

**APPENDIX I**  
Agency Coordination



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Ecological Services  
WinSystems Center Building  
711 Stadium Drive, Suite 252  
Arlington, Texas 76011



November 25, 2003

Colonel John R. Minahan  
District Engineer  
U.S. Army Corps of Engineers  
(Attn: Don Wiese, CESWF-OD-R)  
P.O. Box 17300  
Fort Worth, Texas 76102-0300

Dear Colonel Minahan:

On November 18, 2003, the Service participated in a workshop with the Elm Fork Project Office and interested landowners to discuss the proposed changes to the Shoreline Management Plan (SMP) for Lewisville and Grapevine Lakes. We offer the following comments based on the information exchanged in the workshop and from a review of the Shoreline Management Project Delivery Team Recommendations document, dated October 7, 2003.

A proposed component of the SMP allows adjacent landowners to mow and underbrush up to 50 feet onto Corps property at both lakes without any written permission. A large portion of Corps property around these lakes is designated as wildlife management lands which should be managed to maximize habitat. The fee land surrounding Corps lakes serves as a valuable resource providing a contiguous land base allowing for wildlife movement. Allowing landowners to mow and underbrush would result in a direct loss of habitat on Corps property due to the removal of cover, seed source, and breakup of travel corridors. In addition, there could be a significant indirect effect to wildlife because the vegetation clearing would result in a fragmentation of habitat and an increase in edge effect, ultimately leading to increases in predation and nest parasitism.

The proposed mowing policy of the SMP also fails to provide needed provisions to adequately protect nesting birds and wetlands. The SMP should restrict mowing between March and mid-August during the general bird-nesting season. Allowing mowing and brush clearing activities during that time frame could result in the loss of migratory bird nests, eggs, and nestlings. The SMP also does not prevent landowners from mowing in jurisdictional wetland areas which may be present in the 50-foot zone. Some wetland areas are indiscernible to those untrained in delineation and could be mowed by unknowing landowners. In addition, there are no protections for the riparian vegetation along the shoreline of the lakes that could fall within the 50-foot zone. A no-mow buffer area of no less than 25 feet should be established along the shoreline of the lake and their tributaries.

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The Service agrees with the stipulation in the underbrushing section of the SMP, which prevents landowners from removing nine tree and shrub species that have exceptionally high wildlife value. However, the identification of those species may be difficult for someone not trained in forestry, particularly during the winter months when leaves will be absent. Therefore, we recommend that no underbrushing be allowed, with the exception of a small access path allowing residents access to the lakeshore. Texas Parks and Wildlife Department's Guidelines for Conservation of Birds in Forested Areas states "maintain a well-developed understory, including woody and herbaceous vegetation, to provide resources to a diverse set of woodland species." Furthermore, we do not believe the 6-inch minimum for removal of dead trees provides adequate protection for cavity nesting birds. Some cavity nesting birds such as chickadees and wrens are known to nest in snags as small as 3-4 inches in diameter. In addition, decaying wood material of any size harbors insects that many species of migratory birds thrive on.

The Service appreciates the Corps desire to enhance wildlife habitat by working with the landowners through the proposed vegetation alteration permits. The guidelines included in the SMP list buffalograss as being a flood tolerant grass species that could be planted in frequently flooded areas. Buffalograss is intolerant to flooding and we recommend replacing it with vine mesquite. We recommend the Corps develop a complete list of locally available native plants that could be planted as part of these permits. This would eliminate any confusion by the landowners as to what is or isn't acceptable to plant as part of their vegetation alteration permit.

The Corps has approximately 233 miles of boundary at Lewisville Lake and 115 miles of boundary at Grapevine Lake. Between the two lakes, the proposed mowing guidance in the SMP could result in the adverse impact to over 2,100 acres of habitat without any oversight from the Corps. This could represent a significant impact to the environment, and we recommend the Corps perform an environmental assessment with a comprehensive cumulative impact analysis to fully assess the potential impacts to the environment prior to implementation of this policy. We further recommend that all mowing of government property by adjacent landowners be done through issuance of a permit, and only with proper justification such as a house that immediately abuts Corps property.

We appreciate the opportunity to provide input on these proposed guidelines. If you have any questions, please contact Curtis Hoagland of my staff at (817) 277-1100.

