without seeking congressional authorization; this reallocation represents roughly 260,000 acre-feet (AF). The court found that "de facto reallocations" started in the mid-1970s with operational changes that shifted storage from hydropower to M&I supply. Subsequently the Corps contracted with M&I water providers for storage space for withdrawals directly from the lake. The court found that the cumulative impacts of the Corps' actions exceeded its discretionary authority to reallocate.<sup>6</sup> The court order and its effect on M&I water supply for communities in northern Georgia have raised questions about how the Corps has reallocated water at its other facilities.

---

<sup>4</sup> This language was added in 1977 by attaching a page 8a to the 1961 *Water Supply Storage in Corps of Engineers' Projects* manual; the amended manual is available at [http://water.sam.usace.army.mil/EM\\_1165\\_2\\_105\\_77.pdf](http://water.sam.usace.army.mil/EM_1165_2_105_77.pdf).

<sup>5</sup> U.S. District Court for the Middle District of Florida, *In re Tri-State Water Rights Litigation*. The court order addressed only part of the claims raised in the consolidated cases; the court is considering separately other issues, including environmental claims such as alleged violations of the Endangered Species Act (ESA). For a more complete treatment of the legal issues related to the court order, see CRS Report R40714, *Use of Federal Water Projects for Municipal and Industrial Water Supply: Legal Issues Related to the Water Supply Act of 1958 (43 U.S.C. § 390b)*, by Cynthia Brougher.

<sup>6</sup> The order provides that status quo operations may continue for three years in order to secure the necessary congressional authorization for the water supply withdrawals and related dam operations, or some other resolution of this dispute. If unresolved by July 2012, operations of Buford Dam and its reservoir will return to the mid-1970s baseline.

## Corps Reallocations Under 1958 WSA

A total of 135 Corps reservoirs have roughly 11 million acre-feet (AF) of storage designated for M&I water.<sup>7</sup> Most of the M&I water stored is authorized under project-specific authorities. However, 44 reservoirs derive all or part of their M&I storage authority from the 1958 WSA (see **Table 1** for a list of the reservoirs). The 1958 WSA is the basis for less than 640,000 AF of the Corps' M&I storage.

**Table 1** shows that the Corps has reallocated more than 50,000 AF of storage space for M&I use at only one reservoir, Lake Texoma (TX/OK). The Corps has used its discretionary authority to perform four reallocations at Lake Texoma—one for 84,099 AF and three smaller reallocations, for a total of 103,003 AF. Other Texoma reallocations have been made with specific congressional approval.<sup>8</sup> The 84,099 AF reallocation from hydropower to M&I use was approved in a 1985 Corps document that included a compensation arrangement for lost hydropower, which had been negotiated among Lake Texoma stakeholders.<sup>9</sup> The Corps found that the reallocation would neither significantly harm the lake's authorized purposes (in part because of the compensation arrangement), nor require significant structural modifications. The Corps thus concluded that the transfer could be performed under the 1958 WSA without congressional approval, even though it exceeded the agency-established policy limiting reallocations without congressional approval to 50,000 AF.

**Table 1** shows that the Corps stayed below the 15% of usable storage criterion, except at Cowanesque Lake (PA), where reallocated water supply represents almost 30% of storage. The Cowanesque Lake case is unusual in that it represents a mix of project-specific reallocation direction from Congress and use of the Corps' discretionary authority under the 1958 WSA. The Cowanesque reallocation was mentioned in P.L. 99-88, the Supplemental Appropriations Act of 1985, and was discussed as occurring under the Corps' 1958 WSA discretionary authority in the accompanying H.Rept. 99-236.<sup>10</sup>

As previously noted, the 1958 WSA indicates that the reallocation to water supply should not be made if it seriously affects authorized purposes or results in a major operational or structural

<sup>7</sup> Data in this paragraph is derived from multiple sources, including data provided to CRS directly by Corps staff and data in U.S. Army Corps of Engineers, *Water Supply Database 2005 Update* (Alexandria, VA: Institute for Water Resources Apr. 2006), available at [http://www.swd.usace.army.mil/pcx/pdf/Water\\_Supply\\_Database\\_2005\\_Update.pdf](http://www.swd.usace.army.mil/pcx/pdf/Water_Supply_Database_2005_Update.pdf).

<sup>8</sup> For example, a Lake Texoma reallocation of 300,000 AF was authorized in Section 838 of WRDA 1986 (P.L. 99-662).

<sup>9</sup> Originally this reallocation was for 77,400 AF, but a later updated sediment study resulted in the reallocation being increased to 84,099 AF (U.S. Army Corps of Engineers, *Letter Report Dennison Dam (Lake Texoma) North Texas Municipal Water District*, September 6, 1985). Select Oklahoma and Texas members of Congress were consulted and informed about the reallocation.

<sup>10</sup> H.Rept 99-236 stated: "The modification of the existing project for water supply is authorized by the Flood Control Act of 1958 and would be accomplished under the discretionary authority of the chief of Engineers.... The proposed modification for water supply would enable two electric utility companies to meet their consumptive use make-up needs during drought conditions." The reallocation was made from recreation to M&I; the reallocation supports downstream flows for cooling water for electric utilities during drought. Few releases have been made for this industrial use. The reallocation was accompanied by the raising of the reservoir pool; the cost of the raising, the reallocated storage space, related operations and maintenance, and improvements to recreation facilities were assigned to the M&I purpose.

change. The Corps is to evaluate these potential effects when studying whether to make or recommend to Congress a reallocation. Whether the studies used to support the reallocations shown in **Table 1** sufficiently evaluated how an M&I reallocation may affect authorized purposes or may constitute a major operational change is a general concern raised by the 2009 court order's questioning of the Corps evaluations related to Lake Lanier operations. An evaluation of the sufficiency of Corps reallocation analyses is beyond the scope of this CRS report.

**Table 1. Corps Reservoirs with M&I Water Supply  
Reallocated Using 1958 WSA Authority**

| <b>Reservoir Name and State</b>     | <b>Usable Reservoir<br/>Storage<br/>(AF)</b> | <b>Supply Reallocated<br/>Under 1958 WSA<br/>(AF)</b> | <b>% of Storage<br/>Reallocated<br/>Under 1958 WSA</b> |
|-------------------------------------|--|---|--|
| Denison Dam, L. Texoma, OK & TX     | 4,012,113                                    | 103,003   | 2.57   |
| Melvern Lake, KS                    | 337,000                                      | 50,000  | 14.84  |
| Stockton Lake, MO                   | 1,649,000                                    | 50,000  | 3.03   |
| Tuttle Creek Lake, KS               | 2,001,000                                    | 50,000  | 2.50   |
| Waco Lake, TX                       | 733,536                                      | 47,526  | 6.48   |
| Pomona Lake, KS                     | 240,331                                      | 32,500  | 13.52  |
| Hartwell, GA & SC                   | 899,400                                      | 26,574  | 2.95   |
| Cowanesque, PA                      | 86,650                                       | 25,600  | 29.54  |
| Tenkiller Ferry Lake, OK            | 1,458,000                                    | 25,472  | 1.75   |
| John H. Kerr, VA                    | 2,308,400                                    | 21,115  | 0.91   |
| Beaver Lake, AR                     | 1,224,700                                    | 20,995  | 1.71   |
| Allatoona, GA                       | 230,593                                      | 19,511  | 8.46   |
| J. Percy Priest Dam & Reservoir, TN | 124,000                                      | 17,311  | 13.96  |
| Wister Lake, OK                     | 417,600                                      | 13,819  | 3.31   |
| Kanopolis Lake, KS                  | 418,752                                      | 12,500  | 2.99   |
| Marion, KA                          | 141,114                                      | 12,500  | 8.86   |
| Greers Ferry Lake, AR               | 1,650,500                                    | 11,556  | 0.70   |
| Mosquito Creek Lake, OH             | 76,300                                       | 11,000  | 14.42  |
| Youghiogheny River Lake, PA         | 151,000                                      | 10,000  | 6.62   |
| Elk City, KA                        | 248,398                                      | 10,000  | 4.03   |
| John Redmond, KA                    | 574,918                                      | 10,000  | 1.74   |
| Council Grove Lake, KA              | 112,882                                      | 8,000   | 7.09   |
| Center Hill Lake, TN                | 492,000                                      | 7,212   | 1.47   |
| Rathbun Lake, IA                    | 528,000                                      | 6,680   | 1.27   |
| Curwensville, PA                    | 111,998                                      | 5,360   | 4.79   |
| Enid, MS                            | 602,400                                      | 4,500   | 0.75   |
| Green River Lake, KY                | 53,825                                       | 3,460   | 6.43   |
| John W. Flannagan, VA               | 85,000                                       | 3,360   | 3.95   |



| Reservoir Name and State          | Usable Reservoir Storage (AF) | Supply Reallocated Under 1958 WSA (AF) | % of Storage Reallocated Under 1958 WSA |
|-----------------------------------|-------------------------------|--|---|
| J Strom Thurmond, GA & SC         | 1,045,000                     | 3,327                                  | 0.32                                    |
| Grayson Lake, KY                  | 119,000                       | 2,508                                  | 2.11                                    |
| Dale Hollow Lake, TN & KY         | 496,000                       | 2,211                                  | 0.45                                    |
| Carr Creek Lake, KY               | 34,981                        | 2,052                                  | 5.87                                    |
| Blakey Mt. Dam, Lake Ouachita, AR | 617,400                       | 1,575                                  | 0.26                                    |
| Blue Mountain Lake, AR            | 233,260                       | 1,550                                  | 0.66                                    |
| Norfolk Lake, AR                  | 1,438,000                     | 900                                    | 0.06                                    |
| Bull Shoals Lake, AR              | 3,363,000                     | 880                                    | 0.03                                    |
| Richard B Russell, GA & SC        | 266,806                       | 872                                    | 0.33                                    |
| Carters, GA                       | 230,593                       | 818                                    | 0.35                                    |
| Cave Run Lake, KY                 | 47,000                        | 802                                    | 1.71                                    |
| Laurel River Lake, KY             | 185,000                       | 519                                    | 0.28                                    |
| Summersville Lake, WV             | 57,900                        | 468                                    | 0.81                                    |
| Rough River Lake, KY              | 90,210                        | 402                                    | 0.45                                    |
| Harry S Truman Dam & Res., MO     | 4,959,000                     | 283                                    | 0.01                                    |
| Nimrod Lake, AR                   | 307,000                       | 143                                    | 0.05                                    |

**Source:** CRS modified from Corps data provided on 12/17/09.

**Notes:** Lake Lanier (GA) and Lake Cumberland (KY) are not included because they do not currently have authorized M&I water supply storage under the 1958 WSA.

Lake Lanier is not in **Table 1** because the July 2009 court order found that the M&I uses exceeded the 1958 WSA authority. Similarly, Lake Cumberland (KY) is not included, although M&I withdrawals occur there, because these withdrawals have not been authorized. Enforcement action to stop the withdrawals at Lake Cumberland has not been taken. How many other unauthorized withdrawals and operational actions that support M&I uses occur at other Corps facilities is largely unknown; many Corps dams are decades old, often predating the 1958 WSA, and their operations have evolved incrementally over time.

## Questions and Challenges for M&I Water Supply Storage at Federal Reservoirs

To date, the Corps' operation of Lake Lanier for M&I water supply has constituted the agency's most controversial provision of M&I water supply. The 2009 court order raised numerous concerns, including the possibility that previous reallocations at other Corps facilities could be disputed, and uncertainty about how future reallocation at Corps facilities will be evaluated and performed. Thus far, most Corps reallocations have taken place without the national attention or litigation of Lake Lanier, either using the Corps' delegated authority or through specific congressional legislative direction. As shown in **Table 1**, existing reallocations under the 1958 WSA, with few exceptions, were within the numeric criteria that the Corps established for

implementing its discretionary authority. Whether Congress agrees with the Corps' interpretation and use of its discretionary authority is a policy issue of increasing relevance as interest grows in M&I reallocation at federal facilities. Other issues raised by current use of the discretionary authority and reservoir operations include whether multiple reallocations in a single basin are to be treated separately or on a watershed basis, how much discretion the agency should have in making reallocation agreements with stakeholders, including financial charging and crediting arrangements, and how the agency should handle ongoing unauthorized withdrawals.

Current policies on M&I reallocations at Corps facilities reflect numerous decisions and tradeoffs that may be reexamined as more reallocations are requested. For example, if reallocations to M&I are made, how is the transition to be carried out, given that stakeholders, such as recreation interests and hydropower customers, have developed around existing operations? How should the federal government charge for the M&I storage space provided?<sup>11</sup> Should the federal government credit for return flows (i.e., water not consumed by M&I uses that is returned to a Corps reservoir)? M&I water supply at Corps facilities also is part of several broader water policy questions for Congress. For example, what is the appropriate federal role in municipal water supply? Should that role change if a community's existing water supply is reduced by potential climate change effects, such as extended drought? Do current water resources infrastructure operations, laws, divisions of responsibilities, and institutions reflect the national interest and present challenges? Addressing these questions is complicated by the wide range of opinions on the proper response and the difficulty of enacting any change to how federal facilities are operated, other than incremental change or project-specific measures, because of the many affected constituencies.

## **Author Contact Information**

Nicole T. Carter  
Specialist in Natural Resources Policy  
ncarter@crs.loc.gov, 7-0854

---

<sup>11</sup> Much of the current Corps practice on charging for M&I storage and crediting for lost benefits (e.g., lost hydropower) during reallocations has evolved over decades and is not set out in statute. The current guidance results in a fairly complicated evaluation and is judged by some stakeholders as unsatisfactory (e.g., insufficient credit for lost hydropower to offset cost to purchase replacement power).

SAM AR000223-SAM AR000226

TABLE 10

GEORGIA

Offenses Known to Law Enforcement  
by State by Metropolitan and Nonmetropolitan Counties, 2009

[The data shown in this table do not reflect county totals but are the number of offenses reported by the sheriff's office or county police department.]

| State                 | County                           | Violent<br>Crime | Murder and                   |     | Forcible<br>rape | Robbery | Aggravated<br>assault | Property<br>Crime | Burglary | Larceny-<br>theft | Motor<br>Vehicle<br>Theft | Arson <sup>1</sup> |
|-----------------------|----------------------------------|------------------|------------------------------|-----|------------------|---------|-----------------------|-------------------|----------|-------------------|---------------------------|--------------------|
|                       |                                  |                  | nonnegligent<br>manslaughter |     |                  |         |                       |                   |          |                   |                           |                    |
| Metropolitan Counties | Augusta-Richmond                 | 1,039            | 26                           | 138 | 696              | 179     | 13,925                | 3,587             | 8,712    | 1,626             | 68                        |                    |
|                       | Bartow                           | 190              | 4                            | 19  | 29               | 138     | 2,430                 | 691               | 1,520    | 219               | 0                         |                    |
|                       | Bibb                             | 175              | 4                            | 14  | 44               | 113     | 2,343                 | 675               | 1,464    | 204               | 14                        |                    |
|                       | Brantley                         | 49               | 0                            | 9   | 5                | 35      | 236                   | 148               | 86       | 2                 | 0                         |                    |
|                       | Brooks                           | 68               | 1                            | 0   | 0                | 67      | 294                   | 106               | 146      | 42                | 4                         |                    |
|                       | Butts                            | 72               | 3                            | 12  | 12               | 45      | 522                   | 125               | 333      | 64                | 2                         |                    |
|                       | Carroll                          | 361              | 4                            | 22  | 26               | 309     | 1,460                 | 489               | 833      | 138               | 5                         |                    |
|                       | Catoosa                          | 56               | 1                            | 5   | 7                | 43      | 988                   | 231               | 643      | 114               | 1                         |                    |
|                       | Chatham                          | 0                | 0                            | 0   | 0                | 0       | 0                     | 0                 | 0        | 0                 | 0                         |                    |
|                       | Cherokee                         | 108              | 1                            | 3   | 11               | 93      | 1,521                 | 436               | 1,014    | 71                | 10                        |                    |
|                       | Clarke                           | 0                | 0                            | 0   | 0                | 0       | 0                     | 0                 | 0        | 0                 | 0                         |                    |
|                       | Clayton                          | 0                | 0                            | 0   | 0                | 0       | 0                     | 0                 | 0        | 0                 | 0                         |                    |
|                       | Clayton County Police Department | 1,145            | 17                           | 85  | 485              | 558     | 9,444                 | 4,195             | 3,987    | 1,262             | 22                        |                    |
|                       | Cobb                             | 5                | 0                            | 0   | 0                | 5       | 0                     | 0                 | 0        | 0                 | 0                         |                    |
|                       | Cobb County Police Department    | 1,105            | 19                           | 92  | 418              | 576     | 11,325                | 3,427             | 6,840    | 1,058             | 52                        |                    |
|                       | Columbia                         | 119              | 4                            | 14  | 42               | 59      | 2,269                 | 353               | 1,795    | 121               | 6                         |                    |
|                       | Coweta                           | 89               | 3                            | 11  | 15               | 60      | 1,542                 | 506               | 923      | 113               | 3                         |                    |
|                       | Dade                             | 47               | 0                            | 3   | 3                | 41      | 240                   | 59                | 154      | 27                |                           |                    |
|                       | Dawson                           | 23               | 2                            | 2   | 2                | 17      | 415                   | 108               | 278      | 29                | 5                         |                    |
|                       | DeKalb County Police Department  | 3,578            | 60                           | 158 | 2,178            | 1,182   | 30,026                | 9,511             | 15,982   | 4,533             | 140                       |                    |
|                       | Dougherty                        | 1                | 0                            | 0   | 0                | 1       | 81                    | 7                 | 66       | 8                 | 0                         |                    |
|                       | Douglas                          | 165              | 4                            | 10  | 38               | 113     | 2,079                 | 606               | 1,296    | 177               | 6                         |                    |
|                       | Echols                           | 8                | 0                            | 1   | 1                | 6       | 42                    | 15                | 26       | 1                 | 1                         |                    |
|                       | Fayette                          | 31               | 1                            | 1   | 9                | 20      | 609                   | 195               | 377      | 37                | 3                         |                    |
|                       | Floyd                            | 25               | 0                            | 0   | 0                | 25      | 17                    | 7                 | 10       | 0                 |                           |                    |
|                       | Floyd County Police Department   | 179              | 2                            | 4   | 10               | 163     | 1,160                 | 310               | 746      | 104               |                           |                    |
|                       | Forsyth                          | 86               | 2                            | 17  | 18               | 49      | 1,975                 | 512               | 1,369    | 94                | 3                         |                    |
|                       | Fulton                           | 3                | 0                            | 0   | 0                | 3       | 18                    | 0                 | 17       | 1                 | 0                         |                    |



| State                    | County                            | Murder and nonnegligent manslaughter |                           |      |         |         | Forcible Robbery |       |        | Aggravated Property Crime |    |  | Larceny- Vehicle |  | Arson <sup>1</sup> |
|--------------------------|-----------------------------------|--------------------------------------|---------------------------|------|---------|---------|------------------|-------|--------|---------------------------|----|--|------------------|--|--------------------|
|                          |                                   | Violent Crime                        | nonnegligent manslaughter | rape | Robbery | assault | Burglary         | theft | Theft  |                           |    |  |                  |  |                    |
|                          | Fulton County Police Department   | 653                                  | 10                        | 42   | 280     | 321     | 5,824            | 2,236 | 2,695  | 893                       | 13 |  |                  |  |                    |
|                          | Glynn                             | 0                                    | 0                         | 0    | 0       | 0       | 0                | 0     | 0      | 0                         | 0  |  |                  |  |                    |
|                          | Glynn County Police Department    | 313                                  | 14                        | 16   | 67      | 216     | 2,635            | 610   | 1,921  | 104                       | 5  |  |                  |  |                    |
|                          | Gwinnett County Police Department | 1,978                                | 35                        | 151  | 1,055   | 737     | 18,068           | 5,484 | 10,741 | 1,843                     | 85 |  |                  |  |                    |
|                          | Hall                              | 201                                  | 2                         | 24   | 32      | 143     | 2,617            | 803   | 1,589  | 225                       | 11 |  |                  |  |                    |
|                          | Haralson                          | 89                                   | 0                         | 3    | 2       | 84      | 330              | 72    | 238    | 20                        |    |  |                  |  |                    |
|                          | Heard                             | 19                                   | 0                         | 0    | 2       | 17      | 153              | 46    | 79     | 28                        | 0  |  |                  |  |                    |
|                          | Henry County Police Department    | 248                                  | 3                         | 25   | 85      | 135     | 3,953            | 1,087 | 2,482  | 384                       | 14 |  |                  |  |                    |
|                          | Jasper                            | 13                                   | 0                         | 2    | 1       | 10      | 143              | 58    | 76     | 9                         | 0  |  |                  |  |                    |
|                          | Jones                             | 28                                   | 0                         | 1    | 6       | 21      | 474              | 147   | 286    | 41                        | 2  |  |                  |  |                    |
|                          | Lee                               | 18                                   | 0                         | 1    | 5       | 12      | 456              | 129   | 298    | 29                        | 1  |  |                  |  |                    |
|                          | Liberty                           | 75                                   | 0                         | 8    | 18      | 49      | 513              | 218   | 258    | 37                        |    |  |                  |  |                    |
|                          | Madison                           | 106                                  | 0                         | 5    | 7       | 94      | 510              | 53    | 417    | 40                        | 0  |  |                  |  |                    |
|                          | McDuffie                          | 26                                   | 0                         | 0    | 8       | 18      | 322              | 93    | 192    | 37                        | 0  |  |                  |  |                    |
|                          | McIntosh                          | 62                                   | 0                         | 2    | 6       | 54      | 448              | 155   | 259    | 34                        | 5  |  |                  |  |                    |
|                          | Meriwether                        | 31                                   | 0                         | 3    | 7       | 21      | 351              | 101   | 200    | 50                        | 0  |  |                  |  |                    |
|                          | Monroe                            | 13                                   | 1                         | 3    | 5       | 4       | 357              | 137   | 175    | 45                        |    |  |                  |  |                    |
|                          | Murray                            | 39                                   | 1                         | 5    | 5       | 28      | 699              | 141   | 495    | 63                        | 0  |  |                  |  |                    |
|                          | Newton                            | 299                                  | 7                         | 7    | 26      | 259     | 1,934            | 743   | 989    | 202                       |    |  |                  |  |                    |
|                          | Oglethorpe                        | 50                                   | 1                         | 3    | 4       | 42      | 464              | 145   | 298    | 21                        | 1  |  |                  |  |                    |
|                          | Paulding                          | 189                                  | 0                         | 15   | 20      | 154     | 2,400            | 571   | 1,611  | 218                       | 23 |  |                  |  |                    |
|                          | Pickens                           | 56                                   | 0                         | 7    | 0       | 49      | 389              | 136   | 230    | 23                        | 0  |  |                  |  |                    |
|                          | Pike                              | 9                                    | 2                         | 0    | 2       | 5       | 97               | 33    | 56     | 8                         | 0  |  |                  |  |                    |
|                          | Rockdale                          | 295                                  | 4                         | 11   | 46      | 234     | 2,319            | 623   | 1,496  | 200                       | 7  |  |                  |  |                    |
|                          | Spalding                          | 117                                  | 0                         | 12   | 25      | 80      | 1,281            | 383   | 749    | 149                       | 0  |  |                  |  |                    |
|                          | Walker                            | 254                                  | 0                         | 12   | 5       | 237     | 975              | 352   | 573    | 50                        | 0  |  |                  |  |                    |
|                          | Walton                            | 110                                  | 7                         | 3    | 7       | 93      | 885              | 195   | 581    | 109                       | 2  |  |                  |  |                    |
|                          | Whitfield                         | 203                                  | 0                         | 11   | 10      | 182     | 1,646            | 375   | 1,213  | 58                        | 12 |  |                  |  |                    |
|                          | Worth                             | 5                                    | 1                         | 0    | 2       | 2       | 211              | 69    | 112    | 30                        |    |  |                  |  |                    |
| Nonmetropolitan Counties | Baldwin                           | 337                                  | 2                         | 6    | 14      | 315     | 860              | 332   | 512    | 16                        | 6  |  |                  |  |                    |
|                          | Banks                             | 115                                  | 0                         | 0    | 2       | 113     | 522              | 103   | 364    | 55                        |    |  |                  |  |                    |
|                          | Ben Hill                          | 18                                   | 0                         | 5    | 1       | 12      | 184              | 78    | 91     | 15                        | 0  |  |                  |  |                    |
|                          | Berrien                           | 11                                   | 1                         | 1    | 0       | 9       | 219              | 55    | 157    | 7                         | 1  |  |                  |  |                    |

| State | County                | Violent<br>Crime | Murder and<br>nonnegligent manslaughter |    | Forcible<br>rape |    | Aggravated<br>Robbery |     | Property<br>Crime | Burglary | Larceny-<br>theft | Motor<br>Vehicle<br>Theft | Arson <sup>1</sup> |
|-------|-----------------------|------------------|---|----|------------------|----|-----------------------|-----|-------------------|----------|-------------------|---------------------------|--------------------|
|       |                       |                  |   |    |                  |    |                       |     |                   |          |                   |                           |                    |
|       | Bleckley <sup>2</sup> | 19               | 0                                       | 0  | 0                | 0  | 19                    |     |                   |          | 82                | 5                         | 0                  |
|       | Bulloch               | 32               | 0                                       | 2  | 8                | 22 | 773                   | 275 |                   |          | 430               | 68                        | 1                  |
|       | Calhoun               | 5                | 1                                       | 1  | 1                | 2  | 35                    | 9   |                   |          | 18                | 8                         | 1                  |
|       | Camden                | 43               | 0                                       | 1  | 3                | 39 | 373                   | 96  |                   |          | 263               | 14                        |                    |
|       | Candler               | 6                | 0                                       | 1  | 2                | 3  | 100                   | 28  |                   |          | 62                | 10                        | 0                  |
|       | Charlton              | 9                | 0                                       | 1  | 1                | 7  | 131                   | 47  |                   |          | 73                | 11                        | 1                  |
|       | Chattooga             | 38               | 0                                       | 1  | 1                | 36 | 335                   | 103 |                   |          | 227               | 5                         |                    |
|       | Clinch                | 4                | 0                                       | 1  | 1                | 2  | 42                    | 19  |                   |          | 21                | 2                         | 2                  |
|       | Coffee                | 52               | 1                                       | 8  | 13               | 30 | 694                   | 219 |                   |          | 446               | 29                        |                    |
|       | Cook                  | 40               | 1                                       | 0  | 3                | 36 | 134                   | 35  |                   |          | 87                | 12                        | 0                  |
|       | Crisp                 | 17               | 2                                       | 0  | 0                | 15 | 383                   | 74  |                   |          | 277               | 32                        | 0                  |
|       | Decatur               | 44               | 2                                       | 5  | 5                | 32 | 324                   | 115 |                   |          | 203               | 6                         |                    |
|       | Dodge                 | 23               | 2                                       | 4  | 1                | 16 | 289                   | 101 |                   |          | 164               | 24                        | 5                  |
|       | Dooly                 | 13               | 0                                       | 1  | 0                | 12 | 64                    | 13  |                   |          | 48                | 3                         |                    |
|       | Early                 | 26               | 0                                       | 5  | 3                | 18 | 132                   | 58  |                   |          | 70                | 4                         | 0                  |
|       | Elbert                | 35               | 0                                       | 5  | 3                | 27 | 514                   | 155 |                   |          | 332               | 27                        | 0                  |
|       | Emanuel               | 17               | 1                                       | 0  | 0                | 16 | 294                   | 176 |                   |          | 99                | 19                        | 0                  |
|       | Fannin                | 79               | 1                                       | 5  | 2                | 71 | 459                   | 226 |                   |          | 197               | 36                        | 3                  |
|       | Franklin              | 29               | 2                                       | 3  | 3                | 21 | 377                   | 116 |                   |          | 235               | 26                        |                    |
|       | Gilmer                | 38               | 0                                       | 2  | 0                | 36 | 424                   | 190 |                   |          | 208               | 26                        | 0                  |
|       | Glascock              | 1                | 0                                       | 0  | 0                | 1  | 34                    | 2   |                   |          | 24                | 8                         |                    |
|       | Gordon <sup>2</sup>   |                  | 1                                       | 8  | 6                |    | 730                   | 186 |                   |          | 537               | 7                         | 0                  |
|       | Greene                | 11               | 0                                       | 2  | 1                | 8  | 191                   | 54  |                   |          | 112               | 25                        | 0                  |
|       | Habersham             | 59               | 0                                       | 11 | 1                | 47 | 457                   | 172 |                   |          | 251               | 34                        | 7                  |
|       | Hart                  | 46               | 1                                       | 0  | 4                | 41 | 356                   | 127 |                   |          | 212               | 17                        |                    |
|       | Irwin                 | 13               | 0                                       | 3  | 0                | 10 | 123                   | 40  |                   |          | 75                | 8                         | 0                  |
|       | Jackson               | 42               | 1                                       | 5  | 7                | 29 | 887                   | 274 |                   |          | 569               | 44                        |                    |
|       | Jeff Davis            | 39               | 0                                       | 7  | 0                | 32 | 373                   | 50  |                   |          | 267               | 56                        |                    |
|       | Jefferson             | 26               | 0                                       | 1  | 8                | 17 | 197                   | 89  |                   |          | 89                | 19                        | 0                  |
|       | Johnson               | 18               | 0                                       | 0  | 0                | 18 | 58                    | 32  |                   |          | 17                | 9                         | 0                  |
|       | Laurens               | 51               | 0                                       | 2  | 8                | 41 | 634                   | 176 |                   |          | 372               | 86                        | 1                  |
|       | Lumpkin               | 69               | 1                                       | 4  | 1                | 63 | 492                   | 130 |                   |          | 337               | 25                        |                    |
|       | Macon                 | 0                | 0                                       | 0  | 0                | 0  | 84                    | 40  |                   |          | 35                | 9                         | 0                  |
|       | Morgan                | 13               | 0                                       | 1  | 2                | 10 | 124                   | 37  |                   |          | 59                | 10                        | 0                  |

| State | County                        | Murder and       |                              |                  |         |                       | Property |       |       | Motor            |                    |
|-------|-------------------------------|------------------|------------------------------|------------------|---------|-----------------------|----------|-------|-------|------------------|--------------------|
|       |                               | Violent<br>Crime | nonnegligent<br>manslaughter | Forcible<br>rape | Robbery | Aggravated<br>assault | Burglary | Crime | theft | Vehicle<br>Theft | Arson <sup>1</sup> |
|       | Peach                         | 21               | 2                            | 0                | 4       | 15                    | 310      | 105   | 165   | 40               | 0                  |
|       | Pierce                        | 3                | 0                            | 0                | 0       | 3                     | 228      | 66    | 138   | 24               | 0                  |
|       | Polk                          | 0                | 0                            | 0                | 0       | 0                     | 0        | 0     | 0     | 0                | 0                  |
|       | Polk County Police Department | 85               | 0                            | 11               | 4       | 70                    | 779      | 294   | 413   | 72               | 23                 |
|       | Pulaski                       | 7                | 1                            | 0                | 0       | 6                     | 144      | 51    | 93    | 0                | 0                  |
|       | Rabun                         | 18               | 0                            | 1                | 0       | 17                    | 182      | 56    | 117   | 9                |                    |
|       | Schley                        | 1                | 0                            | 1                | 0       | 0                     | 26       | 14    | 11    | 1                | 0                  |
|       | Seminole                      | 9                | 1                            | 0                | 0       | 8                     | 104      | 26    | 71    | 7                | 0                  |
|       | Stephens                      | 29               | 0                            | 2                | 6       | 21                    | 628      | 137   | 481   | 10               |                    |
|       | Stewart                       | 2                | 0                            | 0                | 0       | 2                     | 5        | 4     | 0     | 1                | 0                  |
|       | Tattnall                      | 17               | 1                            | 0                | 5       | 11                    | 232      | 83    | 127   | 22               | 0                  |
|       | Taylor                        | 2                | 0                            | 0                | 2       | 0                     | 134      | 15    | 115   | 4                |                    |
|       | Telfair                       | 12               | 2                            | 0                | 3       | 7                     | 115      | 46    | 64    | 5                | 1                  |
|       | Thomas                        | 38               | 0                            | 2                | 8       | 28                    | 523      | 203   | 269   | 51               | 6                  |
|       | Tift                          | 116              | 2                            | 9                | 22      | 83                    | 762      | 213   | 500   | 49               | 4                  |
|       | Toombs                        | 22               | 0                            | 4                | 0       | 18                    | 293      | 77    | 185   | 31               | 0                  |
|       | Towns                         | 9                | 0                            | 1                | 1       | 7                     | 157      | 72    | 79    | 6                | 2                  |
|       | Treutlen                      | 3                | 0                            | 0                | 0       | 3                     | 58       | 21    | 35    | 2                |                    |
|       | Troup                         | 41               | 0                            | 1                | 2       | 38                    | 696      | 153   | 480   | 63               |                    |
|       | Turner                        | 8                | 0                            | 1                | 1       | 6                     | 62       | 16    | 43    | 3                |                    |
|       | Upson                         | 23               | 0                            | 0                | 4       | 19                    | 379      | 105   | 260   | 14               | 1                  |
|       | Washington                    | 25               | 0                            | 2                | 5       | 18                    | 219      | 87    | 124   | 8                | 0                  |
|       | White                         | 9                | 0                            | 0                | 1       | 8                     | 333      | 148   | 151   | 34               | 1                  |
|       | Wilkes                        | 4                | 0                            | 0                | 1       | 3                     | 13       | 4     | 8     | 1                | 0                  |
|       | Wilkinson                     | 5                | 0                            | 0                | 0       | 5                     | 73       | 38    | 28    | 7                | 0                  |

<sup>1</sup> The FBI does not publish arson data unless it receives data from either the agency or the state for all 12 months of the calendar year.

<sup>2</sup> The FBI determined that the agency's data were overreported. Consequently, affected data are not included in this table.

SAM AR000227-SAM AR000227



FEDERAL AGENCIES

Offenses Known to Law Enforcement

by State by State, Tribal, and Other Agencies, 2009

| Agency                                    | Unit/Office                           | Violent<br>crime | Murder and                   | Forcible<br>rape | Robbery | Aggravated<br>assault | Property<br>crime | Burglary | Larceny- | Motor            | Arson |
|---|---------------------------------------|------------------|------------------------------|------------------|---------|-----------------------|-------------------|----------|----------|------------------|-------|
|   |                                       |                  | nonnegligent<br>manslaughter |                  |         |                       |                   |          | theft    | vehicle<br>theft |       |
| National Institutes of Health             |                                       | 0                | 0                            | 0                | 0       | 0                     | 111               | 0        | 111      | 0                | 0     |
| United States Department of the Interior: | Bureau of Indian Affairs <sup>1</sup> | 5,650            | 139                          | 882              | 293     | 4,336                 | 16,131            | 4,604    | 9,081    | 2,446            | 856   |
|   | Bureau of Land Management             | 15               | 6                            | 1                | 0       | 8                     | 429               | 15       | 386      | 28               | 46    |
|   | Bureau of Reclamation                 | 0                | 0                            | 0                | 0       | 0                     | 3                 | 0        | 3        | 0                | 0     |
|   | Fish and Wildlife Service             | 20               | 0                            | 2                | 2       | 16                    | 480               | 103      | 316      | 61               | 76    |
|   | National Park Service                 | 307              | 3                            | 34               | 64      | 206                   | 2,858             | 397      | 2,395    | 66               | 83    |

<sup>1</sup> Tribal figures represented throughout Table 11 are included in the aggregated totals listed under the Bureau of Indian Affairs data.

SAM AR000228-SAM AR000229



US Army Corps  
of Engineers  
Mobile District

# News Release

Release No. 09-44

Contacts:

E. Patrick Robbins 251-690-2512

[ervin.p.robbs@usace.army.mil](mailto:ervin.p.robbs@usace.army.mil)

Lisa A. Coghlan 251-690-3320

[lisa.a.coghlan@usace.army.mil](mailto:lisa.a.coghlan@usace.army.mil)

For Immediate Release:  
October 1, 2009

News Release: [www.sam.usace.army.mil/pa/](http://www.sam.usace.army.mil/pa/)

## ***Allatoona Dam and Carters Dam reduced Flood Damages***

**Mobile, Ala. –**, The U.S. Army Corps of Engineers, Mobile District implemented flood control operations at Allatoona Dam and Carters Dam, on Sept. 19, due to significant rainfall and flooding in the Alabama-Coosa-Tallapoosa River (ACT) Basin. Allatoona Dam and Carters Dam operated for one of their primary missions -- flood control. Based on provisional data, a preliminary analysis indicates estimated damages prevented by having the dams would have exceeded \$33 million.

“Inflows into Lake Allatoona on September 21, set the all-time record high. Natural river stages downstream of Allatoona would have exceeded recorded levels without the dam. Below Allatoona Dam on the Etowah River, our initial estimates are that flood stages were reduced 15 1/4-feet at Kingston, Ga., located 26 1/2-miles downstream of Allatoona at the US 411 bridge, ” said Lisa Coghlan, Deputy Public Affairs Officer.

“Further downstream on the Etowah at the City of Rome, our initial estimates are that stages were reduced 27 1/2-feet as measured at the Ga. Loop 1 (Rome By-pass), located 41-miles downstream of Allatoona, and approximately 6 1/2 miles upstream of the confluence of the Etowah and Oostanaula and the formation of the Coosa River. Given these estimates, it is clear the Rome levee would have overtopped without the flood

**--more--**

## **2-2-2-2 Allatoona Dam and Carters Dam reduced Flood Damages**

storage capability of Allatoona Lake,” said Coghlan.

“And finally, 6 1/2 miles below the City of Rome at the Mayos Bar Lock, stages were reduced 14 ½-feet on the Coosa River, located 54 miles downstream of Allatoona Dam,” said Coghlan.

The reason for the nearly 30-feet stage reduction at Rome is due to the highly constricted floodplain in the City of Rome,” said Coghlan. The estimated natural stage at Rome that would have occurred without the dam would have overtopped the Rome levee thus causing significantly more damage than the estimated damages prevented.

“It is important to note, that no dam provides full protection from flooding: even the best flood structure cannot completely eliminate the risk of flooding. Flood risk management is a shared responsibility and partnership among, federal, state, local agencies and landowners,” said Coghlan.

Through a coordinated effort among numerous Mobile Corps District offices and Alabama Power Company, the flood waters are still being managed throughout the Alabama-Coosa-Tallapoosa River Basin. The waters are being released and controlled through the remaining Corps and Alabama Power projects downstream of Allatoona Dam and Carters Dam. Lake Allatoona’s current elevation is near 852.18-feet and is expected to return to approximately elevation 840 by mid-October. Carters Lake is near elevation 1081.60-feet and is forecast to be near elevation 1070.4 by mid-October.



SAM AR000230-SAM AR000232

Table 10

**GEORGIA****Offenses Known to Law Enforcement**

by State by Metropolitan and Nonmetropolitan Counties, 2008

[The data shown in this table do not reflect county totals but are the number of offenses reported by the sheriff's office or county police department.]

| Metropolitan/Nonmetropolitan Counties | County   | Violent<br>crime | Murder and                   |     | Forcible<br>rape | Robbery | Aggravated<br>assault | Property<br>crime | Burglary | Larceny-<br>theft | Motor<br>vehicle<br>theft | Arson <sup>1</sup> |
|---------------------------------------|--|------------------|------------------------------|-----|------------------|---------|-----------------------|-------------------|----------|-------------------|---------------------------|--------------------|
|                                       |  |                  | nonnegligent<br>manslaughter |     |                  |         |                       |                   |          |                   |                           |                    |
| <b>Metropolitan Counties</b>          | Augusta-Richmond                               | 1,124            | 20                           | 143 | 723              | 238     | 13,911                | 3,502             | 8,755    | 1,654             | 184                       |                    |
|                                       | Barrow   | 225              | 2                            | 7   | 10               | 206     | 974                   | 195               | 689      | 90                |                           |                    |
|                                       | Bibb   | 176              | 1                            | 16  | 68               | 91      | 2,487                 | 544               | 1,705    | 238               |                           |                    |
|                                       | Brooks   | 78               | 0                            | 0   | 3                | 75      | 252                   | 61                | 153      | 38                | 0                         |                    |
|                                       | Burke <sup>2</sup>                             |                  | 5                            | 0   | 0                |         | 705                   | 242               | 430      | 33                |                           |                    |
|                                       | Butts  | 61               | 0                            | 10  | 4                | 47      | 769                   | 151               | 542      | 76                |                           |                    |
|                                       | Carroll  | 403              | 1                            | 24  | 21               | 357     | 1,992                 | 615               | 1,178    | 199               |                           |                    |
|                                       | Catoosa  | 74               | 3                            | 4   | 9                | 58      | 1,131                 | 276               | 705      | 150               |                           |                    |
|                                       | Cherokee                                       | 127              | 2                            | 2   | 16               | 107     | 1,605                 | 389               | 1,144    | 72                | 8                         |                    |
|                                       | Clayton County Police Department               | 1,424            | 27                           | 74  | 669              | 654     | 10,067                | 4,023             | 4,602    | 1,442             | 60                        |                    |
|                                       | Cobb   | 3                | 0                            | 1   | 0                | 2       | 0                     | 0                 | 0        | 0                 | 0                         |                    |
|                                       | Cobb County Police Department                  | 1,236            | 18                           | 96  | 555              | 567     | 12,765                | 3,477             | 7,969    | 1,319             | 39                        |                    |
|                                       | Columbia                                       | 93               | 0                            | 21  | 25               | 47      | 2,278                 | 346               | 1,831    | 101               | 8                         |                    |
|                                       | Coweta   | 138              | 4                            | 16  | 32               | 86      | 1,425                 | 382               | 900      | 143               |                           |                    |
|                                       | Crawford                                       | 26               | 0                            | 1   | 0                | 25      | 391                   | 114               | 248      | 29                |                           |                    |
|                                       | Dade <sup>3</sup>                              |                  | 0                            | 1   | 0                |         | 197                   | 59                | 112      | 26                |                           |                    |
|                                       | Dawson   | 19               | 1                            | 4   | 2                | 12      | 409                   | 82                | 290      | 37                | 1                         |                    |
|                                       | DeKalb County Police Department                | 4,600            | 102                          | 180 | 2,933            | 1,385   | 37,343                | 11,461            | 19,336   | 6,546             | 216                       |                    |
|                                       | Dougherty County Police Department             | 21               | 0                            | 0   | 5                | 16      | 511                   | 187               | 279      | 45                |                           |                    |
|                                       | Douglas  | 164              | 1                            | 11  | 47               | 105     | 2,551                 | 753               | 1,537    | 261               | 1                         |                    |
|                                       | Echols   | 11               | 2                            | 0   | 0                | 9       | 47                    | 25                | 18       | 4                 | 0                         |                    |
|                                       | Fayette  | 33               | 1                            | 3   | 8                | 21      | 652                   | 213               | 394      | 45                | 1                         |                    |
|                                       | Floyd  | 18               | 0                            | 0   | 0                | 18      | 6                     | 2                 | 2        | 2                 |                           |                    |
|                                       | Forsyth  | 121              | 5                            | 21  | 23               | 72      | 1,971                 | 503               | 1,332    | 136               | 6                         |                    |
|                                       | Fulton County Police Department                | 904              | 12                           | 55  | 457              | 380     | 7,118                 | 2,545             | 3,405    | 1,168             | 28                        |                    |
|                                       | Gwinnett County Police Department <sup>4</sup> | 1,068            | 33                           | 12  | 726              | 297     | 18,094                | 5,726             | 10,389   | 1,979             | 103                       |                    |
|                                       | Hall   | 236              | 3                            | 29  | 46               | 158     | 2,448                 | 651               | 1,526    | 271               | 17                        |                    |
|                                       | Haralson                                       | 75               | 1                            | 4   | 1                | 69      | 397                   | 112               | 251      | 34                |                           |                    |
|                                       | Heard  | 11               | 0                            | 1   | 0                | 10      | 162                   | 44                | 91       | 27                |                           |                    |
|                                       | Henry County Police Department                 | 309              | 3                            | 13  | 130              | 163     | 4,351                 | 1,035             | 2,865    | 451               | 6                         |                    |
|                                       | Jasper   | 12               | 0                            | 0   | 0                | 12      | 268                   | 101               | 153      | 14                |                           |                    |
|                                       | Jones  | 31               | 1                            | 2   | 5                | 23      | 561                   | 172               | 341      | 48                | 0                         |                    |
|                                       | Lamar  | 34               | 1                            | 1   | 2                | 30      | 226                   | 68                | 136      | 22                |                           |                    |
|                                       | Lanier   | 13               | 0                            | 1   | 0                | 12      | 166                   | 66                | 89       | 11                |                           |                    |
|                                       | Liberty  | 89               | 2                            | 2   | 16               | 69      | 648                   | 242               | 377      | 29                |                           |                    |
|                                       | Long   | 26               | 2                            | 9   | 2                | 13      | 260                   | 119               | 118      | 23                |                           |                    |
|                                       | Lowndes  | 111              | 1                            | 10  | 26               | 74      | 1,154                 | 306               | 794      | 54                |                           |                    |
|                                       | Madison  | 88               | 0                            | 1   | 5                | 82      | 591                   | 82                | 467      | 42                | 6                         |                    |
|                                       | Marion   | 7                | 0                            | 1   | 0                | 6       | 28                    | 6                 | 18       | 4                 | 0                         |                    |

