

The comments which were received during the public comment period fell into 4 categories. Each of these is addressed below.

Comment 1: Request for zoning redesignation (Section 7.1)

Response to Comment 1: The shoreline zoning allocations in the SMP were originally established in 1994. The Commander of the Great Lakes and Ohio River Division approved these allocations with the stipulation that no future changes from Protected Shoreline to Limited Development Shoreline would be permitted. These zoning allocations have been reviewed during subsequent 5-year updates in accordance with applicable guidance, and minor changes to shoreline allocations have been made in accordance with the criteria contained in the SMP and the Commander's constraint. The 2005 update to the SMP allowed zoning 'trades' which resulted in a net gain in Protected Shoreline in a location determined by the Government to be of greater value relative to natural resource management. However, we have been directed that 'greater value relative to natural resource management' is not measurable or quantifiable and cannot be used as the basis for a trade. As such, the proposed language in the 2016 update contains only the original language from the 1994 SMP.

Engineering Regulation 1130-2-406 and Title 36, Chapter III, Part 327.30(d)(3) provide guidance regarding shoreline zoning, specifically stating "Shoreline uses that do not interfere with authorized project purposes, public safety concerns, violate local norms or result in significant environmental effects should be allowed unless the public participation process identifies problems in these areas. If sufficient demand exists, consideration should be given to revising the shoreline allocations (e.g. increases/decreases)." However, regarding shoreline allocation, Title 36, Chapter III, Part 327.30(e)(5) states. "...District commanders may add specific constraints and identify areas having unique characteristics during the plan preparation, review, or updating process in addition to the allocation classifications described below..." In 1994, the Commander of the Great Lakes and Ohio River Division placed a specific constraint on changes from Protected Shoreline to Limited Development in accordance with Title 36, Chapter III, Part 327.30(e)(5). As such, we may change Limited Development shoreline to Protected Shoreline in accordance with applicable guidance, but no Protected Shoreline may be changed to Limited Development shoreline.

Comment 2: Request to allow unrestricted second boat slips rather than second boat slip only for additional property acquired with slip (Section 20.5.2)

Response to Comment 2: Second boat slips have been a recurring issue since authority to install two slips was removed from the Shoreline Management Plan in 1999. New applicants have only been able to apply for one slip since this time, while permits for two boat slips issued prior to 1999 were 'grandfathered'. While this change was beneficial in that it allowed permits for boat slips to be issued to more individuals, it had several unintended consequences. Individuals who were in the process of purchasing another property but had not yet sold their first property could not install a dock at the second property until the first property had been sold. There were also issues with inheritance (such as a parent bequeathing property with a dock to a beneficiary who already owned

a dock, or with bequeathing property to multiple heirs, only one of whom owned a dock) and with marriage (two individuals who own docks marrying). As part of the update process, the review team discussed a wide variety of possible alternatives, from leaving the 'one new dock per household' restriction in place to allowing one dock per tract of property with no restrictions. As a measure to resolve the issues noted above, while still providing mooring space to as many landowners as possible, the language in the 2016 update to the SMP was changed to allow acquisition of a second property and the associated boat dock.

Comment 3: Allowing adjacent landowners to plant aesthetically pleasing vegetation.

Response to Comment 3: The purpose of the Shoreline Management Plan is to provide guidance and policy on management of the shoreline and to provide a balance of permitted uses while preserving and protecting the project's natural resources. Vegetation alteration (VA) permits are issued to facilitate access to the lake while minimizing effects on natural resources, allowing up to a 10' path to the water and a 20'x50' area on the shoreline for general use. We do not issue these permits for the purpose of providing a view of the lake or a dock, developing a lawn type appearance, or portraying the appearance of an extension of private ownership onto government property. Planting of native vegetation can be allowed under a Specified Act Permit; this vegetation could include some species which would be considered aesthetic and others which would be considered 'wildlife friendly', including some species of native flowering trees and underbrush and some native wildflowers. If you are interested in pursuing a Specified Act Permit, please contact the local lake project office for a list of allowable species and a permit application.

Comment 4: Allow 'Community Docks' for subdivisions with a Homeowner Association.

Response to Comment 4: We have considered the possibility of allowing community docks at locations that were already zoned for limited development. The premise of a community dock would be that the entire dock facility would be permitted to a developer or some type of homeowners association, and the permittee would assume all administrative and maintenance responsibility for the dock, as well as any liability associated with the use and maintenance of the facility. In order to transfer the Corps' administrative burden to such an organization, and to properly insure that the maintenance responsibility and liability would be adequately addressed and documented, it was determined that such an organization would have to have recorded bylaws with specific conditions that established the governing body of the organization, and set forth the responsibilities of both the organization and the individual slip occupants.

One of the most critical aspects of our shoreline management program is to insure equal access to all adjacent landowners who meet the eligibility requirements set forth in the Plan. With the concept of a community dock, a slip occupant would also have to be a member of the organization responsible for the dock and be bound by the by-laws of the organization. After lengthy discussions and careful consideration, we determined that we do not have the authority to require an individual to join such an organization in order to qualify for a boat dock slip.

We will continue to work with developers to establish group boat dock locations in areas zoned for limited development. However, anyone interested in a boat slip will have to follow our normal procedures and apply individually at the appropriate project office. This does not preclude members of a dock from establishing a dock or homeowners association for the purpose of sharing maintenance responsibilities and legal liability.