Sincerely,



Thomas J. Cloud, Jr.  
Field Supervisor

cc: Resource Protection Division, TPWD, Austin, TX (Attn: Tom Heger)

January 6, 2004

Operations Division

Mr. Thomas J. Cloud  
Field Supervisor  
U.S. Fish & Wildlife Service  
Ecological Services  
WinSystems Center Building  
711 Stadium Drive, Suite 252  
Arlington, Texas 76011

Dear Mr. Cloud:

This is in response to your letter dated November 25, 2003, where you provided comments and recommendations on proposed changes to the mowing and underbrushing element of the Shoreline Management Plans for Grapevine and Lewisville Lakes. Specifically, you offered comment on the information exchanged at an invitation-only public workshop held on November 18, 2003, and on our Shoreline Management Project Delivery Team Recommendations document dated October 7, 2003. We appreciate Mr. Hoagland's participation in the public workshop, especially his presentation on habitat conditions preferred by wildlife in general and especially for migratory songbirds.

I will respond to the points in your letter in the order they were presented.

1. You expressed concern that much of the Federal land at the two lakes is designated as wildlife management lands which should be managed to maximize habitat, and that our proposal to allow individuals to mow and underbrush up to 50 feet onto Corps property would result in direct loss of habitat and would contribute to habitat fragmentation.

Response: We agree that mowing and underbrushing activities do, in some cases, result in the negative impacts you described. However, pursuant to our national regulation governing shoreline management, ER 1130-2-406, published in the Federal Register on December 13, 1974, adjacent landowners can, with due regard given to environmental impacts, be granted written permission to mow and remove underbrush at most Corps lakes, nationwide. The Shoreline Management Plans, which implement the regulation at Grapevine and Lewisville Lakes, were published in 1976 and include a statement that permits to mow grass and weeds would continue to be issued, and that site environmental characteristics will dictate the amount to be mowed. For many years, the policy at the two lakes has allowed mowing in a 50-foot zone at Lewisville Lake and 25-foot zone at Grapevine Lake. The team has decided to continue with these long-standing

widths rather than adopt a 50-foot zone for both lakes. What we hope to accomplish in revising the mowing and underbrushing guidelines for the two lakes is to ensure that future mowing and underbrushing activities result in minimal environmental damage and to restore some degree of beneficial habitat on those areas where excessive mowing and underbrushing beyond the 50 and 25-foot zones has caused a loss of habitat. We also intend for the new guidelines to better protect water quality and air quality through reduced mowing activity.

2. Your letter recommends mowing restrictions from March through August to protect migratory birds, ensure that mowing activities in the 50-foot zone does not impact wetlands, and to protect riparian vegetation by establishing a 25-foot no-mow zone along the shoreline and tributaries to the lake.

Response: These are excellent technical recommendations. Restricting mowing during the March through mid-August time frame would better protect nesting birds although allowing vegetation to grow during this period would result in vegetation so thick that only heavy equipment could effectively mow the area. The team's current recommendations prohibit the use of heavy equipment due to the increased likelihood that use of such equipment would result in damage to natural resources. Identifying wetlands within the 50-foot zone is a good suggestion and is an item that we intend to accomplish as we complete baseline natural resources inventories, an effort that is currently underway at the two lakes. The no-mow zone along the shoreline was initially adopted by the team but then was dropped because there are relatively few areas where the 50-foot zone would allow mowing within 25 feet of the shoreline. I have asked that the team consider these recommendations to determine how, or to what degree they can be implemented.

3. You have recommended that no underbrushing be allowed except along access paths and that our current diameter limit on removal of dead trees be reduced from six inches to three inches to provide more nesting opportunities for the smaller cavity-nesting birds such as chickadees and wrens, and to provide more foraging habitat for insect feeders.

Response: If we are to allow mowing within the 50-foot and 25-foot zones, or whatever zone width is finally adopted, we believe that some degree of underbrush removal and pruning of low limbs will be necessary to allow mowing to take place. Regarding our list of restricted tree and shrub species, our intent is to provide brochures and web-based plant identification materials to reduce the loss of these beneficial species. Additionally, some of our rangers may need training in plant identification to insure that we are able to properly enforce these restrictions. On the positive side, we have some neighbors who are accomplished naturalists and others who have expressed an interest in

becoming more knowledgeable. With their help, we can hopefully reduce the unauthorized removal of beneficial plants to an acceptable level. We agree with your recommendation to reduce the diameter limit for dead tree removal and will incorporate it in the guidelines.

4. You expressed appreciation for the Corps' efforts to work with landowners through proposed vegetation alteration permits and to develop a complete list of locally available native plants that could be planted as part of these permits.

Response: The team is changing the concept of vegetation alteration permits to that of ecosystem-based habitat management and restoration plans. Therefore, if we engage in a vegetation alteration plan, that plan would be required to meet the objective of the ecosystem-based plan for the specific area identified within the wildlife management lands. The plans would be implemented through a variety of different approaches. We envision the use of volunteer agreements with organized groups of homeowners, challenge cost share or Section 1135 projects with municipalities, and implementing small-scale mitigation measures, that may be required for easements, etc., granted at the two lakes, on those areas where excessive mowing has gone on for many years. We are currently discussing the ecosystem-based habitat plans with ecological restoration specialists at the University of North Texas. These plans will certainly include a list of native plant lists suitable for planting and will also consider the limitations on plantings imposed by the fluctuating pool of the reservoir.