SAM AR000230

| Metropolitan/Nonmetropolitan Counties | County                        | Violent crime |  | nonnegligent manslaughter |    | Forcible rape | Robbery | Aggravated assault |  | Property crime | Burglary | Larceny-theft |  | Motor vehicle theft | Arson <sup>1</sup> |
|---------------------------------------|-------------------------------|---------------|--|---------------------------|----|---------------|---------|--------------------|--|----------------|----------|---------------|--|---------------------|--------------------|
|                                       |                               |               |  |                           |    |               |         |                    |  |                |          |               |  |                     |                    |
|                                       | McDuffie                      | 41            |  | 4                         | 0  |               | 13      | 24                 |  | 350            | 93       | 222           |  | 35                  | 0                  |
|                                       | Murray                        | 45            |  | 0                         | 4  |               | 4       | 37                 |  | 678            | 141      | 477           |  | 60                  |                    |
|                                       | Newton                        | 346           |  | 8                         | 8  |               | 38      | 292                |  | 1,985          | 770      | 992           |  | 223                 |                    |
|                                       | Oglethorpe                    | 48            |  | 1                         | 3  |               | 1       | 43                 |  | 447            | 143      | 274           |  | 30                  | 0                  |
|                                       | Paulding                      | 189           |  | 0                         | 16 |               | 25      | 148                |  | 2,557          | 608      | 1,692         |  | 257                 | 19                 |
|                                       | Rockdale                      | 329           |  | 4                         | 24 |               | 69      | 232                |  | 2,548          | 556      | 1,718         |  | 274                 | 13                 |
|                                       | Spalding                      | 127           |  | 2                         | 11 |               | 16      | 98                 |  | 1,645          | 477      | 1,048         |  | 120                 | 0                  |
|                                       | Terrell                       | 18            |  | 1                         | 1  |               | 0       | 16                 |  | 139            | 58       | 70            |  | 11                  |                    |
|                                       | Twiggs                        | 23            |  | 1                         | 0  |               | 0       | 22                 |  | 201            | 44       | 133           |  | 24                  |                    |
|                                       | Walker                        | 287           |  | 1                         | 7  |               | 9       | 270                |  | 1,120          | 346      | 697           |  | 77                  |                    |
|                                       | Walton                        | 110           |  | 3                         | 9  |               | 17      | 81                 |  | 1,019          | 290      | 596           |  | 133                 |                    |
|                                       | Whitfield                     | 252           |  | 1                         | 11 |               | 14      | 226                |  | 1,737          | 417      | 1,246         |  | 74                  |                    |
| Nonmetropolitan Counties              | Baldwin <sup>3</sup>          |               |  | 0                         | 5  |               | 15      |                    |  | 894            | 305      | 552           |  | 37                  |                    |
|                                       | Banks                         | 129           |  | 0                         | 3  |               | 8       | 118                |  | 707            | 130      | 539           |  | 38                  |                    |
|                                       | Ben Hill                      | 16            |  | 0                         | 3  |               | 1       | 12                 |  | 319            | 68       | 234           |  | 17                  |                    |
|                                       | Bleckley                      | 14            |  | 2                         | 0  |               | 1       | 11                 |  | 99             | 24       | 68            |  | 7                   | 0                  |
|                                       | Bulloch                       | 42            |  | 0                         | 5  |               | 10      | 27                 |  | 783            | 238      | 481           |  | 64                  |                    |
|                                       | Calhoun                       | 4             |  | 0                         | 0  |               | 0       | 4                  |  | 66             | 26       | 34            |  | 6                   | 0                  |
|                                       | Camden <sup>3</sup>           |               |  | 4                         | 1  |               | 6       |                    |  | 495            | 166      | 308           |  | 21                  |                    |
|                                       | Charlton                      | 7             |  | 0                         | 1  |               | 0       | 6                  |  | 100            | 28       | 66            |  | 6                   |                    |
|                                       | Chattooga                     | 46            |  | 0                         | 1  |               | 3       | 42                 |  | 309            | 99       | 201           |  | 9                   |                    |
|                                       | Decatur                       | 41            |  | 2                         | 1  |               | 4       | 34                 |  | 310            | 97       | 197           |  | 16                  |                    |
|                                       | Dodge                         | 9             |  | 0                         | 0  |               | 1       | 8                  |  | 40             | 13       | 23            |  | 4                   |                    |
|                                       | Early                         | 33            |  | 1                         | 4  |               | 3       | 25                 |  | 207            | 56       | 141           |  | 10                  |                    |
|                                       | Evans                         | 4             |  | 0                         | 1  |               | 1       | 2                  |  | 167            | 61       | 80            |  | 26                  |                    |
|                                       | Franklin                      | 27            |  | 0                         | 3  |               | 3       | 21                 |  | 405            | 142      | 205           |  | 58                  |                    |
|                                       | Gordon                        | 46            |  | 0                         | 8  |               | 5       | 33                 |  | 649            | 176      | 440           |  | 33                  |                    |
|                                       | Grady                         | 12            |  | 1                         | 1  |               | 2       | 8                  |  | 184            | 63       | 110           |  | 11                  |                    |
|                                       | Habersham                     | 54            |  | 0                         | 10 |               | 0       | 44                 |  | 512            | 167      | 329           |  | 16                  | 0                  |
|                                       | Hart                          | 77            |  | 2                         | 2  |               | 1       | 72                 |  | 447            | 154      | 270           |  | 23                  |                    |
|                                       | Irwin                         | 7             |  | 0                         | 2  |               | 0       | 5                  |  | 128            | 46       | 67            |  | 15                  | 4                  |
|                                       | Jackson                       | 46            |  | 0                         | 3  |               | 4       | 39                 |  | 1,132          | 289      | 787           |  | 56                  |                    |
|                                       | Jeff Davis                    | 43            |  | 1                         | 3  |               | 1       | 38                 |  | 378            | 53       | 288           |  | 37                  |                    |
|                                       | Jefferson                     | 22            |  | 0                         | 1  |               | 2       | 19                 |  | 188            | 83       | 81            |  | 24                  |                    |
|                                       | Laurens                       | 49            |  | 1                         | 9  |               | 3       | 36                 |  | 598            | 169      | 364           |  | 65                  |                    |
|                                       | Lincoln <sup>2</sup>          | 5             |  | 0                         | 0  |               | 0       | 5                  |  |                | 42       |               |  | 7                   |                    |
|                                       | Lumpkin                       | 49            |  | 0                         | 10 |               | 1       | 38                 |  | 405            | 99       | 285           |  | 21                  |                    |
|                                       | Miller                        | 6             |  | 0                         | 0  |               | 1       | 5                  |  | 59             | 13       | 42            |  | 4                   |                    |
|                                       | Mitchell                      | 41            |  | 1                         | 0  |               | 2       | 38                 |  | 105            | 30       | 70            |  | 5                   | 0                  |
|                                       | Polk County Police Department | 67            |  | 0                         | 6  |               | 11      | 50                 |  | 719            | 253      | 360           |  | 106                 | 11                 |
|                                       | Pulaski                       | 2             |  | 0                         | 0  |               | 0       | 2                  |  | 88             | 31       | 54            |  | 3                   |                    |
|                                       | Putnam                        | 61            |  | 1                         | 0  |               | 1       | 59                 |  | 330            | 123      | 193           |  | 14                  |                    |
|                                       | Rabun                         | 11            |  | 0                         | 1  |               | 2       | 8                  |  | 200            | 45       | 148           |  | 7                   | 0                  |
|                                       | Screven                       | 23            |  | 0                         | 0  |               | 4       | 19                 |  | 130            | 43       | 79            |  | 8                   |                    |

| Metropolitan/Nonmetropolitan Counties | County              | Violent crime                              |         |                       |          | Property crime    |                           | Motor vehicle      |     |    |
|---------------------------------------|---------------------|--|---------|-----------------------|----------|-------------------|---------------------------|--------------------|-----|----|
|                                       |                     | murder and<br>nonnegligent<br>manslaughter | robbery | aggravated<br>assault | burglary | larceny-<br>theft | motor<br>vehicle<br>theft | arson <sup>1</sup> |     |    |
|                                       | Seminole            | 16   | 0       | 2                     | 1        | 13                | 90                        | 28                 | 56  | 6  |
|                                       | Stephens            | 27   | 0       | 2                     | 4        | 21                | 660                       | 97                 | 538 | 25 |
|                                       | Taliaferro          | 2  | 0       | 0                     | 0        | 2                 | 65                        | 37                 | 26  | 2  |
|                                       | Taylor              | 2  | 1       | 0                     | 1        | 0                 | 74                        | 14                 | 55  | 5  |
|                                       | Thomas <sup>2</sup> | 62   | 1       | 4                     | 7        | 50                |                           |                    | 355 | 25 |
|                                       | Tift                | 103  | 2       | 7                     | 18       | 76                | 963                       | 265                | 616 | 82 |
|                                       | Toombs              | 28   | 0       | 1                     | 5        | 22                | 261                       | 91                 | 139 | 31 |
|                                       | Towns               | 11   | 0       | 0                     | 0        | 11                | 170                       | 52                 | 109 | 9  |
|                                       | Treutlen            | 22   | 0       | 0                     | 0        | 22                | 133                       | 27                 | 103 | 3  |
|                                       | Turner              | 9  | 0       | 2                     | 1        | 6                 | 101                       | 21                 | 72  | 8  |
|                                       | Upton               | 55   | 0       | 2                     | 4        | 49                | 409                       | 117                | 278 | 14 |
|                                       | Ware                | 55   | 2       | 10                    | 6        | 37                | 743                       | 176                | 519 | 48 |
|                                       | Washington          | 37   | 1       | 1                     | 4        | 31                | 280                       | 90                 | 183 | 7  |
|                                       | Wheeler             | 1  | 0       | 0                     | 0        | 1                 | 68                        | 22                 | 38  | 8  |
|                                       | White               | 19   | 2       | 1                     | 2        | 14                | 296                       | 111                | 156 | 29 |
|                                       | Wilcox              | 4  | 0       | 0                     | 0        | 4                 | 47                        | 30                 | 14  | 3  |
|                                       | Wilkes              | 1  | 0       | 0                     | 0        | 1                 | 13                        | 5                  | 5   | 3  |

<sup>1</sup> The FBI does not publish arson data unless it receives data from either the agency or the state for all 12 months of the calendar year.

<sup>2</sup> The FBI determined that the agency did not follow national Uniform Crime Reporting (UCR) Program guidelines for reporting an offense. Consequently, this figure is not included in this table.

<sup>3</sup> The FBI determined that the agency's data were overreported. Consequently, those data are not included in this table.

SAM AR000233-SAM AR000233



FEDERAL AGENCIES

Offenses Known to Law Enforcement

by State by State and Other Agency, 2008

| Agency                                    | Unit/Office               | Violent<br>crime | Murder and<br>nonnegligent<br>manslaughter | Forcible<br>rape | Robbery | Aggravated<br>assault | Property<br>crime | Burglary | Larceny-<br>theft | Motor<br>vehicle<br>theft | Arson <sup>1</sup> |
|---|---------------------------|------------------|--|------------------|---------|-----------------------|-------------------|----------|-------------------|---------------------------|--------------------|
| National Institutes of Health             |                           | 0                | 0  | 0                | 0       | 0                     | 122               | 1        | 120               | 1                         | 0                  |
| United States Department of the Interior: | Bureau of Indian Affairs  | 6,212            | 172  | 879              | 296     | 4,865                 | 17,524            | 4,692    | 10,168            | 2,664                     | 1,187              |
|   | Bureau of Land Management | 14               | 2  | 0                | 0       | 12                    | 398               | 15       | 354               | 29                        | 51                 |
|   | Bureau of Reclamation     | 0                | 0  | 0                | 0       | 0                     | 3                 | 0        | 0                 | 3                         | 0                  |
|   | Fish and Wildlife Service | 39               | 6  | 2                | 0       | 31                    | 335               | 88       | 216               | 31                        | 72                 |
|   | National Park Service     | 367              | 5  | 37               | 66      | 259                   | 3,278             | 342      | 2,833             | 103                       | 100                |

<sup>1</sup> The FBI does not publish arson data unless it receives data from either the agency or the state for all 12 months of the calendar year.

SAM AR000234-SAM AR000235

**Austin, Stephen B HQ02**

---

**From:** Hannon, James R MVD  
**Sent:** Friday, December 12, 2008 3:29 PM  
**To:** Baggett, Jimmy D SWF; Cemvd-pd-km MVD; Chapman, William R LRDOR; Domurat, George W SPD; Eakle, Wade L SPD; El-Naggar, Kareem S LRDOR; Enschede, Michael G HQ02; Hannon, James R MVD; Hihara-Endo, Linda M@ POD; Johnson, Michael D NAD; Lang, Lawrence A HQ02; Lau, David A@ POD; Lichte, Thom E@ POD; Monte, Linda B NAD; Murnane, Margaret M HQ02; O'Bryan, Peggy A MVS; Pellicciotto, Elisa D SWD; Premo, Angela Y SAD; Rich, Gayle H@ POD; Rogers, William A NAD; Rux, Lori NWD; Sapp, Shelton B SAD; Schiavoni, Richard F@ POD; Stupplebeen, Helen E@ POD; Whittington, Susan S SAD; CDL-District Operations Chief; DLL-CECW-CO  
**Cc:** Garman, Doug M HQ02  
**Subject:** FW: New Department of Interior Firearm Regulation Is Not Applicable at USACE Projects and Facilities  
**Attachments:** 36cfr327.13.pdf

All,

SUBJECT: NEW DEPARTMENT OF INTERIOR FIREARM REGULATION IS NOT APPLICABLE AT USACE PROJECTS AND FACILITIES

1. The Department of the Interior (DOI) announced on 5 December that it has updated existing DOI regulations governing the possession of firearms in national parks and wildlife refuges. This rule change will take effect in early January and will allow an individual to carry a concealed, loaded and operable weapon in most national parks and wildlife refuges, provided that the person is authorized by state law to carry a concealed weapon in the state in which the national park or refuge is located.

2. DOI regulations do not apply to Corps projects or facilities. This change does not affect application of the Corps Title 36 regulations (36 C.F.R., Chapter III, Part 327, Rules and Regulations Governing Public Use of COE Water Resources Development Projects). 36 C.F.R. § 327.13(a) prohibits the possession of loaded firearms or ammunition on lands and waters administered by the Corps unless one of the exceptions in 36 C.F.R. § 327.13(a)(1)-(4) apply. The full text of 36 C.F.R. § 327.13 is attached and a copy of the complete Title 36 can be viewed on the NRM Gateway at:  
<http://corpslakes.usace.army.mil/employees/visitassist/pdfs/title36.pdf>

3. 36 C.F.R. § 327.13 remains in full force and will continue to prohibit loaded concealed weapons on Corps properties regardless of the new DOI regulation and notwithstanding any contrary provisions of State law. It remains Corps policy that we will not honor state issued concealed weapon permits on our facilities and that District Commanders do not have the discretion under 36 C.F.R. § 327.13(a)(4) to create blanket exceptions to this policy. A change of this nature to the Corps regulations in 36 C.F.R. Part 327, would require following the formal rulemaking procedures under the Administrative Procedures Act (5 U.S.C. §§ 551-706).

4. It is incumbent upon us to communicate and reinforce our firearm regulation with our visitors and partners which may include posting park entrances with "No Firearms" signs IAW Corps sign manual and taking other actions as deemed necessary by the Operations Project Manager. Additional public information about this restriction will be posted on the NRM Gateway website at <http://CorpsLakes.us> in the near future.

5. The POCs for this action are Stephen Austin, Natural Resources Manager, Operations (for Visitor Assistance policy and program administration information), 202-761-4489, [stephen.b.austin@usace.army.mil](mailto:stephen.b.austin@usace.army.mil); and Milt Boyd, Assistant Counsel, Office of Chief Counsel (for regulatory questions on federal lands) at 202-761-8546 [Milton.W.Boyd@usace.army.mil](mailto:Milton.W.Boyd@usace.army.mil).

Thanks,  
Jim Hannon  
Acting Chief, Operations and Regulatory

SAM AR000236-SAM AR000239



ER 1130-2-550  
30 Aug 08  
(Change 4)

## CHAPTER 6

### Visitor Assistance Program

6-1. Purpose. This chapter establishes the policy for providing assistance to visitors at USACE Civil Works water resource projects, under the provisions of Section 234 of the Flood Control Act of 1970, PL 91-611. This Chapter supersedes the 15 Nov 1996 edition of ER 1130-2-550, Chapter 6; EC 1130-2-212, dated 23 Apr 1999; EC 1130-2-213, dated 1 Oct 1999; EC 1130-2-214, dated 22 Apr 2002; and Recreation Policy Letter 97-02, dated 20 May 1997.

6-2. Policy. It is the policy of the U.S. Army Corps of Engineers that:

a. Major Subordinate Commands (MSC) and District Commands are delegated authority to implement the citation authority regulatory provisions at Civil Works installations set forth in PL 91-611. The district commander is responsible for ensuring adequate order, discipline and protection of resources at Corps projects. For the purposes of this regulation, the title park ranger applies to all individuals having visitor assistance responsibilities and/or authorized to have citation authority. The term operations project manager (OPM) includes natural resources manager, lake manager and park manager titles throughout the course of this text for consistency.

b. The protection of facilities or the enforcement of rules shall always be secondary to the safety of Corps personnel, contract employees and visitors. Operations project managers and park rangers shall strive to be visible to the public, primarily to help and assist them, and secondarily, to enforce 36 CFR Chapter III, Part 327 (Title 36). In no case shall this enforcement portray an aggressive law enforcement image.

c. In the acquisition of land at Civil Works installations, the Corps of Engineers obtains proprietary interests only. Individual states and their political subdivisions retain the statutory authority, and inherent responsibility, to enforce state and local laws. State and local agencies establish, regulate and enforce all state and local laws. The role of the park ranger is defined as a regulation enforcer with full citation authority of Title 36. Available enforcement options include visual presence, verbal warnings, written warnings, collateral forfeiture citations and mandatory appearance citations. Available use of force options are limited to verbal persuasion/verbal detention and self defense measures, including unarmed self defense and, where authorized, the use of an approved chemical aerosol spray (Oleoresin Capsicum).

d. The authority of operations project managers and park rangers is limited to the enforcement of rules and regulations as designated in Title 36, and does not extend to arrest authority or the enforcement of state and local laws, including game laws. This authority is applicable to:

- (1) All water areas of any water resource development project administered by the Chief of Engineers, without regard to ownership of underlying land;
- (2) All lands owned in fee by the Federal Government; and
- (3) All facilities of any such water resource development project.

ER 1130-2-550  
30 Aug 08  
(Change 4)

e. Operations project managers and park rangers are employed as natural resource, recreation, environmental, and public relations specialists, and are not law enforcement officers.

(1) They cannot arrest, search or seize individuals or their property in the course of these duties. An operations project manager or park ranger may request visitors to stop but cannot physically detain them.

(2) Corps employees are prohibited from carrying, transporting or using weapons, stun-guns, nightsticks, or other similar equipment normally associated with law enforcement.

(3) Park rangers, and other qualifying employees, may be authorized to carry and use Oleoresin Capsicum (Pepper Spray) for self-defensive purposes as stipulated in Chapter 6 of EP 1130-2-550 and Appendix K. Implementation of this policy is at the option of the Major Subordinate Commander who may delegate this authority to the District Commands.

(4) Corps employees within the Natural Resources Management (NRM) Program may purchase and wear protective body vests at their own discretion and at their own expense, so long as it is discreet, worn inside the clothing, and is in accordance with all uniform guidelines.

(5) The use of light bars, radar guns, speed detectors and chasing vehicles or using hot pursuit techniques against alleged violators, on or off Corps property, is prohibited.

(6) Major Subordinate Commands and District Commands may purchase and authorize the use of tactical utility belts on an optional basis for Corps employees authorized to wear the Natural Resources Management (Park Ranger) uniform. Utility belts must be nylon, black in color and not exceed 2 1/2 inches in width. Any equipment carrying devices placed on the belt must be black, match the style of the utility belt and be approved by the operations project manager. Leather utility belts are not authorized. Utility belts are not furnished under the NRM Uniform Program contract and should be purchased using district or project Operations and Maintenance (O&M) funds.

f. The use of Title 36 citation authority shall be considered one of many tools for use in management of water resource development projects. The lowest level of enforcement shall be used to resolve a problem. Maximum use of oral and written warnings shall be made for minor infractions. Employees with citation authority shall, in order of priority, attempt to resolve the problem by effective communication, verbal warning, written warning, collateral forfeiture citation, and mandatory appearance citation. Normal citation procedures are provided in Chapter 6 of EP 1130-2-550. Alternative management techniques, in addition to the issuance of citations, should be considered in the implementation of the Visitor Assistance Program. A list of alternative management techniques that have proven effective at reducing visitor problems are included in Appendix G of EP 1130-2-550.

g. Natural Resource Management program staff shall receive training in accordance with Chapter 6 of EP 1130-2-550, Appendix E and EP 690-2-2, Career Development Guide for Civil Works Natural Resources Management Team Members. Operations project managers are responsible for ensuring that permanent, seasonal and temporary park rangers with Visitor Assistance responsibilities receive the prescribed training. Temporary employees who perform Visitor Assistance duties and enforce Title 36 must receive the same Visitor Assistance training provided to permanent and seasonal park rangers with similar duties.

ER 1130-2-550  
30 Aug 08  
(Change 4)

h. All personnel with operations project manager, park ranger and/or visitor assistance managerial duties shall normally have citation authority (optional for operations project managers). Authorized personnel will be issued ENG Form 5036-R, Certificate of Authority to Issue Citations, in accordance with Chapter 6 of EP 1130-2-550. A new ENG Form 5036-R and badge must be issued (with a revised date) to employees who transfer to a permanent position in another district to maintain citation authority. Badges are accountable property and must be returned to the appropriate supervisor when the employee leaves the district. A new ENG Form 5036-R and badge are not required for permanent and seasonal employees who transfer within the same district. Districts must revoke ENG Form 5036-R and badge for any employee who leaves employment within the district upon transfer or termination. No individual shall be given authority to issue citations or written warnings without completion of the required training. Corps personnel who violate the policies of this regulation or abuse their authority shall, at a minimum, have their citation authority suspended.

i. It is a federal criminal offense to forcibly assault, resist, oppose, impede, intimidate, interfere with, attempt to kill or kill any civilian official or employee of the Corps of Engineers assigned to perform investigations, inspections, law or regulatory enforcement functions, or field-level real estate functions while in the performance of his/her official duties (18 USC 1114.) Procedures to follow in the event of an assault are identified in Chapter 6 of EP 1130-2-550.

j. Cooperative law enforcement contracts and agreements, as prescribed in Chapter 7 of this regulation, shall be used to the maximum extent practical. Maximum use of local law enforcement services, within resource limitations, shall be made at areas which have a history of excessive violations and during those periods when rangers are not readily available.

k. Corps personnel, while on duty, shall not be deputized by law enforcement agencies. Corps personnel who are deputized or commissioned by any law enforcement agency may not perform the duties of that office on or off Civil Works installations during duty hours or while wearing the Corps uniform. Corps personnel are also prohibited from performing the duties of a deputized or commissioned law enforcement officer on Civil Works installations during their off-duty hours.

l. Personnel performing duties associated with the Visitor Assistance Program will wear the complete uniform as prescribed in Chapter 8 of this regulation including the park ranger badge if citation authority has been granted. A citation authority identification card (ENG Form 4710) or a reduced copy of ENG Form 5036-R, Certificate of Authority to Issue Citations, will be carried while on duty by all persons with designated citation authority. MSC commanders will requisition badges from HQUSACE (CECW-CO-N). Personnel who issue citations while out of uniform will be considered to be working within the scope of their duties, regardless of their on-duty or off-duty status at the time. Any enforcement action taken out of uniform will be reported to the immediate supervisor within 24 hours.

m. Vehicle, radio and equipment requirements shall be in accordance with Chapter 6 of EP 1130-2-550.

n. A public information program, implemented by the operations project manager, shall be maintained to notify and ensure public understanding and support of the Visitor Assistance Program. Title 36 shall be posted on appropriate bulletin boards at Civil Works installations and made available to the public. News releases, interpretive programs, off-site outreach programs and other information systems shall be utilized to inform and educate the public of significant changes in rules and regulations, including project restrictions. As part of the Operational Management Plan (OMP) each project

ER 1130-2-550  
30 Aug 08  
(Change 4)

shall outline a plan of action regarding public relations as a continuation of communications with the public.

o. Preventive vaccination, education and exposure treatment for blood-borne pathogens as governed by EM 385-1-1 and 29 CFR 1910.1030 is highly recommended for park rangers and other personnel with visitor assistance responsibilities, as detailed in Chapter 6 of EP 1130-2-550. Preventive vaccinations, education and exposure treatment will be provided by the Corps at no cost to the employee, and are not a condition of employment.

p. All USACE commands having responsibility for Civil Works functions are authorized to participate in the "Corps Watch" property protection program as stipulated in separate guidance. This program is designed to reduce and deter property damage at Civil Works projects through the use of a national toll-free property protection hotline. Witnesses who provide information leading to the arrest and prosecution of perpetrators may be eligible for a monetary award.

SAM AR000240-SAM AR000250



EP 1130-2-550  
30 Aug 08  
(Change 4)

## CHAPTER 6

### Visitor Assistance Program

6-1. Purpose. This chapter establishes guidance for assistance to visitors at USACE Civil Works water resource development projects. This Chapter supersedes the 15 Nov 1996 edition of EP 1130-2-550, Chapter 6, Appendix E, EC 1130-2-212, dated 23 Apr 1999, EC 1130-2-213, dated 1 Oct 1999, EC 1130-2-214, dated 22 Apr 2002 and Recreation Policy Letter 97-02, dated 20 May 1997.

6-2. Accountability.

a. The implementation of a Visitor Assistance Program in accordance with Chapter 6 of ER 1130-2-550, under provision of Section 234 of the Flood Control Act of 1970, PL 91-611, and this pamphlet will be a major element in job descriptions and shall be addressed in the performance standards for all district staff, operations project managers, and park rangers responsible for the direction or implementation of the program. Operations project managers are responsible for the review and, if necessary, the corrective action for the proper implementation of this chapter for each individual with citation authority with the procedures, criteria and guidelines contained in this pamphlet. For the purposes of this pamphlet, the title park ranger applies to all individuals having visitor assistance responsibilities and/or authorized to have citation authority and the term operations project manager (OPM) will include natural resources manager, lake manager and park manager titles throughout the course of this text for consistency.

b. Each operations project manager shall have frequent, open discussions with park rangers and other team members to foster improved communications that will assist both in understanding this regulation and ensuring consistent local application of its policies.

6-3. Citation Guidelines/Authorization.

a. Personnel authorized to be granted citation authority must work under the direction of the Natural Resources Management (NRM) program and must be issued ENG Form 5036-R, Certificate of Authority to Issue Citations (see Appendix D). To delegate civilian personnel of the U.S. Army Corps of Engineers the authority to issue citations as provided by Section 234 of the Flood Control Act of 1970 (PL 91-611), the MSC or district commander must certify in writing that:

(1) The individual's principal duties relate to recreation or natural resource management, which may include, but not be limited to, duties as a park ranger, manager, forester, wildlife, fisheries biologist, or environmental, biological, or natural resources specialist.

(2) The individual needs citation authority to perform official duties in the most efficient manner.

(3) The individual has the aptitude, temperament, personality, experience, and ability to exercise citation authority properly.

(4) The individual has been adequately trained in citation procedures.

EP 1130-2-550

30 Aug 08

(Change 4)

b. If, after training, individual readiness to meet this criterion remains questionable, citation authority should be withheld or withdrawn.

c. Citation authority should be revoked when an individual fails to meet the provisions of this regulation. A division or district commander may cancel a certificate of authority whenever he/she considers it appropriate, without recitation of reason. Cancellation will be carried out by using ENG Form 5036-1-R, Cancellation of Certificate of Authority to Issue Citations (see Appendix F). The person named on the cancellation certificate shall thereafter have no authority to issue citations.

d. A record of citation authority will be maintained in the district office. A wallet-size citation authority card (ENG Form 4710) or a reduced copy of ENG Form 5036-R, Certificate of Authority to Issue Citations, will be carried while on duty by all persons with citation authority.

e. MSCs and districts will make at least a biennial analysis, by project, of citation data from the Operations and Maintenance Business Information Link (OMBIL) data system. As a rule, the ratio of written warnings to violation notices (citations) should be consistent with the national average of 2/1 or higher. When the ratio is lower than 2/1, an analysis should be done to identify any reasons for variances or problems which may be occurring. A ratio of 3 warnings or more per violation notice is preferred.

f. Project analysis will include a review of ratios of citations to visitation and citations per ranger. Unjustified deviances should be corrected.

g. Written warnings will be prepared in duplicate on ENG Form 4381, Warning Citation. Records of warning citations, either by computer entry or file copy, will be maintained for at least two years.

h. Violation Notices.

(1) Collateral forfeiture citations and mandatory appearance citations will be issued as warranted. The Central Violations Bureau's Violation Notice, will be used for these purposes. Guidance on the use of this form is in AR 190-29. Operations project managers, or his/her representative, shall obtain the forms from the following website: <http://www.cvb.uscourts.gov/vn> or contact the Central Violations Bureau.

(2) Liaison will be maintained with the clerks of District Courts and Central Violations Bureaus (CVB) to determine forfeiture schedules and to arrange administrative details to implement the provisions of PL 91-611. Divisions and districts will make an effort to provide consistency in collateral forfeiture schedules between magistrate districts, Corps districts and, where possible, states.

(3) Liaison will be maintained with local US Magistrates and US Attorney's offices to make arrangements for court appearances and to handle other administrative details. Any specific procedures or instructions issued by local magistrates will be kept on file at project offices and an information copy forwarded to the district office.

(4) Collateral forfeiture, or payment by alleged violators in lieu of appearance, may be made according to the forfeiture schedule approved by the District Court, thus terminating the proceedings against individuals. Corps personnel will not accept or agree to handle such payments. Payments of the scheduled amounts and the related citations are to be sent by the

EP 1130-2-550  
30 Aug 08  
(Change 4)

alleged violators in a preaddressed envelope furnished with the Violation Notice to the appropriate location determined in advance by the CVB. In collateral forfeiture cases, the alleged violator should be advised that the payment must be mailed so as to be received by the appropriate office prior to, and therefore in lieu of, the required appearance date stated on the violation notice.

(5) In cases involving large value losses, such as timber harvesting on government lands or major destruction of government property, the US Attorney should be contacted according to District procedures prior to any action. These cases may be prosecuted as civil or criminal cases in order to recover losses incurred.

(6) Miranda warning is not required in the issuance of Title 36 citations.

(7) In all but unusual circumstances, personnel designated to issue citations will carry out their duties in uniform. Before taking action out of uniform, all of the following will first be considered:

(a) Personnel should summon the aid of a uniformed park ranger or law enforcement officer if possible.

(b) If information such as license numbers, boat numbers, or other identifying facts can be gathered without personal contact, this should be done. Determination can be made later as to the appropriate action.

(c) If the action to be taken in any way creates a threat to the park ranger's safety, no action should be taken.

(d) Any action, including verbal warnings, should be taken only after proper identification has been presented, by displaying the badge, citation authority identification card or other appropriate means.

i. The park ranger should attempt to obtain a signature on the Violation Notice form. If the violator refuses to sign, or if the action in any way threatens the safety of the park ranger, the statement similar to "Defendant Refused to Signed" should be written in the signature block or other action taken as directed by the US Magistrate/Attorney's office.

j. There are many alternative management techniques in addition to the issuance of citations that should be considered in the implementation of the Visitor Assistance Program. A list of alternative management techniques is provided at Appendix G. Experience has proven these considerations effective in reducing visitor problems.

#### 6-4. Training.

##### a. General Requirements.

(1) All Natural Resources Management (NRM) program staff shall receive training in accordance with this section and Appendix E. Major Subordinate/District Commands will ensure that all new permanent, seasonal, and temporary personnel with need for citation authority to enforce Title 36 complete the basic training requirements prior to receiving citation authority and the refresher training requirements to maintain citation authority. District Commanders may grant citation authority for new project employees following successful completion of the Basic

EP 1130-2-550

30 Aug 08

(Change 4)

Visitor Assistance Training Curriculum program.

(2) Operations project managers are responsible for ensuring that permanent, seasonal, and temporary park rangers with visitor assistance responsibilities receive the prescribed training. Temporary employees who perform visitor assistance duties and enforce Title 36 must receive the same visitor assistance training provided to permanent and seasonal park rangers with similar duties. Permanent, seasonal and temporary employees must be properly trained prior to performing visitor assistance activities.

b. Visitor Assistance Training Curriculum. The visitor assistance training curriculum consists of three modules as specified in Appendix E. The curriculum for basic visitor assistance training is described in Module 1. The curriculum for annual refresher visitor assistance training is described in Module 2 and the curriculum for visitor assistance management and policy training is described in Module 3. Tables E-1 and E-4, Appendix E, summarize the Module 1 and Module 2 training requirements.

c. To complement visitor assistance training, and to meet local mission requirements, NRM personnel with visitor assistance responsibilities may be required to take at the district or project level, training on defensive driving, cultural resource protection, historic property protection, cultural diversity, water safety, boat licensing and operation and other training applicable to the position. This training is not mandatory for citation authority. When appropriate, training in a second language other than English is highly recommended.

d. Districts are required to maintain a training database that documents all required visitor assistance training per employee. Documentation for the Basic Visitor Assistance Training Curriculum, Refresher Training Curriculum, Visitor Assistance Management and Policy Course and other related training must include, at a minimum, the employee's name/location, course title, course location/hours, date completed and date citation authority was received. The Civilian Personnel Advisory Center (CPAC), via the Defense Civilian Personnel Data System (DCPDS) will help meet this requirement for all courses 8 hours or longer. Each project must maintain a copy of all visitor assistance training certificates for every employee and, upon an employee's transfer to a new duty station, deliver these records to the individual's new duty location as part of the normal checkout process.

6-5. Liaison and Coordination. The support of the US Magistrate, US Attorney's Office, and local law enforcement agencies is imperative for an effective visitor assistance program.

a. Continuing coordination and liaison will be maintained with Federal, state and local law enforcement, fire and rescue agencies to provide maximum visitor assistance to the public. Annual or biannual coordination meetings, which include visits to projects and participation in training sessions by US Magistrate's, US Attorney's and local law enforcement agencies, are encouraged to further enhance interagency cooperation. Liaison with state, county or local authorities should include regularly scheduled strategic planning meetings to develop mutual plans for monitoring visitor use at water resource development projects.

b. Formal and informal contacts will be made with these agencies to apprise them of the limited authority of the Corps and to help ensure protection of Corps personnel, visitors and property at water resources projects. It must be emphasized to law enforcement agencies that this program does not relieve them of their statutory authority or their responsibility for enforcement of laws under their jurisdiction. Those agencies can only enforce those portions of Title 36 which are incorporated as part of their local statutes.

EP 1130-2-550

30 Aug 08

(Change 4)

c. Maximum use of local law enforcement services will be made at areas which have a history of excessive violations and during those periods when park rangers are not readily available. The use of local law enforcement services and cooperative agreements during hours of darkness will reduce the need for patrols by Corps personnel during this period.

d. Cooperative law enforcement agreements and contracts, as prescribed in Chapter 7 of ER 1130-2-550, Cooperative Agreements for Law Enforcement Services at Civil Works water resources projects, will be used to the maximum extent practical.

e. Corps personnel may ride with, or allow local law enforcement personnel to ride with them, in unique cases to foster interagency cooperation. This will not be normal procedure and will be done only for short-term situations and with specific approval of the operations or resource manager. Each division or district should develop general procedures to promote consistency and establish accountability for these activities.

f. The primary responsibility for daily liaison at the local level rests with the operations or resource manager; however technical assistance will be available from appropriate district and division elements, i.e., Natural Resources Management, Security and Law Enforcement, Counsel, and Safety.

6-6. Surveillance. The District Commander is responsible for ensuring adequate order and discipline at Corps projects.

a. The purpose of surveillance is to observe activities and conditions on project lands and waters in order to assist the visitor and ensure the protection of project resources.

b. Various methods of surveillance techniques such as foot, vehicle, vessel, fixed wing or rotary aircraft should be used as appropriate to ensure a balanced and complete prevention and early detection process. Adequate surveillance of project lands may require that specialized vehicles be available to the ranger staff including, but not limited to, four-wheel drive, bicycles, personal watercraft, or all-terrain-vehicles.

c. Personnel involved in surveillance will exercise discretion and attempt to avoid potentially hazardous situations. In potential or historic trouble areas the use of two individuals per vehicle or dual patrols in close proximity with radio or other telecommunications contact should be given maximum consideration. Employee safety will be a primary consideration in the conduct of these activities.

d. The scheduling of park ranger personnel for surveillance duties will be consistent with staff, funds, and other resource limitations. Schedules should allow for surveillance during peak visitor use, especially during weekends and/or holidays. Night surveillance by park rangers is a district option which may be considered, as necessary, to meet project and Corps objectives and provide adequate visitor security.

e. The use of computer data systems including OMBIL should be encouraged at projects to record citation information and facilitate the availability of information to aid in defining problem areas.



EP 1130-2-550

30 Aug 08

(Change 4)

6-7. Vehicles and Vessels.

a. It is desirable that vehicles used by natural resources management personnel be readily identified by the visiting public. Therefore, as project vehicles are replaced, new vehicles acquired will be a solid white color. Marking of vehicles and vessels will be in accordance with Appendix J and with ER 56-2-1.

b. Vehicle Color.

(1) New vehicles obtained for use by park rangers, and other personnel who are authorized to perform visitor assistance responsibilities will be the vehicle manufacturer's standard white color. This applies to vehicles obtained through the General Services Administration (GSA) and from other sources (i.e. project-owned).

(2) Vehicles obtained through GSA are subject to the Memorandum of Understanding (MOU) between the Interagency Fleet Management System (IFMS), GSA, and the U.S. Army Corps of Engineers, which states in part:

“The IFMS will provide a mix of manufacturer's colors, however, for vehicles used by USACE park ranger /managers for Visitor Assistance responsibilities, the manufacturer's standard white will be provided if available for each specific make and model required.”

(3) During the acquisition process with GSA, managers/district office officials must identify the specific visitor assistance vehicles that require the color white.

(4) New visitor assistance vehicles obtained from any source that are delivered to the project in the wrong color may be painted white by the project receiving the vehicle. Exceptions to this painting requirement will be granted for vehicles that will be used within the district for less than one year.

c. Vehicle Markings.

(1) The Corps communication mark and signature decal will be applied to all visitor assistance vehicles as specified in this section. Placement will be centered on the front left and right doors with exact placement contingent upon location of door handles, mirrors, and door guard/bumper strips. Specifications: small logo version (3 ½-inch black castle on white reflective backing, 7/8-inch Helvetica Medium type face, upper and lower case, black letters for “US Army Corps of Engineers”; 5/8-inch Helvetica Medium type, upper and lower case black letters for “For Official Use Only”; and optional district name (located between “US Army Corps of Engineers” and “For Official Use Only”) with 5/8-inch Helvetica Medium type, upper and lower case black letters (see Appendix J). While white reflective backing is preferred due to its safety properties, reflective black lettering, or plain black lettering on a clear background, is acceptable, provided all vehicles at a project utilize the same style markings.

(2) A “PARK RANGER” decal will be centered above the Corps communication mark and signature on the left and right front doors. Specifications: 2 ½--inch to 3-inch Helvetica Medium type, all capital, black letters on white reflective backing. The word “RANGER” may be substituted for “PARK RANGER” on vehicles with limited space. As an option, white magnetic strips without a legend may be used to cover the “PARK RANGER” decal when the vehicle is

not being used for visitor assistance responsibilities. The strips shall be constructed of a soft,

EP 1130-2-550

30 Aug 08

(Change 4)

thin, pliable material that incorporates the magnetic property.

(3) Magnetic signs may be substituted for "PARK RANGER" decals only in those instances where the visitor assistance vehicle will be used for multiple functions (i.e., maintenance, wildlife management, etc.). Magnetic signs may also be substituted for the Corps Communication Mark and Signature and "PARK RANGER" wording in cases where the vehicle will be used for less than one year.

d. Vessels shall be marked appropriately, however, due to great variation in hull sizes and configurations, and the need for larger size to increase visibility on the water, sizing of legends is not herein specified. All markings, however, shall consist of the Corps Communication Mark and Signature and the legend "PARK RANGER" in comparable proportions to those specifications above for vehicles. The Corps communication mark and signature should be mounted toward the bow of the boat, and the "PARK RANGER" legend aft on the boat's sides.

e. Vehicles and vessels used to perform visitor assistance will be equipped with a spotlight. A fixed spotlight is recommended for vehicles, and should be mounted on the driver's side front door or door column. Handheld or magnetic mount spotlights may be used as an alternative in those situations where it is impossible or impractical to mount the light permanently.

f. Emergency Warning Lights, Sirens and Public Address Systems.

(1) Vehicles will be equipped with emergency sirens and warning lights of a color compliant with applicable state law. Exterior emergency lights are not permissible, except for magnetically mounted ones temporarily placed on a vehicle during emergency use only and placed inside the vehicle at all other times. Emergency lights mounted behind the grill or in the interior portion of the vehicle, which are inconspicuous to the public when not in use, are authorized. In the case of vessels, overhead light bars or masts which hold emergency lights and/or spotlights are authorized.

(2) As a means of further enhancing safety, factory installed headlights/taillights may be converted to a system that allows activation of a flashing/oscillating mode, supplemental to standard emergency lighting.

(3) Emergency lights, warning lights and sirens will be utilized in accordance with applicable state and local laws governing their use and consistent with Visitor Assistance Program policy. The purpose of emergency warning lights and sirens is to facilitate visitor assistance and increase safety, rather than the enforcement of Title 36, and they will not be used for pursuing or chasing violators of Title 36 on or off Corps projects.

(4) District offices will conduct a periodic review of emergency lights and sirens to assure the type, installation, and use is consistent with this pamphlet and other Corps regulations.

(5) Vehicles and vessels will be equipped with a public address system. The equipment will not be visible to the public and will be used with discretion. Exceptions may be made for vessels depending upon the size and design of the hull.

g. All operations project manager and park ranger vehicles will be equipped with, at a minimum, first aid kits (minimum size 16 as defined by ANSI), fire extinguishers (minimum size 10, type B/C), blood-borne pathogen handling kits, rescue throw bags, binoculars, camera, flashlight and personal floatation devices. All vessels will be equipped with the same equipment. In addition, they will also have US Coast Guard and state-required safety

EP 1130-2-550

30 Aug 08

(Change 4)

equipment, marine-use fire extinguishers and/or pumps. Districts and projects may identify and provide additional equipment for manager and park ranger vehicles and vessels.

6-8. Communications.

a. Operations project managers will provide reliable communication equipment in support of natural resources management activities. Authorized communication equipment may include: cellular or satellite phones and multiple frequency programmable scanning radios (fixed and hand held) with local/state law enforcement interface, state wildlife/boating officer interface, appropriate rescue/fire interface, weather channels, and separate frequencies for overlapping projects. Corps base stations may be located off project lands and local law enforcement agency base stations may be placed on Corps property, as necessary, to obtain reliable communications.

b. Operations project managers will determine the most reliable communication system for their project. However, if radios are selected over cellular phones, managers will ensure that the base station is staffed continuously while personnel are on duty in the field. If continuous staffing is impossible, cellular phones should be provided.

c. Park attendants will be provided with either telephone or radio communication systems to enhance both their safety as well as that of visitors. When warranted, park attendants may be issued portable radios and cellular phones.

d. The installation of public telephones at entrance stations, beaches, and other public use areas is encouraged to enhance visitor safety. Where feasible, telephones should permit the caller to contact the operator without payment. A listing of appropriate emergency telephone numbers such as fire, medical, police, rescue, and Corps officials should be posted near the location of public telephones, on bulletin boards, and other appropriate locations.

e. District Commanders will ensure that surveys are conducted periodically to confirm that reliable communication equipment is available to personnel, is located in vehicles and vessels, and is in serviceable condition.

6-9. Juveniles. Juveniles can be cited for Title 36 violations. Each Magistrate may determine if he/she will hear cases against juveniles. The US Attorney for each district should contact the Magistrate for coordination on this matter. A "juvenile" is defined by 18 USC 5031 as a person who has not attained his/her eighteenth birthday. The US Attorney will be able to furnish the minimum age at which juveniles become accountable for their actions and be issued citations for violations.

6-10. Uncooperative Violators. If an individual is uncooperative and refuses to accept a citation, the citing official should not press the issue. The citing of violators will, in all cases, remain secondary to the safety of the public and Corps personnel. In difficult situations, citing officials should request the assistance from local, county or state law enforcement agencies. Surveillance procedures (without personal contact) can be used for the purposes of identifying the alleged violator, such as recording the vehicle license plate number and description, taking photographs of the violation, and obtaining statements of witnesses. No Magistrate can issue a summons or a warrant for arrest/appearance without sufficient evidence.

EP 1130-2-550

30 Aug 08

(Change 4)

6-11. Appearance Before US Magistrate.

a. In addition to the normal citation procedures, the statement of probable cause on the back of DD Form 1805 will be prepared and signed by the citing official. Such complaints will set out the pertinent details of the offense and names of witnesses, if any.

b. Citing officials will appear before the US Magistrate along with witnesses who agree to appear. Visitor Assistance courses, discussions with the US Attorney and on-the-job training will include the proper procedures to be followed when making an appearance before a Magistrate. Personnel will appear in court, dressed in complete uniform as prescribed in Chapter 8 of ER 1130-2-550 and/or at the preference of the US Attorney or the US Magistrate. Demeanor should be polite and conversation succinct, with fully descriptive answers given to questions.

c. In instances where alleged violators fail to appear as directed, the Magistrate may cause a summons or warrant for arrest and appearance to be issued. Service of summons or warrants for arrest and appearance are the responsibility of the US Marshals. If the Magistrate requests that a Corps representative serve a summons to a violator, the individual will respectfully decline and advise the Magistrate that this action is outside the scope of his/her authority.

6-12. Issuance of Citations Off Project Lands. One of the following methods will be used when it is necessary to issue a citation off project lands:

a. By certified or registered mail.

b. Presented while in the company of a local or state law enforcement officer.

c. Delivered by, or in the company of, a Federal law enforcement officer.

d. Personally delivered by the citation official. This should be done only when it has been determined that no personal danger exists and after specific approval of the operations project manager has been received.

6-13. Legal Protection.

a. Federal law provides an immunity against lawsuits for employees acting within the scope of their employment. By virtue of this immunity, individuals who, in performing assigned duties, cause unintentional injury/harm to others are not considered personally liable. For this reason, lawsuits against individuals are rare. More frequent are claims filed against the US Government as the entity responsible for the actions of subordinates while on duty.

b. Although lawsuits against individuals are rare, there are exceptions. An individual may be sued personally without the benefit of government mitigation when there is proof that he/she was:

(1) acting beyond the scope of assigned duties;

(2) intentionally causing harm to another by assault, battery, slander, etc.; or

EP 1130-2-550

30 Aug 08

(Change 4)

(3) violating another person's constitutional rights by detainment or by conducting a search and/or a seizure of personal property.

