

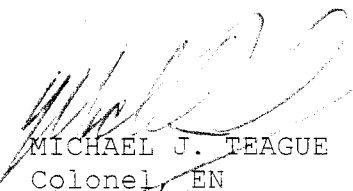
13 APR 2010

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Minor Revision to Tulsa District Shoreline Management Plans

1. Reference: Title 36 CFR Part 327.30, Shoreline Management at Civil Works Projects, published in the Federal Register with the effective date of July 27, 1990.
2. Section 327.30(e)(7) of the above reference, provides District Commanders with the authority to make minor revisions to a Shoreline Management Plan (SMP) when the revisions are consistent with policy and funds for a complete plan update are not available.
3. The referenced publication contains a policy change to the appeal process for an individual whose shoreline use permit has been revoked for non-compliance with any permit conditions or terms. Appendix C to 327.30 - Shoreline Use Permit Conditions, Condition 21, now limits the extent of the appeal to the District Commander rather than to the Chief of Engineers as was shown in previous publications in the Federal Register of Title 36, Part 327.30. This change to the appeal process was inadvertently omitted from the SMPs when they were updated in 1991 and in 1996. The revised Section 6-02 is attached as Enclosure 1 and should be filed as Change 1 to your currently approved SMP. Eufaula does not need to file this change since the correct language has already been incorporated into the currently approved Eufaula Lake SMP.
4. This same information will be posted to the Shoreline Management Plan information linked to the Tulsa District Homepage. Individual dock owners should be notified of this policy change when they are issued a new permit, when a permit is transferred, or when a permit is renewed. A sample notification is attached as Enclosure 2.
5. POC for this action is John Tennery, 918-669-7406.

2 Encls



MICHAEL J. TEAGUE
Colonel, EN
Commanding

DISTRIBUTION:

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Lake Manager, Toronto Lake

15 April 2012

Change 1. Administrative Change to Shoreline Management Plan:

6-02. Removal of Permitted Facilities. At the time the permittee ceases to operate or maintain the permitted facility, upon expiration, if not renewable, or upon revocation of the permit, the permittee shall remove the facility within 30 days at his expense and restore the waterway and lands to their former condition. If the permittee fails to remove and restore the area to the satisfaction of the District Engineer, the District Engineer may do so by contract or otherwise and recover the cost thereof from the permittee. By 30 days written notice, mailed to the permittee by registered or certified letter, the District Engineer may revoke this permit whenever he determines that the public interest necessitates such revocation or when he determines that the permittee has failed to comply with the conditions of the permit. The revocation notice shall specify the reasons for such action. If the permittee requests a hearing in writing within the 30-day period, the District Engineer shall grant such hearing at the earliest opportunity. In no event shall the hearing date exceed 60 days from the date of the hearing request. At the conclusion of such hearing, the District Engineer shall render a final decision in writing and mail such decision to the permittee by registered or certified letter.

Encl. 1

Dear _____

An administrative change to the Lake _____ Shoreline Management Plan (SMP) has been made in order to bring the SMP into compliance with current Federal law. Title 36, Code of Federal Regulations, Part 327.30, Shoreline Management on Civil Works Projects, published in the Federal Register on July 27, 1990 contained a change to the appeal process for an individual whose shoreline use permit has been revoked for non-compliance with any permit conditions or terms. Appendix C to 327.30 - Shoreline Use Permit Conditions, Condition 21, now limits the extent of the appeal process to the Tulsa District Commander rather than to the Chief of Engineers as was shown in previous publications in the Federal Register. This change was inadvertently omitted when the Lake _____ SMP was last updated in 1996.

Enclosure 2