5. You have recommended that the revised guidelines be addressed in an environmental assessment (EA) to include a comprehensive cumulative impacts analysis. You further recommended that all mowing by adjoining property owners be allowed only by issuance of a written permit.

Response: Initially, our team's approach was to revise the guidelines within the framework of our national shoreline management regulation, which, in the absence of significant changes, we believe, could be done without requiring an EA. However, partly in response to your recommendation, and in recognition of the continuing high level of public interest, we agree with your recommendation and intend to pursue an EA when the draft guidelines are complete. We will need to work closely with the Service to define the scope of the cumulative impacts analysis. Because the 50-foot and 25-foot mowing zones at Lewisville and Grapevine Lakes, respectively, have been policy for many years, we believe the scope of the cumulative impact analysis should focus primarily on the habitat benefits that would result from curtailing mowing and restoring areas where excessive mowing has been ongoing. Completing an EA will hopefully result in the level

of public disclosure and comment that this issue needs. With regard to your recommendation to require written permits, our team had adopted this change shortly after the public workshop based on comments received.

We appreciate your continuing interest in this effort and look forward to continued cooperation as we proceed. If you have any questions, please contact Don Wiese at 817-886-1568 or donald.n.wiese@swf02.usace.army.mil.

Sincerely,

John R. Minahan  
Colonel, Corps of Engineers  
District Engineer

*BC*  
COLLINS CESWF-OD-R

*ka*  
BECK CESWF-OD

HOWELL CESWF-OD *HT*

QUARLES CESWF-OD

*iq*  
HATHORN CESWF-PER-E *HT*

*DT*  
CROSSWHITE CESWF-OC

MARSICANO CESWF-PA-I *HT*

*MM/16*  
MOCEK CESWF-PM

*HT*  
LEMONS CESWF-DE

MINAHAN CESWF-DE  
*Signature 1/18/04*

June 14, 2004

Planning, Environmental, and Regulatory Division

Mr. Robert Johnson  
Director, Dallas Water Utilities  
1500 Marilla, Room 4AN  
Dallas, TX 75201

Dear Mr. Johnson:

The U.S. Army Corps of Engineers, Elm Fork Project Office, is in the process of drafting new ecosystem-based vegetation management plans and new adjacent landowner guidelines for mowing, under-brushing, and access paths at Grapevine and Lewisville Lakes. These two lakes are located about 25 miles north and northwest of downtown Dallas.

The new vegetation management plans would be used by the U.S. Army Corps of Engineers to direct the overall management of vegetation on Federal land at the two lakes, while the new adjacent landowner guidelines would establish allowable limits for mowing, under-brushing, and access path activities that private property owners living adjacent to Federal land may wish to undertake. In keeping with the U.S. Army Corps of Engineers' national policy, the objectives of this initiative are to achieve environmental sustainability through ecosystem-based vegetation management plans and to achieve a balance between permitted private uses and resource protection for general public use. As part of this effort, the Corps will prepare an Environmental Assessment (EA) of the new plans and guidelines and will seek general public input.

In order to assist us in our efforts we are asking that your agency participate in an agency workshop to assist us in developing alternatives to be discussed in the EA. Enclosed for your consideration are current adjacent landowner guidelines that are in effect until the EA is completed and new guidelines are adopted. I urge you to review these current guidelines and to provide comments to assist in identifying alternatives to be assessed in the EA.

The meeting will be held on June 28, 2003, at 9:30 a.m. at the Fort Worth District Office at 819 Taylor Street, Fort Worth, Texas. If you are unable to attend and want to respond in writing, your written comments are requested no later than June 30, 2004, so we may consider them in preparing the EA. Written comments should be mailed or faxed to:

Mr. Rob Newman  
CESWF-PER-EE  
P.O. Box 17300  
Fort Worth, Texas 76102-0300  
Fax: 817-886-6499

When the EA is completed it will be made available for public comment for a 30-day period. Release of the EA for public comment is currently scheduled for August 2004.

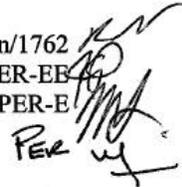
Please contact Mr. Rob Newman at 817-886-1762 or [rob.newman@swf02.usace.army.mil](mailto:rob.newman@swf02.usace.army.mil) if you are planning on attending the meeting or you have any other questions.

Sincerely,

William Fickel, Jr.  
Chief, Planning, Environmental,  
and Regulatory Division

Enclosures

Newman/1762  
PAXTON, CESWF-PER-EE  
SAMS, CESWF-PER-E



Handwritten signature and initials, including the word "PER" and a checkmark.