6-14. Assault on Corps of Engineers Civilian Personnel.

a. If an assault occurs, the Corps individual should immediately attempt to remove themselves from the situation. If this is impossible, the individual should act to ensure personal safety and stop the assault, if possible. In no case, will Corps personnel go beyond the limits of what is absolutely necessary to establish and maintain control of the situation.

b. When an assault or other crime has occurred, several actions should be simultaneously initiated.

(1) Seek and secure medical help for the victim(s) as needed.

(2) Notify local or state law enforcement authorities immediately and request assistance as needed. Release all evidence to law enforcement officials upon their arrival to the incident scene.

(3) Ensure the incident scene and any evidence are not disturbed until arrival of law enforcement authorities. Protecting the integrity of the scene may involve halting traffic or interrupting other activities through the incident scene.

(4) Identify as thoroughly as possible all those involved in the incident as well as witnesses. Obtain name, license plate number and description of the assailant(s) and witnesses when possible.

(5) Notify the supervisor of the victim immediately and request assistance, if appropriate. Victim's supervisor should promptly report the incident to the district operations chief who will notify the security and law enforcement office and the district Office of Counsel.

c. From this point, the action chain and all coordination will be handled by the security and law enforcement office who will contact the United States Army Criminal Investigation Command, HQUSACE and the U.S. Attorney.

d. Office of Counsel will monitor the prosecution of any case.

6-15. Reports. Statistical data on issued citations will be reported in OMBIL. Serious Incident Reports for incidents including, but not limited to, death, major fires and natural disasters, should be forwarded through the district and MSC offices to HQUSACE CEPM (Provost Marshal), with copy furnished to CECW-CON. Maximum use of the electronic Serious Incident Reporting (SIR) system through ENGLink is encouraged.

6-16. Safety and Occupational Health.

a. Permanent and temporary park rangers and other personnel with visitor assistance responsibilities have been determined to be at a reasonable risk of exposure to blood-borne pathogens and other infectious material and must be provided the following as a minimum:

EP 1130-2-550

30 Aug 08

(Change 4)

(1) Hepatitis B vaccination must be made available (at the employee's discretion) to all park rangers and other employees performing visitor assistance responsibilities. Since current vaccination protocol for Hepatitis B requires three inoculations over a six-month period, it is imperative that new temporary employees (i.e., summer help) receive their first shot as soon as possible following selection.

(2) Appropriate personal protective equipment shall be provided at no cost to the employee. Equipment may consist of, but not be limited to, gloves, gowns, laboratory coats, face shields or masks, eye protection, mouthpieces, resuscitation bags, personal floatation devices, pocket masks or other ventilation devices.

(3) Blood-borne pathogen training of USACE employees will comply with OSHA requirements.

b. Unvaccinated individuals that have rendered aid or otherwise may have possibly been exposed to blood or other potentially infectious material shall be offered Hepatitis B Immune Globulin (HBIG) and Hepatitis B vaccine. The treatment shall be offered within 7 days and after the employee has had a consultation with a health care provider familiar with the exposure scenario and Hepatitis B. Three and six months after the exposure, employees who choose to receive the HBIG and vaccine, shall obtain the follow up vaccinations for Hepatitis B.

c. Appropriate Exposure/Post Exposure Plans shall be developed to address the above requirements. All exposures or potential exposures by either vaccinated or unvaccinated individuals must be reported to the district Safety and Occupational Health office and/or health unit as soon as possible.

d. In accordance with EM 385-1-1, permanent and temporary park rangers, in conjunction with their supervisors, shall prepare Position Hazard Analysis to identify risks and to institute controls for their jobs.



SAM AR000251-SAM AR000251



US Army Corps  
of Engineers  
Mobile District

# News Release

Release No. 08-22

Contacts: E. Patrick Robbins 251-690-2512  
[ervin.p.robbs@sam.usace.army.mil](mailto:ervin.p.robbs@sam.usace.army.mil)

For Immediate Release:  
May 15, 2008

Lisa Coghlan 251-690-2505  
[lisa.a.coghlan@sam.usace.army.mil](mailto:lisa.a.coghlan@sam.usace.army.mil)

News Release: [www.sam.usace.army.mil/pa/](http://www.sam.usace.army.mil/pa/)

## **New Georgia Gun Bill does not affect Corps Lakes**

**Mobile, Ala.** – The U.S. Army Corps of Engineers, Mobile District, announces that the new Georgia Gun Bill signed into law by the Governor this week does not apply to Corps managed lakes and lands in Georgia.

“This clarification was prompted by several inquiries received by the Corps concerning the law and media reports about the law's application to parks” said E. Patrick Robbins, Public Affairs Officer, Mobile District.

Corps managed property is regulated by the Code of Federal Regulations, Title 36, part 327. Regulations governing possession of firearms specify that possession of loaded firearms, ammunition or loaded projectile firing devices is prohibited unless in the possession of federal, state or local law enforcement officers or when being used in compliance with hunting regulations. Consequently state carry permits issued to non law enforcement officers are not valid on Corps property.

The Corps Regulation section number 327.13 may be viewed at [http://www.access.gpo.gov/nara/cfr/waisidx\\_01/36cfr327\\_01.html](http://www.access.gpo.gov/nara/cfr/waisidx_01/36cfr327_01.html)

SAM AR000252-SAM AR000255

## Table 10

# GEORGIA

## Offenses Known to Law Enforcement

### by State by Metropolitan and Nonmetropolitan Counties, 2007

**[The data shown in this table do not reflect county totals but are the number of offenses reported by the sheriff's office or county police department.]**

| Metropolitan/Nonmetropolitan Counties | County                             | Violent<br>crime | Murder and                   |                  | Robbery | Aggravated<br>assault | Property<br>crime | Burglary | Larceny-<br>theft | Motor<br>vehicle |                    |
|---------------------------------------|------------------------------------|------------------|------------------------------|------------------|---------|-----------------------|-------------------|----------|-------------------|------------------|--------------------|
|                                       |                                    |                  | nonnegligent<br>manslaughter | Forcible<br>rape |         |                       |                   |          |                   | theft            | Arson <sup>1</sup> |
| Metropolitan Counties                 | Augusta-Richmond                   | 1,007            | 24                           | 128              | 670     | 185                   | 13,618            | 2,878    | 8,956             | 1,784            | 132                |
|                                       | Barrow                             | 219              | 3                            | 6                | 3       | 207                   | 879               | 134      | 638               | 107              |                    |
|                                       | Bartow                             | 248              | 0                            | 17               | 27      | 204                   | 3,028             | 815      | 1,880             | 333              |                    |
|                                       | Bibb                               | 149              | 7                            | 11               | 49      | 82                    | 2,042             | 471      | 1,359             | 212              |                    |
|                                       | Brantley                           | 28               | 1                            | 2                | 1       | 24                    | 308               | 116      | 155               | 37               | 1                  |
|                                       | Brooks                             | 84               | 1                            | 0                | 5       | 78                    | 376               | 134      | 200               | 42               | 4                  |
|                                       | Bryan                              | 11               | 0                            | 2                | 3       | 6                     | 244               | 53       | 167               | 24               |                    |
|                                       | Catoosa                            | 80               | 2                            | 9                | 9       | 60                    | 1,128             | 225      | 749               | 154              |                    |
|                                       | Cherokee                           | 87               | 0                            | 1                | 8       | 78                    | 1,514             | 416      | 1,007             | 91               | 2                  |
|                                       | Clarke                             | 0                | 0                            | 0                | 0       | 0                     | 0                 | 0        | 0                 | 0                | 0                  |
|                                       | Clayton County Police Department   | 1,366            | 35                           | 77               | 605     | 649                   | 8,736             | 3,241    | 3,897             | 1,598            | 57                 |
|                                       | Cobb                               | 6                | 0                            | 0                | 0       | 6                     | 0                 | 0        | 0                 | 0                | 0                  |
|                                       | Cobb County Police Department      | 1,402            | 24                           | 97               | 624     | 657                   | 12,466            | 3,118    | 7,744             | 1,604            | 37                 |
|                                       | Coweta                             | 78               | 0                            | 7                | 22      | 49                    | 1,183             | 311      | 734               | 138              | 10                 |
|                                       | Crawford                           | 21               | 0                            | 0                | 3       | 18                    | 305               | 103      | 169               | 33               |                    |
|                                       | Dade                               | 19               | 0                            | 2                | 1       | 16                    | 191               | 54       | 113               | 24               |                    |
|                                       | Dawson                             | 19               | 0                            | 1                | 2       | 16                    | 469               | 96       | 316               | 57               | 1                  |
|                                       | DeKalb County Police Department    | 4,644            | 108                          | 169              | 2,804   | 1,563                 | 34,755            | 10,069   | 17,902            | 6,784            | 204                |
|                                       | Dougherty                          | 0                | 0                            | 0                | 0       | 0                     | 66                | 8        | 47                | 11               | 0                  |
|                                       | Dougherty County Police Department | 32               | 0                            | 3                | 13      | 16                    | 519               | 195      | 268               | 56               | 0                  |
|                                       | Douglas                            | 179              | 6                            | 9                | 51      | 113                   | 2,394             | 660      | 1,424             | 310              | 8                  |
|                                       | Echols                             | 11               | 0                            | 0                | 1       | 10                    | 42                | 27       | 9                 | 6                |                    |
|                                       | Effingham <sup>2</sup>             | 50               | 0                            | 0                | 0       | 50                    |                   | 108      |                   | 32               |                    |
|                                       | Fayette                            | 33               | 2                            | 4                | 10      | 17                    | 570               | 148      | 362               | 60               | 2                  |
|                                       | Floyd                              | 11               | 0                            | 0                | 1       | 10                    | 2                 | 1        | 1                 | 0                |                    |
|                                       | Floyd County Police Department     | 143              | 2                            | 6                | 6       | 129                   | 1,360             | 296      | 958               | 106              |                    |
|                                       | Forsyth                            | 121              | 0                            | 16               | 28      | 77                    | 2,043             | 451      | 1,502             | 90               | 9                  |
|                                       | Fulton                             | 9                | 0                            | 0                | 0       | 9                     | 17                | 0        | 16                | 1                |                    |
|                                       | Fulton County Police Department    | 909              | 20                           | 49               | 387     | 453                   | 7,307             | 2,579    | 3,572             | 1,156            | 17                 |
|                                       | Glynn County Police Department     | 265              | 10                           | 10               | 53      | 192                   | 2,525             | 501      | 1,880             | 144              |                    |
|                                       | Gwinnett County Police Department  | 1,945            | 36                           | 73               | 1,111   | 725                   | 18,730            | 5,501    | 10,848            | 2,381            | 123                |

SAM AR000252

| Metropolitan/Nonmetropolitan Counties | County                         | Violent<br>crime | Murder and                   |    | Forcible<br>rape | Robbery | Aggravated<br>assault | Property<br>crime | Burglary | Larceny-<br>theft | Motor<br>vehicle<br>theft | Arson <sup>1</sup> |
|---------------------------------------|--------------------------------|------------------|------------------------------|----|------------------|---------|-----------------------|-------------------|----------|-------------------|---------------------------|--------------------|
|                                       |                                |                  | nonnegligent<br>manslaughter |    |                  |         |                       |                   |          |                   |                           |                    |
| Metropolitan/Nonmetropolitan Counties | Hall                           | 225              | 2                            | 19 | 44               | 160     | 2,702                 | 683               | 1,623    | 396               | 11                        |                    |
|                                       | Harris                         | 2                | 0                            | 0  | 0                | 2       | 313                   | 67                | 213      | 33                | 0                         |                    |
|                                       | Heard                          | 17               | 0                            | 0  | 0                | 17      | 183                   | 54                | 104      | 25                |                           |                    |
|                                       | Henry                          | 0                | 0                            | 0  | 0                | 0       | 0                     | 0                 | 0        | 0                 | 0                         |                    |
|                                       | Henry County Police Department | 323              | 2                            | 11 | 134              | 176     | 3,022                 | 881               | 1,777    | 364               | 1                         |                    |
|                                       | Houston                        | 138              | 0                            | 9  | 10               | 119     | 981                   | 241               | 666      | 74                |                           |                    |
|                                       | Jasper                         | 10               | 0                            | 2  | 1                | 7       | 186                   | 64                | 110      | 12                |                           |                    |
|                                       | Jones                          | 23               | 1                            | 0  | 4                | 18      | 487                   | 143               | 289      | 55                | 0                         |                    |
|                                       | Lamar <sup>3</sup>             |                  | 0                            | 4  | 2                |         | 279                   | 80                | 179      | 20                | 1                         |                    |
|                                       | Lanier                         | 46               | 0                            | 1  | 0                | 45      | 78                    | 22                | 48       | 8                 |                           |                    |
|                                       | Lee                            | 22               | 0                            | 2  | 3                | 17      | 489                   | 130               | 336      | 23                |                           |                    |
|                                       | Liberty                        | 51               | 1                            | 6  | 12               | 32      | 557                   | 144               | 391      | 22                |                           |                    |
|                                       | Long                           | 18               | 0                            | 4  | 0                | 14      | 162                   | 63                | 89       | 10                | 3                         |                    |
|                                       | Lowndes                        | 114              | 0                            | 15 | 21               | 78      | 1,080                 | 280               | 757      | 43                |                           |                    |
|                                       | Madison                        | 76               | 2                            | 5  | 4                | 65      | 530                   | 74                | 413      | 43                |                           |                    |
|                                       | Marion                         | 8                | 0                            | 2  | 1                | 5       | 34                    | 1                 | 27       | 6                 | 0                         |                    |
|                                       | McDuffie                       | 17               | 0                            | 2  | 5                | 10      | 307                   | 71                | 195      | 41                | 0                         |                    |
|                                       | Meriwether                     | 31               | 0                            | 1  | 6                | 24      | 426                   | 114               | 252      | 60                |                           |                    |
|                                       | Monroe                         | 24               | 0                            | 6  | 3                | 15      | 344                   | 94                | 212      | 38                | 2                         |                    |
|                                       | Murray                         | 56               | 0                            | 8  | 3                | 45      | 792                   | 182               | 528      | 82                |                           |                    |
|                                       | Newton                         | 336              | 7                            | 5  | 31               | 293     | 1,581                 | 606               | 765      | 210               |                           |                    |
|                                       | Oglethorpe                     | 51               | 1                            | 0  | 3                | 47      | 355                   | 110               | 215      | 30                |                           |                    |
|                                       | Paulding                       | 191              | 2                            | 16 | 25               | 148     | 2,341                 | 611               | 1,469    | 261               | 31                        |                    |
|                                       | Pickens                        | 72               | 0                            | 6  | 1                | 65      | 357                   | 66                | 248      | 43                |                           |                    |
|                                       | Pike                           | 3                | 0                            | 0  | 0                | 3       | 260                   | 72                | 168      | 20                | 0                         |                    |
|                                       | Rockdale                       | 293              | 1                            | 8  | 53               | 231     | 2,064                 | 536               | 1,290    | 238               | 14                        |                    |
|                                       | Spalding                       | 154              | 4                            | 14 | 24               | 112     | 1,681                 | 437               | 1,112    | 132               | 0                         |                    |
|                                       | Twiggs                         | 31               | 0                            | 1  | 2                | 28      | 169                   | 33                | 128      | 8                 |                           |                    |
|                                       | Walker                         | 247              | 0                            | 3  | 8                | 236     | 1,184                 | 332               | 790      | 62                | 11                        |                    |
|                                       | Walton <sup>3</sup>            |                  | 0                            | 5  | 3                |         | 785                   | 271               | 445      | 69                |                           |                    |
|                                       | Whitfield                      | 260              | 0                            | 11 | 10               | 239     | 1,835                 | 456               | 1,251    | 128               |                           |                    |
|                                       | Worth                          | 5                | 1                            | 0  | 0                | 4       | 147                   | 56                | 74       | 17                |                           |                    |
| Nonmetropolitan Counties              | Baldwin                        | 147              | 1                            | 8  | 8                | 130     | 951                   | 262               | 650      | 39                |                           |                    |
|                                       | Banks                          | 100              | 1                            | 2  | 3                | 94      | 770                   | 103               | 610      | 57                |                           |                    |
|                                       | Berrien                        | 19               | 1                            | 2  | 1                | 15      | 232                   | 80                | 140      | 12                | 0                         |                    |
|                                       | Bleckley                       | 13               | 0                            | 2  | 0                | 11      | 99                    | 18                | 64       | 17                | 0                         |                    |

| Metropolitan/Nonmetropolitan Counties | County                           | Violent<br>crime | Murder and<br>nonnegligent manslaughter |    | Forcible<br>rape | Robbery | Aggravated<br>assault | Property<br>crime | Burglary | Larceny-<br>theft | Motor<br>vehicle<br>theft | Arson <sup>1</sup> |
|---------------------------------------|----------------------------------|------------------|---|----|------------------|---------|-----------------------|-------------------|----------|-------------------|---------------------------|--------------------|
|                                       |                                  |                  |   |    |                  |         |                       |                   |          |                   |                           |                    |
|                                       | Bulloch                          | 45               | 0                                       | 1  | 14               | 30      | 778                   | 244               | 473      | 61                |                           |                    |
|                                       | Calhoun                          | 8                | 0                                       | 2  | 0                | 6       | 35                    | 12                | 17       | 6                 |                           |                    |
|                                       | Camden                           | 26               | 0                                       | 0  | 4                | 22      | 409                   | 127               | 248      | 34                |                           |                    |
|                                       | Candler                          | 0                | 0                                       | 0  | 0                | 0       | 89                    | 32                | 56       | 1                 | 0                         |                    |
|                                       | Charlton                         | 6                | 1                                       | 0  | 0                | 5       | 118                   | 26                | 78       | 14                |                           |                    |
|                                       | Clay                             | 6                | 0                                       | 0  | 0                | 6       | 2                     | 0                 | 2        | 0                 | 0                         |                    |
|                                       | Clinch                           | 11               | 0                                       | 1  | 3                | 7       | 77                    | 21                | 51       | 5                 | 1                         |                    |
|                                       | Coffee                           | 76               | 2                                       | 10 | 6                | 58      | 812                   | 260               | 527      | 25                | 4                         |                    |
|                                       | Cook                             | 20               | 1                                       | 0  | 3                | 16      | 100                   | 22                | 75       | 3                 | 0                         |                    |
|                                       | Crisp                            | 9                | 0                                       | 0  | 0                | 9       | 417                   | 81                | 304      | 32                |                           |                    |
|                                       | Decatur                          | 34               | 0                                       | 6  | 9                | 19      | 346                   | 102               | 222      | 22                |                           |                    |
|                                       | Dodge                            | 9                | 0                                       | 1  | 1                | 7       | 50                    | 15                | 34       | 1                 |                           |                    |
|                                       | Dooley                           | 14               | 0                                       | 0  | 2                | 12      | 65                    | 11                | 49       | 5                 | 0                         |                    |
|                                       | Early                            | 57               | 1                                       | 2  | 11               | 43      | 203                   | 60                | 135      | 8                 |                           |                    |
|                                       | Emanuel                          | 17               | 0                                       | 2  | 7                | 8       | 366                   | 179               | 151      | 36                |                           |                    |
|                                       | Fannin                           | 9                | 0                                       | 1  | 1                | 7       | 151                   | 73                | 76       | 2                 |                           |                    |
|                                       | Franklin                         | 22               | 2                                       | 1  | 3                | 16      | 259                   | 106               | 127      | 26                |                           |                    |
|                                       | Gordon                           | 43               | 0                                       | 4  | 2                | 37      | 557                   | 137               | 392      | 28                |                           |                    |
|                                       | Grady                            | 23               | 2                                       | 1  | 6                | 14      | 166                   | 82                | 70       | 14                |                           |                    |
|                                       | Greene                           | 18               | 0                                       | 2  | 3                | 13      | 185                   | 51                | 125      | 9                 |                           |                    |
|                                       | Habersham                        | 37               | 1                                       | 4  | 1                | 31      | 381                   | 100               | 260      | 21                | 0                         |                    |
|                                       | Hancock                          | 13               | 0                                       | 0  | 1                | 12      | 141                   | 42                | 70       | 29                |                           |                    |
|                                       | Hancock County Police Department | 0                | 0                                       | 0  | 0                | 0       | 0                     | 0                 | 0        | 0                 | 0                         |                    |
|                                       | Hart                             | 55               | 1                                       | 1  | 5                | 48      | 316                   | 95                | 196      | 25                |                           |                    |
|                                       | Irwin                            | 3                | 0                                       | 1  | 0                | 2       | 115                   | 27                | 65       | 23                | 2                         |                    |
|                                       | Jackson                          | 52               | 0                                       | 4  | 2                | 46      | 872                   | 217               | 607      | 48                |                           |                    |
|                                       | Jeff Davis                       | 24               | 0                                       | 1  | 1                | 22      | 374                   | 68                | 276      | 30                | 1                         |                    |
|                                       | Johnson                          | 29               | 0                                       | 0  | 1                | 28      | 67                    | 32                | 29       | 6                 | 0                         |                    |
|                                       | Laurens                          | 49               | 0                                       | 2  | 6                | 41      | 668                   | 195               | 409      | 64                | 1                         |                    |
|                                       | Lincoln                          | 9                | 0                                       | 0  | 2                | 7       | 97                    | 33                | 52       | 12                |                           |                    |
|                                       | Lumpkin                          | 36               | 0                                       | 4  | 0                | 32      | 411                   | 103               | 260      | 48                |                           |                    |
|                                       | Macon                            | 2                | 0                                       | 0  | 1                | 1       | 69                    | 24                | 39       | 6                 |                           |                    |
|                                       | Mitchell                         | 55               | 0                                       | 2  | 3                | 50      | 163                   | 32                | 125      | 6                 |                           |                    |
|                                       | Peach                            | 26               | 0                                       | 1  | 7                | 18      | 309                   | 85                | 180      | 44                | 0                         |                    |
|                                       | Polk                             | 0                | 0                                       | 0  | 0                | 0       | 0                     | 0                 | 0        | 0                 | 0                         |                    |
|                                       | Polk County Police Department    | 102              | 3                                       | 3  | 10               | 86      | 890                   | 317               | 457      | 116               |                           |                    |
|                                       | Putnam                           | 57               | 0                                       | 1  | 6                | 50      | 315                   | 108               | 192      | 15                |                           |                    |



| Metropolitan/Nonmetropolitan Counties | County     | Violent<br>crime | Murder and                   | Forcible<br>rape | Robbery | Aggravated<br>assault | Property<br>crime | Burglary | Larceny-<br>theft | Motor<br>vehicle<br>theft | Arson <sup>1</sup> |
|---------------------------------------|------------|------------------|------------------------------|------------------|---------|-----------------------|-------------------|----------|-------------------|---------------------------|--------------------|
|                                       |            |                  | nonnegligent<br>manslaughter |                  |         |                       |                   |          |                   |                           |                    |
|                                       | Rabun      | 17               | 0                            | 7                | 0       | 10                    | 234               | 61       | 159               | 14                        | 1                  |
|                                       | Seminole   | 14               | 0                            | 1                | 0       | 13                    | 62                | 28       | 29                | 5                         | 0                  |
|                                       | Stephens   | 45               | 0                            | 3                | 2       | 40                    | 413               | 85       | 286               | 42                        |                    |
|                                       | Stewart    | 3                | 0                            | 0                | 1       | 2                     | 22                | 4        | 11                | 7                         | 0                  |
|                                       | Tattnall   | 9                | 0                            | 0                | 3       | 6                     | 197               | 73       | 109               | 15                        | 0                  |
|                                       | Taylor     | 0                | 0                            | 0                | 0       | 0                     | 56                | 33       | 12                | 11                        | 0                  |
|                                       | Thomas     | 57               | 2                            | 0                | 2       | 53                    | 239               | 43       | 195               | 1                         | 2                  |
|                                       | Tift       | 99               | 7                            | 4                | 15      | 73                    | 945               | 223      | 633               | 89                        |                    |
|                                       | Towns      | 16               | 1                            | 0                | 1       | 14                    | 191               | 92       | 89                | 10                        |                    |
|                                       | Treutlen   | 22               | 0                            | 0                | 3       | 19                    | 129               | 41       | 83                | 5                         | 0                  |
|                                       | Troup      | 66               | 0                            | 2                | 10      | 54                    | 1,174             | 153      | 954               | 67                        |                    |
|                                       | Upson      | 72               | 0                            | 3                | 2       | 67                    | 408               | 142      | 234               | 32                        | 0                  |
|                                       | Ware       | 59               | 2                            | 4                | 9       | 44                    | 784               | 173      | 540               | 71                        | 0                  |
|                                       | Washington | 39               | 0                            | 0                | 4       | 35                    | 315               | 99       | 205               | 11                        |                    |
|                                       | Wheeler    | 6                | 0                            | 1                | 1       | 4                     | 67                | 32       | 26                | 9                         |                    |
|                                       | White      | 16               | 0                            | 2                | 0       | 14                    | 243               | 77       | 130               | 36                        | 3                  |
|                                       | Wilcox     | 7                | 0                            | 4                | 1       | 2                     | 39                | 18       | 19                | 2                         |                    |
|                                       | Wilkes     | 4                | 0                            | 0                | 0       | 4                     | 15                | 6        | 7                 | 2                         | 0                  |
|                                       | Wilkinson  | 7                | 0                            | 0                | 0       | 7                     | 51                | 21       | 29                | 1                         |                    |

<sup>1</sup> The FBI does not publish arson data unless it receives data from either the agency or the state for all 12 months of the calendar year.

<sup>2</sup> The FBI determined that the agency's data were underreported. Consequently, affected data are not included in this table.

<sup>3</sup> The FBI determined that the agency's data were overreported. Consequently, affected data are not included in this table.

SAM AR000256-SAM AR000256

**Table 11****FEDERAL AGENCIES****Offenses Known to Law Enforcement**

by State by State Agency and Other Agencies, 2007

| Agency                                    | Unit/Office               | <b>Violent<br/>crime</b> | Murder and<br>nonnegligent<br>manslaughter | Forcible<br>rape | Robbery | Aggravated<br>assault | <b>Property<br/>crime</b> | Burglary | Larceny-<br>theft | Motor<br>vehicle<br>theft | Arson <sup>1</sup> |
|---|---------------------------|--------------------------|--|------------------|---------|-----------------------|---------------------------|----------|-------------------|---------------------------|--------------------|
| National Institutes of Health             |                           | 0                        | 0  | 0                | 0       | 0                     | 112                       | 1        | 111               | 0                         | 0                  |
| United States Department of the Interior: | Bureau of Indian Affairs  | 5,342                    | 125  | 618              | 257     | 4,342                 | 35,072                    | 3,950    | 10,116            | 21,006                    | 801                |
|   | Bureau of Land Management | 9                        | 4  | 2                | 0       | 3                     | 391                       | 13       | 356               | 22                        | 54                 |
|   | Bureau of Reclamation     | 0                        | 0  | 0                | 0       | 0                     | 8                         | 1        | 4                 | 3                         | 0                  |
|   | Fish and Wildlife Service | 40                       | 3  | 2                | 1       | 34                    | 388                       | 128      | 233               | 27                        | 137                |
|   | National Park Service     | 389                      | 9  | 49               | 57      | 274                   | 3,515                     | 348      | 2,994             | 173                       | 125                |

<sup>1</sup> The FBI does not publish arson data unless it receives data from either the agency or the state for all 12 months of the calendar year.

SAM AR000257-SAM AR000276

# Dams Sector Security Awareness Guide

A Guide for Owners and Operators

2007



Homeland  
Security



List incident reporting or response agency contact information for your community and geographic region. Build relationships with these groups before an incident occurs.

| Resource   | Contact | Phone Number |
|--|---------|--------------|
| City Law Enforcement   |         |              |
| County Law Enforcement   |         |              |
| State Law Enforcement  |         |              |
|  |         |              |
| Local Fire Service   |         |              |
|  |         |              |
| Local Joint Terrorism Task Force (JTTF)  |         |              |
| Local Federal Bureau of Investigation (FBI)                                      |         |              |
| FBI Weapons of Mass Destruction (WMD) Coordinator                                |         |              |
| FBI Hotline  |         |              |
|  |         |              |
| State Dam Safety Office  |         |              |
| Downstream Dam Operator  |         |              |
| Upstream Dam Operator  |         |              |
|  |         |              |
| City Emergency Management  |         |              |
| County Emergency Management  |         |              |
| State Emergency Management   |         |              |
|  |         |              |
| U.S. Coast Guard   |         |              |
|  |         |              |
| Department of Homeland Security (DHS) Protective Security Adviser for This State |         |              |
| State Fusion Center  |         |              |



# Acknowledgments

The Dams Sector Coordinating Council, Dams Sector Government Coordinating Council, the Department of Homeland Security (the Dams Sector-Specific Agency), and the Critical Infrastructure Partnership Advisory Council acknowledge the active support and participation from the following security partners from the private sector: Allegheny Energy, Ameren Services Company, American Electric Power, Association of State Dam Safety Officials, AVISTA Utilities, CMS Energy, Dominion Resources, Duke Energy, Exelon Corporation, National Hydropower Association, National Mining Association (ex officio), National Water Resources Association, New York City Department of Environmental Protection, New York Power Authority, Ontario Power Generation, Pacific Gas and Electric Company, PPL Corporation, Public Utility District 1 of Chelan County, WA, Scana Corporation, South Carolina Public Service (Santee-Cooper), Southern California Edison, Southern Company Generation, TransCanada, U.S. Society on Dams, and Xcel Energy, and the following government security partners: Bureau of Reclamation (which also serves as representative for the Bureau of Indian Affairs, National Park Service, Bureau of Land Management, and other Department of Interior bureaus owning dams), Federal Energy Regulatory Commission, International Boundary Water Commission, Mine Safety and Health Administration, Natural Resources Conservation Service, Tennessee Valley Authority, U.S. Army Corps of Engineers, and State dam safety officials from California, Colorado, Nebraska, New Jersey, Ohio, Pennsylvania, Virginia, and Washington.

## Distribution

This 2007 Dams Sector Security Awareness Guide was prepared under the auspices of the U.S. Department of Homeland Security. For distribution information, contact [dams@dhs.gov](mailto:dams@dhs.gov).

## Notice

This material does not constitute a regulatory requirement nor is it intended to conflict, replace, or supersede existing regulatory requirements or create any enforcement standard.



SAM AR000260

# Introduction

Like all critical infrastructure, the technological and national security environment in which the U.S. dam infrastructure is operated and maintained continues to evolve over time. New threats to the continued reliability and integrity of all infrastructures require vigilance. Areas of possible focus by owners and operators include: surveillance detection, identification of site-related vulnerabilities (e.g., access control, operational security, and cyber security measures), emergency response/prevention issues, and functionality issues governed by interdependencies with other infrastructure assets.

The Dams Sector comprises the assets, systems, networks, and functions related to dam projects, navigation locks, levees, hurricane barriers, mine tailings impoundments, or other similar water retention and/or control facilities. Dam projects are complex facilities that typically include water impoundment or control structures, reservoirs, spillways, outlet works, powerhouses, and canals or aqueducts. In some cases, navigation locks are also part of the dam project.

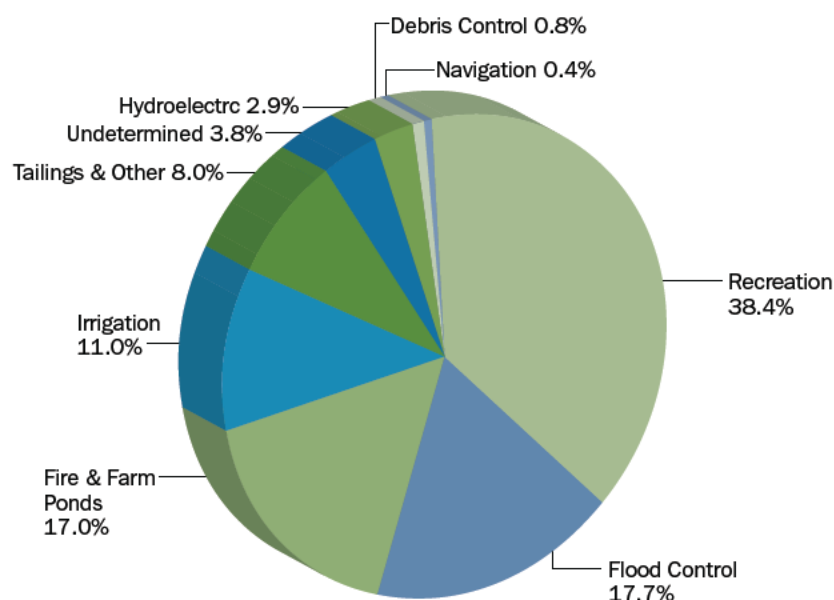
To address security issues related to dams, a partnership approach has been adopted involving Federal, State, regional, Territorial, local, or tribal government entities; private sector owners and operators and representative organizations; academic and professional entities; and certain not-for-profit and private volunteer organizations that share in the responsibility for protecting the Nation's critical sector assets.

# Benefits of Dams to the Nation

The more than 82,000 dams throughout the United States and on the Nation's borders provide the country with a wide range of important economic, environmental, and social benefits. These benefits include:

- **Recreation** – Boating, skiing, camping, picnic areas, and boat launch facilities are all supported by dams.
- **Flood Control** – Dams impound floodwaters and then either release them under control to the river below the dam or store or divert the water for other uses.
- **Water Storage** – Reservoirs created by dams supply water for industrial, municipal, and agricultural uses.
- **Irrigation** – Ten percent of American cropland is irrigated using water stored behind dams; thousands of jobs are tied to producing crops grown with irrigated water.
- **Mine Tailings** – More than 1,300 mine tailing impoundments allow the mining and processing of coal and other vital minerals while protecting the environment.
- **Electrical Generation** – Dams produce more than 103,800 megawatts of clean, renewable electricity and meet up to 8 percent of the Nation's power needs.
- **Debris Control** – Some dams provide enhanced environmental protection through the retention of hazardous materials and detrimental sedimentation.
- **Navigation** – Dams and locks provide for a stable system of inland river transportation throughout the heartland of the Nation.

**Figure 1-1: Distribution of Dams by Primary Purpose** (Source: National Inventory of Dams, 2005)



# Dams as Critical Infrastructure and Key Resources of the Nation

Because of the benefits they provide, dams are considered among the Nation's critical infrastructure and key resources (CIKR). Critical infrastructures are those assets, systems, networks, and functions that are so vital to the United States that their incapacity or destruction would have a debilitating impact on security, national economic security, or public health or safety. Key resources are the publicly or privately controlled resources that are essential to the minimal operations of the economy and government.

The Homeland Security Act of 2002 provides the basis for the responsibilities of the Department of Homeland Security (DHS) to protect the Nation's CIKR. More specifically, DHS is the Sector-Specific Agency (SSA) with responsibilities for the Dams Sector.

The Dams Sector comprises the assets, systems, networks, and functions related to dam projects, levees, navigation locks, hurricane barriers, mine tailing impoundments, and other similar water retention or water control facilities. The Dams Sector security partners are the Federal, State, regional, territorial, local, or tribal government entities that own, operate, or regulate dams; private sector owners and operators of dams; and organizations that share in the responsibility for protecting dams.

The vast majority of the dams in the United States are privately owned and operated. The Dams Sector Coordinating Council (SCC) is the primary interface with DHS for private owners and operators on security issues related to the Dams Sector. The membership of the SCC and information on how to contact the SCC are provided in appendix A.

The Dams Sector Government Coordinating Council (GCC) is the primary interface with DHS for dams that are not privately owned. The GCC membership and contact information are available in appendix B.

The SCC and GCC partner with each other and the SSA to promote and facilitate sector and cross-sector planning, coordination, collaboration, and information sharing for the protection of assets within the Dams Sector. This guide is an example of that partnering.

The Dams Sector Security Education Workgroup, comprising representatives of the SCC, GCC, and SSA, initiated development of the guide. The workgroup recognized that dams could be perceived as potential targets by individuals wishing to inflict harm on the Nation and that it is therefore simply prudent to maintain a security awareness posture.

*The goals of this guide are to enhance dam owners' and operators' security postures by providing information on:*

- 1. surveillance objectives;*
- 2. surveillance/suspicious activity indicators; and*
- 3. reporting incidents of surveillance/suspicious activity.*

# Objectives of CIKR Surveillance

The overall objective of surveillance activity is to determine possible targets, attack modes, and the likelihood of success of an attack against a CIKR asset. An aggressor's specific surveillance objectives could be to identify the following features of an asset:

- Presence or absence of security cameras;
- Number, location, type, and coverage of security cameras;
- Identification cards of employees and contractors;
- Security screening procedures for employees, visitors, contractors;
- Security event response times and type of response;
- Access point locations;
- Opportunities for cascading damage effects;
- Locations and characteristics of vulnerable structural components;
- Patterns of concentration of people and vehicles; and
- Places where further surveillance can take place.

Potential aggressors engage in surveillance activities to identify any security vulnerabilities they can exploit. In trying to identify security vulnerabilities, potential aggressors

may conduct sophisticated surveillance over a long period of time—months or years—which can be highly effective, but difficult to detect. In most instances, after surveillance of a target has concluded and after preparations for the attack are complete, one final pre-operational survey is typically done. This is done to determine whether changes in surroundings or conditions impact carrying out a successful attack.

Surveillance can be fixed or mobile. Mobile surveillance consists of driving by a site to observe the facility or site operations; fixed surveillance might be more typical for dams.

Fixed surveillance is done from a static, often concealed position. Aggressors may establish themselves in a public location, such as a recreational area close to a dam, over an extended period of time. They may also pose as fishermen, tourists, deliverymen, photographers, or even demonstrators to provide a plausible reason for being in the area.

Aggressors may observe a target for a short time from one position, withdraw for a time (possibly days or even weeks), then resume surveillance from another position. This progressive surveillance activity continues until the aggressor determines that the asset is a suitable target. This type of transient action makes the surveillance more difficult to detect or predict.

*Indicators that surveillance activities might be taking place have been developed by DHS and law enforcement agencies.*

*Awareness of these indicators can contribute to an asset's security posture.*



# Indicators of Possible Surveillance

Indicators that an asset may be under surveillance are those warning signs that the normal environment isn't quite what it should be; that seemingly normal activities seem some-

what suspicious. The following table of possible indicators of surveillance activity points out what some of those warning signs might be.

**Table 1: Indicators of Possible Surveillance**

| <b>Indicators About People (Observed or Reported)</b> |   |
|---|---|
| 1   | Persons using or carrying video/camera/observation equipment.   |
| 2   | Persons with installation maps or photographs or diagrams with highlighted areas or notes regarding infrastructure or listing of installation personnel.  |
| 3   | Persons possessing or observed using night-vision devices near the dam perimeter or in the local area.  |
| 4   | Persons parking, standing, or loitering in the same area over a multiple-day period with no apparent reasonable explanation.  |
| 5   | Nonmilitary persons seen with military-style weapons and clothing/equipment.  |
| 6   | Personnel being questioned off site about practices pertaining to the dam, or an increase in personal email, telephone calls, faxes, or postal mail concerning the dam or its critical features.  |
| 7   | Persons not associated with the dam showing an increased general interest in the area surrounding it.   |
| 8   | Dam personnel willfully associating with suspicious individuals.  |
| 9   | Computer hackers attempting to access sites looking for personal information, maps, or other targeting examples.  |
| 10  | An employee who changes working behavior or works more irregular hours.   |
| 11  | Persons observed or reported to be observing receipts or deliveries, especially of hazardous or toxic materials.  |
| 12  | Aircraft flyover in restricted airspace; boat encroachment into restricted areas, especially if near a critical infrastructure.   |
| 13  | A noted pattern or series of false alarms requiring a response by law enforcement or emergency services.  |
| 14  | Theft of contractor identification cards or uniforms or unauthorized persons in possession of identification (ID) cards or uniforms.  |
| 15  | Recent damage (e.g., significant holes or cuts) to a perimeter fence or gate, or damage to perimeter lighting, closed-circuit televisions (CCTVs), intrusion detection systems (IDSs), electric entry control systems, guard dogs, or other security devices. |
| 16  | Persons drawing schematics and taking detailed notes of a dam and its associated key features.  |



**Indicators About Activities (Observed or Reported)**

|    |  |
|----|--|
| 17 | Downloading of materials (e.g., maps, photographs, schematics, or similar materials) that could be used in conjunction with surveillance or attack-planning activities.  |
| 18 | Repeated attempts from the same location or country to access protected computer information systems.  |
| 19 | Successful penetration and access of protected computer information systems, especially those containing information on logistics, procedures, shipment schedules, security measures, passwords, and other sensitive information.                  |
| 20 | Attempts to obtain information about the dam (e.g., blueprints of buildings, security measures or personnel, entry points, access controls, or information from public sources).   |
| 21 | Unfamiliar cleaning crews or other contract workers with passable credentials; crews or contract workers attempting to access unauthorized areas.  |
| 22 | A seemingly abandoned or illegally parked vehicle in the area of the facility or asset.  |
| 23 | Increased interest in the dam's outside components (i.e., an electrical substation not located on site and not as heavily protected or not protected at all).  |
| 24 | Sudden increases in power outages. Outages could be implemented from an offsite location to test the backup systems or recovery times of primary systems.  |
| 25 | Increase in buildings, fence gates, gate controls (e.g., spillway, intake structure), dam safety devices (e.g., piezometers, inclinometers, relief wells) being left unsecured or doors being left unlocked that are normally locked at all times. |
| 26 | Arrest of unknown persons by local police. This would be more important if the asset is located in a rural area rather than in or around a large city.   |
| 27 | Traces of explosive or radioactive residue on vehicles during security checks by personnel using detection swipes or devices.  |
| 28 | Increase in violation of security guard standard operating procedures for staffing key posts.  |
| 29 | Increase in threats from unidentified sources by telephone, by postal mail, or through the email system.   |
| 30 | Increase in reports of threats from outside known, reliable sources.   |
| 31 | Sudden losses or theft of guard force communications equipment.  |
| 32 | Displaced or misaligned manhole covers or other service access doors on or surrounding the asset site.   |
| 33 | Unusual maintenance activities (e.g., road repairs) near the asset.  |
| 34 | Observations of unauthorized personnel collecting or searching through trash.  |
| 35 | Unusual packages or containers, especially near heating, ventilating, and air-conditioning (HVAC) equipment or air-intake systems.   |
| 36 | Unusual powders, droplets, or mist clouds near HVAC equipment or air-intake systems.   |
| 37 | Packaging and/or packaging components are inconsistent with the usual shipping mode.   |
| 38 | Delivery of equipment or materials that is unexpected, unusual, out of the norm, without explanation, or with suspicious or missing paperwork.   |
| 39 | Excessive requests or interest in access for deliveries or pickups.  |
| 40 | Vendors or suppliers make unusual requests concerning the shipping or labeling of deliveries.  |

# Suspicious Activity Indicators

Aggressors may also engage in suspicious activities that could be indicators of a possible threat to a dam. The suspicious activity indicators listed below are more likely to be known or observed by local law enforcement agencies than by owners and operators of dams-this makes communication between law enforcement agents and owners and operators very important.

## Explosives Activities Indicators

- Explosives thefts or sales of large amounts of smokeless powder, blasting caps, or high-velocity explosives.
- Large amounts of high-nitrate fertilizer sales to non-agricultural purchasers or abnormally large amounts to agricultural purchasers.
- Large theft/sales of combinations of ingredients for explosives (e.g., fuel oil, nitrates) beyond normal use.
- Theft/sales of containers (e.g., propane bottles) or vectors (e.g., trucks, cargo vans) in combination with other indicators.
- Reports of explosions (potentially a pre-testing activity).

- Rental of self-storage space for the purpose of storing chemicals.
- Modification of truck or van with heavy-duty springs to handle heavier loads.
- Treatment of chemical burns or missing hands/fingers.
- Untreated chemical burns or missing hands/fingers.

## Weapons Activities Indicators

- Theft/unusual sales of large numbers of semi-automatic weapons.
- Theft/unusual sales of ammunition capable of being used in military weapons.
- Reports of automatic weapons firing.
- Seizures of modified weapons or equipment used to modify weapons (e.g., silencers).
- Theft/sales/reported seizure of night-vision equipment or body armor.

# Reporting Incidents

DHS and the Texas Commission on Environmental Quality (TCEQ) joined together to identify what types of surveillance or suspicious incidents should be reported, to whom incidents should be reported, and what information should be conveyed. The following information is from a joint DHS and TCEQ bulletin, Reporting Suspicious Dam Incidents.

## Types of Incidents to Report

- Elicitation of inappropriate information
- Breach of a restricted area
- Attempted intrusion into a restricted area
- Photography
- Observation taken to an unusual degree
- Theft
- Sabotage, tampering, or vandalism
- Cyber attack
- Expressed threats
- Flyover
- Weapons discovery

## Who Should Receive Incident Reports

DHS encourages recipients of this document to report information concerning suspicious or criminal activity to DHS and/or the FBI. Suspicious activity concerning CIKR should be reported to the National Infrastructure Coordinating Center (NICC), which is the CIKR-focused element of the DHS National Operations Center.

The NICC can be reached by telephone at 202-282-9201 or by e-mail at [NICC@dhs.gov](mailto:NICC@dhs.gov).

The FBI regional phone numbers can be found online at [fbi.gov/contact/fo/fo.htm](http://fbi.gov/contact/fo/fo.htm).

## What Should be Reported

Each incident report should include the following information to the extent possible:

Date and time of incident

Number of individuals involved

Description of the incident

Name and address of the dam

Contact information of the person submitting the report

### **Suspicious persons**

Names, aliases, including variations in spelling

Gender

Physical description

Social Security Number and any passport and visa information

Reason for being in the area or conducting the suspicious activity

Place of employment

Copy of picture IDs

History of incidents of this kind involving this individual, especially at this facility

### **Vehicles**

Color, make, model, and year

License plate and State

Distinguishing marks, stickers, and embellishments on the vehicle

Any history involving the same vehicle at this location or facility

### **Aircraft**

Color scheme, make, model, year, and tail number

### **Boats**

Boat registration ID, color, and identifying information

### **Suspect's surveillance equipment**

Make and model of binoculars, camera, or recording equipment

Subject and number of pictures taken

Copy of pictures, if available

Description of any other suspicious individuals in the vicinity

Names of local law enforcement or other Federal, State, or local agencies that have been notified

*Complete the agency contact information in the front of this guide.*

*Build relationships with these agencies before an incident occurs.*

## Appendix A

# Dams Sector Coordinating Council (SCC) Membership

|  |  |
|--|--|
| Allegheny Energy                                     | Ontario Power Generation                       |
| Ameren Services Company                              | Pacific Gas & Electric Company                 |
| American Electric Power                              | PPL Corporation                                |
| Association of State Dam Safety Officials            | Public Utility District 1 of Chelan County, WA |
| AVISTA Utilities                                     | Scana Corporation                              |
| CMS Energy   | South Carolina Public Service (Santee-Cooper)  |
| Dominion Resources                                   | Southern California Edison                     |
| Duke Energy  | Southern Company Generation                    |
| Exelon Corporation                                   | TransCanada                                    |
| National Hydropower Association                      | U.S. Society on Dams                           |
| National Mining Association (ex officio member)      | Xcel Energy Corporation                        |
| National Water Resources Association                 |  |
| New York City Department of Environmental Protection |  |
| New York Power Authority                             |  |

## Appendix B

# Dams Sector Government Coordinating Council (GCC) Membership

Department of Agriculture—Natural Resources Conservation Service

Department of Defense—U.S. Army Corps of Engineers

Department of Homeland Security—Office of Infrastructure Protection

Department of the Interior—Bureau of Reclamation

Department of Labor—Mine Safety and Health Administration

Department of State—International Boundary and Water Commission

Federal Energy Regulatory Commission

Tennessee Valley Authority

State governments—Represented by Dam Safety Offices of California

Colorado

Nebraska

New Jersey

Ohio

Pennsylvania

Virginia

Washington

## Appendix C

# Acronyms

|      |  |      |   |
|------|--|------|---|
| CCTV | closed-circuit television                  | IDS  | intrusion detection system                  |
| CIKR | critical infrastructure and key resources  | JTTF | Joint Terrorism Task Force                  |
| DHS  | Department of Homeland Security            | NICC | National Infrastructure Coordinating Center |
| FBI  | Federal Bureau of Investigation            | NOC  | National Operations Center                  |
| FOUO | For Official Use Only                      | SCC  | Sector Coordinating Council                 |
| GCC  | Government Coordinating Council            | SSA  | Sector-Specific Agency                      |
| HSIN | Homeland Security Information Network      | TCEQ | Texas Commission on Environmental Quality   |
| HVAC | heating, ventilating, and air conditioning | WMD  | weapons of mass destruction                 |
| ID   | identification                             |      |   |



## Appendix D

# Bibliography

(Internet sites accessed April/May 2007)

*Agricultural, Chemical, and Petroleum Industry Terrorism Handbook*, Federal Bureau of Investigation, Department of Justice [<http://www.mnhtcia.org/FBIAGChemHandbook.pdf>].

“Benefits of Dams,” Federal Emergency Management Agency, U.S. Department of Homeland Security [<http://www.fema.gov/hazard/damfailure/benefits.shtm>].

“Eagle Eyes: Categories of Suspicious Activities” [<http://www.osi.andrews.af.mil/eagleeyes/index.asp>].

KY State Police [<http://www.kentuckystatepolice.org/terror.htm>].

*National Infrastructure Protection Plan*, U.S. Department of Homeland Security, 2006.

“National Inventory of Dams,” U.S. Army Corps of Engineers [<http://crunch.tec.army.mil/nidpublic/webpages/nid.cfm>].

“Potential Indicators of Threats Involving Vehicle-Borne Improvised Explosive Devices (VBIEDs),” U.S. Department of Homeland Security, Information Bulletin, May 15, 2003 [<http://www.sanantonio.gov/sapd/pdf/DHS051503.pdf>].

“Possible Indicators of Al-Qaeda Surveillance,” Department of Homeland Security,

Information Bulletin 03-004, March 20, 2003

[[http://www.esisac.com/publicdocs/Other\\_Advisories/DHS\\_ib\\_03-004\\_aq\\_surveil.pdf](http://www.esisac.com/publicdocs/Other_Advisories/DHS_ib_03-004_aq_surveil.pdf)].

“Possible Indicators of Suspicious Activities” [[http://www.opr.auxnstaff.org/pdf/handout\\_susicious.activities.pdf](http://www.opr.auxnstaff.org/pdf/handout_susicious.activities.pdf)].

“Seven Signs of Terrorist Activity” [[http://www.scnus.org/content\\_display.html?ArticleID=150136](http://www.scnus.org/content_display.html?ArticleID=150136)].

“Terrorist Attack Indicators” [[http://www.ndcap.org/downloads/terrorist\\_attack\\_indicators.doc](http://www.ndcap.org/downloads/terrorist_attack_indicators.doc)].

“Terrorist Surveillance Indicators” [[http://www.scnus.org/content\\_display.html?ArticleID=151458](http://www.scnus.org/content_display.html?ArticleID=151458)].

“Terrorist Surveillance Techniques” [<http://www.usdoj.gov/usao/wie/atac/publications/Surveillance%20Techniques.pdf>].

“Texas Commission on Environmental Quality: Reporting Suspicious Dam Incidents” [[http://www.tceq.state.tx.us/assets/public/compliance/field\\_ops/fod\\_forms/damsafety/20366.doc](http://www.tceq.state.tx.us/assets/public/compliance/field_ops/fod_forms/damsafety/20366.doc)]



SAM AR000274

**Developed jointly by:**

**Dams Sector-Specific Agency**

**Dams Sector Coordinating Council**

**Dams Sector Government Coordinating Council**

**Critical Infrastructure Partnership Advisory Council**



Homeland  
Security

SAM AR000276

SAM AR000277-SAM AR000278

Table 10

**GEORGIA****Offenses Known to Law Enforcement**

by State by Metropolitan and Nonmetropolitan Counties, 2006

[The data shown in this table do not reflect county totals but are the number of offenses reported by the sheriff's office or county police department.]

| Metropolitan/Nonmetropolitan Counties | County                             | <b>Violent crime</b> | Murder and nonnegligent |     | Forcible rape | Robbery | Aggravated assault | <b>Property crime</b> | Larceny- vehicle |       | Arson <sup>1</sup> |
|---------------------------------------|------------------------------------|----------------------|-------------------------|-----|---------------|---------|--------------------|-----------------------|------------------|-------|--------------------|
|                                       |                                    |                      | manslaughter            |     |               |         |                    |                       | Burglary         | theft |                    |
| <b>Metropolitan Counties</b>          | Augusta-Richmond                   | 1,035                | 17                      | 139 | 619           | 260     | 13,755             | 2,844                 | 9,075            | 1,836 |                    |
|                                       | Baker                              | 1                    | 0                       | 0   | 0             | 1       | 0                  | 0                     | 0                | 0     | 0                  |
|                                       | Barrow <sup>2</sup>                | 305                  | 1                       | 4   | 5             | 295     |                    |                       | 613              | 138   |                    |
|                                       | Brantley                           | 32                   | 0                       | 1   | 3             | 28      | 363                | 118                   | 210              | 35    | 2                  |
|                                       | Brooks                             | 75                   | 1                       | 0   | 1             | 73      | 296                | 84                    | 186              | 26    | 3                  |
|                                       | Catoosa                            | 70                   | 3                       | 9   | 6             | 52      | 909                | 203                   | 578              | 128   |                    |
|                                       | Clayton County Police Department   | 1,126                | 34                      | 42  | 544           | 506     | 8,203              | 2,979                 | 3,574            | 1,650 | 42                 |
|                                       | Cobb County Police Department      | 1,393                | 22                      | 94  | 560           | 717     | 12,859             | 3,075                 | 8,175            | 1,609 | 49                 |
|                                       | Coweta                             | 70                   | 5                       | 2   | 19            | 44      | 1,352              | 404                   | 805              | 143   |                    |
|                                       | Dawson                             | 12                   | 0                       | 1   | 2             | 9       | 547                | 105                   | 382              | 60    |                    |
|                                       | Dekalb County Police Department    | 4,454                | 85                      | 167 | 2,179         | 2,023   | 28,719             | 8,062                 | 14,116           | 6,541 | 175                |
|                                       | Dougherty County Police Department | 34                   | 0                       | 4   | 10            | 20      | 500                | 166                   | 298              | 36    |                    |
|                                       | Effingham <sup>2</sup>             |                      | 1                       | 4   | 0             |         | 434                | 189                   | 180              | 65    |                    |
|                                       | Fayette                            | 27                   | 0                       | 4   | 6             | 17      | 631                | 139                   | 428              | 64    | 3                  |
|                                       | Floyd County Police Department     | 195                  | 2                       | 14  | 10            | 169     | 1,606              | 342                   | 1,065            | 199   |                    |
|                                       | Forsyth                            | 89                   | 5                       | 13  | 14            | 57      | 2,447              | 443                   | 1,871            | 133   | 6                  |
|                                       | Fulton                             | 2                    | 0                       | 0   | 2             | 0       | 16                 | 0                     | 14               | 2     |                    |
|                                       | Fulton County Police Department    | 984                  | 17                      | 62  | 497           | 408     | 8,574              | 2,654                 | 4,633            | 1,287 |                    |
|                                       | Glynn                              | 0                    | 0                       | 0   | 0             | 0       | 0                  | 0                     | 0                | 0     | 0                  |
|                                       | Glynn County Police Department     | 279                  | 2                       | 19  | 68            | 190     | 2,382              | 516                   | 1,732            | 134   |                    |
|                                       | Gwinnett County Police Department  | 1,890                | 35                      | 97  | 1,050         | 708     | 19,228             | 5,466                 | 11,245           | 2,517 | 152                |
|                                       | Hall                               | 210                  | 1                       | 19  | 15            | 175     | 2,907              | 674                   | 1,747            | 486   | 13                 |
|                                       | Haralson                           | 13                   | 0                       | 0   | 3             | 10      | 489                | 78                    | 360              | 51    | 0                  |
|                                       | Henry                              | 0                    | 0                       | 0   | 0             | 0       | 0                  | 0                     | 0                | 0     | 0                  |
|                                       | Lamar                              | 20                   | 0                       | 0   | 1             | 19      | 167                | 49                    | 100              | 18    | 0                  |
|                                       | Liberty                            | 61                   | 3                       | 6   | 13            | 39      | 616                | 133                   | 462              | 21    | 4                  |
|                                       | Long                               | 27                   | 0                       | 1   | 7             | 19      | 182                | 73                    | 96               | 13    | 0                  |
|                                       | Lowndes                            | 63                   | 0                       | 8   | 14            | 41      | 1,152              | 269                   | 820              | 63    | 1                  |
|                                       | Madison                            | 66                   | 0                       | 7   | 4             | 55      | 424                | 44                    | 340              | 40    | 5                  |
|                                       | Meriwether                         | 39                   | 0                       | 5   | 4             | 30      | 435                | 127                   | 233              | 75    | 0                  |
|                                       | Newton                             | 337                  | 2                       | 14  | 25            | 296     | 1,580              | 560                   | 786              | 234   | 2                  |
|                                       | Paulding                           | 168                  | 1                       | 19  | 12            | 136     | 2,547              | 621                   | 1,623            | 303   | 6                  |
|                                       | Rockdale                           | 289                  | 1                       | 14  | 58            | 216     | 2,161              | 617                   | 1,234            | 310   | 8                  |
|                                       | Walker                             | 333                  | 0                       | 5   | 6             | 322     | 1,156              | 296                   | 770              | 90    | 2                  |
|                                       | Walton                             | 16                   | 1                       | 2   | 4             | 9       | 962                | 289                   | 598              | 75    | 0                  |
|                                       | Whitfield                          | 219                  | 1                       | 16  | 9             | 193     | 2,011              | 542                   | 1,284            | 185   | 7                  |
| <b>Nonmetropolitan Counties</b>       | Chattooga                          | 39                   | 0                       | 2   | 2             | 35      | 214                | 65                    | 139              | 10    |                    |
|                                       | Clay                               | 3                    | 0                       | 0   | 0             | 3       | 6                  | 1                     | 2                | 3     | 0                  |
|                                       | Clinch                             | 4                    | 0                       | 0   | 0             | 4       | 60                 | 19                    | 39               | 2     | 0                  |
|                                       | Decatur                            | 33                   | 1                       | 0   | 7             | 25      | 330                | 96                    | 222              | 12    |                    |
|                                       | Dooley                             | 10                   | 0                       | 0   | 4             | 6       | 63                 | 17                    | 45               | 1     |                    |
|                                       | Early                              | 47                   | 1                       | 4   | 3             | 39      | 231                | 72                    | 147              | 12    |                    |
|                                       | Fannin                             | 2                    | 0                       | 0   | 0             | 2       | 130                | 66                    | 63               | 1     |                    |
|                                       | Gordon                             | 70                   | 0                       | 5   | 1             | 64      | 516                | 134                   | 345              | 37    |                    |

SAM AR000277

Table 10

**GEORGIA****Offenses Known to Law Enforcement**

by State by Metropolitan and Nonmetropolitan Counties, 2006

[The data shown in this table do not reflect county totals but are the number of offenses reported by the sheriff's office or county police department.]

| Metropolitan/Nonmetropolitan Counties | County                        | <b>Violent<br/>crime</b> | Murder and                   |   | Forcible<br>rape | Robbery | Aggravated<br>assault | <b>Property<br/>crime</b> | Larceny- |       | Motor<br>vehicle<br>theft | Arson <sup>1</sup> |
|---------------------------------------|-------------------------------|--------------------------|------------------------------|---|------------------|---------|-----------------------|---------------------------|----------|-------|---------------------------|--------------------|
|                                       |                               |                          | nonnegligent<br>manslaughter |   |                  |         |                       |                           | Burglary | theft |                           |                    |
|                                       | Habersham                     | 51                       | 0                            | 5 | 4                | 42      | 490                   | 151                       | 302      | 37    |                           |                    |
|                                       | Jackson                       | 60                       | 0                            | 3 | 3                | 54      | 863                   | 225                       | 568      | 70    | 3                         |                    |
|                                       | Laurens                       | 71                       | 3                            | 6 | 6                | 56      | 574                   | 172                       | 337      | 65    | 2                         |                    |
|                                       | Lumpkin                       | 34                       | 0                            | 9 | 0                | 25      | 433                   | 97                        | 296      | 40    | 0                         |                    |
|                                       | Peach                         | 28                       | 0                            | 4 | 3                | 21      | 332                   | 108                       | 177      | 47    | 0                         |                    |
|                                       | Polk                          | 0                        | 0                            | 0 | 0                | 0       | 0                     | 0                         | 0        | 0     | 0                         |                    |
|                                       | Polk County Police Department | 116                      | 1                            | 3 | 10               | 102     | 760                   | 263                       | 392      | 105   | 0                         |                    |
|                                       | Putnam                        | 63                       | 0                            | 1 | 2                | 60      | 305                   | 105                       | 185      | 15    | 0                         |                    |
|                                       | Seminole                      | 14                       | 3                            | 1 | 0                | 10      | 63                    | 35                        | 26       | 2     | 0                         |                    |
|                                       | Stephens                      | 28                       | 2                            | 4 | 1                | 21      | 464                   | 109                       | 291      | 64    | 0                         |                    |
|                                       | Treutlen                      | 13                       | 0                            | 1 | 1                | 11      | 150                   | 50                        | 94       | 6     | 1                         |                    |
|                                       | Troup                         | 47                       | 0                            | 1 | 6                | 40      | 1,132                 | 157                       | 926      | 49    | 0                         |                    |
|                                       | Turner                        | 4                        | 0                            | 1 | 1                | 2       | 105                   | 31                        | 60       | 14    | 0                         |                    |
|                                       | Upson                         | 94                       | 1                            | 3 | 1                | 89      | 371                   | 105                       | 236      | 30    | 0                         |                    |
|                                       | White                         | 14                       | 0                            | 2 | 2                | 10      | 327                   | 81                        | 203      | 43    | 1                         |                    |
|                                       | Wilkes                        | 7                        | 0                            | 0 | 0                | 7       | 12                    | 3                         | 7        | 2     | 0                         |                    |

<sup>1</sup> The FBI does not publish arson data unless it receives data from either the agency or the state for all 12 months of the calendar year.<sup>2</sup> The FBI determined that the agency's data were underreported. Consequently, affected data are not included in this table.



SAM AR000279-SAM AR000279

**Table 11****FEDERAL AGENCIES****Offenses Known to Law Enforcement**

by State by State Agency and Other Agencies, 2006

| Agency                                    | Unit/Office               | <b>Violent<br/>crime</b> | Murder and                   |                  |         | Aggravated<br>assault | <b>Property<br/>crime</b> | Burglary | Motor             |                  | Arson <sup>1</sup> |
|---|---------------------------|--------------------------|------------------------------|------------------|---------|-----------------------|---------------------------|----------|-------------------|------------------|--------------------|
|   |                           |                          | nonnegligent<br>manslaughter | Forcible<br>rape | Robbery |                       |                           |          | Larceny-<br>theft | vehicle<br>theft |                    |
| National Institutes of Health             |                           | 3                        | 0                            | 0                | 0       | 3                     | 150                       | 5        | 145               | 0                | 0                  |
| United States Department of the Interior: | Bureau of Indian Affairs  | 7,193                    | 121                          | 757              | 416     | 5,899                 | 37,767                    | 4,565    | 11,874            | 21,328           | 1,046              |
|   | Bureau of Land Management | 10                       | 2                            | 2                | 0       | 6                     | 556                       | 23       | 493               | 40               | 109                |
|   | Bureau of Reclamation     | 3                        | 0                            | 0                | 0       | 3                     | 6                         | 2        | 2                 | 2                | 1                  |
|   | Fish and Wildlife Service | 113                      | 4                            | 6                | 31      | 72                    | 361                       | 123      | 163               | 75               | 134                |
|   | National Park Service     | 367                      | 10                           | 35               | 61      | 261                   | 4,022                     | 411      | 3,465             | 146              | 79                 |

<sup>1</sup> The FBI does not publish arson data unless it receives data from either the agency or the state for all 12 months of the calendar year.

SAM AR000280-SAM AR000280



# VALUE to the NATION

## FAST FACTS

### Lake Level Report ALLATOONA LAKE

RECREATION 2006

US Army Corps of Engineers — Value to the Nation

Natural and recreational resources at the ALLATOONA LAKE Corps lake(s) provide social, economic and environmental benefits for all Americans. Following are facts related to the Corps' role managing natural and recreational resources in ALLATOONA LAKE.

#### Social Benefits

| Facilities  | Visits (person-trips)   | Benefits in Perspective   |
|---|---|---|
| <ul style="list-style-type: none"> <li>92 recreation areas</li> <li>1042 picnic sites</li> <li>1,279 camping sites</li> <li>26 playgrounds</li> <li>42 swimming areas</li> <li>30 trail miles</li> <li>1 fishing docks</li> <li>58 boat ramps</li> <li>8 marinas</li> <li>2,661 marina slips</li> </ul> | <ul style="list-style-type: none"> <li>6,129,733 in total</li> <li>783,380 picnickers</li> <li>104,725 campers</li> <li>2,858,907 swimmers</li> <li>125,660 water skiers</li> <li>2,042,427 boaters</li> <li>164,890 sightseers</li> <li>1,049,410 fishermen</li> <li>79,687 hunters</li> <li>1,051,862 others</li> </ul> | <p>By providing opportunities for active recreation, Corps lakes help combat one of the most significant of the nation's health problems: lack of physical activity.</p> <p>Recreational programs and activities at Corps lakes also help strengthen family ties and friendships; provide opportunities for children to develop personal skills, social values, and self-esteem; and increase water safety.</p> |

#### Economic Benefits

|   |  |
|---|--|
| <p>6,129,733 visits per year resulted in:</p> <ul style="list-style-type: none"> <li>\$144.66 million in visitor spending within 30 miles of the Corps lake.</li> <li>65% of the spending was captured by local economy as direct sales effects.</li> </ul> <p>With multiplier effects, visitor trip spending resulted in:</p> <ul style="list-style-type: none"> <li>\$156.39 million in total sales.</li> <li>\$88.13 million in value added (wages &amp; salaries, payroll benefits, profits and rents and indirect business taxes).</li> <li>Supported 1,550 jobs in the local community surrounding the lake.</li> </ul> | <p><b>Benefits in Perspective</b></p> <p>The money spent by visitors to Corps lakes on trip expenses adds to the local and national economies by supporting jobs and generating income. Visitor spending represents a sizable component of the economy in many communities around Corps lakes.</p> <p><a href="#">Click here</a> for more information about how these numbers are calculated</p> |
|---|--|

#### Environmental Benefits

|   |   |
|---|---|
| <ul style="list-style-type: none"> <li>37,683 land acres</li> <li>12,010 water acres</li> <li>270 shoreline miles</li> <li>36,059 environmental educational contacts</li> </ul> | <p><b>Benefits in Perspective</b></p> <p>Recreation experiences increase motivation to learn more about the environment; understanding and awareness of environmental issues; and sensitivity to the environment.</p> |
|---|---|

Source: Value to the Nation web site at [www.CorpsResults.us](http://www.CorpsResults.us). Use [Fast Facts](#) to view this and other reports.

SAM AR000280

SAM AR000281-SAM AR000281



**DEPARTMENT OF THE ARMY**  
U.S. Army Corps of Engineers  
WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:

Office of Counsel

22 August 2006

Linda S. Austin  
219 Northridge Circle  
Longview, Texas 75605

Dear Ms. Austin:

I am replying to your inquiry concerning the carrying of concealed weapons on Corps of Engineers' recreational properties located within the State of Texas.

Title 36 to the Code of Federal Regulations (Section 327.13) clearly states that the possession of loaded firearms or ammunition is prohibited, except under circumstances specified under that section. I am enclosing a copy of those Regulations for your information and use.

The State of Texas' "right to carry" law does not affect the application of section 327.13. To the extent that the state law conflicts with federal law, as implemented in this case by Section 327.13, Corps rules and regulations issued pursuant to federal law would take precedent over state law.

Accordingly, we have concluded that Section 327.13 remains in force and continues to prohibit concealed weapons on U.S. Army Corps of Engineers' property within the State of Texas notwithstanding contrary provisions of state law. This is to ensure the safety of our rangers as well as the general public.

Sincerely

A handwritten signature in black ink, appearing to read "Martin R. Cohen".

Martin R. Cohen  
Assistant Chief Counsel  
For Litigation

SAM AR000282-SAM AR000283





US Army Corps  
of Engineers  
Mobile District

# News Release

Release No. 06-26

Contacts:

E. Patrick Robbins 251-690-2512

[ervin.p.robbs@sam.usace.army.mil](mailto:ervin.p.robbs@sam.usace.army.mil)

For Immediate Release:  
July 17 2006

Marilyn Phipps 251-690-2506

[marilyn.j.phipps@sam.usace.army.mil](mailto:marilyn.j.phipps@sam.usace.army.mil)

News Release: [www.sam.usace.army.mil/pa/](http://www.sam.usace.army.mil/pa/)

## ***CORPS BANS TUBE KITING ON ITS WATERS IN THE SOUTHEAST***

**Mobile, Alabama** — Effective immediately the U.S. Army Corps of Engineers, Mobile District, is banning Tube Kiting on all waters under its jurisdiction in the southeast.

Tube kiting is a new form of extreme water sport that recently emerged in the region. The large inflatable kite tubes have a solid fabric floor that the rider stands on while being towed behind a boat. The front of the tube begins to lift into the air at speeds above 25 mph. As speed increases, the entire tube is lifted into the air like a kite with the rider on top. The lack of stability and control often results in the tube slamming hard into the water surface, overturning or throwing the rider.

“This product is described by the U.S. Consumer Product Safety Commission as ‘extremely dangerous’ and nationally has already caused two deaths and numerous injuries, including one serious injury at Lake Lanier,” said E. Patrick Robbins. “The hazards and potential liabilities of allowing tube kiting on public waters outweigh the benefits of unrestricted use.”

Regional bans have also been imposed at other Corps lakes as well as some National Parks.

|   |
|---|
| <b>Mobile District Rivers and Lakes Banning Tube Kiting</b> |
|---|

**ALLATOONA LAKE, GA**

**LAKE SIDNEY LANIER, GA**

**ALABAMA RIVER LAKES, AL**

**OKATIBBEE LAKE, MS**

**BLACK WARRIOR & TOMBIGBEE RIVER LAKES, AL**

**WALTER F. GEORGE LAKE, AL & GA**

**CARTERS LAKE, GA**

**WEST POINT LAKE, AL & GA**

**TENNESSEE-TOMBIGBEE WATERWAY, AL & MS**

**LAKE SEMINOLE GA & FL**

**-- 30--**

SAM AR000284-SAM AR000285

**Offenses Known to Law Enforcement**

by State by Metropolitan and Nonmetropolitan Counties, 2005

[The data shown in this table do not reflect county totals but are the number of offenses reported by the sheriff's office or county police department.]

| State   | County                            | Violent<br>crime | Murder and<br>nonnegligent manslaughter |     | Forcible<br>rape | Robbery | Aggravated<br>assault | Property<br>crime | Burglary | Motor<br>vehicle  |                    |
|---------|-----------------------------------|------------------|---|-----|------------------|---------|-----------------------|-------------------|----------|-------------------|--------------------|
|         |                                   |                  |   |     |                  |         |                       |                   |          | Larceny-<br>theft | Arson <sup>1</sup> |
| GEORGIA | Metropolitan Counties             |                  |   |     |                  |         |                       |                   |          |                   |                    |
|         | Augusta-Richmond                  | 1,019            | 14                                      | 155 | 626              | 224     | 13,934                | 2,799             | 9,295    | 1,840             | 94                 |
|         | Bartow                            | 170              | 0                                       | 17  | 18               | 135     | 2,900                 | 790               | 1,849    | 261               | 0                  |
|         | Bibb                              | 208              | 8                                       | 12  | 34               | 154     | 2,972                 | 627               | 2,005    | 340               | 5                  |
|         | Brantley                          | 30               | 1                                       | 2   | 1                | 26      | 392                   | 125               | 233      | 34                | 0                  |
|         | Brooks                            | 63               | 0                                       | 0   | 3                | 60      | 267                   | 57                | 185      | 25                | 3                  |
|         | Bryan                             | 16               | 0                                       | 1   | 7                | 8       | 287                   | 62                | 214      | 11                | 0                  |
|         | Burke                             | 261              | 1                                       | 2   | 11               | 247     | 524                   | 145               | 345      | 34                | 0                  |
|         | Butts                             | 33               | 2                                       | 2   | 5                | 24      | 504                   | 94                | 346      | 64                | 1                  |
|         | Carroll                           | 108              | 1                                       | 12  | 20               | 75      | 2,249                 | 708               | 1,337    | 204               | 5                  |
|         | Catoosa                           | 76               | 3                                       | 6   | 13               | 54      | 955                   | 189               | 594      | 172               | 2                  |
|         | Chattahoochee                     | 5                | 0                                       | 1   | 0                | 4       | 64                    | 20                | 37       | 7                 | 4                  |
|         | Cherokee                          | 93               | 5                                       | 10  | 12               | 66      | 1,904                 | 532               | 1,196    | 176               | 5                  |
|         | Clayton County Police Department  | 1,023            | 22                                      | 33  | 443              | 525     | 8,759                 | 2,824             | 4,236    | 1,699             | 36                 |
|         | Cobb County Police Department     | 1,227            | 21                                      | 113 | 467              | 626     | 13,631                | 2,820             | 9,086    | 1,725             | 61                 |
|         | Columbia                          | 89               | 1                                       | 15  | 28               | 45      | 2,005                 | 270               | 1,613    | 122               | 3                  |
|         | Coweta                            | 42               | 1                                       | 2   | 10               | 29      | 1,349                 | 371               | 803      | 175               | 12                 |
|         | Crawford                          | 16               | 0                                       | 1   | 2                | 13      | 375                   | 129               | 210      | 36                | 0                  |
|         | Dawson                            | 19               | 1                                       | 3   | 1                | 14      | 690                   | 146               | 439      | 105               | 2                  |
|         | DeKalb County Police Department   | 3,518            | 75                                      | 126 | 1,943            | 1,374   | 28,442                | 7,309             | 14,531   | 6,602             | 119                |
|         | Dougherty                         | 1                | 0                                       | 0   | 0                | 1       | 69                    | 10                | 57       | 2                 | 0                  |
|         | Douglas                           | 200              | 2                                       | 9   | 73               | 116     | 2,535                 | 544               | 1,724    | 267               | 7                  |
|         | Effingham                         | 51               | 0                                       | 3   | 5                | 43      | 532                   | 171               | 309      | 52                | 0                  |
|         | Fayette                           | 31               | 1                                       | 3   | 11               | 16      | 636                   | 150               | 431      | 55                | 0                  |
|         | Forsyth                           | 209              | 0                                       | 14  | 18               | 177     | 2,898                 | 695               | 1,993    | 210               | 2                  |
|         | Fulton County Police Department   | 959              | 27                                      | 61  | 485              | 386     | 9,856                 | 2,829             | 5,502    | 1,525             | 25                 |
|         | Glynn County Police Department    | 228              | 2                                       | 18  | 52               | 156     | 2,478                 | 519               | 1,832    | 127               |                    |
|         | Gwinnett County Police Department | 1,748            | 29                                      | 135 | 882              | 702     | 19,077                | 5,247             | 11,194   | 2,636             | 121                |
|         | Hall                              | 237              | 5                                       | 33  | 27               | 172     | 3,439                 | 822               | 2,131    | 486               | 12                 |
|         | Haralson                          | 26               | 2                                       | 0   | 4                | 20      | 671                   | 139               | 442      | 90                |                    |
|         | Heard                             | 25               | 0                                       | 0   | 4                | 21      | 260                   | 70                | 149      | 41                | 1                  |
|         | Houston                           | 94               | 1                                       | 3   | 18               | 72      | 1,050                 | 230               | 727      | 93                |                    |
|         | Jones                             | 18               | 0                                       | 0   | 3                | 15      | 607                   | 166               | 372      | 69                | 1                  |
|         | Lee                               | 20               | 0                                       | 2   | 2                | 16      | 499                   | 113               | 373      | 13                | 0                  |
|         | Liberty                           | 61               | 1                                       | 3   | 12               | 45      | 637                   | 158               | 437      | 42                |                    |
|         | Long                              | 31               | 0                                       | 2   | 2                | 27      | 170                   | 81                | 80       | 9                 | 1                  |
|         | Lowndes                           | 96               | 3                                       | 15  | 19               | 59      | 1,238                 | 266               | 900      | 72                |                    |
|         | Madison                           | 61               | 0                                       | 0   | 9                | 52      | 564                   | 65                | 460      | 39                |                    |
|         | Meriwether                        | 17               | 0                                       | 0   | 1                | 16      | 449                   | 117               | 216      | 116               |                    |
|         | Newton                            | 144              | 0                                       | 10  | 19               | 115     | 1,526                 | 489               | 848      | 189               | 7                  |
|         | Paulding                          | 200              | 1                                       | 15  | 12               | 172     | 2,772                 | 615               | 1,769    | 388               | 24                 |
|         | Rockdale                          | 351              | 3                                       | 11  | 51               | 286     | 2,496                 | 586               | 1,635    | 275               | 13                 |
|         | Spalding                          | 129              | 0                                       | 13  | 15               | 101     | 1,499                 | 384               | 956      | 159               | 6                  |

SAMAR000284

|   |                                  |     |   |    |    |     |       |     |       |     |    |
|---|----------------------------------|-----|---|----|----|-----|-------|-----|-------|-----|----|
|   | Walker                           | 201 | 2 | 3  | 5  | 189 | 1,529 | 326 | 1,046 | 157 | 17 |
|   | Walton                           | 23  | 0 | 3  | 7  | 13  | 921   | 134 | 641   | 146 | 0  |
|   | Worth                            | 5   | 0 | 2  | 0  | 3   | 161   | 64  | 86    | 11  | 0  |
| <b>GEORGIA Nonmetropolitan Counties</b> | Bacon                            | 0   | 0 | 0  | 0  | 0   | 71    | 31  | 27    | 13  | 0  |
|   | Baldwin                          | 99  | 2 | 5  | 8  | 84  | 790   | 201 | 552   | 37  | 2  |
|   | Bleckley                         | 8   | 1 | 1  | 0  | 6   | 95    | 27  | 63    | 5   | 0  |
|   | Bulloch                          | 57  | 2 | 0  | 10 | 45  | 861   | 227 | 589   | 45  | 2  |
|   | Camden                           | 43  | 0 | 3  | 5  | 35  | 393   | 103 | 268   | 22  |    |
|   | Candler                          | 6   | 0 | 0  | 6  | 0   | 90    | 30  | 56    | 4   | 0  |
|   | Clay                             | 2   | 0 | 0  | 0  | 2   | 3     | 0   | 2     | 1   | 0  |
|   | Colquitt                         | 90  | 2 | 5  | 6  | 77  | 869   | 264 | 534   | 71  | 1  |
|   | Decatur                          | 14  | 0 | 0  | 4  | 10  | 277   | 76  | 181   | 20  | 0  |
|   | Dooley                           | 12  | 0 | 1  | 4  | 7   | 51    | 10  | 39    | 2   | 0  |
|   | Early                            | 34  | 0 | 1  | 5  | 28  | 170   | 52  | 100   | 18  |    |
|   | Habersham                        | 32  | 1 | 3  | 3  | 25  | 551   | 209 | 277   | 65  | 0  |
|   | Hancock County Police Department | 0   | 0 | 0  | 0  | 0   | 0     | 0   | 0     | 0   | 0  |
|   | Irwin                            | 7   | 0 | 1  | 0  | 6   | 89    | 22  | 56    | 11  | 0  |
|   | Jackson                          | 61  | 0 | 7  | 2  | 52  | 892   | 279 | 527   | 86  |    |
|   | Jefferson                        | 31  | 1 | 0  | 0  | 30  | 156   | 54  | 84    | 18  | 1  |
|   | Johnson                          | 16  | 0 | 1  | 1  | 14  | 51    | 23  | 25    | 3   |    |
|   | Laurens                          | 52  | 0 | 8  | 5  | 39  | 634   | 197 | 379   | 58  | 1  |
|   | Lumpkin                          | 50  | 1 | 2  | 4  | 43  | 561   | 127 | 390   | 44  |    |
|   | Polk                             | 0   | 0 | 0  | 0  | 0   | 0     | 0   | 0     | 0   | 0  |
|   | Polk County Police Department    | 111 | 0 | 11 | 10 | 90  | 914   | 263 | 583   | 68  | 0  |
|   | Pulaski                          | 8   | 0 | 0  | 1  | 7   | 111   | 31  | 68    | 12  | 0  |
|   | Putnam                           | 38  | 1 | 2  | 1  | 34  | 266   | 94  | 161   | 11  | 0  |
|   | Schley                           | 0   | 0 | 0  | 0  | 0   | 19    | 2   | 16    | 1   | 0  |
|   | Seminole                         | 8   | 0 | 0  | 0  | 8   | 44    | 30  | 9     | 5   | 0  |
|   | Stephens                         | 33  | 0 | 9  | 5  | 19  | 400   | 81  | 262   | 57  | 1  |
|   | Tattnall                         | 18  | 0 | 2  | 3  | 13  | 188   | 58  | 111   | 19  | 0  |
|   | Taylor                           | 8   | 1 | 0  | 0  | 7   | 73    | 39  | 28    | 6   | 0  |
|   | Tift                             | 110 | 5 | 11 | 24 | 70  | 968   | 273 | 626   | 69  | 2  |
|   | Towns                            | 12  | 0 | 1  | 2  | 9   | 158   | 45  | 101   | 12  | 1  |
|   | Treutlen                         | 8   | 0 | 0  | 0  | 8   | 106   | 26  | 72    | 8   | 0  |
|   | Troup                            | 17  | 0 | 1  | 2  | 14  | 1,177 | 194 | 931   | 52  | 0  |
|   | Ware                             | 42  | 0 | 5  | 7  | 30  | 439   | 135 | 248   | 56  | 1  |
|   | Wheeler                          | 4   | 0 | 0  | 0  | 4   | 55    | 22  | 26    | 7   | 0  |
|   | Wilkes                           | 5   | 0 | 1  | 0  | 4   | 13    | 6   | 4     | 3   | 0  |
|   | Wilkinson                        | 12  | 0 | 0  | 1  | 11  | 78    | 29  | 42    | 7   | 1  |

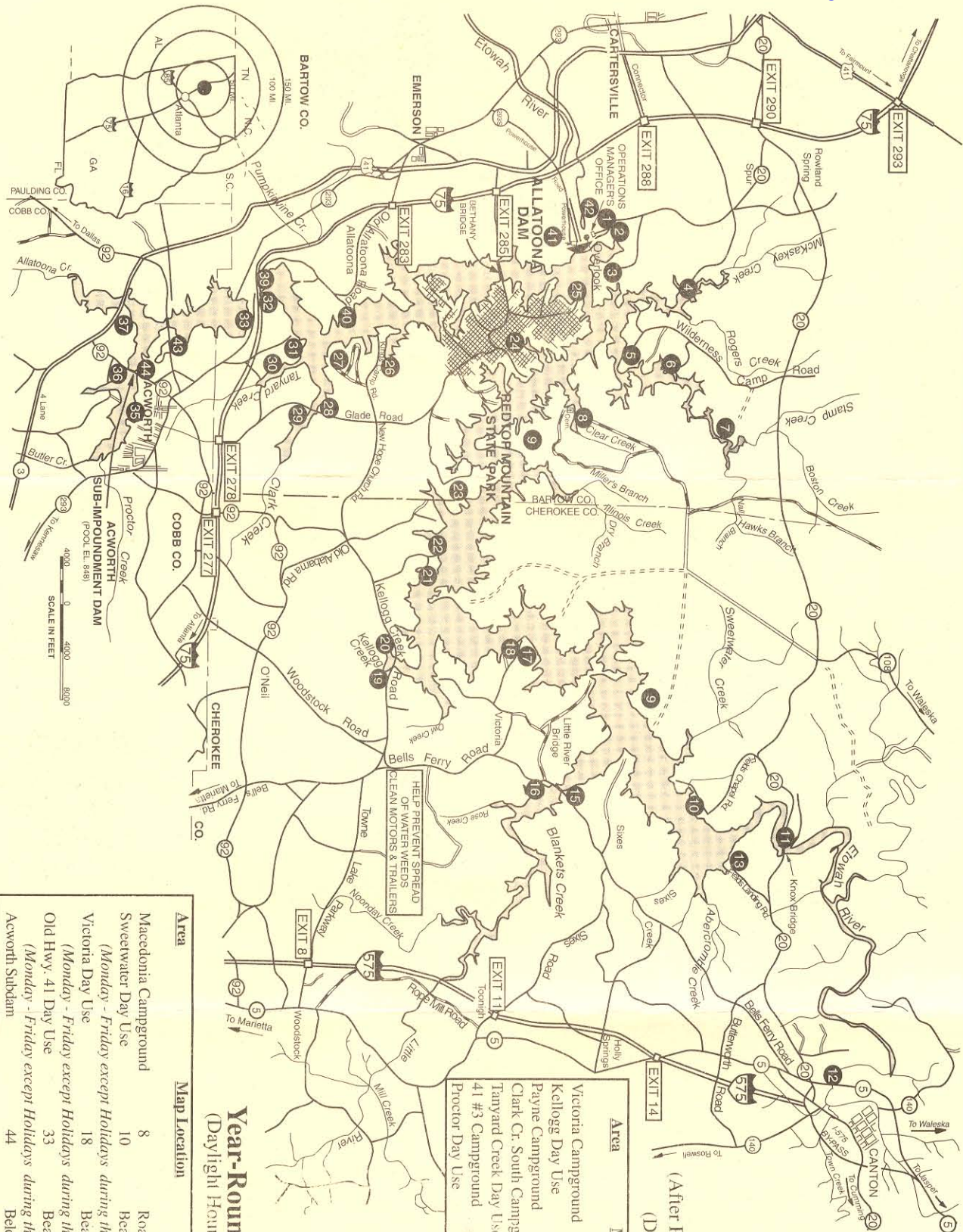
SAM AR000286-SAM AR000287



Metal detector use is prohibited in any area not listed. A Specified Acts Permit is required from the Allatoona Lake Operations Manager to use a metal detector in any prohibited area (or in one of the listed areas other than the time specified) and only to search for a specific lost personal item.

# Allatoona Lake

Areas Approved for Metal Detector Use  
(December 2003)



**Winter**  
(After Park is closed for Season)  
(Daylight Hours Only)

| Area                       | Map Location | Area of Sweep     |
|----------------------------|--------------|-------------------|
| Victoria Campground        | 18           | Beach & Shoreline |
| Kellogg Day Use            | 19           | Beach & Shoreline |
| Payne Campground           | 20           | Beach Only        |
| Clark Cr. South Campground | 29           | Beach & Ramp Area |
| Tanyard Creek Day Use      | 30           | Beach & Shoreline |
| 41 #3 Campground           | 32           | Shoreline         |
| Proctor Day Use            | 37           | Beach & Shoreline |

**Year-Round Use**  
(Daylight Hours Only)

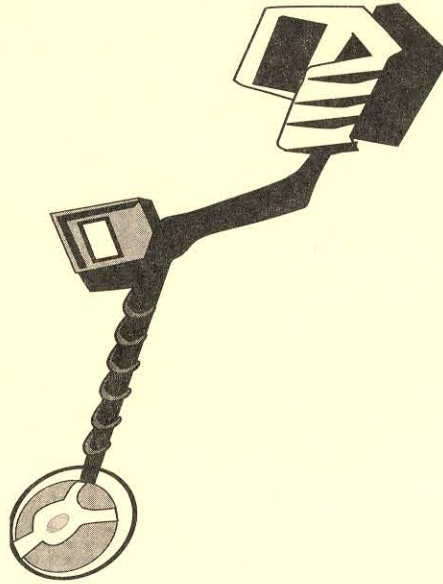
| Area   | Map Location | Area of Sweep                          |
|--|--------------|--|
| Macedonia Campground                                       | 8            | Roads, Shoreline & Ramp Area           |
| Sweetwater Day Use   | 10           | Beach Only                             |
| (Monday - Friday except Holidays during the summer months) |              |  |
| Victoria Day Use   | 18           | Beach & Shoreline                      |
| (Monday - Friday except Holidays during the summer months) |              |  |
| Old Hwy. 41 Day Use  | 33           | Beach & Shoreline                      |
| (Monday - Friday except Holidays during the summer months) |              |  |
| Acworth Subdam   | 44           | Below Subdam, Parking Lots & Shoreline |





**US Army Corps  
of Engineers**  
Mobile District

# ALLATOONA LAKE



## Metal Detector Use Policy

7. The destruction, injury, defacement, removal or any alteration of public property, including but not limited to, developed facilities, natural formations, mineral deposits, historical and archaeological features, and vegetative growth is prohibited except with written permission by the Operations Manager.

**ENFORCEMENT:** Failure to comply with these requirements may result in prosecution under one or more sections of Part 327, Title 36, Code of Federal Regulations with penalties of \$5,000.00 fine and/or 6 months imprisonment. Violations may also be prosecuted under the Archaeological Resources Protection Act with penalties of \$500,000.00 fine and 5 years imprisonment.

**INFORMATION:** Any person wishing to use a metal detecting device on government lands should first obtain a list of "approved" areas at the nearest Operations Manager's Office or from a Park Ranger. This list is subject to change without notice.

For more information or to obtain a copy of Section 327, Title 36, Code of Federal Regulations, please contact the Allatoona Lake Operations Manager's Office, P. O. Box 487, Cartersville, GA 30120, or by calling 678-721-6700.



**POLICY:** In accordance with the policy established by the U.S. Army Corps of Engineers, each Water Resource Project will have one or more areas open to the public for the recreational use of metal detectors.

A metal detector may be used under the following conditions:

1. Only during daylight hours.
2. Only in areas designed "approved". All other government land is classified by regulation as "unauthorized" or prohibited for metal detector use.
3. Non-identifiable items of nominal value (less than \$25.00) may be kept.
4. Identifiable items such as rings, watches, wallets; items of greater than nominal value; and all historical, archaeological, or paleontological items found will be deposited with a Park Ranger or at the nearest Operations Manager's Office.

5. Digging shall be limited to hand tools that can be used by one hand only, and are not more than 4 inches wide and 12 inches long.

6. Grass and other vegetation may not be removed or disturbed - digging is allowed only in bare soil or sand. All soil disturbed shall be returned to its original location.

SAM AR000288-SAM AR000289



**GENERAL INFORMATION**

The Government property line is currently monumented in its permanent location, except in isolated cases where land exchanges, acquisitions or disposals would alter the property line location. Permanent survey markers are located at all property corners except where they have been destroyed by construction or by vandalism. The maintenance survey effort accomplished around the lake involves replacing missing property corners, repainting line reference trees and setting intermittent "Point On Line" monuments between property corners. The "Point On Line" monuments will aid both project personnel and adjacent land owners in locating the property line on long tangents where neither property corner marking the end of the tangent can be easily viewed. **A source of misunderstanding concerning the Government property line occurs when one assumes that the painted line reference trees are the exact property line.** These trees are painted to alert the observer that a property line is nearby. There are also signs placed on some painted trees stating "United States Army Engineer District, Mobile – Boundary Line Nearby" or "United States Army Engineer District, Mobile – Easement Line". If activities require knowing exactly where the line is, the Operations Manager's Office may be contacted, and a Park Ranger can meet with the person(s) on site, or a private registered land surveyor should be contracted. Since these painted trees are not on the exact property line, remarking may give the appearance to an adjacent property owner that the line has been "moved" when, in fact, it may only indicate that a different tree was painted.

**QUESTIONS**

If you have questions about the location of the boundary line and/or information relating to the Government's fee or easement boundaries, contact the Lake Allatoona Operation Manager's Office: (678) 721-6700. A field appointment with a Corps Ranger can be scheduled to answer any questions you may have concerning public property and the Shoreline Use Permit Program.



**US Army Corps  
of Engineers**

**For more information, Please  
Contact: U.S. Army Corps of  
Engineers  
Operations Manager's Office  
P.O. Box 487  
Cartersville, GA 30120  
Phone (678) 721-6700**

**JANUARY 2003**

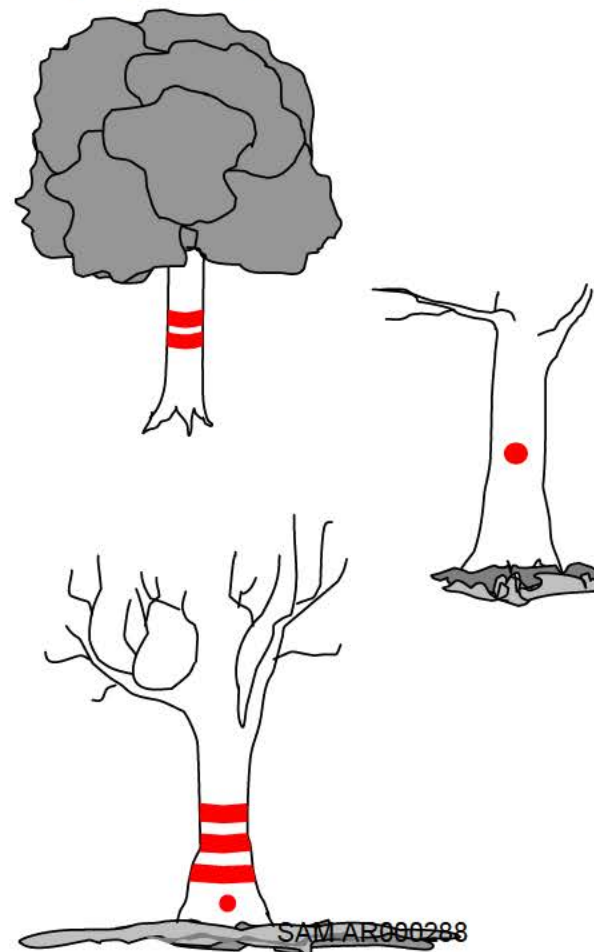


**US Army Corps  
of Engineers**

Mobile District

## **ALLATOONA LAKE**

### **BOUNDARY LINE MARKINGS AND PERMITTED USES OF PUBLIC LAND**





## INTRODUCTION

Allatoona Lake is the oldest multipurpose project in the Corps' South Atlantic Division. The authorized purposes of Allatoona are: Flood Control, Hydroelectric power generation, water supply and water quality, recreation, and fish and wildlife management. Allatoona Lake is one of the most visited Corps lakes in the nation. The popularity of Allatoona Lake is growing and good management is necessary to protect the environment and provide quality recreational opportunities for present and future generations. The Allatoona Project is comprised of 25,893 acres of fee owned land and 12,010 acres of water. The entire project is encompassed within boundary lines. These boundary lines show approximately where the property line is located.

## PERMITTED PRIVATE USE

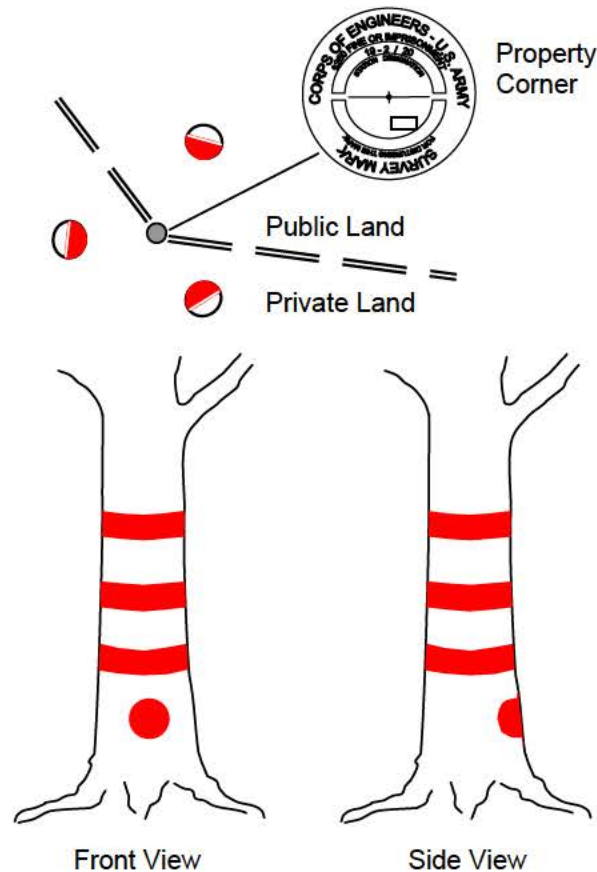
The Shoreline Management Plan is designed to provide guidance and information specific to the effective management of the Allatoona Lake shoreline, including adjacent public land and water. The plan also describes the types of uses and activities that may be permitted along the shoreline. Copies of the plan are available at the Operations Manager's office. Public land surrounding the lake has been zoned for certain uses: (Prohibited Access, Protected Shoreline, Public Recreation, and Limited Development). These designations help manage the lake and surrounding lands by enabling the District Engineer to approve appropriate uses within specific areas. Certain private uses are regulated through the Shoreline Use Permit Program. These uses may include a boat dock, water and electric lines, shoreline protection, underbrushing, and improved steps/or walkway. Such permits do not convey exclusive rights to public lands / waters.

Placing structures on public lands / waters without prior written approval is an encroachment. Examples of encroachments include unpermitted facilities such as boat dock, electric line, underbrushing, storage of personal property, and destruction or altering of Public Lands. These actions are in violation of Title 36, Part 327, US Code of Regulation.

## BOUNDARY LINE WITNESS MARKINGS

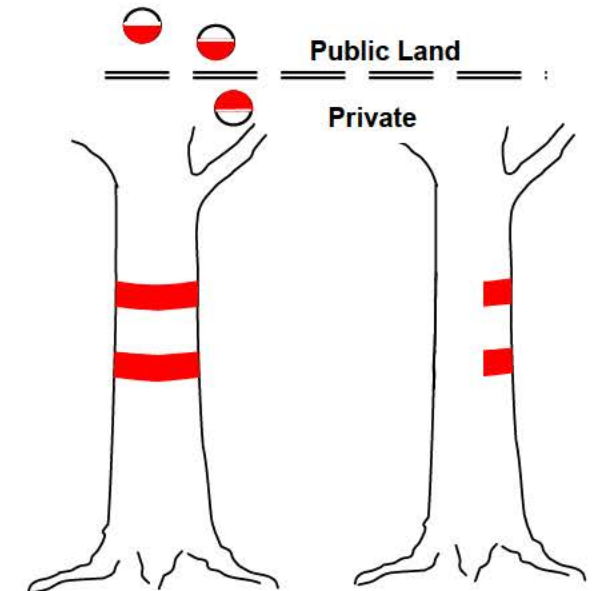
"Painting the boundary line" actually means painting witness trees near the line. At Allatoona Lake, red paint is used to mark witness trees along the fee boundary. White paint is used to identify the limits of Government owned easements. Drawings 1 through 3 illustrate the different types of markings and describe their meanings

### 1. CORNER WITNESS TREE



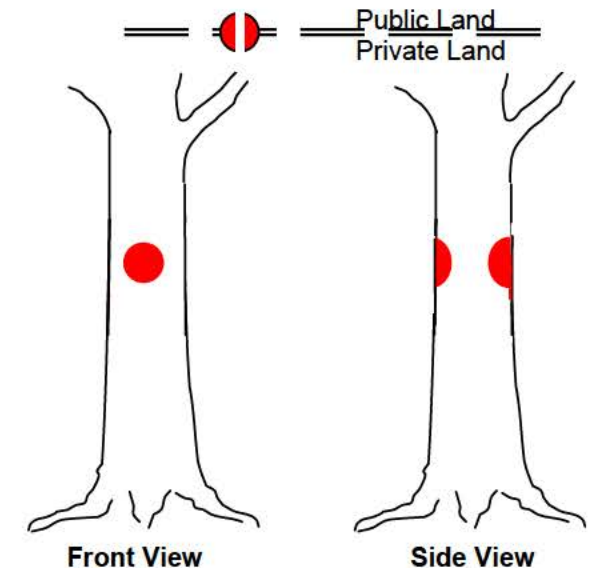
Tree is painted with three horizontal lines that encircle the trunk. The circle painted below the lines faces the property corner.

## LINE WITNESS TREE (example)



The most common witness tree. Two horizontal lines face the boundary line.

### 3. CENTER LINE TREE



This witness marking is used when the line goes through the tree. A circle is painted on both sides of the trunk.

SAM AR000290-SAM AR000292





- (f) In addition to the provisions in paragraphs (a) through (e) of this section, seaplanes are subject to the following restrictions:
- (1) Such use is limited to aircraft utilized for water landings and takeoff, in this part called seaplanes, at the risk of owner, operator and passenger(s).
- (2) Seaplane operations contrary to the prohibitions or restrictions established by the District Commander are prohibited. The District Commander shall have the authority and responsibility to ascertain whether seaplane operations are prohibited or restricted is incumbent upon the person's contemplating the use of, or using, such waters.
- (3) All operations of seaplanes while upon project waters shall be in accordance with U.S. Coast Guard navigation rules for powerboats or vessels and Sec. 327.3.
- (4) Seaplanes on project waters and lands in excess of 24 hours shall be securely moored at mooring facilities and at locations permitted by the District Commander. Seaplanes may be temporarily moored on project waters and lands, except in areas prohibited by the District Commander, for periods less than 24 hours providing:
- (i) The mooring is safe, secure, and accomplished so as not to damage the rights of the Government or members of the public, and
- (ii) The operator remains in the vicinity of the seaplane and reasonably available to relocate the seaplane if necessary.
- (5) Commercial operation of seaplanes from project waters is prohibited without written approval of the District Commander following consultation with and necessary clearance from the Federal Aviation Administration (FAA) and other appropriate public authorities and affected interests.
- (6) Seaplanes may not be operated at Corps projects between sunset and sunrise unless approved by the District Commander.
- 327.5 Swimming**
- (a) Swimming, wading, snorkeling or scuba diving at one's own risk is permitted, except at launching sites, designated mooring points and public docks, or other areas so designated by the District Commander.
- (b) An international diver down, or failed diver flag must be displayed during underwater activities.
- (c) Diving, jumping or swinging from trees, bridges or other structures which cross or are adjacent to project waters is prohibited.
- 327.6 Plinking**
- Plinking and related day-use activities are permitted, except in those areas where prohibited by the District Commander.
- 327.7 Camping**
- (a) Camping is permitted only at sites and/or areas designated by the District Commander.
- (b) Camping at one or more campsites at any one water resource project for a period longer than 14 days during any 30-consecutive-day period is prohibited without the written permission of the District Commander.
- (c) The unauthorized placement of camping equipment or other items on a campsite and/or personal appearance at a campsite without daily occupancy for the purpose of reserving that campsite for future occupancy is prohibited.
- (d) The digging or leveling of any ground or the construction of any structure without written permission of the District Commander is prohibited.
- (e) Occupying or placement of any camping equipment at a campsite which is posted and indicated as "reserved" without an authorized reservation for that site is prohibited.
- 327.8 Hunting, fishing, and trapping**
- (a) Hunting is permitted except in areas and during periods where prohibited by the District Commander.
- (b) Trapping is permitted except in areas and during periods where prohibited by the District Commander.
- (c) Fishing is permitted except in swimming areas, on boat ramps or other areas designated by the District Commander.
- (d) Additional restrictions pertaining to these activities may be established by the District Commander.
- (e) All applicable Federal, State and local laws regulating these activities apply on project lands and waters and shall be regulated by authorized enforcement officials as prescribed in Sec. 327.26.
- 327.9 Sanitation**
- (a) Garbage, trash, rubbish, litter, gray water, or any other waste material or waste liquid generated on the project and detrimental to authorized recreational activities shall be either removed from the project or deposited in receptacles provided for that purpose. The removal and disposal of such wastes, human and animal waste included, on the project is prohibited.
- (b) It is a violation to bring onto a project any household or commercial garbage, trash, rubbish, debris, dead animals or litter of any kind for disposal or dumping without the written permission of the District Commander. For the purposes of this section, the owner of any garbage, trash, rubbish, debris, dead animals or litter of any kind shall be presumed to be responsible for proper disposal. Such presumption will be sufficient to issue a citation for violation.
- (c) The spilling, pumping, discharge or disposal of contaminants, pollutants or other wastes, including, but not limited to, human or animal waste, petroleum, industrial and commercial products and by-products, on project lands or into project waters is prohibited.
- (d) Campers, picnickers, and all other persons using a water resource development project shall keep their sites free of trash and litter during the period of occupancy and shall remove all personal equipment and clean their sites upon departure.
- (e) The discharge or placing of sewage, galley waste, garbage, refuse, or pollutants into the project waters from any vessel or watercraft is prohibited.
- 327.10 Fires**
- (a) Gasoline and other fuels, except that which is contained in storage tanks of vehicles, vessels, camping equipment, or hand portable containers designed for such purpose, shall not be carried onto or stored on the project without written permission of the District Commander.
- (b) Fires shall be confined to those areas designated by the District Commander, and shall be contained in fireplaces, grills, or other facilities designated for this purpose. Campfires shall be restricted to those areas designated by the District Commander. The burning of materials that produce toxic fumes, including, but not limited to, tires, plastic and other flammable materials or treated wood products is prohibited. The District Commander may prohibit open burning of any type for environmental considerations.
- (c) Improper disposal of lighted smoking materials, matches or other burning material is prohibited.
- 327.11 Control of animals**
- (a) No person shall bring or allow dogs, cats, or other pets into developed recreation areas or adjacent waters unless penned, caged, on a leash under six feet in length, or otherwise physically restrained. No person shall allow animals to impede or restrict the movement of other persons or vehicles. No person shall allow animals to bark or emit other noise which unreasonably disturbs other people. Animals and pets, except properly trained animals assisting those with disabilities (such as seeing-eye dogs) are prohibited in sanitary facilities, playgrounds, swimming beaches and any other areas so designated by the District Commander. Abandonment of any animal on project lands or waters is prohibited. Unclaimed or unattended animals are subject to immediate impoundment and removal in accordance with state and local laws.
- (b) Persons bringing or allowing pets in designated public use areas shall be responsible for proper removal and disposal of any waste produced by these animals.
- (c) No person shall bring or allow horses, cattle, or other livestock in camping, picnicking, swimming or other recreation areas or on trails except in areas designated by the District Commander.
- (d) Ranging, grazing, selecting or allowing livestock on project lands and waters is prohibited except where authorized by lease, license or other written agreement with the District Commander.

(c) Unauthorized livestock are subject to impoundment and removal in accordance with Federal, state and local laws.

(f) Any animal impounded under the provisions of this section may be confined at a location designated by the District Commander, who may assess a reasonable impoundment fee. This fee shall be paid before the impounded animal is returned to its owners.

(g) Wild or exotic pets and animals (including but not limited to cougars, lions, bears, bobcats, snakes, and snakes) or any pets or animals displaying vicious or aggressive behavior or otherwise posing a threat to public safety or deemed a public nuisance, are prohibited from project lands and waters unless authorized by the District Commander, and are subject to removal in accordance with Federal, state and local laws.

#### 327.12 Restrictions

(a) The District Commander may establish and post a schedule of visiting hours and/or restrictions on the public use of a project or portion of a project. The District Commander may close or restrict the use of a project or portion of a project when necessitated by reason of public health, public safety, maintenance, resource protection or other reasons in the public interest. Entering or using a project in a manner which is contrary to the schedule of visiting hours, closures or restrictions is prohibited.

(b) Quiet shall be maintained in all public use areas between the hours of 10 p.m. and 6 a.m., or those hours designated by the District Commander. Excessive noise during such times which unreasonably disturbs persons is prohibited.

(c) Any act or conduct by any person which interferes with, impedes or disrupts the use of the project or impairs the safety of any person is prohibited. Individuals who are boisterous, cowardly, disorderly, or otherwise disturb the peace on project lands or waters may be requested to leave the project.

(d) The operation or use of any sound producing or motorized equipment, including but not limited to generators, vessels or vehicles, in such a manner as to unreasonably annoy or endanger persons at any time or exceed state or local laws governing noise levels from motorized equipment is prohibited.

(e) The possession and/or consumption of alcoholic beverages on any portion of the project or on any portion of the project may be prohibited when designated and posted by the District Commander.

(f) Unless authorized by the District Commander, smoking is prohibited in Visitor Centers, enclosed park buildings and in areas posted to restrict smoking.

#### 327.13 Explosives, firearms, other weapons and fireworks

(a) The possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited unless:

(1) In the possession of a Federal, state or local law enforcement officer;

(2) Being used for hunting or fishing as permitted under 327.8, with devices being unloaded when transported to, from or between hunting and fishing sites;

(3) Being used at authorized shooting ranges, or

(4) Written permission has been received from the District Commander.

(b) Possession of explosives or explosive devices of any kind, including fireworks or other pyrotechnics, is prohibited unless written permission has been received from the District Commander.

#### 327.14 Public property

(a) Destruction, injury, defacement, removal or any alteration of public property including, but not limited to, developed facilities, natural formations, mineral deposits, historical and archaeological features, paleontological resources, boundary monumentation or markers and vegetative growth, is prohibited except when in accordance with written permission of the District Commander.

(b) Cutting or gathering of trees or parts of trees and/or the removal of wood from project lands is prohibited without written permission of the District Commander.

(c) Gathering of dead wood on the ground for use in designated recreation areas as firewood is permitted, unless prohibited and posted by the District Commander.

(d) The use of metal detectors is permitted on designated beaches or other previously

Office. Items found must be handled in accordance with Sections 327.15 and 327.16 except for non-identifiable items such as coins of value less than \$25.

#### 327.15 Abandonment and impoundment of personal property

(a) Personal property of any kind shall not be abandoned, stored or left unattended upon project lands or waters. After a period of 24 hours, or at any time after a posted closure hour at a public use area or for the purpose of providing public safety or otherwise, property may be impounded and stored at a storage point designated by the District Commander, who may assess a reasonable impoundment fee. Such fee shall be paid before the impounded property is returned to its owner.

(b) Personal property placed on Federal lands or waters adjacent to a private residence, facility and/or developments of any private nature for more than 24 hours without permission of the District Commander shall be deemed to have been abandoned and, upon request, may be impounded and stored at a storage point designated by the District Commander and/or issue a citation as provided for in Sec. 327.25.

(c) The District Commander shall, by public or private sale or otherwise, dispose of all lost, abandoned or unclaimed personal property that comes into Government custody or control. However, property may not be disposed of until diligent effort has been made to find the owner, heirs, next of kin or legal representative(s). If the owner, heirs, next of kin or legal representative(s) cannot be located, the property may be disposed of and the sale of the property may not be disposed of until the expiration of 120 days after the date when the property was found or received. The property may be disposed of at the time and place of the intended sale or other disposition, has been sent by certified or registered mail to that person at the last known address. When diligent efforts to determine the owner, heirs, next of kin or legal representative(s) are unsuccessful, the property may be disposed of without delay except that if it has a fair market value of \$100 or more the property may not be disposed of until 30 days after the date it is disposed of. The property may be disposed of at the time and place of the intended sale from the sale of property shall be conveyed into the Treasury of the United States as miscellaneous receipts.

#### 327.16 Lost and found articles

All articles found shall be deposited by the finder at the Manager's office or with a ranger. All such articles shall be disposed of in accordance with the procedures set forth in Sec. 327.15.

#### 327.17 Advertisement

(a) Advertising and the distribution of printed matter is allowed within project land and waters provided that a permit to do so has been issued by the District Commander and provided that this activity is not solely commercial advertising.

(b) An application for such a permit shall set forth the name of the applicant, the name of the organization (if any), the date, time, duration, and location of the proposed advertising or the distribution of printed matter, the number of participants, and any other information required by the permit application form. Permit conditions and procedures are available from the District Commander.

(c) Vessels and vehicles with semipermanent or permanent painted or installed signs are exempt as long as they are used for authorized recreational activities and comply with all other rules and regulations pertaining to vessels and vehicles.

For permit terms and conditions see the Federal Register, Volume 65, No. 88, May 5, 2000, page 26137.

#### 327.18 Commercial activities

(a) The engaging in or solicitation of business on project land or waters without the express written permission of the District Commander is prohibited.

(b) It shall be a violation of this part to refuse to or fail to comply with the fee requirements or other terms or conditions of any permit issued under the provisions of this part 327.

#### 327.19 Permits

(a) It shall be a violation of this part to refuse to or fail to comply with the fee requirements or other terms or conditions of any permit issued under the provisions of this part 327.

(b) Permits for floating structures (issued under the authority of Sec. 327.39) of any kind on any waters under the jurisdiction of the United States, or on any lands under the jurisdiction of the United States, shall be issued at the discretion of the District Commander under the authority of this section. District Commanders will delineate



**327.30 Shoreline Management on Civil Works Projects**  
(a) Purpose. The purpose of this regulation is to provide policy and guidance on management of shorelines of Civil Works projects where 36 CFR Part 327 is applicable.  
(A complete copy of 327.30 is available at the Resource Manager's Office, District Office, Division Office or from HQUSACE CECW-ON, Washington, DC 20314-1006.)

A violation of the provisions of this regulation shall subject the violator to a fine of not more than \$5000.00 or imprisonment for not more than 6 months, or both.

In the interest of more effective resource management and to increase the overall enjoyment of the visitor experience available at Corps of Engineers water resources development projects, the preceding rules and regulations have been established. Your observance of these rules while a visitor to these projects will make your visit and the visits of others more pleasant and enjoyable.

(b) Where such fees are charged, the District Commander shall insure that clear notice of fee requirements is prominently posted at each area, and at appropriate locations therein and that the notice be included in publications distributed at such areas. Failure to pay authorized recreation use fees as established pursuant to Pub. L. 86-578, 78 Stat. 897, as amended (16 U.S.C. 4601-6a), is prohibited and is punishable by a fine of not more than \$100.  
(c) Failure to pay authorized day use fees, and/or properly display applicable receipt, permit or pass is prohibited.  
(d) Any Golden Age or Golden Access Passport permittee shall be entitled, upon presentation of such a permit, to utilize special recreation facilities at a rate of 50 percent off the established use fee at Federally operated areas. Fraudulent use of a Golden Age or Golden Access Passport is prohibited.

**327.24 Interference with Government employees.**

(a) It is a Federal crime pursuant to the provisions of sections 111 and 1114 of Title 18, United States Code, to forcibly assault, resist, oppose, impede, intimidate, or interfere with, attempt to kill or kill any civilian official or employee of the U.S. Army Corps of Engineers engaged in the performance of his or her official duties, or on account of the performance of his or her official duties. Such actions or interference directed against a Federal employee while carrying out the regulations in this part are also a violation of Federal regulations and may be a state crime pursuant to the laws of the state where they occur.  
(b) Failure to comply with a lawful order issued by a Federal employee acting pursuant to the regulations in this part shall be considered as interference with that employee while engaged in the performance of their official duties. Such interference with a Federal employee includes failure to provide a correct name, address or other information requested by a Federal employee, or failure to provide identification when that employee is authorized by the District Commander to issue citations in the performance of the employee's official duties.

**327.25 Violations of rules and regulations.**

(a) Any person who violates the provisions of the regulations in this part, other than for violations in part 327.26, shall be subject to a civil penalty of not more than \$5000.00, may be fined by a fine of not more than \$5000.00 or imprisonment for not more than six months or both and may be fined and sentenced in accordance with the provisions of section 3401 of Title 18, United States Code. Persons designated by the District Commander shall have the authority to issue a citation for violation of the regulations in this part, requiring any person charged with the violation to appear before the United States Magistrate within whose jurisdiction the affected water resources development project is located (16 U.S.C. 4601).  
(b) Any person who commits an act against any official or employee of the U.S. Army Corps of Engineers that is a crime under the provisions of section 111 or section 1114 of Title 18, United States Code or under provisions of pertinent state law may be tried and sentenced as further provided under Federal or state law, as the case may be.

**327.26 State and local laws.**

(a) Except as otherwise provided in this part or by Federal law or regulation, state and local laws and ordinances shall apply on project lands and waters. This includes, but is not limited to, state and local laws and ordinances governing:  
(1) Operation and use of motor vehicles, vessels, and aircraft;  
(2) Hunting, fishing and trapping;  
(3) Use or possession of firearms or other weapons;  
(4) Civil disobedience and criminal acts;  
(5) Littering, sanitation and pollution; and  
(6) Alcohol or other controlled substances.

(b) These state and local laws and ordinances are enforced by those state and local enforcement agencies established and authorized for that purpose.

**327.27 (Reserved)**

**327.28 (Reserved)**

**327.29 (Reserved)**

those portions of the navigable waters of the United States where this provision is applicable and post notices of this designation in the vicinity of the appropriate Manager's Office.

(c) Permits for non-floating structures (issued under the authority of Sec. 327.30) of any kind constructed, placed in or affecting waters of water resources development projects where such waters are deemed navigable waters of the U.S. shall be issued pursuant to the provisions of the Clean Water Act (33 U.S.C. 1344) and the Federal Water Pollution Control Act (33 U.S.C. 1361) and the Federal Water Pollution Control Act (33 U.S.C. 1362) and the Federal Water Pollution Control Act (33 U.S.C. 1363) and the Federal Water Pollution Control Act (33 U.S.C. 1364). (Sec. 33 CFR parts 320 through 330.)

(d) Permits for non-floating structures (issued under the authority of Sec. 327.30) of any kind in waters of water resources development projects where such waters are not deemed navigable waters of the U.S. shall be issued pursuant to the provisions of the Clean Water Act (33 U.S.C. 1344) and the Federal Water Pollution Control Act (33 U.S.C. 1361) and the Federal Water Pollution Control Act (33 U.S.C. 1362) and the Federal Water Pollution Control Act (33 U.S.C. 1363) and the Federal Water Pollution Control Act (33 U.S.C. 1364). (Sec. 33 CFR parts 320 through 330.)

(e) Shoreline Use Permits to authorize private shoreline use facilities, activities or development (issued under the authority of section 327.30) may be issued in compliance with the provisions of the Clean Water Act (33 U.S.C. 1344) and the Federal Water Pollution Control Act (33 U.S.C. 1361) and the Federal Water Pollution Control Act (33 U.S.C. 1362) and the Federal Water Pollution Control Act (33 U.S.C. 1363) and the Federal Water Pollution Control Act (33 U.S.C. 1364). (Sec. 33 CFR parts 320 through 330.)

**327.20 Unauthorized structures.**

The construction, placement, or evidence of any structure (including, but not limited to, roads, trails, signs, portable building stands or bunk huts, docks, or other structures) on project lands or waters, whether or not such structure is prohibited under a permit, lease, license or other appropriate written authorization has been issued by the District Commander. The design, construction, placement, existence or use of structures in violation of the terms of the permit, lease, license, or other written authorization is prohibited. The government shall not be liable for the loss of, or damage to, any private structures, whether authorized or not, placed on project lands or waters. Unauthorized structures are subject to summary removal or impoundment by the District Commander. Structures that are not authorized or not in compliance with the permit shall be removed or removed at the end of a day's hunt may be used.

**327.21 Special events.**

(a) Special events including, but not limited to, water currents, boat regattas, fishing tournaments, music festivals, dramatic presentations or other special recreation events shall be subject to the provisions of the regulations in this part and the District Commander. Where appropriate, District Commanders can provide the state a blanket letter of permission to permit fishing tournaments while coordinating the scheduling and details of tournaments with individual projects. An appropriate fee may be charged under the authority of Sec. 327.23.

(b) The public shall not be charged any fee by the sponsor of such event unless the District Commander has approved the event and the sponsor has properly posted the permit fee schedule of the District Commander. The District Commander shall have the authority to require removal of any equipment, and require restoration of an area to pre-event condition, upon failure of the sponsor to comply with terms and conditions of the permit/permission or the regulations in this part 327.

**327.22 Unauthorized occupation.**

(a) Occupying any lands, buildings, vessels or other facilities within water resource development projects for the purpose of maintaining the same as a full- or part-time residence without the written permission of the District Commander is prohibited. The provisions of this section shall not apply to the occupation of lands for the purpose of camping, in accordance with the provisions of Sec. 327.7.

(b) Use of project lands or waters for agricultural purposes is prohibited except when in compliance with terms and conditions established by lease, license or other written agreement issued by the District Commander.

**327.23 Recreation use fees.**

(a) In accordance with the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a) and the Omnibus Budget Reconciliation Act of 1993, Pub. L. 103-465, the Corps of Engineers shall have the authority to charge special recreation use fees and/or special permit fees for the use of specialized sites, facilities, equipment or services related to outdoor recreation furnished at Federal expense.

SAM AR000293-SAM AR000300

**DEPARTMENT OF DEFENSE****Department of the Army; Corps of Engineers****36 CFR Part 327****Public Use of Water Resources Development Projects Administered by the Chief of Engineers**

**AGENCY:** U.S. Army Corps of Engineers, DOD.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Army Corps of Engineers has amended the rules and regulations governing public use of water resources development projects administered by the Chief of Engineers. This final rulemaking supersedes the regulation dated September 3, 1985 and is designed to ensure safe, enjoyable and environmentally sound visitation on the public lands, free from unwarranted disturbances. This is accomplished by setting minimum standards of conduct for individuals using the public lands and establishing penalties that may be imposed for failure to obey the regulations.

These rules and regulations apply to water resources development projects completed or under construction, which are administered by the Chief of Engineers, and to those portions of jointly administered water resources development projects, which are under the administrative jurisdiction of the Chief of Engineers.

**EFFECTIVE DATE:** April 1, 2000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Austin, Outdoor Recreation Planner, 202-761-1796.

**SUPPLEMENTARY INFORMATION:****I. Comments on the Proposed Rule**

Thirteen responses were received pertaining to the following six paragraphs of the regulation:

36 CFR 327.1(e) Policy. One commentator questioned the use of the word "outgranted", stating that it should not be used since it is not included in the Webster Collegiate Dictionary.

The word outgranted is an appropriate and legally acceptable term as defined in Army Regulation 405-80 (10 October 1997) as "a legal document which conveys or grants the right to use Army-controlled real property". No changes are necessary to this paragraph.

36 CFR 327.3(k) Vessels. One commentator expressed concern as to whether the Corps would still have authority to enforce boating regulations under the proposed new language.

Enforcement responsibility will remain unchanged under the revised

regulation. The language is essentially the same as the previous edition (Sept. 3, 1985) and is exactly the same as paragraph 327.2h (Vehicles) which also specifies that the operation of a vehicle must be "in accordance with applicable Federal, state and local laws, which shall be regulated by authorized enforcement officials as prescribed in Sec. 327.26." No changes are necessary to this paragraph.

36 CFR 327.7(c). Camping. One commentator questioned the elimination of the "overnight occupancy" requirement, stating that the new language could allow reserved sites to be unoccupied for up to 14 days without penalty.

The intent of Corps policy is to encourage the actual occupancy of all reserved campsites. Based on this comment, the phrase "without daily occupancy" has been inserted between the words "campsite" and "for the purpose."

One commentator also questioned the use of the word "unauthorized", stating that the word could be interpreted to mean that authorized placement of equipment or personal appearance (for the purposes of reserving a campsite) is acceptable.

The term "unauthorized" acknowledges that there may be instances where there are "authorized" placement of equipment at a site depending on local management policies. For example, when an entrance station is closed, many projects place a sign in the window instructing the camper to select an unoccupied site, set up camp and report back when the entrance station reopens. Eliminating the term "unauthorized" would cause this management practice to be in violation of 36 CFR 327. The term "unauthorized" will remain in this paragraph.

36 CFR 327.7(e) Camping. One commentator suggested that the words "is posted" be removed from the paragraph, stating that this phrase could be interpreted to mean that campsites must be physically posted by a sign, site marker, etc.

For the safety and convenience of all visitors, a method of indicating that a site has been reserved (either by physical posting or by other means) is necessary to avoid possible user conflicts. As a result of this comment, the phrase "or otherwise marked or indicated" has been inserted between the phrase "is posted" and before the phrase "as reserved".

36 CFR 327.20 Unauthorized Structures. Several commentators expressed concern about adding the words "hunting stands or blinds" to the

list of items that can only be placed on project lands or waters with a prior permit or other appropriate written authorization by the District Commander.

As a result of these comments, the language has been changed to allow for the use of *portable* hunting stands or blinds without having to obtain a permit or other written approval by the District Commander. The term "non-portable" will be inserted between the words "signs" and "hunting stands". A second sentence will be added to state, "Portable hunting stands, climbing devices, steps, or blinds, that are not nailed or screwed into trees and are removed at the end of the day's hunt may be used".

36 CFR 327.21(a). Special Events. Several commentators expressed concern over adding "fishing tournaments" to the list of special events items that are prohibited unless written permission has been granted by the District Commander. Some of these commentators requested that a size limit be set, allowing tournaments under 30 boats to be conducted without a permit. Upon further review, fishing tournaments will remain in the regulation as stated due to the size and other variations of Corps projects nationwide. However, to increase flexibility, the following sentence has been added after the first sentence of the paragraph: "Where appropriate, District Commanders can provide the state a blanket letter of permission to permit fishing tournaments while coordinating the scheduling and details of tournaments with individual projects".

**II. Amendments**

The following amendments to 36 CFR Chapter III Part 327, as further revised based on the comments received through the Proposed Rule process, are necessary to clarify and strengthen selected regulations for more effective management and to enhance public safety and enjoyment of Corps water resource development projects. Some of the sections have been reworded and/or have had information added or deleted to clarify the regulations. These minor changes are editorial in nature and have been made to express the intent of the regulation more concisely, and to maintain consistency with existing Public Laws.

*Discussion of Specific Rule Changes*

In Part 327, Secs. 327.1 through 327.26, all references to "District Engineer" have been changed to read "District Commander."

**36 CFR 327.0 Applicability**

Section 327.0 is republished with no changes.

**36 CFR 327.1 Policy**

Section 327.1, paragraph (h), is revised to better define the responsibility of an operator or owner of any vehicle, vessel, or aircraft. Paragraph (i) is added to define the responsibility of a registered user of a campsite, picnic area, or other facility.

**36 CFR 327.2 Vehicles**

Section 327.2, paragraphs (b) and (d), is edited for consistency. A portion of a sentence has been moved from paragraph (d) into a new paragraph (h) to emphasize the laws and regulating authority for the operation of vehicles. Paragraph (e) is revised by removing the word "project" and paragraph (f) is revised by using the word "designated" to define the recreation area.

**36 CFR 327.3 Vessels**

Section 327.3, paragraph (a), is revised to substitute the term "personal watercraft" for "jetskis" and to add navigation on ice. A portion of a sentence has been moved from paragraph (c) into a new paragraph (k) to emphasize the laws and regulating authority for the operation of vessels. Paragraph (d) is rewritten for ease of readability and to include environmental features. Paragraph (e) has been edited for clarity and to include requirements of enforcement for non-compliance. Paragraph (h) has been modified to include a restriction about mooring vessels to project structures.

**36 CFR 327.4 Aircraft**

Section 327.4 is revised to include environmental features in paragraph (c), and the retrieval of person or material or equipment from project lands, and the use of balloons in paragraph (e). Paragraph (f)(3) is revised to be consistent with other sections, and to more concisely define navigation rules. Paragraph (f)(6) is revised to remove repetitiveness.

**36 CFR 327.5 Swimming**

Section 327.5, paragraph (a), is updated to include wading and public docks, and the last sentence is removed to eliminate repetitiveness with paragraph (c) of this section. Paragraph (b) is revised to include appropriate terminology. Paragraph (c) is revised to include the activity of swinging, and to include trees and structures which are adjacent to project waters.

**36 CFR 327.6 Picnicking**

Section 327.6 is revised for consistency with current Corps of Engineers terminology.

**36 CFR 327.7 Camping**

Section 327.7 is revised to comply with the National Recreation Reservation Service.

**36 CFR 327.8 Hunting, Fishing, and Trapping**

Section 327.8 is revised by breaking out each activity into separate paragraphs for better clarification.

**36 CFR 327.9 Sanitation**

Section 327.9, paragraph (a), is revised to include gray water. Paragraph (b) is revised to clarify the responsibility of the owner of garbage as defined in this section. Paragraph (c) is revised to include disposal of wastes for consistency with other paragraphs in this section.

**36 CFR 327.10 Fires**

Section 327.10, paragraph (b), is revised to include floatation materials and to clarify the regulation of open burnings for environmental considerations.

**36 CFR 327.11 Control of Animals**

Section 327.11, paragraph (a), is revised to include waters adjacent to developed recreation areas; to include a sentence which provides enforcement for animals which unreasonably disturb other people; to include the prohibition of animals and pets on playgrounds; and to include a sentence on the prohibition of abandoning any animal on project lands or waters. Paragraph (b) is revised to remove the words, "in sanitary facilities". The word "trails" is added to paragraph (c) for clarification on the types of recreation areas at Corps projects. Paragraph (g) is added to this section to restrict the presence of wild or exotic pets and animals, or any pets or animals displaying vicious or aggressive behavior or posing a threat to public safety or deemed a public nuisance on project lands and waters unless authorized by the District Commander.

**36 CFR 327.12 Restrictions**

Section 327.12 is revised by adding resource protection to the list of reasons that a District Commander may close or restrict the use of a project or portion of a project. Paragraph (c) has been modified by changing the phrase "the safety of another person" to "the safety of any person". The list of audio producing devices has been removed in paragraph (d) and is now generalized to

read as a "sound producing device" and generators have been added to the examples of motorized equipment. Paragraph (e) is added to clarify the potential prohibition of alcohol on project lands. Paragraph (f) is added to reflect requirements in E.O. 13058, August 9, 1997.

**36 CFR 327.13 Explosives, Firearms, Other Weapons and Fireworks**

Section 327.13 is revised by adding the words "other weapons" to paragraph (a). Information on explosives and fireworks is moved from paragraph (a) into a new paragraph (b) for clarification purposes.

**36 CFR 327.14 Public Property**

Section 327.14 is revised to include paleontological resources, and boundary monumentation or markers in paragraph (a). Paragraph (c) is revised to include clarification on site specific prohibitions. Paragraph (d) is added for clarification on metal detectors and is in conformance with existing Corps regulations.

**36 CFR 327.15 Abandonment and Impoundment of Personal Property**

Section 327.15, paragraph (a), is revised to include public safety or resource protection to the reasons for closure of a public use area. Paragraphs (b) and (c) are switched for better readability. Paragraph (b) is revised to include private facilities, and to include the impoundment of property for consistency with paragraph (c). Paragraph (c) is revised to increase the fair market value of property which may be disposed of after 90 days, and to correct the word "covered" to "conveyed."

**36 CFR 327.16 Lost and Found Articles**

Section 327.16 is revised for consistency with current Corps of Engineers terminology.

**36 CFR 327.17 Advertisement**

Section 327.17 is revised for consistency with current Corps of Engineers terminology.

**36 CFR 327.18 Commercial Activities**

Section 327.18 is revised by adding the words "project lands or waters", to clarify where the solicitation of business is prohibited.

**36 CFR 327.19 Permits**

Section 327.19, paragraph (b), is revised for consistency with current Corps of Engineers terminology. The words "Rivers and Harbors" are added to paragraph (c) for clarification of the

referenced Act. The words “Water Quality” are added to paragraph (d) for clarification on the type of required certification.

#### 36 CFR 327.20 Unauthorized Structures

Section 327.20 is revised to include non-portable hunting stands or blinds, buoys, and docks in the list of structures for purposes of clarification. The section is also revised by changing the word “agreement” to “authorization” for consistency within the document.

#### 36 CFR 327.21 Special Events

Section 327.21, paragraph (a), is revised to include fishing tournaments in the list of special events. The following sentence has been added to the paragraph: “Where appropriate, District Commanders can provide the state a blanket letter of permission to permit fishing tournaments while coordinating the scheduling and details of tournaments with individual projects”. Paragraph (b) is revised to include the restoration of an area to pre-event conditions for consistency with Corps of Engineers regulations.

#### 36 CFR 327.22 Unauthorized Occupation

Section 327.22 is revised for consistency with current Corps of Engineers terminology.

#### 36 CFR 327.23 Recreation Use Fees

Section 327.22 is revised by removing paragraph (b) and incorporating the information contained in this paragraph into paragraph (a) for better readability. Paragraph (c) is redesignated as paragraph (b) and a new paragraph (c) is added to include a prohibition on the failure to pay day use fees and to properly display the day use pass. A prohibition about the fraudulent use of a Golden Age or Golden Access Passports is added to paragraph (d). Paragraph (e) is removed for consistency with the National Recreation Reservation Service.

#### 36 CFR 327.24 Interference With Government Employees

Section 327.24, paragraph (a), is revised to include the words “attempt to kill, or kill,” for consistency with Title 18, United States Code. Paragraph (b) is revised to include the words “information deemed necessary for,” to provide clarification on type of other identification which may be required by a Federal employee in the performance of issuing citations.

#### 36 CFR 327.25 Violations of Rules and Regulations

Section 327.25 is revised to increase the amount of the maximum fine in accordance with 18 USC, section 3571, and to remove duplicate words.

#### 36 CFR 327.26 State and Local Laws

Section 327.26 is revised to include the “possession” of firearms or other weapons, and “alcohol or other controlled substances” to the list of examples which are governed by state and local laws and ordinances. The paragraphs in this section have been renumbered for consistency and better readability.

#### 36 CFR 327.30 and 327.31

These sections are not amended in this proposed rule.

### III. Required Determinations

#### *Executive Order 12291*

This final rule is not a major rule as defined by Executive Order 12291.

#### *Regulatory Flexibility Act Determination (5 U.S.C. 601 et seq.)*

As required by the Regulatory Flexibility Act, the U.S. Army Corps of Engineers certifies that these regulatory amendments will not have a significant impact on small business entities. This rule is an update to the current regulations governing public use on Corps of Engineers Water Resources Development Projects.

#### *Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)*

This final rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act.

#### *Unfunded Mandates Reform Act (2 U.S.C. 1502 et seq.)*

This rulemaking will not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It will not result in costs of \$100 million or more on State, local, or tribal governments or private entities.

Dated: February 3, 2000.

Approved:

Eric R. Potts,

Colonel, Corps of Engineers, Executive Director for Civil Works.

### List of Subjects in 36 CFR Part 327

Natural resources, Penalties, Public lands, Recreation and recreation areas, Resource management, Water resources.

For the reasons set forth in the preamble, amend Part 327 of Title 36 of the Code of Federal Regulations as follows:

### PART 327—RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCES DEVELOPMENT PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS

1. The authority citation for Part 327 is revised to read as follows:

**Authority:** 16 U.S.C. 460d; 16 U.S.C. 4601–6a; Sec. 210, Pub. L. 90–483, 82 Stat. 746.; 33 U.S.C. 1, 28 Stat. 362.

2. Sections 327.0 through 327.26 are revised to read as follows:

#### **§ 327.0 Applicability.**

The regulations covered in this part 327 shall be applicable to water resources development projects, completed or under construction, administered by the Chief of Engineers, and to those portions of jointly administered water resources development projects which are under the administrative jurisdiction of the Chief of Engineers. All other Federal, state and local laws and regulations remain in full force and effect where applicable to those water resources development projects.

#### **§ 327.1 Policy.**

(a) It is the policy of the Secretary of the Army, acting through the Chief of Engineers, to manage the natural, cultural and developed resources of each project in the public interest, providing the public with safe and healthful recreational opportunities while protecting and enhancing these resources.

(b) Unless otherwise indicated in this part, the term “District Commander” shall include the authorized representatives of the District Commander.

(c) The term “project” or “water resources development project” refers to the water areas of any water resources development project administered by the Chief of Engineers, without regard to ownership of underlying land, to all lands owned in fee by the Federal Government and to all facilities therein or thereon of any such water resources development project.

(d) All water resources development projects open for public use shall be available to the public without regard to sex, race, color, creed, age, nationality or place of origin. No lessee, licensee, or concessionaire providing a service to the public shall discriminate against any person because of sex, race, creed, color, age, nationality or place of origin in the conduct of the operations under the lease, license or concession contract.

(e) In addition to the regulations in this part 327, all applicable Federal,



state and local laws and regulations remain in full force and effect on project lands or waters which are outgranted by the District Commander by lease, license or other written agreement.

(f) The regulations in this part 327 shall be deemed to apply to those lands and waters which are subject to treaties and Federal laws and regulations concerning the rights of Indian Nations and which lands and waters are incorporated, in whole or in part, within water resources development projects administered by the Chief of Engineers, to the extent that the regulations in this part 327 are not inconsistent with such treaties and Federal laws and regulations.

(g) Any violation of any section of this part 327 shall constitute a separate violation for each calendar day in which it occurs.

(h) For the purposes of this part 327, the operator of any vehicle, vessel or aircraft as described in this part, shall be presumed to be responsible for its use on project property. In the event where an operator cannot be determined, the owner of the vehicle, vessel, or aircraft, whether attended or unattended, will be presumed responsible. Unless proven otherwise, such presumption will be sufficient to issue a citation for the violation of regulations applicable to the use of such vehicle, vessel or aircraft as provided for in § 327.25.

(i) For the purposes of this part 327, the registered user of a campsite, picnic area, or other facility shall be presumed to be responsible for its use. Unless proven otherwise, such presumption will be sufficient to issue a citation for the violation of regulations applicable to the use of such facilities as provided for in § 327.25.

#### **§ 327.2 Vehicles.**

(a) This section pertains to all vehicles, including, but not limited to, automobiles, trucks, motorcycles, mini-bikes, snowmobiles, dune buggies, all-terrain vehicles, and trailers, campers, bicycles, or any other such equipment.

(b) Vehicles shall not be parked in violation of posted restrictions and regulations, or in such a manner as to obstruct or impede normal or emergency traffic movement or the parking of other vehicles, create a safety hazard, or endanger any person, property or environmental feature. Vehicles so parked are subject to removal and impoundment at the owner's expense.

(c) The operation and/or parking of a vehicle off authorized roadways is prohibited except at locations and times designated by the District Commander. Taking any vehicle through, around or beyond a restrictive sign, recognizable

barricade, fence, or traffic control barrier is prohibited.

(d) Vehicles shall be operated in accordance with posted restrictions and regulations.

(e) No person shall operate any vehicle in a careless, negligent or reckless manner so as to endanger any person, property or environmental feature.

(f) At designated recreation areas, vehicles shall be used only to enter or leave the area or individual sites or facilities unless otherwise posted.

(g) Except as authorized by the District Commander, no person shall operate any motorized vehicle without a proper and effective exhaust muffler as defined by state and local laws, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust.

(h) Vehicles shall be operated in accordance with applicable Federal, state and local laws, which shall be regulated by authorized enforcement officials as prescribed in § 327.26.

#### **§ 327.3 Vessels.**

(a) This section pertains to all vessels or watercraft, including, but not limited to, powerboats, cruisers, houseboats, sailboats, rowboats, canoes, kayaks, personal watercraft, and any other such equipment capable of navigation on water or ice, whether in motion or at rest.

(b) The placement and/or operation of any vessel or watercraft for a fee or profit upon project waters or lands is prohibited except as authorized by permit, lease, license, or concession contract with the Department of the Army. This paragraph shall not apply to the operation of commercial tows or passenger carrying vessels not based at a Corps project which utilize project waters as a link in continuous transit over navigable waters of the United States.

(c) Vessels or other watercraft may be operated on the project waters, except in prohibited or restricted areas, in accordance with posted regulations and restrictions, including buoys. All vessels or watercraft so required by applicable Federal, state and local laws shall display an appropriate registration on board whenever the vessel is on project waters.

(d) No person shall operate any vessel or other watercraft in a careless, negligent, or reckless manner so as to endanger any person, property, or environmental feature.

(e) All vessels, when on project waters, shall have safety equipment, including personal flotation devices, on

board in compliance with U.S. Coast Guard boating safety requirements and in compliance with boating safety laws issued and enforced by the state in which the vessel is located. Owners or operators of vessels not in compliance with this section may be requested to remove the vessel immediately from project waters until such time as items of non-compliance are corrected.

(f) Unless otherwise permitted by Federal, state or local law, vessels or other watercraft, while moored in commercial facilities, community or corporate docks, or at any fixed or permanent mooring point, may only be used for overnight occupancy when such use is incidental to recreational boating. Vessels or other watercraft are not to be used as a place of habitation or residence.

(g) Water skis, parasails, ski-kites and similar devices are permitted in nonrestricted areas except that they may not be used in a careless, negligent, or reckless manner so as to endanger any person, property or environmental feature.

(h) Vessels shall not be attached or anchored to structures such as locks, dams, buoys or other structures unless authorized by the District Commander. All vessels when not in actual use shall be removed from project lands and waters unless securely moored or stored at designated areas approved by the District Commander. The placing of floating or stationary mooring facilities on, adjacent to, or interfering with a buoy, channel marker or other navigational aid is prohibited.

(i) The use at a project of any vessel not constructed or maintained in compliance with the standards and requirements established by the Federal Safe Boating Act of 1971 (Pub. L. 92-75, 85 Stat. 213), or promulgated pursuant to such act, is prohibited.

(j) Except as authorized by the District Commander, no person shall operate any vessel or watercraft without a proper and effective exhaust muffler as defined by state and local laws, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust.

(k) All vessels or other watercraft shall be operated in accordance with applicable Federal, state and local laws, which shall be regulated by authorized enforcement officials as prescribed in § 327.26.

#### **§ 327.4 Aircraft.**

(a) This section pertains to all aircraft including, but not limited to, airplanes, seaplanes, helicopters, ultra-light aircraft, motorized hang gliders, hot air



balloons, any non-powered flight devices or any other such equipment.

(b) The operation of aircraft on project lands at locations other than those designated by the District Commander is prohibited. This provision shall not be applicable to aircraft engaged on official business of Federal, state or local governments or law enforcement agencies, aircraft used in emergency rescue in accordance with the directions of the District Commander or aircraft forced to land due to circumstances beyond the control of the operator.

(c) No person shall operate any aircraft while on or above project waters or project lands in a careless, negligent or reckless manner so as to endanger any person, property or environmental feature.

(d) Nothing in this section bestows authority to deviate from rules and regulations or prescribed standards of the appropriate State Aeronautical Agency, or the Federal Aviation Administration, including, but not limited to, regulations and standards concerning pilot certifications or ratings, and airspace requirements.

(e) Except in extreme emergencies threatening human life or serious property loss, the air delivery or retrieval of any person, material or equipment by parachute, balloon, helicopter or other means onto or from project lands or waters without written permission of the District Commander is prohibited.

(f) In addition to the provisions in paragraphs (a) through (e) of this section, seaplanes are subject to the following restrictions:

(1) Such use is limited to aircraft utilized for water landings and takeoff, in this part called seaplanes, at the risk of owner, operator and passenger(s).

(2) Seaplane operations contrary to the prohibitions or restrictions established by the District Commander (pursuant to part 328 of this title) are prohibited. The responsibility to ascertain whether seaplane operations are prohibited or restricted is incumbent upon the person(s) contemplating the use of, or using, such waters.

(3) All operations of seaplanes while upon project waters shall be in accordance with U.S. Coast Guard navigation rules for powerboats or vessels and § 327.3.

(4) Seaplanes on project waters and lands in excess of 24 hours shall be securely moored at mooring facilities and at locations permitted by the District Commander. Seaplanes may be temporarily moored on project waters and lands, except in areas prohibited by the District Commander, for periods less than 24 hours providing:

(i) The mooring is safe, secure, and accomplished so as not to damage the rights of the Government or members of the public, and

(ii) The operator remains in the vicinity of the seaplane and reasonably available to relocate the seaplane if necessary.

(5) Commercial operation of seaplanes from project waters is prohibited without written approval of the District Commander following consultation with and necessary clearance from the Federal Aviation Administration (FAA) and other appropriate public authorities and affected interests.

(6) Seaplanes may not be operated at Corps projects between sunset and sunrise unless approved by the District Commander.

#### **§ 327.5 Swimming.**

(a) Swimming, wading, snorkeling or scuba diving at one's own risk is permitted, except at launching sites, designated mooring points and public docks, or other areas so designated by the District Commander.

(b) An international diver down, or inland diving flag must be displayed during underwater activities.

(c) Diving, jumping or swinging from trees, bridges or other structures which cross or are adjacent to project waters is prohibited.

#### **§ 327.6 Picnicking.**

Picnicking and related day-use activities are permitted, except in those areas where prohibited by the District Commander.

#### **§ 327.7 Camping.**

(a) Camping is permitted only at sites and/or areas designated by the District Commander.

(b) Camping at one or more campsites at any one water resource project for a period longer than 14 days during any 30-consecutive-day period is prohibited without the written permission of the District Commander.

(c) The unauthorized placement of camping equipment or other items on a campsite and/or personal appearance at a campsite without daily occupancy for the purpose of reserving that campsite for future occupancy is prohibited.

(d) The digging or leveling of any ground or the construction of any structure without written permission of the District Commander is prohibited.

(e) Occupying or placement of any camping equipment at a campsite which is posted or otherwise marked or indicated as "reserved" without an authorized reservation for that site is prohibited.

#### **§ 327.8 Hunting, fishing, and trapping.**

(a) Hunting is permitted except in areas and during periods where prohibited by the District Commander.

(b) Trapping is permitted except in areas and during periods where prohibited by the District Commander.

(c) Fishing is permitted except in swimming areas, on boat ramps or other areas designated by the District Commander.

(d) Additional restrictions pertaining to these activities may be established by the District Commander.

(e) All applicable Federal, State and local laws regulating these activities apply on project lands and waters, and shall be regulated by authorized enforcement officials as prescribed in § 327.26.

#### **§ 327.9 Sanitation.**

(a) Garbage, trash, rubbish, litter, gray water, or any other waste material or waste liquid generated on the project and incidental to authorized recreational activities shall be either removed from the project or deposited in receptacles provided for that purpose. The improper disposal of such wastes, human and animal waste included, on the project is prohibited.

(b) It is a violation to bring onto a project any household or commercial garbage, trash, rubbish, debris, dead animals or litter of any kind for disposal or dumping without the written permission of the District Commander. For the purposes of this section, the owner of any garbage, trash, rubbish, debris, dead animals or litter of any kind shall be presumed to be responsible for proper disposal. Such presumption will be sufficient to issue a citation for violation.

(c) The spilling, pumping, discharge or disposal of contaminants, pollutants or other wastes, including, but not limited to, human or animal waste, petroleum, industrial and commercial products and by-products, on project lands or into project waters is prohibited.

(d) Campers, picnickers, and all other persons using a water resources development project shall keep their sites free of trash and litter during the period of occupancy and shall remove all personal equipment and clean their sites upon departure.

(e) The discharge or placing of sewage, galley waste, garbage, refuse, or pollutants into the project waters from any vessel or watercraft is prohibited.

#### **§ 327.10 Fires.**

(a) Gasoline and other fuels, except that which is contained in storage tanks of vehicles, vessels, camping

equipment, or hand portable containers designed for such purpose, shall not be carried onto or stored on the project without written permission of the District Commander.

(b) Fires shall be confined to those areas designated by the District Commander, and shall be contained in fireplaces, grills, or other facilities designated for this purpose. Fires shall not be left unattended and must be completely extinguished prior to departure. The burning of materials that produce toxic fumes, including, but not limited to, tires, plastic and other floatation materials or treated wood products is prohibited. The District Commander may prohibit open burning of any type for environmental considerations.

(c) Improper disposal of lighted smoking materials, matches or other burning material is prohibited.

#### **§ 327.11 Control of animals.**

(a) No person shall bring or allow dogs, cats, or other pets into developed recreation areas or adjacent waters unless penned, caged, on a leash under six feet in length, or otherwise physically restrained. No person shall allow animals to impede or restrict otherwise full and free use of project lands and waters by the public. No person shall allow animals to bark or emit other noise which unreasonably disturbs other people. Animals and pets, except properly trained animals assisting those with disabilities (such as seeing-eye dogs), are prohibited in sanitary facilities, playgrounds, swimming beaches and any other areas so designated by the District Commander. Abandonment of any animal on project lands or waters is prohibited. Unclaimed or unattended animals are subject to immediate impoundment and removal in accordance with state and local laws.

(b) Persons bringing or allowing pets in designated public use areas shall be responsible for proper removal and disposal of any waste produced by these animals.

(c) No person shall bring or allow horses, cattle, or other livestock in camping, picnicking, swimming or other recreation areas or on trails except in areas designated by the District Commander.

(d) Ranging, grazing, watering or allowing livestock on project lands and waters is prohibited except when authorized by lease, license or other written agreement with the District Commander.

(e) Unauthorized livestock are subject to impoundment and removal in

accordance with Federal, state and local laws.

(f) Any animal impounded under the provisions of this section may be confined at a location designated by the District Commander, who may assess a reasonable impoundment fee. This fee shall be paid before the impounded animal is returned to its owner(s).

(g) Wild or exotic pets and animals (including but not limited to cougars, lions, bears, bobcats, wolves, and snakes), or any pets or animals displaying vicious or aggressive behavior or otherwise posing a threat to public safety or deemed a public nuisance, are prohibited from project lands and waters unless authorized by the District Commander, and are subject to removal in accordance with Federal, state and local laws.

#### **§ 327.12 Restrictions.**

(a) The District Commander may establish and post a schedule of visiting hours and/or restrictions on the public use of a project or portion of a project. The District Commander may close or restrict the use of a project or portion of a project when necessitated by reason of public health, public safety, maintenance, resource protection or other reasons in the public interest. Entering or using a project in a manner which is contrary to the schedule of visiting hours, closures or restrictions is prohibited.

(b) Quiet shall be maintained in all public use areas between the hours of 10 p.m. and 6 a.m., or those hours designated by the District Commander. Excessive noise during such times which unreasonably disturbs persons is prohibited.

(c) Any act or conduct by any person which interferes with, impedes or disrupts the use of the project or impairs the safety of any person is prohibited. Individuals who are boisterous, rowdy, disorderly, or otherwise disturb the peace on project lands or waters may be requested to leave the project.

(d) The operation or use of any sound producing or motorized equipment, including but not limited to generators, vessels or vehicles, in such a manner as to unreasonably annoy or endanger persons at any time or exceed state or local laws governing noise levels from motorized equipment is prohibited.

(e) The possession and/or consumption of alcoholic beverages on any portion of the project land or waters, or the entire project, may be prohibited when designated and posted by the District Commander.

(f) Unless authorized by the District Commander, smoking is prohibited in

Visitor Centers, enclosed park buildings and in areas posted to restrict smoking.

#### **§ 327.13 Explosives, firearms, other weapons and fireworks.**

(a) The possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited unless:

(1) In the possession of a Federal, state or local law enforcement officer;

(2) Being used for hunting or fishing as permitted under § 327.8, with devices being unloaded when transported to, from or between hunting and fishing sites;

(3) Being used at authorized shooting ranges; or

(4) Written permission has been received from the District Commander.

(b) Possession of explosives or explosive devices of any kind, including fireworks or other pyrotechnics, is prohibited unless written permission has been received from the District Commander.

#### **§ 327.14 Public property.**

(a) Destruction, injury, defacement, removal or any alteration of public property including, but not limited to, developed facilities, natural formations, mineral deposits, historical and archaeological features, paleontological resources, boundary monumentation or markers and vegetative growth, is prohibited except when in accordance with written permission of the District Commander.

(b) Cutting or gathering of trees or parts of trees and/or the removal of wood from project lands is prohibited without written permission of the District Commander.

(c) Gathering of dead wood on the ground for use in designated recreation areas as firewood is permitted, unless prohibited and posted by the District Commander.

(d) The use of metal detectors is permitted on designated beaches or other previously disturbed areas unless prohibited by the District Commander for reasons of protection of archaeological, historical or paleontological resources. Specific information regarding metal detector policy and designated use areas is available at the Manager's Office. Items found must be handled in accordance with §§ 327.15 and 327.16 except for non-identifiable items such as coins of value less than \$25.

#### **§ 327.15 Abandonment and impoundment of personal property.**

(a) Personal property of any kind shall not be abandoned, stored or left unattended upon project lands or

waters. After a period of 24 hours, or at any time after a posted closure hour in a public use area or for the purpose of providing public safety or resource protection, unattended personal property shall be presumed to be abandoned and may be impounded and stored at a storage point designated by the District Commander, who may assess a reasonable impoundment fee. Such fee shall be paid before the impounded property is returned to its owner.

(b) Personal property placed on Federal lands or waters adjacent to a private residence, facility and/or developments of any private nature for more than 24 hours without permission of the District Commander shall be presumed to have been abandoned and, unless proven otherwise, such presumption will be sufficient to impound the property and/or issue a citation as provided for in § 327.25.

(c) The District Commander shall, by public or private sale or otherwise, dispose of all lost, abandoned or unclaimed personal property that comes into Government custody or control. However, property may not be disposed of until diligent effort has been made to find the owner, heirs, next of kin or legal representative(s). If the owner, heirs, next of kin or legal representative(s) are determined but not found, the property may not be disposed of until the expiration of 120 days after the date when notice, giving the time and place of the intended sale or other disposition, has been sent by certified or registered mail to that person at the last known address. When diligent efforts to determine the owner, heirs, next of kin or legal representative(s) are unsuccessful, the property may be disposed of without delay except that if it has a fair market value of \$100 or more the property may not be disposed of until 90 days after the date it is received at the storage point designated by the District Commander. The net proceeds from the sale of property shall be conveyed into the Treasury of the United States as miscellaneous receipts.

#### **§ 327.16 Lost and found articles.**

All articles found shall be deposited by the finder at the Manager's office or with a ranger. All such articles shall be disposed of in accordance with the procedures set forth in § 327.15.

#### **§ 327.17 Advertisement.**

Advertising by the use of billboards, signs, markers, audio devices, handbills, circulars, posters, or any other means whatsoever, is prohibited without written permission of the District Commander. Vessels and vehicles with

semipermanent or permanent painted or installed signs are exempt as long as they are used for authorized recreational activities and comply with all other rules and regulations pertaining to vessels and vehicles.

#### **§ 327.18 Commercial activities.**

(a) The engaging in or solicitation of business on project land or waters without the express written permission of the District Commander is prohibited.

(b) It shall be a violation of this part to refuse to or fail to comply with any terms, clauses or conditions of any lease, license or agreements issued by the District Commander.

#### **§ 327.19 Permits.**

(a) It shall be a violation of this part to refuse to or fail to comply with the fee requirements or other terms or conditions of any permit issued under the provisions of this part 327.

(b) Permits for floating structures (issued under the authority of § 327.30) of any kind on/in waters of water resources development projects, whether or not such waters are deemed navigable waters of the United States but where such waters are under the management of the Corps of Engineers, shall be issued at the discretion of the District Commander under the authority of this section. District Commanders will delineate those portions of the navigable waters of the United States where this provision is applicable and post notices of this designation in the vicinity of the appropriate Manager's office.

(c) Permits for non-floating structures (issued under the authority of § 327.30) of any kind constructed, placed in or affecting waters of water resources development projects where such waters are deemed navigable waters of the U.S. shall be issued under the provisions of section 10 of the Rivers and Harbors Act approved March 3, 1899 (33 U.S.C. 403). If a discharge of dredged or fill material in these waters is involved, a permit is required under section 404 of the Clean Water Act (33 U.S.C. 1344). (See 33 CFR parts 320 through 330.)

(d) Permits for non-floating structures (issued under the authority of § 327.30) of any kind in waters of water resources development projects, where such waters are under the management of the Corps of Engineers and where such waters are not deemed navigable waters of the United States, shall be issued as set forth in paragraph (b) of this section. If a discharge of dredged or fill material into any water of the United States is involved, a permit is required under section 404 of the Clean Water Act (33

U.S.C. 1344) (See 33 CFR parts 320 through 330). Water quality certification may be required pursuant to Section 401 of the Clean Water Act (33 U.S.C. 1341).

(e) Shoreline Use Permits to authorize private shoreline use facilities, activities or development (issued under the authority of § 327.30) may be issued in accordance with the project Shoreline Management Plan. Failure to comply with the permit conditions issued under § 327.30 is prohibited.

#### **§ 327.20 Unauthorized structures.**

The construction, placement, or existence of any structure (including, but not limited to, roads, trails, signs, non-portable hunting stands or blinds, buoys, docks, or landscape features) of any kind under, upon, in or over the project lands, or waters is prohibited unless a permit, lease, license or other appropriate written authorization has been issued by the District Commander. The design, construction, placement, existence or use of structures in violation of the terms of the permit, lease, license, or other written authorization is prohibited. The government shall not be liable for the loss of, or damage to, any private structures, whether authorized or not, placed on project lands or waters. Unauthorized structures are subject to summary removal or impoundment by the District Commander. Portable hunting stands, climbing devices, steps, or blinds, that are not nailed or screwed into trees and are removed at the end of a day's hunt may be used.

#### **§ 327.21 Special events.**

(a) Special events including, but not limited to, water carnivals, boat regattas, fishing tournaments, music festivals, dramatic presentations or other special recreation programs are prohibited unless written permission has been granted by the District Commander. Where appropriate, District Commanders can provide the state a blanket letter of permission to permit fishing tournaments while coordinating the scheduling and details of tournaments with individual projects. An appropriate fee may be charged under the authority of § 327.23.

(b) The public shall not be charged any fee by the sponsor of such event unless the District Commander has approved in writing (and the sponsor has properly posted) the proposed schedule of fees. The District Commander shall have authority to revoke permission, require removal of any equipment, and require restoration of an area to pre-event condition, upon failure of the sponsor to comply with terms and conditions of the permit/



permission or the regulations in this part 327.

#### **§ 327.22 Unauthorized occupation.**

(a) Occupying any lands, buildings, vessels or other facilities within water resource development projects for the purpose of maintaining the same as a full-or part-time residence without the written permission of the District Commander is prohibited. The provisions of this section shall not apply to the occupation of lands for the purpose of camping, in accordance with the provisions of § 327.7.

(b) Use of project lands or waters for agricultural purposes is prohibited except when in compliance with terms and conditions authorized by lease, license or other written agreement issued by the District Commander.

#### **§ 327.23 Recreation use fees.**

(a) In accordance with the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l) and the Omnibus Budget Reconciliation Act of 1993, Pub. L. 103-66, the Corps of Engineers collects day use fees, special recreation use fees and/or special permit fees for the use of specialized sites, facilities, equipment or services related to outdoor recreation furnished at Federal expense.

(b) Where such fees are charged, the District Commander shall insure that clear notice of fee requirements is prominently posted at each area, and at appropriate locations therein and that the notice be included in publications distributed at such areas. Failure to pay authorized recreation use fees as established pursuant to Pub. L. 88-578, 78 Stat. 897, as amended (16 U.S.C. 460l-6a), is prohibited and is punishable by a fine of not more than \$100.

(c) Failure to pay authorized day use fees, and/or properly display applicable receipt, permit or pass is prohibited.

(d) Any Golden Age or Golden Access Passport permittee shall be entitled, upon presentation of such a permit, to utilize special recreation facilities at a rate of 50 percent off the established use fee at Federally operated areas. Fraudulent use of a Golden Age or Golden Access Passport is prohibited.

#### **§ 327.24 Interference with Government employees.**

(a) It is a Federal crime pursuant to the provisions of sections 111 and 1114 of Title 18, United States Code, to forcibly assault, resist, oppose, impede, intimidate, or interfere with, attempt to kill or kill any civilian official or employee for the U.S. Army Corps of Engineers engaged in the performance of his or her official duties, or on account of the performance of his or her official duties. Such actions or interference

directed against a Federal employee while carrying out the regulations in this part are violation of such regulations and may be a state crime pursuant to the laws of the state where they occur.

(b) Failure to comply with a lawful order issued by a Federal employee acting pursuant to the regulations in this part shall be considered as interference with that employee while engaged in the performance of their official duties. Such interference with a Federal employee includes failure to provide a correct name, address or other information deemed necessary for identification upon request of the Federal employee, when that employee is authorized by the District Commander to issue citations in the performance of the employee's official duties.

#### **§ 327.25 Violations of rules and regulations.**

(a) Any person who violates the provisions of the regulations in this part, other than for a failure to pay authorized recreation use fees as separately provided for in § 327.23, may be punished by a fine of not more than \$5,000 or imprisonment for not more than six months or both and may be tried and sentenced in accordance with the provisions of section 3401 of Title 18, United States Code. Persons designated by the District Commander shall have the authority to issue a citation for violation of the regulations in this part, requiring any person charged with the violation to appear before the United States Magistrate within whose jurisdiction the affected water resources development project is located (16 U.S.C. 460d).

(b) Any person who commits an act against any official or employee of the U.S. Army Corps of Engineers that is a crime under the provisions of section 111 or section 1114 of Title 18, United States Code or under provisions of pertinent state law may be tried and sentenced as further provided under Federal or state law, as the case may be.

#### **§ 327.26 State and local laws.**

(a) Except as otherwise provided in this part or by Federal law or regulation, state and local laws and ordinances shall apply on project lands and waters. This includes, but is not limited to, state and local laws and ordinances governing:

- (1) Operation and use of motor vehicles, vessels, and aircraft;
- (2) Hunting, fishing and trapping;
- (3) Use or possession of firearms or other weapons;
- (4) Civil disobedience and criminal acts;
- (5) Littering, sanitation and pollution; and

(6) Alcohol or other controlled substances.

(b) These state and local laws and ordinances are enforced by those state and local enforcement agencies established and authorized for that purpose.

[FR Doc. 00-3185 Filed 2-10-00; 8:45 am]

BILLING CODE 3710-41-P

## **POSTAL SERVICE**

### **39 CFR Part 111**

#### **Substantially Related Eligibility Requirements for Nonprofit Standard Mail Rate Matter**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Domestic Mail Manual (DMM) to clarify "substantially related" eligibility requirements for mail matter entered by authorized nonprofit customers.

**EFFECTIVE DATE:** February 10, 2000.

**FOR FURTHER INFORMATION CONTACT:** Jerome M. Lease, (202)268-5188.

**SUPPLEMENTARY INFORMATION:** On May 5, 1995, the Postal Service published a final rule in the **Federal Register** (60 FR 22270-22274) implementing provisions of Public Laws 103-123 and 103-329. Those laws restrict the eligibility of certain mailings for the Nonprofit Standard Mail rates to those containing advertisements for products and services that are substantially related to the nonprofit customer's qualifying purpose.

On two occasions in the early 1990s, Congress enacted laws that place limitations on the content of advertising matter eligible for the nonprofit rates. The first of these, codified to a large extent as 39 U.S.C. 3626(j)(1)(A-C), limited solicitations for credit cards and similar financial instruments, insurance, and travel. The second, codified as 39 U.S.C. 3626(j)(1)(D), limited solicitations for all other products and services. This notice concerns the second limitation, specifically the standards regarding substantially related advertisements.

The standards implementing 39 U.S.C. 3626(j)(1)(D) are contained in Domestic Mail Manual (DMM) section E670. Section E670.5.4d provides that the Nonprofit Standard Mail rates may not be used for the entry of material that advertises, promotes, offers, or, for a fee or consideration, recommends,

SAM AR000301-SAM AR000308

1-800-635-5065 or (202) 484-1000; FAX (202) 863-4497 (With the exception of the "800" telephone number, these are not toll-free numbers).

**FOR FURTHER INFORMATION CONTACT:**

William Flood, Director, Office of Capital Improvements, Public and Indian Housing, Room 4134, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-0500; telephone (202) 708-1640 ext. 4185 (this telephone number is not toll-free). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free federal Information Relay Service at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:**

On April 26, 1999 (64 FR 20234), HUD announced in the **Federal Register** the establishment of the Negotiated Rulemaking Advisory Committee on Capital Fund Allocation. The purpose of the committee is to discuss and negotiate a proposed rule that would change the current method of determining the allocation of capital funds to public housing agencies (PHAs).

This document announces two meetings of the Negotiated Rulemaking Committee on Capital Fund Allocation. The meetings of the negotiated rulemaking committee will take place as described in the "DATES" and **ADDRESSES** section of this document.

The agenda planned for the committee meetings includes: (1) Discussion of issues related to the development of a Capital Fund formula; (2) development of draft regulatory language; (3) development of agenda for future meetings; and (4) the scheduling of future meetings.

In accordance with the General Services Administration (GSA) regulations implementing the Federal Advisory Committee Act, HUD normally publishes a **Federal Register** meeting announcement at least 15 calendar days before the date of an advisory committee meeting. The GSA regulations, however, also provide that an agency may give less than 15 days notice if the reasons for doing so are included in the **Federal Register** meeting announcement. (See 41 CFR 101-6.1015(b).) Due to the difficulty in obtaining suitable hotel and conference room accommodations in the Washington, DC area during July, 1999, it has not been possible for HUD to announce the date and location of the July 26 and July 27, 1999 committee meeting before today. Given the October 1, 1999 statutory deadline for implementation of the Capital Fund

formula, HUD believes it is imperative that the negotiations for development of the formula not be delayed. Failure to publish the Capital Fund final rule on a timely basis will delay the provision of capital subsidies to PHAs.

Accordingly, rather than defer the negotiations, HUD has decided to proceed with the committee meeting on July 26 and July 27, 1999.

The meetings will be open to the public without advance registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and file written statements with the committee for its consideration. Written statements should be submitted to the address listed in the **FOR FURTHER INFORMATION** section of this document. Summaries of committee meetings will be available for public inspection and copying at the address in the same section.

Dated: July 16, 1999.

**Harold Lucas,**

*Assistant Secretary for Public and Indian Housing.*

[FR Doc. 99-18593 Filed 7-19-99; 8:45 am]

**BILLING CODE 4210-33-P**

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### 36 CFR Part 327

#### Public Use of Water Resources Development Projects Administered by the Chief of Engineers

**AGENCY:** U.S. Army Corps of Engineers, DOD.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The U.S. Army Corps of Engineers proposes to amend the rules and regulations governing public use of water resources development projects administered by the Chief of Engineers. The regulations contained in this proposed rule are designed to ensure safe, enjoyable, and environmentally sound visitation on the public lands, free from unwarranted disturbances. The regulations accomplish this by setting minimum standards of conduct for individuals using the public lands, and establishing penalties that may be imposed for failure to obey the regulations.

These rules and regulations apply to water resources development projects completed and under construction, which are administered by the Chief of Engineers, and to those portions of

jointly administered water resources development projects, which are under the administrative jurisdiction of the Chief of Engineers.

**DATES:** Comments must be received by August 19, 1999.

**ADDRESSES:** Submit comments to U.S. Army Corps of Engineers, ATTN: CECW-ON, 20 Massachusetts Avenue, NW, Washington, DC 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Austin, Outdoor Recreation Planner, 202-761-1796.

#### SUPPLEMENTARY INFORMATION:

##### Required Determinations

##### *Executive Order 12291*

This proposed rule is not a major rule as defined by Executive Order 12291.

##### *Regulatory Flexibility Act Determination (5 U.S.C. 601 et seq.)*

As required by the Regulatory Flexibility Act, the U.S. Army Corps of Engineers certifies that these regulatory amendments will not have a significant impact on small business entities. This rule is an update to the current regulations governing public use on Corps of Engineers Water Resources Development Projects.

##### *Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)*

This proposed rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act.

##### *Unfunded Mandates Reform Act (2 U.S.C. 1502 et seq.)*

This rulemaking will not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It will not result in costs of \$100 million or more on State, local, or tribal governments or private entities.

The amendments to 36 CFR Chapter III Part 327 are necessary to clarify and strengthen selected regulations for more effective management and to enhance public safety and enjoyment of Corps water resource development projects. Some of the sections have been reworded and/or have had information added or deleted to clarify the regulations. These minor changes are editorial in nature and have been made to express the intent of the regulation more concisely, and to maintain consistency with existing Public Laws.

##### Discussion of Specific Rule Changes:

In Part 327, §§ 327.1 through 327.26, revise all references to "District Engineer" to read "District Commander."



**36 CFR 327.0 Applicability**

Section 327.0 is republished with no changes.

**36 CFR 327.1 Policy**

Section 327.1, paragraph (h), is revised to better define the responsibility of an operator or owner of any vehicle, vessel, or aircraft. Paragraph (i) is added to define the responsibility of a registered user of a campsite, picnic area, or other facility.

**36 CFR 327.2 Vehicles**

Section 327.2, paragraphs (b) and (d), is edited for consistency. A portion of a sentence has been moved from paragraph (d) into a new paragraph (h) to emphasize the laws and regulating authority for the operation of vehicles. Paragraph (e) is revised by removing the word "project" and paragraph (f) is revised by using the word "designated" to define the recreation area.

**36 CFR 327.3 Vessels**

Section 327.3, paragraph (a), is revised to substitute the term "personal watercraft" for "jetskis" and to add navigation on ice. A portion of a sentence has been moved from paragraph (c) into a new paragraph (k) to emphasize the laws and regulating authority for the operation of vessels. Paragraph (d) is rewritten for ease of readability and to include environmental features. Paragraph (e) has been edited for clarity and to include requirements of enforcement for non-compliance. Paragraph (h) has been modified to include a restriction about mooring vessels to project structures.

**36 CFR 327.4 Aircraft**

Section 327.4 is revised to include environmental features in paragraph (c), and the retrieval of person or material or equipment from project lands, and the use of balloons in paragraph (e). Paragraph (f)(3) is revised to be consistent with other sections, and to more concisely define navigation rules. Paragraph (f)(6) is revised to remove repetitiveness.

**36 CFR 327.5 Swimming**

Section 327.5, paragraph (a), is updated to include wading and public docks, and the last sentence is removed to eliminate repetitiveness with paragraph (c) of this section. Paragraph (b) is revised to include appropriate terminology. Paragraph (c) is revised to include the activity of swinging, and to include trees and structures which are adjacent to project waters.

**36 CFR 327.6 Picnicking**

Section 327.6 is revised for consistency with current Corps of Engineers terminology.

**36 CFR 327.7 Camping**

Section 327.7 is revised to comply with the National Recreation Reservation Service.

**36 CFR 327.8 Hunting, Fishing, and Trapping**

Section 327.8 is revised by breaking out each activity into separate paragraphs for better clarification.

**36 CFR 327.9 Sanitation**

Section 327.9, paragraph (a), is revised to include gray water. Paragraph (b) is revised to clarify the responsibility of the owner of garbage as defined in this section. Paragraph (c) is revised to include disposal of wastes for consistency with other paragraphs in this section.

**36 CFR 327.10 Fires**

Section 327.10, paragraph (b), is revised to include floatation materials and to clarify the regulation of open burnings for environmental considerations.

**36 CFR 327.11 Control of Animals**

Section 327.11, paragraph (a), is revised to include waters adjacent to developed recreation areas; to include a sentence which provides enforcement for animals which unreasonably disturb other people; to include the prohibition of animals and pets on playgrounds; and to include a sentence on the prohibition of abandoning any animal on project lands or waters. Paragraph (b) is revised to remove the words, "in sanitary facilities". The word "trails" is added to paragraph (c) for clarification on the types of recreation areas at Corps projects. Paragraph (g) is added to this section to restrict the presence of wild or exotic pets and animals, or any pets or animals displaying vicious or aggressive behavior or posing a threat to public safety or deemed a public nuisance on project lands and waters unless authorized by the District Commander.

**36 CFR 327.12 Restrictions**

Section 327.12 is revised by adding resource protection to the list of reasons that a District Commander may close or restrict the use of a project or portion of a project. Paragraph (c) has been modified by changing the phrase "the safety of another person" to "the safety of any person." The list of audio producing devices has been removed in paragraph (d) and is now generalized to

read as a "sound producing device" and generators have been added to the examples of motorized equipment. Paragraph (e) is added to clarify the potential prohibition of alcohol on project lands. Paragraph (f) is added to reflect requirements in E.O. 13058, August 9, 1997.

**36 CFR 327.13 Explosives, Firearms, Other Weapons and Fireworks**

Section 327.13 is revised by adding the words "other weapons" to paragraph (a). Information on explosives and fireworks is moved from paragraph (a) into a new paragraph (b) for clarification purposes.

**36 CFR 327.14 Public Property**

Section 327.14 is revised to include paleontological resources, and boundary monumentation or markers in paragraph (a). Paragraph (c) is revised to include clarification on site specific prohibitions. Paragraph (d) is added for clarification on metal detectors and is in conformance with existing Corps regulations.

**36 CFR 327.15 Abandonment and Impoundment of Personal Property**

Section 327.15, paragraph (a), is revised to include public safety or resource protection to the reasons for closure of a public use area. Paragraphs (b) and (c) are switched for better readability. Paragraph (b) is revised to include private facilities, and to include the impoundment of property for consistency with paragraph (c). Paragraph (c) is revised to increase the fair market value of property which may be disposed of after 90 days, and to correct the word "covered" to "conveyed."

**36 CFR 327.16 Lost and Found Articles**

Section 327.16 is revised for consistency with current Corps of Engineers terminology.

**36 CFR 327.17 Advertisement**

Section 327.17 is revised for consistency with current Corps of Engineers terminology.

**36 CFR 327.18 Commercial Activities**

Section 327.18 is revised by adding the words "project lands or waters", to clarify where the solicitation of business is prohibited.

**36 CFR 327.19 Permits**

Section 327.19, paragraph (b), is revised for consistency with current Corps of Engineers terminology. The words "Rivers and Harbors" are added to paragraph (c) for clarification of the referenced Act. The words "Water

Quality” are added to paragraph (d) for clarification on the type of required certification.

### **36 CFR 327.20 Unauthorized Structures**

Section 327.20 is revised to include hunting stands or blinds, buoys, and docks in the list of structures for purposes of clarification. The section is also revised by changing the word “agreement” to “authorization” for consistency within the document.

### **36 CFR 327.21 Special Events**

Section 327.21, paragraph (a), is revised to include fishing tournaments in the list of special events. Paragraph (b) is revised to include the restoration of an area to pre-event conditions for consistency with Corps of Engineers regulations.

### **36 CFR 327.22 Unauthorized Occupation**

Section 327.22 is revised for consistency with current Corps of Engineers terminology.

### **36 CFR 327.23 Recreation Use Fees**

Section 327.22 is revised by removing paragraph (b) and incorporating the information contained in this paragraph into paragraph (a) for better readability. Paragraph (c) is redesignated as paragraph (b) and a new paragraph (c) is added to include a prohibition on the failure to pay day use fees and to properly display the day use pass. A prohibition about the fraudulent use of a Golden Age or Golden Access Passports is added to paragraph (d). Paragraph (e) is removed for consistency with the National Recreation Reservation Service.

### **36 CFR 327.24 Interference with Government Employees**

Section 327.24, paragraph (a), is revised to include the words “attempt to kill, or kill,” for consistency with Title 18, United States Code. Paragraph (b) is revised to include the words “information deemed necessary for,” to provide clarification on type of other identification which may be required by a Federal employee in the performance of issuing citations.

### **36 CFR 327.25 Violations of Rules and Regulations**

Section 327.25 is revised to increase the amount of the maximum fine in accordance with 18 USC, section 3571, and to remove duplicate words.

### **36 CFR 327.26 State and Local Laws**

Section 327.26 is revised to include the “possession” of firearms or other weapons, and “alcohol or other

controlled substances” to the list of examples which are governed by state and local laws and ordinances. The paragraphs in this section have been renumbered for consistency and better readability.

### **36 CFR 327.30 and 327.31**

These sections are not amended in this proposed rule.

### **List of Subjects for 36 CFR Chapter III Part 327**

Natural Resources, Penalties, Public Lands, Recreation and Recreation Areas, Resource Management, Water Resources.

Dated: July 13, 1999.

**Eric R. Potts,**

*Colonel, Corps of Engineers, Executive Director of Civil Works.*

For the reasons set forth in the preamble, amend Part 327 of Title 327 of the Code of Federal Regulations as follows:

### **PART 327—RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCES DEVELOPMENT PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS**

1. The authority citation for Part 327 is revised to read as follows:

**Authority:** 16 U.S.C. 460d; 16 U.S.C. 4601–6a; and Sec. 210, Pub. L. 90–483, 82 Stat. 746.; 33 U.S.C. 1, 28 Stat. 362.

2. Sections 327.0 through 327.26 are revised to read as follows:

#### **§ 327.0 Applicability.**

The regulations covered in this part 327 shall be applicable to water resources development projects, completed or under construction, administered by the Chief of Engineers, and to those portions of jointly administered water resources development projects which are under the administrative jurisdiction of the Chief of Engineers. All other Federal, state and local laws and regulations remain in full force and effect where applicable to those water resources development projects.

#### **§ 327.1 Policy.**

(a) It is the policy of the Secretary of the Army, acting through the Chief of Engineers, to manage the natural, cultural and developed resources of each project in the public interest, providing the public with safe and healthful recreational opportunities while protecting and enhancing these resources.

(b) Unless otherwise indicated herein, the term “District Commander” shall

include the authorized representatives of the District Commander.

(c) The term “project” or “water resources development project” refers to the water areas of any water resources development project administered by the Chief of Engineers, without regard to ownership of underlying land, to all lands owned in fee by the Federal Government and to all facilities therein or thereon of any such water resources development project.

(d) All water resources development projects open for public use shall be available to the public without regard to sex, race, color, creed, age, nationality or place of origin. No lessee, licensee, or concessionaire providing a service to the public shall discriminate against any person because of sex, race, creed, color, age, nationality or place of origin in the conduct of the operations under the lease, license or concession contract.

(e) In addition to the regulations in this part 327, all applicable Federal, state and local laws and regulations remain in full force and effect on project lands or waters which are outgranted by the District Commander by lease, license or other written agreement.

(f) The regulations in this part 327 shall be deemed to apply to those lands and waters which are subject to treaties and Federal laws and regulations concerning the rights of Indian Nations and which lands and waters are incorporated, in whole or in part, within water resources development projects administered by the Chief of Engineers, to the extent that the regulations in this part 327 are not inconsistent with such treaties and Federal laws and regulations.

(g) Any violation of any section of this part 327 shall constitute a separate violation for each calendar day in which it occurs.

(h) For the purposes of this part 327, the operator of any vehicle, vessel or aircraft as described herein shall be presumed to be responsible for its use on project property. In the event where an operator cannot be determined, the owner of the vehicle, vessel, or aircraft, whether attended or unattended, will be presumed responsible. Unless proven otherwise, such presumption will be sufficient to issue a citation for the violation of regulations applicable to the use of such vehicle, vessel or aircraft as provided for in § 327.25.

(i) For the purposes of this part 327, the registered user of a campsite, picnic area, or other facility shall be presumed to be responsible for its use. Unless proven otherwise, such presumption will be sufficient to issue a citation for the violation of regulations applicable to

the use of such facilities as provided for in § 327.25.

### § 327.2 Vehicles.

(a) This section pertains to all vehicles, including, but not limited to, automobiles, trucks, motorcycles, mini-bikes, snowmobiles, dune buggies, all-terrain vehicles, and trailers, campers, bicycles, or any other such equipment.

(b) Vehicles shall not be parked in violation of posted restrictions and regulations, or in such a manner as to obstruct or impede normal or emergency traffic movement or the parking of other vehicles, create a safety hazard, or endanger any person, property or environmental feature. Vehicles so parked are subject to removal and impoundment at the owner's expense.

(c) The operation and/or parking of a vehicle off authorized roadways is prohibited except at locations and times designated by the District Commander. Taking any vehicle through, around or beyond a restrictive sign, recognizable barricade, fence, or traffic control barrier is prohibited.

(d) Vehicles shall be operated in accordance with posted restrictions and regulations.

(e) No person shall operate any vehicle in a careless, negligent or reckless manner so as to endanger any person, property or environmental feature.

(f) At designated recreation areas, vehicles shall be used only to enter or leave the area or individual sites or facilities unless otherwise posted.

(g) Except as authorized by the District Commander, no person shall operate any motorized vehicle without a proper and effective exhaust muffler as defined by state and local laws, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust.

(h) Vehicles shall be operated in accordance with applicable Federal, state and local laws, which shall be regulated by authorized enforcement officials as prescribed in § 327.26.

### § 327.3 Vessels.

(a) This section pertains to all vessels or watercraft, including, but not limited to, powerboats, cruisers, houseboats, sailboats, rowboats, canoes, kayaks, personal watercraft, and any other such equipment capable of navigation on water or ice, whether in motion or at rest.

(b) The placement and/or operation of any vessel or watercraft for a fee or profit upon project waters or lands is prohibited except as authorized by permit, lease, license, or concession

contract with the Department of the Army. This paragraph shall not apply to the operation of commercial tows or passenger carrying vessels not based at a Corps project which utilize project waters as a link in continuous transit over navigable waters of the United States.

(c) Vessels or other watercraft may be operated on the project waters, except in prohibited or restricted areas, in accordance with posted regulations and restrictions, including buoys. All vessels or watercraft so required by applicable Federal, state and local laws shall display an appropriate registration on board whenever the vessel is on project waters.

(d) No person shall operate any vessel or other watercraft in a careless, negligent, or reckless manner so as to endanger any person, property, or environmental feature.

(e) All vessels, when on project waters, shall have safety equipment, including personal flotation devices, on board in compliance with U.S. Coast Guard boating safety requirements and in compliance with boating safety laws issued and enforced by the state in which the vessel is located. Owners or operators of vessels not in compliance with this section may be requested to remove the vessel immediately from project waters until such time as items of non-compliance are corrected.

(f) Unless otherwise permitted by Federal, state or local law, vessels or other watercraft, while moored in commercial facilities, community or corporate docks, or at any fixed or permanent mooring point, may only be used for overnight occupancy when such use is incidental to recreational boating. Vessels or other watercraft are not to be used as a place of habitation or residence.

(g) Water skis, parasails, ski-kites and similar devices are permitted in nonrestricted areas except that they may not be used in a careless, negligent, or reckless manner so as to endanger any person, property or environmental feature.

(h) Vessels shall not be attached or anchored to structures such as locks, dams, buoys or other structures unless authorized by the District Commander. All vessels when not in actual use shall be removed from project lands and waters unless securely moored or stored at designated areas approved by the District Commander. The placing of floating or stationary mooring facilities on, adjacent to, or interfering with a buoy, channel marker or other navigational aid is prohibited.

(i) The use at a project of any vessel not constructed or maintained in

compliance with the standards and requirements established by the Federal Safe Boating Act of 1971 (Pub. L. 92-75, 85 Stat. 213), or promulgated pursuant to such act, is prohibited.

(j) Except as authorized by the District Commander, no person shall operate any vessel or watercraft without a proper and effective exhaust muffler as defined by state and local laws, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust.

(k) All vessels or other watercraft shall be operated in accordance with applicable Federal, state and local laws, which shall be regulated by authorized enforcement officials as prescribed in § 327.26.

### § 327.4 Aircraft.

(a) This Section pertains to all aircraft including, but not limited to, airplanes, seaplanes, helicopters, ultra-light aircraft, motorized hang gliders, hot air balloons, any non-powered flight devices or any other such equipment.

(b) The operation of aircraft on project lands at locations other than those designated by the District Commander is prohibited. This provision shall not be applicable to aircraft engaged on official business of Federal, state or local governments or law enforcement agencies, aircraft used in emergency rescue in accordance with the directions of the District Commander or aircraft forced to land due to circumstances beyond the control of the operator.

(c) No person shall operate any aircraft while on or above project waters or project lands in a careless, negligent or reckless manner so as to endanger any person, property or environmental feature.

(d) Nothing in this section bestows authority to deviate from rules and regulations or prescribed standards of the appropriate State Aeronautical Agency, or the Federal Aviation Administration, including, but not limited to, regulations and standards concerning pilot certifications or ratings, and airspace requirements.

(e) Except in extreme emergencies threatening human life or serious property loss, the air delivery or retrieval of any person, material or equipment by parachute, balloon, helicopter or other means onto or from project lands or waters without written permission of the District Commander is prohibited.

(f) In addition to the above provisions, seaplanes, as defined below, are subject to the following restrictions:

(1) Such use is limited to aircraft utilized for water landings and takeoff,

herein called seaplanes, at the risk of owner, operator and passenger(s).

(2) Seaplane operations contrary to the prohibitions or restrictions established by the District Commander (pursuant to part 328 of this Title) are prohibited. The responsibility to ascertain whether seaplane operations are prohibited or restricted is incumbent upon the person(s) contemplating the use of, or using, such waters.

(3) All operations of seaplanes while upon project waters shall be in accordance with U.S. Coast Guard navigation rules for power boats or vessels and § 327.3.

(4) Seaplanes on project waters and lands in excess of 24 hours shall be securely moored at mooring facilities and at locations permitted by the District Commander. Seaplanes may be temporarily moored on project waters and lands, except in areas prohibited by the District Commander, for periods less than 24 hours providing:

(i) The mooring is safe, secure, and accomplished so as not to damage the rights of the Government or members of the public and

(ii) The operator remains in the vicinity of the seaplane and reasonably available to relocate the seaplane if necessary.

(5) Commercial operation of seaplanes from project waters is prohibited without written approval of the District Commander following consultation with and necessary clearance from the Federal Aviation Administration (FAA) and other appropriate public authorities and affected interests.

(6) Seaplanes may not be operated at Corps projects between sunset and sunrise unless approved by the District Commander.

#### **§ 327.5 Swimming.**

(a) Swimming, wading, snorkeling or scuba diving at one's own risk is permitted, except at launching sites, designated mooring points and public docks, or other areas so designated by the District Commander.

(b) An international diver down, or inland diving flag must be displayed during underwater activities.

(c) Diving, jumping or swinging from trees, bridges or other structures which cross or are adjacent to project waters is prohibited.

#### **§ 327.6 Picnicking.**

Picnicking and related day-use activities are permitted, except in those areas where prohibited by the District Commander.

#### **§ 327.7 Camping.**

(a) Camping is permitted only at sites and/or areas designated by the District Commander.

(b) Camping at one or more campsites at any one water resource project for a period longer than 14 days during any 30-consecutive-day period is prohibited without the written permission of the District Commander.

(c) The unauthorized placement of camping equipment or other items on a campsite and/or personal appearance at a campsite for the purpose of reserving a campsite for future occupancy is prohibited.

(d) The digging or leveling of any ground or the construction of any structure without written permission of the District Commander is prohibited.

(e) Occupying or placement of any camping equipment at a campsite which is posted as "reserved" without an authorized reservation for that site is prohibited.

#### **§ 327.8 Hunting, fishing, and trapping.**

(a) Hunting is permitted except in areas and during periods where prohibited by the District Commander.

(b) Trapping is permitted except in areas and during periods where prohibited by the District Commander.

(c) Fishing is permitted except in swimming areas, on boat ramps or other areas designated by the District Commander.

(d) Additional restrictions pertaining to these activities may be established by the District Commander.

(e) All applicable Federal, State and local laws regulating these activities apply on project lands and waters, and shall be regulated by authorized enforcement officials as prescribed in § 327.26.

#### **§ 327.9 Sanitation.**

(a) Garbage, trash, rubbish, litter, gray water, or any other waste material or waste liquid generated on the project and incidental to authorized recreational activities shall be either removed from the project or deposited in receptacles provided for that purpose. The improper disposal of such wastes, human and animal waste included, on the project is prohibited.

(b) It is a violation to bring onto a project any household or commercial garbage, trash, rubbish, debris, dead animals or litter of any kind for disposal or dumping without the written permission of the District Commander. For the purposes of this regulation, the owner of any garbage, trash, rubbish, debris, dead animals or litter of any kind shall be presumed to be responsible for proper disposal. Such

presumption will be sufficient to issue a citation for violation.

(c) The spilling, pumping, discharge or disposal of contaminants, pollutants or other wastes, including, but not limited to, human or animal waste, petroleum, industrial and commercial products and by-products, on project lands or into project waters is prohibited.

(d) Campers, picnickers, and all other persons using a water resources development project shall keep their sites free of trash and litter during the period of occupancy and shall remove all personal equipment and clean their sites upon departure.

(e) The discharge or placing of sewage, galley waste, garbage, refuse, or pollutants into the project waters from any vessel or watercraft is prohibited.

#### **§ 327.10 Fires.**

(a) Gasoline and other fuels, except that which is contained in storage tanks of vehicles, vessels, camping equipment, or hand portable containers designed for such purpose, shall not be carried onto or stored on the project without written permission of the District Commander.

(b) Fires shall be confined to those areas designated by the District Commander, and shall be contained in fireplaces, grills, or other facilities designated for this purpose. Fires shall not be left unattended and must be completely extinguished prior to departure. The burning of materials that produce toxic fumes, including, but not limited to, tires, plastic and other floatation materials or treated wood products is prohibited. The District Commander may prohibit open burning of any type for environmental considerations.

(c) Improper disposal of lighted smoking materials, matches or other burning material is prohibited.

#### **§ 327.11 Control of animals.**

(a) No person shall bring or allow dogs, cats, or other pets into developed recreation areas or adjacent waters unless penned, caged, on a leash under six feet in length, or otherwise physically restrained. No person shall allow animals to impede or restrict otherwise full and free use of project lands and waters by the public. No person shall allow animals to bark or emit other noise which unreasonably disturbs other people. Animals and pets, except properly trained animals assisting those with disabilities (such as seeing-eye dogs), are prohibited in sanitary facilities, playgrounds, swimming beaches and any other areas so designated by the District



Commander. Abandonment of any animal on project lands or waters is prohibited. Unclaimed or unattended animals are subject to immediate impoundment and removal in accordance with state and local laws.

(b) Persons bringing or allowing pets in designated public use areas shall be responsible for proper removal and disposal of any waste produced by these animals.

(c) No person shall bring or allow horses, cattle, or other livestock in camping, picnicking, swimming or other recreation areas or on trails except in areas designated by the District Commander.

(d) Ranging, grazing, watering or allowing livestock on project lands and waters is prohibited except when authorized by lease, license or other written agreement with the District Commander.

(e) Unauthorized livestock are subject to impoundment and removal in accordance with Federal, state and local laws.

(f) Any animal impounded under the provisions of this section may be confined at a location designated by the District Commander, who may assess a reasonable impoundment fee. This fee shall be paid before the impounded animal is returned to its owner(s).

(g) Wild or exotic pets and animals (including but not limited to cougars, lions, bears, bobcats, wolves, and snakes), or any pets or animals displaying vicious or aggressive behavior or otherwise posing a threat to public safety or deemed a public nuisance, are prohibited from project lands and waters unless authorized by the District Commander, and are subject to removal in accordance with Federal, state and local laws.

#### **§ 327.12 Restrictions.**

(a) The District Commander may establish and post a schedule of visiting hours and/or restrictions on the public use of a project or portion of a project. The District Commander may close or restrict the use of a project or portion of a project when necessitated by reason of public health, public safety, maintenance, resource protection or other reasons in the public interest. Entering or using a project in a manner which is contrary to the schedule of visiting hours, closures or restrictions is prohibited.

(b) Quiet shall be maintained in all public use areas between the hours of 10 p.m. and 6 a.m., or those hours designated by the District Commander. Excessive noise during such times which unreasonably disturbs persons is prohibited.

(c) Any act or conduct by any person which interferes with, impedes or disrupts the use of the project or impairs the safety of any person is prohibited. Individuals who are boisterous, rowdy, disorderly, or otherwise disturb the peace on project lands or waters may be requested to leave the project.

(d) The operation or use of any sound producing or motorized equipment, including but not limited to generators, vessels or vehicles, in such a manner as to unreasonably annoy or endanger persons at any time or exceed state or local laws governing noise levels from motorized equipment is prohibited.

(e) The possession and/or consumption of alcoholic beverages on any portion of the project land or waters, or the entire project, may be prohibited when designated and posted by the District Commander.

(f) Unless authorized by the District Commander, smoking is prohibited in Visitor Centers, enclosed park buildings and in areas posted to restrict smoking.

#### **§ 327.13 Explosives, firearms, other weapons and fireworks.**

(a) The possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited unless:

(1) In the possession of a Federal, state or local law enforcement officer;

(2) Being used for hunting or fishing as permitted under Section 327.8, with devices being unloaded when transported to, from or between hunting and fishing sites;

(3) Being used at authorized shooting ranges; or

(4) Written permission has been received from the District Commander.

(b) Possession of explosives or explosive devices of any kind, including fireworks or other pyrotechnics, is prohibited unless written permission has been received from the District Commander.

#### **§ 327.14 Public Property.**

(a) Destruction, injury, defacement, removal or any alteration of public property including, but not limited to, developed facilities, natural formations, mineral deposits, historical and archaeological features, paleontological resources, boundary monumentation or markers and vegetative growth, is prohibited except when in accordance with written permission of the District Commander.

(b) Cutting or gathering of trees or parts of trees and/or the removal of wood from project lands is prohibited without written permission of the District Commander.

(c) Gathering of dead wood on the ground for use in designated recreation

areas as firewood is permitted, unless prohibited and posted by the District Commander.

(d) The use of metal detectors is permitted on designated beaches or other previously disturbed areas unless prohibited by the District Commander for reasons of protection of archaeological, historical or paleontological resources. Specific information regarding metal detector policy and designated use areas is available at the Manager's Office. Items found must be handled in accordance with Part 327.15 and Part 327.16 except for non-identifiable items such as coins of value less than \$25.

#### **§ 327.15 Abandonment and impoundment of personal property.**

(a) Personal property of any kind shall not be abandoned, stored or left unattended upon project lands or waters. After a period of 24 hours, or at any time after a posted closure hour in a public use area or for the purpose of providing public safety or resource protection, unattended personal property shall be presumed to be abandoned and may be impounded and stored at a storage point designated by the District Commander, who may assess a reasonable impoundment fee. Such fee shall be paid before the impounded property is returned to its owner.

(b) Personal property placed on Federal lands or waters adjacent to a private residence, facility and/or developments of any private nature for more than 24 hours without permission of the District Commander shall be presumed to have been abandoned and, unless proven otherwise, such presumption will be sufficient to impound the property and/or issue a citation as provided for in § 327.25.

(c) The District Commander shall, by public or private sale or otherwise, dispose of all lost, abandoned or unclaimed personal property that comes into Government custody or control. However, property may not be disposed of until diligent effort has been made to find the owner, heirs, next of kin or legal representative(s). If the owner, heirs, next of kin or legal representative(s) are determined but not found, the property may not be disposed of until the expiration of 120 days after the date when notice, giving the time and place of the intended sale or other disposition, has been sent by certified or registered mail to that person at the last known address. When diligent efforts to determine the owner, heirs, next of kin or legal representative(s) are unsuccessful, the property may be disposed of without delay except that if

it has a fair market value of \$100 or more the property may not be disposed of until 90 days after the date it is received at the storage point designated by the District Commander. The net proceeds from the sale of property shall be conveyed into the Treasury of the United States as miscellaneous receipts.

#### **§ 327.16 Lost and found articles.**

All articles found shall be deposited by the finder at the Manager's office or with a ranger. All such articles shall be disposed of in accordance with the procedures set forth in § 327.15.

#### **§ 327.17 Advertisement.**

Advertising by the use of billboards, signs, markers, audio devices, handbills, circulars, posters, or any other means whatsoever, is prohibited without written permission of the District Commander. Vessels and vehicles with semipermanent or permanent painted or installed signs are exempt as long as they are used for authorized recreational activities and comply with all other rules and regulations pertaining to vessels and vehicles.

#### **§ 327.18 Commercial Activities.**

(a) The engaging in or solicitation of business on project land or waters without the express written permission of the District Commander is prohibited.

(b) It shall be a violation of these regulations to refuse to or fail to comply with any terms, clauses or conditions of any lease, license or agreements issued by the District Commander.

#### **§ 327.19 Permits.**

(a) It shall be a violation of these regulations to refuse to or fail to comply with the fee requirements or other terms or conditions of any permit issued under the provisions of this part 327.

(b) Permits for floating structures (issued under the authority of § 327.30) of any kind on/in waters of water resources development projects, whether or not such waters are deemed navigable waters of the United States but where such waters are under the management of the Corps of Engineers, shall be issued at the discretion of the District Commander under the authority of this regulation. District Commanders will delineate those portions of the navigable waters of the United States where this provision is applicable and post notices of this designation in the vicinity of the appropriate Manager's office.

(c) Permits for non-floating structures (issued under the authority of § 327.30) of any kind constructed, placed in or affecting waters of water resources development projects where such

waters are deemed navigable waters of the U.S. shall be issued under the provisions of section 10 of the Rivers and Harbors Act approved March 3, 1899 (33 USC 403). If a discharge of dredged or fill material in these waters is involved, a permit is required under Section 404 of the Clean Water Act (33 USC 1344). (See 33 CFR parts 320–330.)

(d) Permits for non-floating structures (issued under the authority of § 327.30) of any kind in waters of water resources development projects, where such waters are under the management of the Corps of Engineers and where such waters are not deemed navigable waters of the United States, shall be issued as set forth in paragraph (b) of this section. If a discharge of dredged or fill material into any water of the United States is involved, a permit is required under section 404 of the Clean Water Act (33 USC 1344) (See CFR parts 320–330). Water quality certification may be required pursuant to Section 401 of the Clean Water Act (33 USC 1341).

(e) Shoreline Use Permits to authorize private shoreline use facilities, activities or development (issued under the authority of Section § 327.30) may be issued in accordance with the project Shoreline Management Plan. Failure to comply with the permit conditions issued under Section 327.30 is prohibited.

#### **§ 327.20 Unauthorized structures.**

The construction, placement, or existence of any structure (including, but not limited to, roads, trails, signs, hunting stands or blinds, buoys, docks, or landscape features) of any kind under, upon, in or over the project lands, or waters is prohibited unless a permit, lease, license or other appropriate written authorization has been issued by the District Commander. The design, construction, placement, existence or use of structures in violation of the terms of the permit, lease, license, or other written authorization is prohibited. The government shall not be liable for the loss of, or damage to, any private structures, whether authorized or not, placed on project lands or waters. Unauthorized structures are subject to summary removal or impoundment by the District Commander.

#### **§ 327.21 Special events.**

(a) Special events including, but not limited to, water carnivals, boat regattas, fishing tournaments, music festivals, dramatic presentations or other special recreation programs are prohibited unless written permission has been granted by the District Commander. An

appropriate fee may be charged under the authority of § 327.23.

(b) The public shall not be charged any fee by the sponsor of such event unless the District Commander has approved in writing (and the sponsor has properly posted) the proposed schedule of fees. The District Commander shall have authority to revoke permission, require removal of any equipment, and require restoration of an area to pre-event condition, upon failure of the sponsor to comply with terms and conditions of the permit/permission or the regulations in this part 327.

#### **§ 327.22 Unauthorized occupation.**

(a) Occupying any lands, buildings, vessels or other facilities within water resource development projects for the purpose of maintaining the same as a full- or part-time residence without the written permission of the District Commander is prohibited. The provisions of this section shall not apply to the occupation of lands for the purpose of camping, in accordance with the provisions of § 327.7.

(b) Use of project lands or waters for agricultural purposes is prohibited except when in compliance with terms and conditions authorized by lease, license or other written agreement issued by the District Commander.

#### **§ 327.23 Recreation use fees.**

(a) In accordance with the Land and Water Conservation Fund Act of 1965 (16 USC 4601) and the Omnibus Budget Reconciliation Act of 1993, Pub. L. 103–66, the Corps of Engineers collects day use fees, special recreation use fees and/or special permit fees for the use of specialized sites, facilities, equipment or services related to outdoor recreation furnished at Federal expense.

(b) Where such fees are charged, the District Commander shall insure that clear notice of fee requirements is prominently posted at each area, and at appropriate locations therein and that the notice be included in publications distributed at such areas. Failure to pay authorized recreation use fees as established pursuant to Pub. L. 88–578, 78 Stat. 897, as amended (16 USC 4601–6a), is prohibited and is punishable by a fine of not more than \$100.

(c) Failure to pay authorized day use fees, and/or properly display applicable receipt, permit or pass is prohibited.

(d) Any Golden Age or Golden Access Passport permittee shall be entitled, upon presentation of such a permit, to utilize special recreation facilities at a rate of 50 percent off the established use fee at Federally operated areas.



Fraudulent use of a Golden Age or Golden Access Passport is prohibited.

**§ 327.24 Interference with Government employees.**

(a) It is a Federal crime pursuant to the provisions of sections 111 and 1114 of Title 18, United States Code, to forcibly assault, resist, oppose, impede, intimidate, or interfere with, attempt to kill or kill any civilian official or employee for the U.S. Army Corps of Engineers engaged in the performance of his or her official duties, or on account of the performance of his or her official duties. Such actions or interference directed against a Federal employee while carrying out these regulations are also a violation of these regulations and may be a state crime pursuant to the laws of the state where they occur.

(b) Failure to comply with a lawful order issued by a Federal employee acting pursuant to these regulations shall be considered as interference with that employee while engaged in the performance of their official duties. Such interference with a Federal employee includes failure to provide a correct name, address or other information deemed necessary for identification upon request of the Federal employee, when that employee is authorized by the District Commander to issue citations in the performance of the employee's official duties.

**§ 327.25 Violations of Rules and Regulations.**

(a) Any person who violates the provisions of these regulations, other than for a failure to pay authorized recreation use fees as separately provided for in § 327.23, may be punished by a fine of not more than \$5,000 or imprisonment for not more than six months or both and may be tried and sentenced in accordance with the provisions of section 3401 of Title 18, United States Code. Persons designated by the District Commander shall have the authority to issue a citation for violation of these regulations, requiring any person charged with the violation to appear before the United States Magistrate within whose jurisdiction the affected water resources development project is located (16 USC 460d).

(b) Any person who commits an act against any official or employee of the U.S. Army Corps of Engineers that is a crime under the provisions of section 111 or section 1114 of Title 18, United States Code or under provisions of pertinent state law may be tried and sentenced as further provided under Federal or state law, as the case may be.

**§ 327.26 State and local laws.**

(a) Except as otherwise provided herein or by Federal law or regulation, state and local laws and ordinances shall apply on project lands and waters. This includes, but is not limited to, state and local laws and ordinances governing:

- (1) Operation and use of motor vehicles, vessels, and aircraft;
- (2) Hunting, fishing and trapping;
- (3) Use or possession of firearms or other weapons;
- (4) Civil disobedience and criminal acts;
- (5) Littering, sanitation and pollution; and
- (6) Alcohol or other controlled substances.

(b) These state and local laws and ordinances are enforced by those state and local enforcement agencies established and authorized for that purpose.

[FR Doc. 99-18426 Filed 7-19-99; 8:45 am]

**BILLING CODE 3710-92-U**

**LIBRARY OF CONGRESS**

**Copyright Office**

**37 CFR Part 255**

**[Docket No. 99-4 CARP DPRA]**

**Digital Phonorecord Delivery Rate Adjustment Proceeding**

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Notice of initiation of negotiation period.

**SUMMARY:** The Copyright Office of the Library of Congress is announcing the initiation of the negotiation period for determining reasonable rates and terms for digital transmissions that constitute a digital phonorecord delivery for the period commencing January 1, 2001. This negotiation period is intended to promote an industry-wide agreement as to the rates and terms for digital phonorecord deliveries.

**DATES:** The negotiation period begins on July 20, 1999, and ends on December 31, 1999. Petitions for an arbitration for rate adjustment must be filed during the year 2000.

**ADDRESSES:** If sent by mail, an original and five copies of the petition should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. If hand delivered, an original and five copies of the petition should be brought to: Office of the Copyright General Counsel, James Madison Memorial Building, Room LM-403, First

and Independence Avenue, SE, Washington, DC 20559-6000.

**FOR FURTHER INFORMATION CONTACT:**

David O. Carson, General Counsel, or Tanya M. Sandros, Attorney Advisor, Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380 or Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:** On November 1, 1995, Congress passed the Digital Performance Right in Sound Recordings Act of 1995 ("Digital Performance Right Act"), Pub. L. 104-39, 109 Stat. 336. Among other things, it confirms and clarifies that the scope of the statutory license to make and distribute phonorecords of nondramatic musical compositions, 17 U.S.C. 115, includes the right to distribute or authorize distribution by means of a digital transmission which constitutes a "digital phonorecord delivery." 17 U.S.C. 115(c)(3)(A). A "digital phonorecord delivery" is defined as "each individual delivery of a phonorecord by digital transmission of a sound recording which results in a specifically identifiable reproduction by or for any transmission recipient of a phonorecord of that sound recording \* \* \* ." 17 U.S.C. 115(d).

The Digital Performance Right Act established that the rate for all digital phonorecord deliveries ("DPDs") made or authorized under a compulsory license on or before December 31, 1997, was the same as the rate in effect for the making and distribution of physical phonorecords for that period. 17 U.S.C. 115(c)(3)(A)(i). For digital phonorecord deliveries made or authorized after December 31, 1997, the Digital Performance Act established a two-step process for determining the terms and rates: either the copyright owners of nondramatic musical works and those persons entitled to obtain a license may negotiate the rates and terms for the statutory license, or they may participate in a Copyright Arbitration Royalty Panel ("CARP") proceeding. 17 U.S.C. 115(c)(3)(A)-(D). Such rates and terms, whether negotiated by the parties or determined by a CARP, are to distinguish between "digital phonorecord deliveries where the reproduction or distribution of a phonorecord is incidental to the transmission which constitutes the digital phonorecord delivery, and (ii) digital phonorecord deliveries in general." 17 U.S.C. 115(c)(2)(C)-(D). This two-step process is to be repeated "in each fifth calendar year after 1997," 17 U.S.C. 115(c)(3)(F), unless the parties agree to different years for the repeating

SAM AR000309-SAM AR000389



Case 4:14-cv-00139-HLM Document 39-5 Filed 11/16/15 Page 149 of 197

**US Army Corps  
of Engineers**  
**Mobile District**

---

# **Allatoona Lake**

## **Shoreline Management Plan**

**September 1998**

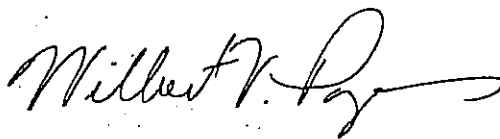
CESAD-ET-CO-N (CESAM-OP-TR/07 Oct 98) 1<sup>st</sup> End Mr. Brad J. Keshlear (404)  
562-5134  
SUBJECT: Allatoona Lake Shoreline Management Plan Revision

Commander, South Atlantic Division, U.S. Army Corps of Engineers, 60 Forsyth Street,  
S.W., Room 9M15, Atlanta, Georgia 30303-8801 23 Oct 1998

FOR COMMANDER, MOBILE DISTRICT, ATTN: CESAM-OP-TR

1. We have reviewed the revised Allatoona Lake Shoreline Management Plan and find it in compliance with current U.S. Army Corps of Engineers policies, regulations and guidance. The plan is approved as submitted.
2. I commend you and your staff, particularly at the Allatoona Project, for the extensive public participation process used in developing the plan. The Plan is very thorough and complete and represents how, through public and private partnership initiatives, we can accomplish our varied Natural Resources and Recreation Management Missions.

FOR THE COMMANDER



WILBERT V. PAYNES  
Acting Director of Engineering and Technical Services

CF: CECW-ON



DEPARTMENT OF THE ARMY  
MOBILE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 2288  
MOBILE, ALABAMA 36628-0001

REPLY TO  
ATTENTION OF:

07 OCT 1998

CESAM-OP-TR


MEMORANDUM FOR CDR, USAED, SOUTH ATLANTIC (CESAD-ET-CO-N)  
ATL GA 30335-6801

SUBJECT: Allatoona Lake Shoreline Management Plan Revision

1. As directed by ER 1130-2-406, the Allatoona Lake Shoreline Management Plan is submitted for approval.
2. The revision of the existing project Lakeshore Management Plan has been a joint effort involving extensive input from the public, various public work groups, the project staff, the Mobile District, and the South Atlantic Division.
3. Approval of this Shoreline Management Plan is recommended.

FOR THE COMMANDER:

Encl  
as

  
WILLIAM W. FULLER  
Chief, Operations Division

# TABLE OF CONTENTS

| Title   | Page |
|---|------|
| PURPOSE . . . . .                                       | 1    |
| OBJECTIVES . . . . .                                    | 1    |
| AUTHORITY . . . . .                                     | 1    |
| JURISDICTION . . . . .                                  | 2    |
| PUBLIC INVOLVEMENT . . . . .                            | 2    |
| PROJECT HISTORY . . . . .                               | 3    |
| SHORELINE ALLOCATIONS . . . . .                         | 4    |
| PERMITS . . . . .                                       | 6    |
| Department of Army Permits . . . . .                    | 6    |
| Nationwide/Regional Permits . . . . .                   | 6    |
| Section 10 and 404 Permits . . . . .                    | 7    |
| Title 36, Code of Federal Regulations Permits . . . . . | 7    |
| Special Events Permits . . . . .                        | 7    |
| Specified Acts Permits . . . . .                        | 8    |
| Shoreline Use Permits . . . . .                         | 8    |
| Eligibility Requirements . . . . .                      | 9    |
| PRIVATE INDIVIDUAL FLOATING FACILITIES . . . . .        | 10   |
| Location . . . . .                                      | 10   |
| Spacing . . . . .                                       | 11   |
| Water Depth . . . . .                                   | 11   |
| Standards for Docks . . . . .                           | 11   |
| Floating Facility Structural Support System . . . . .   | 12   |
| Dock Ramps and Walkways . . . . .                       | 12   |
| Flotation . . . . .                                     | 13   |
| Size Limitations . . . . .                              | 13   |



| <b>Title</b>                                       | <b>Page</b> |
|--|-------------|
| Dock Roofs and Sundecks . . . . .                  | 14          |
| Dock Walls and/or Sides . . . . .                  | 14          |
| Storage Compartments . . . . .                     | 14          |
| Hardware . . . . .                                 | 15          |
| Anchoring . . . . .                                | 15          |
| FLOATING CABINS . . . . .                          | 15          |
| FACILITY MAINTENANCE . . . . .                     | 16          |
| MOORING BUOYS . . . . .                            | 16          |
| FURNITURE, DECORATIVE ITEMS, ETC. . . . .          | 17          |
| LANDBASED FACILITY/ACTIVITY REQUIREMENTS . . . . . | 17          |
| UTILITY INSTALLATION . . . . .                     | 17          |
| Electric Lines . . . . .                           | 18          |
| Water Lines . . . . .                              | 18          |
| Other . . . . .                                    | 19          |
| VEGETATIVE MODIFICATION . . . . .                  | 19          |
| Limited Underbrushing Permit . . . . .             | 20          |
| Vegetative Planting . . . . .                      | 21          |
| Permit Authorization . . . . .                     | 21          |
| IMPROVED WALKWAYS and PEDESTRIAN ACCESS . . . . .  | 22          |
| HANDRAILS . . . . .                                | 22          |
| SPECIAL CONSIDERATIONS . . . . .                   | 22          |
| GRANDFATHERED FACILITIES and PERMITS . . . . .     | 23          |
| PERMIT REISSUE and REASSIGNMENT . . . . .          | 23          |
| EROSION CONTROL . . . . .                          | 24          |
| HAZARDOUS TREES . . . . .                          | 24          |
| SHORELINE TIE-UPS . . . . .                        | 25          |
| BOUNDARY LINE and ENCROACHMENTS . . . . .          | 25          |
| EASEMENTS . . . . .                                | 26          |
| NATURAL RESOURCES MANAGEMENT . . . . .             | 26          |
| Forest Management . . . . .                        | 26          |
| Wildlife Management . . . . .                      | 27          |
| Fisheries Management . . . . .                     | 27          |
| Wetlands . . . . .                                 | 28          |

| <b>Title</b>   | <b>Page</b> |
|--|-------------|
| Endangered Species . . . . .                             | 29          |
| Aquatic Plants . . . . .                                 | 29          |
| Water Quality . . . . .                                  | 29          |
| Archaeological, Cultural, and Historic Resources . . . . | 30          |
| SHORELINE MANAGEMENT VIOLATIONS . . . . .                | 30          |
| LIABILITY . . . . .                                      | 31          |
| ACCESS FOR OFFICIAL BUSINESS . . . . .                   | 31          |
| CONCLUSION . . . . .                                     | 31          |
| REFERENCES . . . . .                                     | 32          |
| EXHIBITS   |             |

# **SHORELINE MANAGEMENT PLAN**

## **ALLATOONA LAKE**

### **PURPOSE**

To provide guidance and information for the effective management of the Allatoona Lake shoreline and adjacent public land and water. The plan describes the types of private uses and activities that may be permitted along the shoreline. It also addresses shoreline allocations, rules, regulations, and other information relative to the Allatoona Lake Shoreline Management Program.

### **OBJECTIVES**

U.S. Army Corps of Engineers policy is to provide for the management of public land and water associated with Allatoona Lake in a manner that promotes the safe and healthful public use of the shoreline, while assuring conservation of natural resources for present and future generations. Public access to and from the Allatoona Lake shoreline will be preserved. The intent of this Shoreline Management Plan is to achieve a balance between permitted private uses and long term resource protection.

### **AUTHORITY**

This plan was prepared in accordance with the requirements of Engineering Regulation (ER) 1130-2-406, dated October 31, 1990, titled "Shoreline Management at Civil Works Projects", as per Change 1, dated September 14, 1992, and change of Condition 14 , per Federal Register, dated July 1, 1998.

## **JURISDICTION**

The Corps of Engineers has Proprietary jurisdiction on Corps managed Federal lands. Under Section 234 of the Flood Control Act of 1970 certain project personnel may enforce CFR Title 36 part 327 (contact the Operations Manager's office for a copy of Title 36). Under Section 10 of the Rivers and Harbors Act of 1899, as amended, and Section 404 of the Clean Water Act of 1977, designated Corps personnel may enforce portions of CFR Title 33 part 200. The State of Georgia and its political subdivisions retain statutory responsibility to enforce state and local laws.

## **PUBLIC INVOLVEMENT**

The previous Shoreline Management Plan was reviewed at public meetings in June 1975 and January 1976, then adopted in May of 1979. In October 1990, the revised Shoreline Management at Civil Works Projects regulation, ER1130-2-406 became effective for implementation by all Corps of Engineers water resource projects. The update of the Allatoona Shoreline Management Plan is necessary to achieve the objectives of ER1130-2-406, dated October 31, 1990, as per change 1, dated September 14, 1992, and change to condition 14, per Federal Register, dated July 1, 1998, due to changes in policies, standard operating procedures, and changed conditions around the project.

After an extensive notification campaign, the first public workshop was held on November 6, 1997, at the North Metro Technical Institute in Acworth, Georgia. The revision process was explained and the public encouraged to serve on any of five committees formed to address the major issues associated with the plan. Public input required the formation of nine committees which were (1) Shoreline Use Permits, (2) Shoreline Zoning, (3) Water Quality, (4) Recreation Development Management, (5) Natural Resource Management, (6) Water Levels, (7) Political Action, (8) Water Safety/Boating Regulations/Law Enforcement, and (9) Seaplane Operations. After the first committee meetings, there was sufficient participation to support only six committees which were Shoreline Use Permits, Shoreline Zoning, Water Quality, Natural Resource Management, Boating Safety, and Seaplane Operations. The committees reviewed the

existing plans and policies to formulate recommendations for consideration in revising the plan. Many helpful recommendations were received. A final public meeting was held on May 21, 1998, at the North Metro Technical Institute to present the final draft of the Allatoona Lake Shoreline Management Plan.

The Allatoona Lake Operations Management Staff encourages continued public involvement in the day to day management of the project's natural resources. We are dedicated to the wise management of the natural resources at Allatoona Lake and encourage the public to assist the Corps of Engineers in accomplishing the objective of this plan.

## PROJECT HISTORY

Construction of Allatoona Lake was approved by the United States Congress in the Flood Control Acts of 1941 and 1946, for the purposes of flood control and power generation. Later legislation authorized fish and wildlife management, streamflow regulation, water supply, and recreation as project purposes.

Project land was acquired in fee, to a minimum contour elevation of 863' MSL. This provided an area necessary for flood control. In some areas, blocks of land above the 863' MSL were purchased to provide recreational areas, natural resource protection, public access areas, etc. This land acquisition provided a continuous area of land around the reservoir above the water level to ensure public access along the shore and to accomodate authorized project purposes. Construction of the dam began in 1946 and was completed in 1950.

Recreation use of Allatoona Lake has exceeded expectations and is ranked one of the most visited Corps of Engineers projects. During 1997, more than 76,000,000 visitor hours were recorded at Allatoona. By the end of 1997, more than 900 consolidated permits and/or licenses had been issued to private property owners for floating and land based facilities. As metro Atlanta expands northward, residential development around the lake is increasing.

## SHORELINE ALLOCATIONS

Allatoona Lake has 12,010 acres of water and 270 miles of shoreline at normal summer level (840' MSL). Increased use of public land and the rapid development of adjacent private properties requires a management plan necessary for protection, development, and use of the shoreline. This plan has been developed in accordance with applicable regulations and policies.

The purpose of the Allatoona Lake Shoreline Management Plan is to zone the shoreline to protect and manage its resources. Zoning allocations shown in Table 1 are:

- Prohibited Access Areas
- Protected Shoreline Areas
- Public Recreation Areas
- Limited Development Areas

Exhibit 1 contains a map that shows the revised Allatoona Lake shoreline allocations corresponding to Table 1 on page 5. A map showing more detailed information can be viewed at the Operations Manager's Office.



Table 1 - Shoreline Allocations

| Allocation Category | Symbol      | Amount            | Description  |
|---------------------|-------------|-------------------|--|
| Prohibited Access   | Cross Hatch | 1 mile<br>1 %     | This classification is for project operations and visitor safety. Public boating and pedestrian access are prohibited or restricted in these areas. Prohibited Access Areas are in the proximity of the Powerhouse intakes, floodgates, tailrace; the Acworth Subdam; and the shoreline along Saddle Dike #1. No permits or licenses are issued in Prohibited Access Areas.  |
| Protected Shoreline | White       | 109 miles<br>40 % | Protected areas are designated in accordance with the National Environmental Policy Act of 1969 (PL 91-190), and to protect/restore fish & wildlife habitat, aesthetics, and cultural and/or other environmental values. Shoreline features of these areas are water depth, rapid dewatering, exposure to high winds and currents, steepness of terrain, narrowness of channels (boating safety), and areas outgranted for wildlife management. Pedestrian access and boating are permitted in these areas provided resources are not damaged. Shoreline Use Permits/Licenses are not issued in Protected Shoreline Areas. Facilities or activities currently under permit/license will be "grand-fathered". |
| Public Recreation   | Dotted      | 122 miles<br>45 % | These areas are specifically designated in the Allatoona Master Plan for present, or future, recreational development. No Permits for private uses are issued in Public Recreation Areas.  |
| Limited Development | Black       | 38 miles<br>14 %  | Certain private uses may be authorized in these areas if a permit is obtained. Applications are reviewed "first come/first served", and are based on individual merit. Several resource management considerations must be satisfied prior to approving or denying a permit including water depth, density of development, navigation, environment, safety, and site conditions. Eligibility requirements are discussed under Shoreline Use Permits/Licenses on page 9.   |

## **PERMITS**

The intent of this section is to describe the activities that are allowed and what permits are applicable. All permit requests are reviewed and may be granted only if all public laws, regulatory requirements, and policies are met.

- **Department of Army Permits**

The Department of Army permit program is authorized by Section 10 of the Rivers and Harbor Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection, Research, and Sanctuaries Act. These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. These types of permits are known as Nationwide/Regional, Section 10, and Section 404 Permits.

- ♦ **Nationwide/Regional Permit Activities**

Nationwide/Regional Permits authorize minor bank stabilization, placement of dock anchoring posts and certain other activities below 840' MSL. Specific written approval is necessary to engage in these activities on Allatoona Lake. Supplemental authority is authorized by Regional Permit dated October 22, 1993. Following are some considerations for the most common activities:

(1) Removal of silt material will be considered on a case by case basis. The removal of silt deposits may be authorized by a Specified Acts Permit issued through the Operations Manager's Office (Nationwide Permit, 33 CFR 334.5a). Only one such permit of this type will be issued for a particular location.

(2) Minor shoreline protection work by private individuals may be authorized. Limited shoreline protection activities of 1000 feet or less in length, with two cubic yard or less of rock per linear foot, may be approved by the Operations Manager (Nationwide Permit, 33 CFR, 334.5a). These locally approved measures include placement of rip-rap and construction of

retaining walls (see Page 24). Impact to cultural and environmental resources will be basis for denial of a permit.

#### ♦ **Section 10 and Section 404 Permits**

A Section 10 Permit authorizes the construction of shoreline stabilization projects in navigable waters, such as bulkheads, rip-rap, and seawalls which exceed the limits allowed under the Nationwide and Regional Permits. A Section 404 Permit authorizes the discharge and removal of dredged or fill material into or from the waters of the United States. Structures such as seawalls and bulkheads can be authorized in wetland areas using a Section 404 Permit. These activities must be authorized under conditions specified in permits issued pursuant to Section 10, Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). A Department of the Army permit is required by the above referenced statutes. Contact the Operations Manager's Office for application procedures. Shoreline Use Permits/Licenses are not issued for these activities.

#### • **Title 36, Code of Federal Regulations Permits**

Permits can be issued for "special events", "specified acts", and "shoreline use". These permits are issued and regulated in accordance with the provisions of Title 36, Code of Federal Regulations, Chapter III, Part 327, and ER1130-2-406.

#### ♦ **Special Event Permits**

Special Event Permits are required when a specific activity is planned which might affect normal recreational activities. Fees may be assessed. Examples of this are fishing tournaments, parades, firework displays, festivals, demonstrations, protests, etc.

Permits issued by the Corps for special events do not relieve the permittee from obtaining similar local or state authorization, if required.

approved by the club and all permit conditions are met. Private club leases are also regulated by Corps of Engineers Real Estate requirements and regulations. A permit will not be issued to an individual in a quasi-public organization; instead, the organization (leasee) may obtain a permit for placing a dock on the lake.

Property owners in adjoining subdivisions shall establish an incorporated homeowners association for a jointly owned courtesy dock on public land. The subdivision must share a common boundary with public land and provide common access to the public property. Permitted facilities are for use by all residents of the subdivision. Size of courtesy docks for homeowners associations will be reviewed on a case by case basis.

## **PRIVATE INDIVIDUAL FLOATING FACILITIES**

This section applies to boat docks, boat houses, and covered docks. Floating cabins are addressed separately (see Page 15).

Private floating facilities will not be used for human habitation. Items that imply living quarters such as stoves, sinks, beds, etc., are not allowed.

Only one floating facility permit will be issued to an individual. Ownership of more than one lot adjoining public land does not constitute an exception to this policy. Individuals having more than one floating structure will be allowed to keep them until one of the structures is beyond repair, sold, or physically joined together with the other structure under one permit. When two floating structures are joined together, they will be considered as one structure and must comply with current size limitations.

- **Location**

The site for a floating facility will be at the nearest point of shoreline to the owner's private property. If water depth or spacing is a problem, deviations of not more than one hundred feet left or right of this point may be considered. Placement should be made that would

not produce a crossing or cross-over situation; meaning that an applicant's facilities should not go beyond existing neighboring facilities. Exceptions may be approved by the Operations Manager. Existing cross-overs or situations where facilities are more than the allowed 100 feet from the nearest point will be grandfathered (see page Page 23).

Permits/Licenses will not be issued in "Limited Development" zoned locations where endangered species exist, at archeological sites, or in areas determined to be wetlands in accordance with CFR Title 33.

- **Spacing**

The location of any new floating facility must have at least a 50 foot spacing between it and other facilities at lake elevation 840' MSL (normal summer level). The distance is measured from the nearest points of adjacent facilities. As the lake level recedes, the 50 foot spacing should be maintained or the structure allowed to go to ground. This spacing is to provide a buffer area for boat maneuverability, water level fluctuations, and public safety. A facility shall not extend across more than one-third the width of a cove or channel.

- **Water Depth**

The proposed location for a floating facility must have a minimum 4 foot water depth under the lake-side portion of the facility at 840' MSL. It is the responsibility of the permittee to take necessary action to protect facilities during low and high water periods.

- **Standards for Docks**

All floating facilities must be designed, constructed, and maintained to assure safety and structural integrity. Plans showing dimensions and detailed list of materials to be used must be submitted with applications (see Exhibit 5). Plans and application forms must be approved by project management personnel prior to construction. This approval process is a nontechnical review of the plans to ensure that they meet dimension and construction material standards. It is not a certification that the facility, as depicted, is suitable for its intended purpose(s). It is the

responsibility of the permittee to assure that docks are engineered and maintained to remain in a safe condition when exposed to environmental conditions (wind, wave action, rain, temperature extremes, etc.) and fluctuating lake levels. The current standards for floating facilities on Allatoona Lake are listed below.

#### ♦ Floating Facility Structural Support Systems

Suitable material for the construction of docks and walkways include *wood, recycled plastic, and metal*. All wood used must be either pressure treated, cedar, cypress, or marine grade plywood. Creosote or penta treated wood is not acceptable. The size and type of *wood* acceptable for decking shall be: marine plywood (5/8 inch or thicker), pressure treated lumber (at least 1 1/2 inch thick), pressure treated 5/4 board. All decking shall be supported with 2 inch by 6 inch minimum framing on 16 inch centers. *Metal* decking, if used, must have a non-slip tread. *Recycled plastic* must be 1 1/2 inch thick dimension size lumber.

Unsafe dock conditions include, but are not limited to, (a) protruding nails, bolts, or screws; (b) partially decayed or slick materials; (c) ripped, jagged, sharp, pointed, or splintered materials; (d) loose or missing supports and decking; (e) and loss of structural strength due to rust or broken joints. These and other unsafe conditions require correction in accordance with current standards. Facility maintenance requirements are described on page 16.

*Carpet* and other types of covering are *not allowed* on wooden deck surfaces of docks and walkways.

#### ♦ Dock Ramps and Walkways

Walkways from the shore to the dock may be either fixed or floating. The length of any fixed walkway must not exceed 20 feet. The maximum length of a floating walkway is 40 feet, with exceptions on a case by case basis. When combining a fixed and a floating walkway, the total length of the entire walkway cannot exceed 40 feet. The width of a walkway will be 4 feet minimum and 6 feet maximum.



♦ **Flotation**

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 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 chambers 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 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.

Docks permanently attached to pilings (fixed docks) are not allowed on Allatoona Lake. All existing fixed docks are considered grandfathered (see page Page 23).

♦ **Size Limitations**

The maximum permissible size for an individual boat dock not having a boatslip is 200 square feet. The maximum size for an individual boat dock having a boatslip is 800 square feet (this figure includes the area of the boatslip). The maximum size for floating facilities having a roof (covered dock) is 800 square feet, including the area of the boatslip and any roof overhang. The minimum length on any side of a dock is 8 feet. The walkway size is not included in the

square footage calculations. Site conditions, such as existing space between docks or cove width, may mandate the structure be less than the maximum size allowable at a particular location.

Any existing boat dock that does not meet the size requirements as stated above will be considered grandfathered (see Page 23).

♦ **Dock Roofs and Sundecks**

Roofs may be gabled or flat and may overhang the dock up to 24 inches. Construction materials may include wood and shingle or metal products. If a second level sundeck is constructed, it will not have a roof and must be encircled on the outer edge by a standard 42" high, continuous and solid rigid handrail with an intermediate rail. A permanent fixed bench may be constructed in combination with the handrail along the interior perimeter of the handrail.

The *live load rating* must be included on the plans if the roof is accessible by stairs or ladder.

♦ **Dock Walls or Sides**

Docks will not be enclosed with solid walls due to inspection requirements. Security enclosures may be constructed of chain-link and similar see-through fencing.

♦ **Storage Compartments**

One storage compartment per floating facility is permitted for the storage of water related recreational equipment. Storage compartments will not exceed a maximum size of 96 cubic feet (example: 4 feet x 4 feet x 6 feet). Compartments must remain fastened securely to the dock and not interfere with walking space. The storage of chemicals, paints, flammable liquids, batteries, etc., is prohibited.

♦ **Hardware**

All hardware including nails, screws, bolts, nuts, washers, etc., will be either galvanized or stainless steel.

♦ **Anchoring**

Floating facilities must be physically attached to the shore with a walkway and equipped with an anchoring system that will withstand fluctuating water levels, severe wave action, and wind. Anchoring must be done with a minimum 5/16 inch diameter wire rope (cable) or chain.

The preferred anchoring system consists of two anchor cables connecting the dock to the shoreline, with each cable at a 45 degree angle to the bank. Anchor cables shall be secured to the shoreline with metal or wooden posts, concrete, or screw augers placed so as not to endanger visitors or damage vegetation. Cable will not be attached to trees, rocks, or other natural vegetation. Anchor cables must not obstruct the public's use of the shoreline or water surface and will not cross those of an adjacent facility or walkway.

Anchor posts (set into the lake bottom) with sleeves may also be used to anchor the dock in some cases. Anchor posts are the only anchoring structure allowed on the lake bottom; however, post/sleeve anchoring is discouraged due to extreme lake fluctuations.

## **FLOATING CABINS**

No new floating cabins are permitted. All existing floating cabins may remain as grandfathered under Section 1134d of the Water Resources Development Act of 1986 (Public Law 99-662).

Floating cabins are permitted using CESAD Form 3185-R (see exhibit 5) and assessed a floating facility fee. All floating cabins will comply with applicable federal, state, and local rules and regulations. Permits will be reissued for existing floating cabins as long as (a) the structure is maintained in a usable and safe condition, (b) it does not pose a threat to life or property, (c) is

moored at a location approved by the Operations Manager, and (c) the permittee is in compliance with conditions of the existing Permit/License.

Flotation, walkways, decking, and electrical systems will meet the same criteria as those for privately owned docks. Size limitations and additional rules and regulations for floating cabins are shown on the "Allatoona Lake General Rules for Floating Cabins" (see Exhibit 7).

## **FACILITY MAINTENANCE**

All permitted facilities must be used and maintained by the permittee in a safe condition at all times. Unsafe conditions shall be corrected immediately. If deficiencies are not corrected, the owner may be required to remove the facility at his/her expense.

- ♦ *Minor Repair.* Minor repair does not require replacement or removal of the facility from the project. Using the facility without maintenance is not life threatening, and it can be repaired with minimal effort.
- ♦ *Major Repair.* Major repair normally requires removal of the facility from the project. Using the facility without maintenance is life threatening, and it usually has structural damage.

## **MOORING BUOYS**

Mooring buoys are allowed only in water areas adjacent to lands *leased* from the Corps. Additional areas for mooring buoys are discouraged, but will be reviewed on a case-by-case basis. As with other floating facilities, a Shoreline Use Permit/License (see Exhibit 3) is required and a floating facility fee is assessed.

## **FURNITURE, DECORATIVE ITEMS, Etc.**

Docks are permitted for the purpose of providing moorage for vessels. It is recognized that docks may be used for other leisure activities where furniture may be desired. Outdoor or patio type furniture may be used on upper or lower portions of floating facilities, provided the furniture does not restrict or interfere with access ways or otherwise cause a hazard. Four-foot wide dock sections are not considered adequate to accommodate furniture. Due to wind and wave action, dock owners are encouraged to securely attach furniture to the dock or remove it when not in use.

Diving boards and similar structures as well as sliding boards and playground equipment are prohibited. Furniture items that denote habitation such as, but not limited to couches, sinks, stoves, cabinets, or refrigerators are strictly prohibited with the exception of such items on existing permitted floating cabins.

Outdoor furniture may be placed on "grandfathered" picnic shelters and patios. Picnic shelters or landbased boat shelters may not be used as or converted to storage shelters with enclosed sides.

## **LANDBASED FACILITY/ACTIVITY REQUIREMENTS**

Proposed landbased facilities/activities by adjacent landowners will be considered on public lands in areas along the shoreline zoned as "Limited Development Access". Such items include utilities installation, vegetative modification, walkways, handrails, and erosion control.

## **UTILITY INSTALLATION**

Permit/License fees will be assessed for each utility line authorized. Water lines and electric lines may be placed in the same trench when installed in accordance with requirements listed on the electrical certification form included as Exhibit 8. A Permit/License for utility lines may not be issued if erosion or environmental damage will result.

- **Electric Lines**

Electrical service and equipment on Government property must not pose a safety hazard nor conflict with other recreational use. All new electrical lines will be installed underground and will be equipped with a quick disconnect mounted above the 863'MSL contour line (flood pool elevation). Electrical installations must be weatherproof, equipped with ground fault circuit interrupter, and meet all current applicable codes and regulations.

All electrical installations on floating facilities must conform to the National Electric Code, "Standards for Marinas and Boatyard Requirements for Wet Locations", and all state and local codes and regulations. All electrical services must be installed and certified by a state licensed electrician to meet the NEC and that it has Ground Fault Interruption (GFI) protection. A copy of the Electrical Certification Form (Exhibit 8) must be provided to the Operations Manager before a Shoreline Use Permit can be issued or renewed.

The Operations Manager will require immediate removal or disconnection of any electrical service or equipment that is not certified, does not meet code, or is not maintained in a safe condition. Existing overhead lines will be allowed as long as they meet all applicable electrical codes, regulations, and above guidelines, to include compatibility and safety related to fluctuating water levels. When extensive repairs to overhead electric service are required, it will be necessary to convert them to underground installations.

Docks with electrical service may not be moved from shore as the lake recedes unless electrical service is disconnected.

- **Water Lines**

Water lines may be installed to deliver fresh, or raw water, or both. Water may be withdrawn for non-potable uses by using a gasoline or electric pump. An electric line and water line license is required for electric pumps on public property. The pump, or any electrical component, may not be submerged. Pumps are to be installed on the floating facility. Water



lines are not to be submerged; instead they are to be attached to the outside edge or underside of the walkway and dock. Water lines are to be 2 inches in diameter or smaller. Non-potable intakes must be attached to the dock, and all withdrawal apparatuses will not interfere or conflict with public use. Water lines for the withdrawal and subsequent redelivery of water for the purposes of heat pump service is prohibited unless a National Pollutant Discharge Elimination System (NPDES) Permit has been obtained from the State of Georgia.

Potable water lines from private property may be permitted but only one above ground spigot will be authorized on public property. An additional spigot may be installed on the dock. Spigots may not exceed 30 inches in height and shall be attached to a post or other structure. Water lines on floating facilities will be securely attached to the outside edge or underside of the walkway and dock.

New pumphouses and wells are not permitted. Those currently existing will remain as grandfathered (see Page 23). Removal of existing pumphouses will be required if the well is abandoned, inoperative, or its structure needs major repair.

- **Other**

No new permits/licenses will be issued for telephone or intercom lines. Existing communication lines will remain as grandfathered (see Page 23). The use of cordless technology is encouraged. Private fuel lines are prohibited.

## **VEGETATIVE MODIFICATION**

A healthy, uneven aged forest capable of supporting recreational use and adequate understory vegetation for forest regeneration is essential to the water quality and natural beauty of Allatoona Lake. Public Law 86-717, *Forest Conservation Act*, requires that "reservoir areas owned in fee under the jurisdiction of the Secretary of the Army and Chief of Engineers be developed and maintained so as to encourage, promote, and assure fully adequate and dependable future resources of readily available timber through sustained yield programs, reforestation, and

accepted conservation practices". Adjacent landowners are encouraged to assist the Operations Management Office in maintaining the natural environment and abundant resources of the project.

*To be eligible for a vegetative modification permit, Shoreline Use Permit/License requirements as described on Page 8 must be met.* Vegetative modification includes but is not limited to cutting, pruning, removal, or planting of vegetation.

- **Limited Underbrushing.** Underbrushing is defined as "the selective cutting and continued control of woodland understory vegetation (grasses, vines, briars, etc.) and the thinning of brush and tree seedlings". The purpose of limited underbrushing is to provide safe access to the shoreline with minimal alteration to the existing vegetation. Underbrushing permits are not issued for improving or creating vistas, speculative purposes, etc. An underbrushing permit/license (see Page 8) does not convey authorization to install any structure, modify existing topography, and/or delineate a pathway. New and reissued permits are subject to the following requirements:

- (1) Removal of underbrush is restricted to stems 2 inches in diameter or less at breast height. Pruning of limbs is permitted as high as 10 feet from the ground. The cutting of trees larger than 2 inches dbh must be approved on a Specified Acts Permit (see Page 8) by the Operations Manager.

- (2) Native ornamental trees and shrubs such as Redbud, Dogwood, Mountain Laurel, Wild Azalea, American Holly, Oakleaf Hydrangea, etc., will not be cut without special permission from the Operations Manager. Contact the Operations Manager's Office to confirm if a plant is a native ornamental.

- (3) Planting of grass in bare areas and mowing of existing grass is acceptable.

- (4) Only hand tools and small mowers are allowed. Large tractors and any earth moving equipment are not permitted on public property.

(5) The use of herbicides, insecticides, or any kind of biological control chemicals is not allowed on public land. Unusual circumstances will require a Specified Acts Permit (see Page 8) issued from the Operations Manager's Office.

(6) Vegetative material cut from public lands as authorized by a Shoreline Use Permit/License or a Specified Acts Permit may be piled and burned on the exposed lake bed (below 840' Elevation) during periods of low water. Burning must be in strict accordance with all applicable state and local laws. Permittees must contact the county office of the Georgia Forestry Commission for permission to burn. Fires will be attended at all times and fully extinguished when not actively attended. Future state and federal regulations may result in further restrictions or elimination of burning privileges. NOTE: Permittees are encouraged to choose environmentally friendly alternatives to burning underbrushed materials. These alternatives include small wildlife brush piles, composting, or erosion control. Prior coordination and written approval from the Operations Manager is required.

- **Vegetative Planting.** Permittees may plant up to 6 native plants without prior approval, provided they are located in a random fashion, native to the site, and will not negatively affect the surrounding resource. Larger scale (more than 6 native plants) requests for planting will require written approval prior to commencement. Non-native or exotic species may not be planted on public lands. Flower or vegetable gardens are not authorized.

- **Permit Authorization.** As with any activity on public property, vegetative modification must be authorized by the Operations Manager, and an approved permit received by the applicant prior to commencement of the work. The permit process will be initiated through an on-site meeting with a park ranger to develop a proposed vegetative modification plan and to determine where underbrushing can be authorized. Applicants may be required to submit a site plan drawing (8 1/2" x 11") showing the relationship of the proposed activity to the common boundary and the shoreline. *A permit does not convey private exclusive use privileges, and public property is open for use by the general public.*

## **IMPROVED WALKWAYS and PEDESTRIAN ACCESS**

Improved walkways/steps require submittal and approval of plans prior to construction. They will be of simple design and may be constructed of crushed stone, wood chips, stepping stones, treated lumber, or similar materials. Handrails can be added to an improved walkway/steps permit without any additional fee. Walkways/steps will follow a meandering route and be on a grade closely conforming to the topography to prevent erosion and avoid unnecessary removal of vegetation. Improved walkways will not exceed 4 feet in width. Exceptions will be considered to accommodate the physically disabled.

Footbridges may be authorized for access over drainage or other low lying areas on public land. Footbridges may not be constructed below the 840 foot MSL elevation and all wood must pressure treated and approved for ground contact. All footbridges more than 4 feet above level must have a handrail. The maximum allowable width of a footbridge is 4 feet.

## **HANDRAILS**

Handrails can be added to an improved walkway/steps permit/license with no additional fee. A permit/license will be required for a handrail that is installed along an unimproved pathway. Handrails may not be attached to trees or other vegetation.

## **SPECIAL CONSIDERATIONS**

The use of motor vehicles, including but not limited to cars, vans, trucks, motorcycles, golf carts, and all terrain vehicles, on public land is prohibited except as follows:

- (1) Person with physical disabilities may use vehicles to access the shoreline provided permission from the Operations Manager has been obtained.
- (2) A Specified Acts Permit may be issued when vehicles/equipment are needed for construction or repair of permitted items (See Page 8).

Special consideration will be given to individuals with disabilities. Each case will be reviewed based upon its merits. Site conditions may limit the Corps ability to accommodate every applicant.

## **GRANDFATHERED FACILITIES and PERMITS**

*"Grandfathered"* status allows a facility, structure, or activity that was authorized under a previous policy and prior permit/license, to remain even though new permits/licenses for the same type are no longer issued. An existing permit/license may continue to be reissued for these items until it is removed or destroyed, reaches a state of disrepair, creates health or safety hazards, or is no longer functional. Some grandfathered structures, facilities, or activities that are destroyed or removed may be replaced with permission from the Operations Manager, but will no longer have "grandfathered status" and will be required to conform to current requirements. Examples of grandfathered items are floating cabins, enclosed boat docks, overhead electric lines, roads and turnarounds, boat launching ramps, marineway, picnic shelters, patios, pumphouses, etc. *"Grandfather" status can be withdrawn when deemed necessary for public purposes or safety, for navigational use, or flood control.*

## **PERMIT REISSUE and REASSIGNMENT**

All permitted/licensed facilities must be operated, used, and maintained by the permittee in a safe condition at all times. Unsafe conditions will be corrected immediately. If deficiencies are not corrected, the owner may be required to remove the facility at his/her expense. Permits/Licenses for private floating facilities may be reissued when the current permit/license expires. All forms will be sent to the permittee prior to the expiration date. All required repairs will be completed prior to reissue.

A permit/license is not transferrable. When the adjacent property and permitted facilities are sold, the remaining term of the permit/license becomes null and void. A new permit/license will be issued and the number assigned to the new owner providing all conditions for reassignment are met. It is the responsibility of the current permittee to inform the Operations

Manager of the ownership change. The permittee's responsibility for the permitted facilities does not end until the permit is officially reassigned or removed from public lands or waters.

## **EROSION CONTROL**

When the erosion problems originate on private property and extend onto public land, corrective action on private property should be taken to redirect the water runoff and prevent further erosion of public land. When a pathway is creating an erosion problem, an application must be submitted for an improved walkway and/or to relocate the path to lessen impact. Permission may be granted to undertake activities which will prevent or correct erosion problems affecting public lands and waters. These activities include use of native plants, installation of water bars, placing soil and/or rock, retaining walls, or combinations of these measures. Erosion control work must be authorized by Operations Manager.

Retaining walls and rip-rap (rock) may be used when shoreline erosion is being caused by severe action. Retaining walls and rip-rap exceeding the limits of the Nationwide and Regional Permits must have a Section 404 Permit (see Page 7). Plans for retaining walls showing dimensions and construction materials must be submitted and approved prior to construction. Concrete block walls are not allowed. Minimum requirements for wood and concrete retaining walls are shown in Exhibit 9. Contact the Operations Manager's Office for information on additional materials/plans for retaining walls.

## **HAZARDOUS TREES**

Dead trees play an important role within the natural element by providing habitat for wildlife. However, if the location of a dead or damaged tree endangers life or property, a permit may be issued to the adjacent landowner to cut or remove the tree from public property.



## **SHORELINE TIE-UPS**

Temporary shoreline tie-ups will be in accordance with the provisions of Title 36 CFR part 327. Contact the Operations Manager's Office for a copy of Title 36.

## **BOUNDARY LINE and ENCROACHMENTS**

The boundary line at Allatoona Lake has been established and marked by the Corps of Engineers in accordance with standard survey techniques using licensed surveyors. Wherever possible, witness trees will mark the approximate location of the line and will aid in locating the corner monuments. The alteration or removal of monuments is a violation of Title 36, Code of Federal Regulations, Chapter III, Part 327.

The boundary line is marked by placement of monuments in the ground and "witnessed" by red paint on trees. The witness trees marked in red do not represent the exact boundary line, but simply indicate that the line is nearby (Exhibit 10). In cases where trees are not available for marking, signs may be installed on metal posts.

Adjoining property owners are encouraged to build permanent structures a sufficient distance from the boundary line to allow for maintenance of the structure and reduce the possibility of an encroachment by subsequent additions of decks, porches, steps, patios, septic systems, etc. Deed restrictions and county ordinances should be consulted for any building setback requirements. If no setback requirements exist, adjoining landowners should exercise prudence to ensure that private structures, septic systems, and appurtenances do not extend onto public property.

Other than pedestrian access or general public recreation activities, any activity on public property not authorized by a permit or license will be considered a trespass or degradation of public property, and is a violation of the Rules and Regulations contained in Title 36, Code of Federal Regulations, Chapter III, Part 327. Examples of such violations include, but are not limited to motorized vehicle operation, removal or cutting of vegetation, beach construction,

failure to remove picnic table and other lawn furniture when not in use, and the placement or storage of trailers, vessels, satellite dishes, debris, fill material, dog pens, electric dog fences, patios, roof overhangs, cantilevered decks, or other activities/structures.

Adjoining property owners shall not allow their pets to impede or restrict full and free use of public land and water by others.

## EASEMENTS

In some locations, the Corps of Engineers purchased easements for the perpetual right, power, and privilege to overflow, flood, submerge, saturate, percolate, and erode the land along certain portions of the lake and downstream river bank, including Pumpkinvine, Racoon, and Richland creeks. The landowner retains ownership of the land, but restrictions are in effect that prevent specific activities such as *"no dwelling for human habitation may be constructed on the property"*. The Operations Manager's Office should be contacted prior to any construction activity along the creeks and riverbank from Allatoona Dam to Euaharlee, Georgia and along the shoreline of the lake.

## NATURAL RESOURCES MANAGEMENT

Management of all natural resources is integrated with other project purposes within a multiple use concept. The Allatoona Lake Operations Management Staff will initiate progressive natural resource programs to maintain the project in a productive state.

- **Forest Management**

Public Law 86-717, as described on page 19, guides all land management objectives at Allatoona Lake. The program gives emphasis to the enhancement of wildlife habitat and the development of natural, native forest ecotypes. Harvesting of timber will be in accordance with the Operational Management Plan and designed to further these goals.

- **Wildlife Management**

Successful wildlife management at Allatoona Lake can best be achieved by integrating wildlife programs with effective forest management practices. The goal of wildlife management is to develop, improve, and maintain a vegetative community that will provide diverse wildlife habitat.

Since the wildlife program strives to promote a diverse wildlife community, the Corps often manipulates habitats. Active management includes providing habitat enhancement such as installing nesting structures and food plots. Since "Limited Development" areas receive more stress from human activity, the Corps encourages the planting of native vegetation by interested parties. A list of approved plants can be obtained from the Operations Manager's Office. Snag or dead trees that do not endanger life or property are purposely left to benefit both birds and mammals.

Wildlife population regulation is the responsibility of the Georgia Department of Natural Resources. The Corps cooperates to support State efforts by providing habitat for game species and assisting with the control of pest species.

- **Fisheries Management**

This program is primarily implemented to enhance and maintain existing fisheries habitat to provide for sustained recreational use of a diverse fishery. Habitat enhancement is accomplished by conducting various practices such as water level management for stabilizing spawning habitat, installation of fish attractors, and planting native vegetation for erosion control and habitat. Because the lake is sensitive to many outside influences, other activities must be monitored for adverse impacts, such as nearby construction activities. Maintenance of productive fisheries habitat is achieved in part by maintaining an active water quality program. Corps personnel cooperate with the Georgia Environmental Protection Division to resolve water quality problems, county health departments to correct septic tank pollution, and with state and county engineering departments to resolve soil erosion problems.

The Fisheries Management Section, Georgia Game and Fish Division (GFD), is responsible for population management. Corps staff assist the GFD in several ways such as fish kill investigation and habitat enhancement.

A Specified Acts Permit can be obtained to install fish attractors at or below elevation 840' MSL.

- **Wetlands**

The term "wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Executive Orders 11988, *Floodplain Management*, and 11990, *Protection of Wetlands*, address the actions Federal agencies must take to:

- identify and protect wetlands and floodplains.
- minimize the risk of flood loss and destruction of wetlands.
- preserve and enhance the natural and beneficial values of both floodplains and wetlands.

Wetland areas may occur above and below 840' MSL (normal summer lake level). Activities in these areas could significantly impact the natural ecosystem and may be prohibited. Contact the Operations Management Office for information on jurisdiction and delineation of wetlands.

To maintain wetlands, no permit will be issued that involves the alteration or use of wetland areas unless concurrence is obtained from the Corps of Engineers, the U.S. Fish and Wildlife Service, and the State of Georgia Department of Natural Resources.

To minimize impacts to wetlands, some determination of a wetland should be made. Certain vegetation is readily adapted to and identified with wetland areas. A partial list of common wetland plants and trees native to North Georgia appears in Exhibit 11. This list can be

used to make a preliminary determination to an area's potential wetland status. However, because soil type and hydrological conditions are also evaluated in determining the status, all appropriate agencies should be consulted to officially classify wetlands.

- **Endangered Species**

*The Endangered Species Act of 1973*, as amended states in part "all Federal departments and agencies shall seek to conserve endangered and threatened species, and shall utilize their authorities in furtherance of the purposes of this Act". The goal of the Allatoona Lake Operations Management Staff is to provide protection and special habitat management for federally listed endangered and threatened plant and animal species identified on the project.

Permits will not be issued that conflict with the preservation of endangered or threatened species. Any existing permits which are in violation of the Endangered Species Act will be modified or rescinded. For a list of endangered or threatened species known to range or exist in the proximity of Allatoona Lake as of the date of plan implementation, see Exhibit 12.

- **Aquatic Plants**

Due to the rise and fall of Allatoona Lake, its depth, and northern Georgia location, nuisance aquatic weeds have not invaded the project. However, the transport of such weeds is possible and low areas may eventually have seasonal problems unless the general public inspects and cleans their boats and trailers after visiting other waterways known to have aquatic weed problems.

- **Water Quality**

The quality of water has an important bearing on the recreation and the fish and wildlife potential of the project. Water quality management is a challenging task because of the varied human activities in and around the lake. The goal is to promote water quality adequate for safe and healthful public use and to enhance aquatic life.

The Corps of Engineers will strive to comply with all federal and state water quality laws and standards as they relate to Corps operations. Corps personnel are also authorized to enforce provisions of Title 36, Code of Federal Regulations, part 327.9 which prohibits the discharge of pollutants into project water or onto project land.

The State of Georgia has the authority and responsibility to enforce state water quality laws. The state is also authorized by the Environmental Protection Agency (EPA) to enforce the Federal Clean Water Act.

- **Archaeological, Cultural, and Historic Resources**

The National Historic Preservation Act of 1966, the Archaeological and Historic Preservation Act of 1974 and the Archaeological Resources Protection Act of 1979 were enacted by Congress to protect archaeological, cultural and historic sites, and to provide recovery of site data if warranted.

Determination that a previously issued permit infringes upon or impacts a site will result in its rescission. Permits are not issued that involve use or alteration of a site unless culturally cleared by appropriate agencies.

The use of metal detectors and other electronic (or non-electronic) detection devices are prohibited except at designated areas. Contact the Operations Manager's Office for specific concerns regarding procedures/locations for metal detector usage. Removal of artifacts from Federal lands is prohibited.

## **SHORELINE MANAGEMENT VIOLATIONS**

Rules and regulations governing the Shoreline Management Program are enforced through Title 36, Part 327, Code of Federal Regulations. Violations will require corrective action and may constitute revocation or modification of permit privileges, payment of collateral forfeiture, mandatory appearance before a U.S. Magistrate or stronger enforcement action.



Generally, violations are noted and addressed when facilities/activities are inspected prior to either renewing the permit or reassigning the permit to a new owner. However, violations may be noted during routine inspections of the shoreline and addressed at any time. Existing violations not yet identified will be noted and addressed as manpower and work priorities allow.

## **LIABILITY**

The Corps of Engineers assumes no liability or responsibility for the safety of individuals using any facility authorized by permit/license or engaged in any activity authorized by permit/license on public property. The permittee assumes full liability and responsibility for the safe conduct of the activity and must certify the safety of the structure and any associated electrical wiring. Inspections of facilities by the Corps of Engineers will be made in the interest of public safety. By making such inspections, the Corps of Engineers assumes no liability or responsibility for any accident associated with the facility.

The Corps of Engineers assumes no liability for damages which may result from enforcement of this plan or changes in applicable laws or regulations.

## **ACCESS FOR OFFICIAL PURPOSES**

Application for or possession of a valid permit/license is considered approval for Government personnel on official business to cross a permittee's private property for access to public land/water. Purposes for access include inspections of permit/license facilities. Denial of access to Government personnel on official business will preclude issuance or reissuance of a permit/license and may be grounds for revocation of the permit/license.

## **CONCLUSION**

It is the intent of the Allatoona Lake Shoreline Management Plan to provide quality recreational opportunities for the public while protecting the environment. This is accomplished by balancing public recreational needs with Allatoona Lake's physical limitations, its operations

for all authorized project purposes, and environmental qualities. In developing this plan, present and future recreational needs of the area were considered. As presented, the Allatoona Lake Shoreline Management Plan is and will continue to be a flexible working document.

The Operations Manager's staff at Allatoona Lake will continually monitor the needs of lake users and recommend revisions to minimize conflicts between various interests. In advance of recommending any major revision to this Plan, additional public workshops will be held as required. The Plan will be reviewed at least once every five years and revised as necessary.

The Allatoona Lake Operations Management Staff is available to address any questions concerning the Shoreline Management Plan and its policies. The Operations Manager's Office is located off Highway 20 Spur, approximately 5 miles east of Cartersville, Georgia. Information is available by calling 770-382-4700.

The Operations Management Staff at Allatoona appreciates all the efforts of the committee work groups and members of the public who participated in this process of developing a plan which best meets the needs of the public and our natural resources.

## References Cited

Allatoona Lake Operational Management Plan,

Endangered Species Act of 1973.

EP 405-1-12, Chapter 8, Real Estate Handbook.

ER 1130-2-400, Management of Natural Resources and Outdoor Recreation at Civil Works Water Resource Projects.

ER 1130-2-406, Shoreline Management at Civil Works Projects.

Executive Order 11752, "Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities."

Executive Order 11988, Floodplain Management, 1977.

Executive Order 11990, Protection of Wetlands, 1977.

Fish and Wildlife Coordination Act of March 10, 1934, as amended.

Lakeshore Management Plan, Allatoona Lake, May 1979.

Master Plan, Allatoona Lake.

National Environmental Policy Act of 1969, as amended.

National Fire Protection Association, National Electric Code, 1996.

Public Law 85-624, Fish and Wildlife Coordination Act, 72 Statute 563.

Public Law 86-717, 74 Statute 817, Forest Conservation.

Public Law 99-662, Section 1134(d), Water Resources Development Act of 1986.

Public Law 89-665, 80 Statute 915, National Historic Preservation Act of 1966, as amended.

Public Law 96-366, Fish and Wildlife Conservation Act of 1980.

Public Law 97-140, Section 6, Water Resources Development Act of 1981.

SADvR 1130-2-12, Construction of Boat Launching Ramps by Non-Government Groups.

SADvR 1130-2-14, Use of Lakeshore Land and Water Areas for Private Purposes.

SAMOM 1130-2-2, Permitting Procedures for Private Floating Docks.

Section 4, 1944 Flood Control Act, as amended (16USC 460d).

Section 10 of the Rivers and Harbors Act of 1899, as amended.

Section 404 of the Clean Water Act of 1977 (33 U.S.C. 1344).

Title 33, Chapter II, Part 323 Code of Federal Regulations, "Permits for Discharges of Dredged or Fill Material into Waters of the United States."

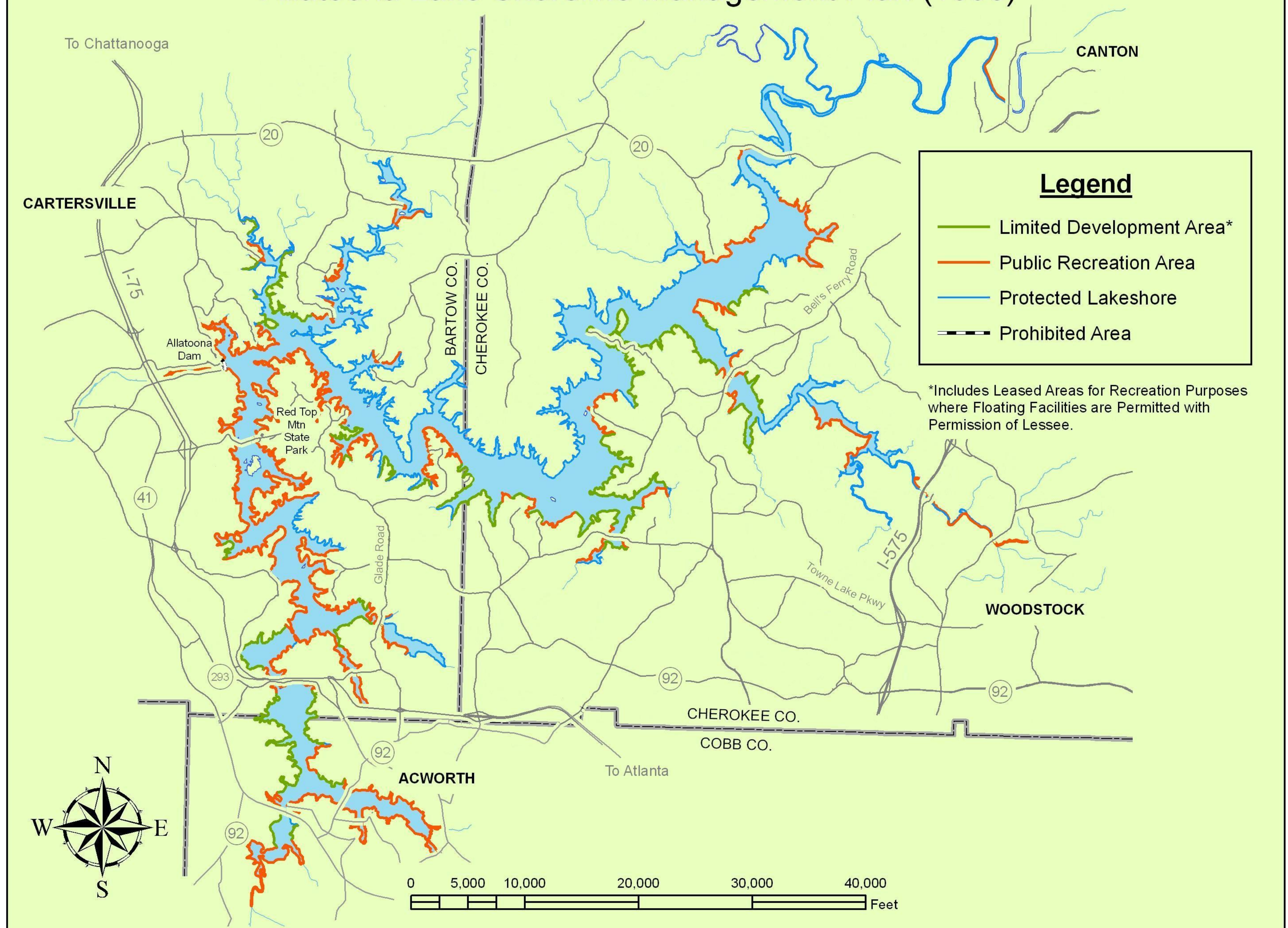
Title 36, Chapter III, Part 327 Code of Federal Regulations, "Rules and Regulations Governing Public Use of Water Resource Development Projects administered by the Chief of Engineers.

## **Enclosures**

**Exhibits 1 through 12**



# Allatoona Lake Shoreline Management Plan (1998)





## SPECIFIED ACTS PERMIT ALLATOONA LAKE

PERMIT # \_\_\_\_\_

EXPIRES \_\_\_\_\_

Pursuant to authority delegated by the District Engineer, U.S. Army Engineer, Mobile, the individual hereinafter named, his agents, servants, or employees, for his convenience, is hereby granted a permit for the sole and express purpose to (Description and Location):

**S A M P L E**

**THIS PERMIT IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. If the work herein authorized is not completed on or before the expiration date, this permit if not previously revoked, shall cease and be null and void.
2. The exercise of the privileges hereby granted shall be without cost or expense to the United States, under the general provision and subject to the approval of the Issuing Officer and subject also to such regulations as may be prescribed by the District Engineer.
3. Permittee shall hold the Government, its officers, agents and employees harmless from any and all claims of any nature whatsoever arising from or out of the performance of the acts authorized by this permit.
4. No property right or interest in real estate is conveyed hereby. The permittee has no rights of supervision or control of the use of Government-owned lands, and the free use of such Government land is and shall remain open to the public.

**NOTE:** The flood control pool is that area between elevations 840 and 863 MSL. The power pool is that area between elevations 840 and 823 MSL. The level of the reservoir may rise into the flood control pool when required by the needs of flood control, and may be drawn down below the top of the power pool 840 when required by other project needs.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Issuing Officer

This permit, together with all the conditions thereof, is hereby accepted this date: \_\_\_\_\_, 19\_\_\_\_

x \_\_\_\_\_  
(Signature of Permittee)

\_\_\_\_\_  
(Printed Name of Permittee)

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City, State, and Zip)





US Army Corps  
of Engineers

South Atlantic Division

# Application and Permit/License for Shoreline Use

For use of this form, see SADVR 1130-2-14

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

Applicant Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ Telephone (\_\_\_\_) \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## FOR GOVERNMENT USE ONLY

LOCATION: Land Lot \_\_\_\_\_, \_\_\_\_\_ District, \_\_\_\_\_ Section of \_\_\_\_\_

County, GA. Tract \_\_\_\_\_, Lot \_\_\_\_\_, \_\_\_\_\_ Subdivision.

SEE EXHIBIT "A & B" FOR FEES AND DESCRIPTIONS, AND EXHIBIT "C" FOR SUPPLEMENTAL RESTRICTIONS.

The following person (not living at the above address) will be available on short-notice call and will be responsible for providing any needed surveillance of the site in my absence:

Name \_\_\_\_\_ Telephone (\_\_\_\_) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

I understand the conditions of this Permit/License and hereby accept this instrument together with all conditions thereof, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

x \_\_\_\_\_

Grantee

This block to be completed by Operations Manager.

Special Permit/License Conditions:

Permit/License #: \_\_\_\_\_ Date Issued: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

The Secretary of the Army hereby grants to the applicant named above a Permit/License for the period specified above, to construct, use and maintain the items specified and described above and more particularly identified on Exhibit "A" attached hereto and made a part hereof.

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Army this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

x \_\_\_\_\_

CESAD Form 3185-R

Oct 87 (Previous Editions are Obsolete)

Operations Manager

Project Name ALLATOONA LAKE

1.

SAM AR000349



PERMIT/LICENSE CONDITIONS

1. This Permit/License 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/licensed facility growing out of the ownership, construction, operation or maintenance by the permittee of the permitted/licensed facilities and/or activities.
3. Ownership, construction, operation, use and maintenance of a permitted/licensed 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/licensed facility or to unreasonably interfere with any authorized project purposes, including navigation in connection with the ownership, construction, operation, or maintenance of a permitted/licensed facility or activity.
5. The permittee agrees that if subsequent operations by the Government require an alteration in the location of a permitted/licensed facility and/or activity or if in the opinion of the district commander a permitted/licensed 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/licensed facility, without expense to the Government.
6. The Government shall in no case be liable for any damage or injury to a permitted/licensed 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/license.
7. Ownership, construction, operation, use, and maintenance of a permitted/licensed 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/license.
8. This permit/license 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/licensed facility and/or activity.
9. The permittee agrees to construct the facility within one (1) year of the permit/license issue date. The permit/license shall become null and void if construction is not completed within that period. Further, the permittee agrees to operate and maintain any permitted/licensed facility and/or activity in a manner so as to provide safety, minimize adverse impact on fish and wildlife habitat, natural, environmental, or cultural resources values and in a manner so as to minimize degradation of water quality.
10. The permittee shall remove a permitted/licensed facility within 30 days, at his/her expense, and to restore the waterway and lands to a condition accepted by the project manager upon termination or revocation of this permit/license or if the permittee ceases to use, operate, or maintain a permitted/licensed facility and/or activity. If the permittee fails to comply to the satisfaction of the project 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/licensed 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/license will not be leased, rented, sub-let, 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 flotation material for all docks and boat mooring buoys shall be fabricated of materials manufactured for marine use. The float and its 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 chambers for encasement of 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 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/licensed facilities and/or activities are subject to periodic inspection by authorized Corps representatives. The project 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 project 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/license display tag shall be posted on the permitted/licensed facility and/or on the land areas covered by the permit/license so that it can be visually checked with ease in accordance with the instructions provided by the project manager.
18. No vegetation other than that prescribed in the permit/license will be damaged, destroyed, or removed. No vegetation of any kind will be planted, other than that specifically prescribed in the permit/license.
19. No change in land form such as grading, excavation, or filling is authorized by this permit/license.
20. This permit/license is non-transferrable. Upon sale or other transfer of the permitted/licensed 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/license whenever the public interest necessitates such revocation or when the permittee fails to comply with any permit/license 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 project 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 mail.
22. Notwithstanding the condition 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/license.
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 project 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/license.
25. When vegetation modification is allowed, the permittee will delineate the Government property in a clear, but unobtrusive manner approved by the project manager and in accordance with the project Shoreline Management Plan.
26. If ownership of a permitted/licensed facility is sold or transferred, the permittee or new owner will notify the project manager of the action prior to finalization. The new owner must apply for a Shoreline Use Permit/License within 14 days or remove the facility and restore the use area within 30 days from the date of ownership transfer.
27. If permitted/licensed facilities are removed for storage or extensive maintenance, the project manager may require all portions of the facility be removed from public property.

## **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, landscaping, and other authorized activities by private landowners adjacent to Corps 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.

Name \_\_\_\_\_

Permit # \_\_\_\_\_

**EXHIBIT "A" & "B"**  
**RATE SCHEDULE AND DESCRIPTION**  
**SPECIAL CONDITIONS**

|                       |  | <b><u>5 YEAR</u></b><br><b><u>FEE</u></b> | <b><u>FEE/PRORATED</u></b><br><b><u>FEE</u></b> |
|-----------------------|--|---|---|
| 1.                    | Dock or Boathouse- (New Permit/Owner).....           | \$400.00                                  | \$ _____  |
|                       | (Re-issue).....                                      | \$175.00                                  | \$ _____  |
|                       | (Modify).....  | \$90.00                                   | \$ _____  |
| 2.                    | Underbrushing, Grassmowing.....                      | \$10.00                                   | \$ _____  |
|                       | Shoreline Protection- (See plans for Retaining Wall) |   |   |
| 3.                    | Utility Right-of-Way: O.H. or U.G. electric.....     | \$35.00                                   | \$ _____  |
|                       | Waterline.....                                       | \$35.00                                   | \$ _____  |
| 4.                    | Improved Steps and/or Walkway.....                   | \$50.00                                   | \$ _____  |
|                       | _____ ft. x _____ ft. (Type) _____                   |   |   |
| 5.                    | Handrails only.....                                  | \$28.00                                   | \$ _____  |
| 6.                    | *Improved Road and/or Turnaround*.....               | \$56.00                                   | \$ _____  |
|                       | _____ ft. x _____ ft. (Type) _____                   |   |   |
| 7.                    | *Boat Launching Ramp*.....                           | \$67.00                                   | \$ _____  |
| 8.                    | *Marineway*.....                                     | \$67.00                                   | \$ _____  |
| 9.                    | *Picnic Shelter or Patio*.....                       | \$50.00                                   | \$ _____  |
|                       | _____ ft. x _____ ft. (Type) _____                   |   |   |
| 10.                   | *Pumphouse*.....                                     | \$20.00                                   | \$ _____  |
| 11.                   | Other.....   | _____                                     | \$ _____  |
| <b>TOTAL FEES DUE</b> |  |   | \$ _____  |

NOTE: \*denotes re-issue of "grandfathered" items only. No New Installations  
Permitted.

**Special Conditions:**



## EXHIBIT "C"

### SUPPLEMENTAL RESTRICTIONS

1. **ELECTRICAL SERVICE and EQUIPMENT** leading to or on private mooring facilities or on Government property must not pose a safety hazard nor conflict with other recreational use. All new electrical lines will be installed underground. Electrical installations must be weatherproof and equipped with ground fault circuit interrupter. The facility must be equipped with quick disconnect fittings mounted above the 863' MSL flood pool elevation.

**ALL ELECTRICAL INSTALLATIONS** must be installed and certified by a state licensed electrician to meet the National Electric Code requirements for wet locations, marinas, and boatyards, and all state and local codes and regulations. A copy of the Electrical Certification form must be provided to the Operations Manager before a Shoreline Use Permit will be issued or renewed. The Operations Manager will require immediate removal or disconnection of any electrical service or equipment that is not certified, does not meet code, or is not safely maintained.

**EXISTING OVERHEAD LINES** will be allowed, as long as they meet all applicable electrical codes, regulations, and above guidelines, to include compatibility and safety related to fluctuating water levels. Existing overhead electric lines will be maintained a minimum of 10 feet above the ground surface. When extensive repairs to overhead electric service are required, it will be necessary to convert them to underground installation.

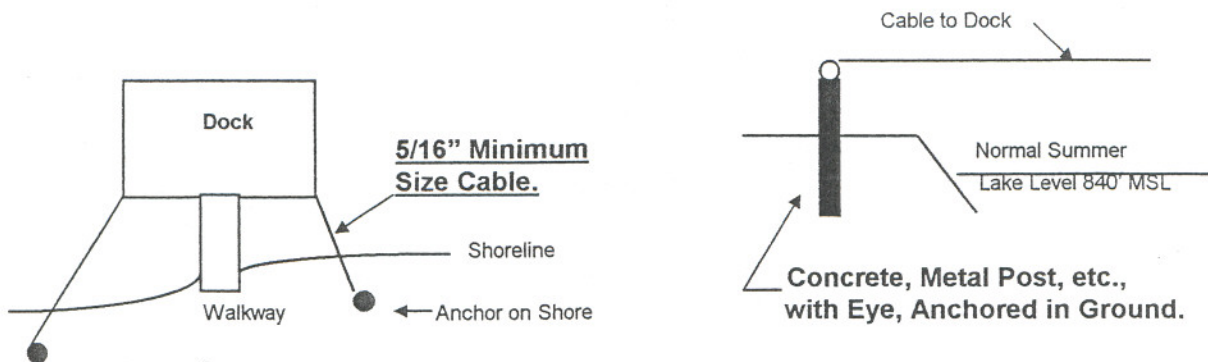
**Docks with electrical service** may not be moved from shore as the lake recedes, unless electrical service is disconnected.

2. **All Land-based facilities** must be maintained in a safe condition, or termination of this permit and removal of the improvements will be necessary.

3. **Removal of underbrush** is restricted to vegetation with a diameter of 2 inches or less at breast height. Pruning of limbs is permitted as high as one can reach from the ground. Cutting of trees larger than 2" DBH must be approved on a **Specified Acts Permit** by the Operations Manager. NOTE: Native ornamental trees and shrubs such as Redbud, Dogwood, Mountain Laurel, Wild Azalea, American Holly, and Oakleaf Hydrangea will not be cut without special permission from the Operations Manager.

4. **Changes to any facility or structure** must be approved in advance, in writing, by the Operations Manager.

5. NOTICE: Effective December 1, 1986, no floating facility will be renewed if the facility is attached to trees. **All floating facilities must be anchored to the shoreline by means other than trees.** See example below. The use of Rope to anchor the dock to the shoreline is Prohibited.



6.



## September 4, 1992. (Supercedes all previous editions.)

1. Two views of the structure showing:
  - a. A plan view (view from the top). Area covered by a roof will be shaded or cross-hatched.
  - b. An elevation view (view from the side).
2. Complete dimensions showing length, width, height (including boatslip, walkway, roof, etc).
3. Roof will be shown for all portions of the structure to be covered (**NOTE:** Sides will not be enclosed). Accessible roofs/sundecks will have the maximum load rating stated on the plans, and will be completely surrounded by a continuous sturdy handrail.
4. Method of securing the structure to the shore, i.e. cable, anchor posts, etc. (**NOTE:** Cables will not be secured to trees or natural formations on shore.) **The use of Rope is Prohibited.**
5. Notations as to building and flotation materials, type, size, location, etc.
  - a. Building materials suitable for construction of docks and walkways include wood, recycled plastic, and metal. Wood decking for docks and walkways will be: (1) pressure treated lumber at least 1-1/2" thick, (2) pressure treated 5/4 board, (3) or marine plywood minimum 5/8" thick. All decking will be supported by 2" x 6" minimum size framing on 16" centers.
  - b. Flotation on all new docks and boat mooring buoys will be of materials which: (1) will not become waterlogged, (2) is resistant to damage by animals, (3) and will not sink or contaminate the water if punctured. No metal covered or injected drum flotation is allowed.

Foam bead flotation must be encased or encapsulated in an approved protective coating which meets the above criteria. Such coating must be warranted by the manufacturer for a period of at least eight (8) years against cracking, peeling, sloughing, and deterioration from ultraviolet rays, while maintaining its resiliency against ice and bumps by watercraft. A copy of the manufacturer's warranty must be provided to this office by the prospective permittee.

**NOTE:** Existing flotation will be authorized until it has severely deteriorated and is no longer serviceable or capable of supporting the structure, at which time it shall be replaced with approved flotation. When 50% of the existing flotation under a structure is deemed no longer serviceable, all flotation must be replaced with approved flotation.

1. Floating Structure . . . maximum size without a boatslip . . . 200 square feet.  
    . . . maximum size with a boatslip (including the boatslip) . . . 800 square feet.  
    . . . minimum length on any side . . . 8 feet.
2. Walkway (moveable) . . . minimum width . . . 4 feet.  
    . . . maximum width . . . 6 feet.  
    . . . maximum length . . . 40 feet. (including any stationary section)
3. Fixed Walkway (stationary) . . . maximum size . . . 4 feet x 20 feet.
4. Spacing between floating structures shall be minimum of 50 feet when floating at elevation 840.
5. Storage space for gear, etc., will be a maximum of 96 cubic feet (example: 4' x 4' x 6').  
    Floating structures are for the storage of boats and related gear only.
6. Carpet or other type covering is prohibited on wooden floating structures or walkways.
7. Slides, diving boards, or similar type recreational equipment are not permitted on floating structures.

1. Docks with electrical service must meet the Allatoona Lake Criteria For Electrical Service.



**EXHIBIT 4**

**List of Facilities Authorized  
by  
Shoreline Use Permit/License**

Name \_\_\_\_\_

Permit # \_\_\_\_\_

**EXHIBIT "A" & "B"**  
**RATE SCHEDULE AND DESCRIPTION**  
**SPECIAL CONDITIONS**

|                       |  | <u>5 YEAR</u><br><u>FEE</u> | <u>FEE/PRORATED</u><br><u>FEE</u> |
|-----------------------|--|-----------------------------|-----------------------------------|
| 1.                    | Dock or Boathouse- (New Permit/Owner).....           | \$400.00                    | \$ _____                          |
|                       | (Re-issue).....                                      | \$175.00                    | \$ _____                          |
|                       | (Modify).....  | \$90.00                     | \$ _____                          |
| 2.                    | Underbrushing, Grassmowing.....                      | \$10.00                     | \$ _____                          |
|                       | Shoreline Protection- (See plans for Retaining Wall) |                             |                                   |
| 3.                    | Utility Right-of-Way: O.H. or U.G. electric.....     | \$35.00                     | \$ _____                          |
|                       | Waterline.....                                       | \$35.00                     | \$ _____                          |
| 4.                    | Improved Steps and/or Walkway.....                   | \$50.00                     | \$ _____                          |
|                       | _____ ft. x _____ ft. (Type)_____                    |                             |                                   |
| 5.                    | Handrails only.....                                  | \$28.00                     | \$ _____                          |
| 6.                    | *Improved Road and/or Turnaround*.....               | \$56.00                     | \$ _____                          |
|                       | _____ ft. x _____ ft. (Type)_____                    |                             |                                   |
| 7.                    | *Boat Launching Ramp*.....                           | \$67.00                     | \$ _____                          |
| 8.                    | *Marineway*.....                                     | \$67.00                     | \$ _____                          |
| 9.                    | *Picnic Shelter or Patio*.....                       | \$50.00                     | \$ _____                          |
|                       | _____ ft. x _____ ft. (Type)_____                    |                             |                                   |
| 10.                   | *Pumphouse*.....                                     | \$20.00                     | \$ _____                          |
| 11.                   | Other.....   | _____                       | \$ _____                          |
| <b>TOTAL FEES DUE</b> |  |                             | <b>\$ _____</b>                   |

NOTE: \*denotes re-issue of "grandfathered" items only. No New Installations  
Permitted.

**Special Conditions:**

**EXHIBIT 5**

**Standard Dock Plans**