Letters sent to all below:

Ms. Kathy Boydston  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, Texas 78744

Mr. Rollin MaCrae  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, Texas 78744

Mr. Tom Heger  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, Texas 78744

Ms. Cindy Loeffler  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, Texas 78744

Mr. Robert Lawrence  
Office of Planning and Coordination  
U.S. Environmental Protection Agency, Region 6  
1445 Ross Avenue  
Dallas, Texas 75202

Mr. Thomas Cloud, Jr.  
U.S. Fish and Wildlife Service  
Ecological Services  
711 Stadium Drive, Suite #252  
Arlington, TX 76011

Mr. Mark Fisher  
Research and Environmental Assessment Section  
Water Planning and Assessment Division  
Texas Commission on Environmental Quality MC 150  
12100 Park Circle 35, Building F  
P.O. Box 13087, Capitol Station  
Austin, Texas 78711

**GUIDELINES FOR PROPERTY  
ADJACENT TO PUBLIC LAND**

**Dated February 11, 2004**

**LEWISVILLE  
LAKE**

*(Guidelines for mowing, underbrushing and vegetation management are currently under review and are subject to change after completion of an Environmental Assessment (EA); target date for EA completion is September 2004)*

The U. S. Army Corps of Engineers is responsible for managing Lewisville Lake for multiple purposes including flood damage reduction, water conservation, environmental stewardship, and outdoor recreation. Ecosystem based management and conservation of natural resources and wildlife habitat is given primary consideration in all management decisions.

While private exclusive use of public land is not permitted, property owners adjacent to public land have the same pedestrian privileges as any other citizen and may be granted permission to perform certain activities in the interest of public safety. Therefore, the information contained in these guidelines is designed to acquaint the adjoining landowner, and other interested persons, with allowable activities and the types of property involved in the management of Lewisville Lake.

**CONSERVATION POOL 522msl  
UNCONTROLLED SPILLWAY 532msl  
TOP of FLOWAGE EASEMENT 537msl**

**GOVERNMENT OWNED (PUBLIC) LAND**

Land, which is owned in fee by the Government, consists of both the land inundated by Lewisville at the pool elevation of 522 feet, and a substantial amount of land above the 522 elevation. The U. S. boundary line, the corners of which are marked by concrete monuments, defines the limits of this public land. The boundary markers, or monuments, are topped with a brass cap, which is usually about four inches above ground level. Fencing in many areas around the lake also indicates the boundary line.

**USES OF PUBLIC LAND AVAILABLE TO THE ADJACENT  
LANDOWNER:**

- 1) Apply for a permit to mow grass (not less than 3" high) and remove underbrush (less than 2" diameter at the top of the root here) fully within a maximum distance of fifty feet onto Government property adjacent to the property line. Mowing and underbrushing within this distance may be permitted as a means to help control rodents and spread of wildfire. A permit may be issued for the period of time required for accomplishing each activity (not to exceed 1 October, 2004, or at the completion of the EA) Mowing in other areas is not allowed. Landowners may not mow Government property fronting another landowner's property.
- 2) Apply for a permit to plant native grasses, either by seeding or transplants. Planting shall be done only in natural clearings (not in areas where all vegetation has been recently removed) and within the 50-foot zone.
- 3) Apply for a permit for chipping of underbrush or tree trimmings.
- 4) Enter into a volunteer agreement with the Corps to implement ecosystem-based wildlife habitat improvements on Corps land. Contact the Elm Fork Project Office to schedule an on-site meeting with a Park Ranger to determine those items to be included in the volunteer agreement. All volunteer agreements will be issued for the time period necessary to accomplish planned items.
- 5) Apply for a license to place a waterline over or under government property to the lake, and to withdraw water for private use. Water rights must be obtained from Dallas Water Utilities before the Corps will grant approval.
- 6) Have unlimited pedestrian access to public land except in those areas specifically restricted.
- 7) Volunteer agreements for vegetation management beyond the 50-foot zone may be considered on a case-by-case basis and are granted only as a means of ecosystem management or improving the wildlife habitat on the shores of Lewisville Lake.
- 8) Adjacent landowners may, by permit only, be allowed to install a gate in boundary line fencing. Gates are approved on a case-by-case basis.

**USES OF PUBLIC LAND WHICH ARE PROHIBITED:**

- 1) Use of public lands for any type of private exclusive use or use that gives the appearance of such.
- 2) Placement of unattended personal property of any kind on public land.
- 3) Vessels shall not be attached or anchored to structures such as locks, dams, buoys, or other structures.
- 4) Personnel property, including vessels, shall not be placed on the shoreline of Federal lands unless within a designated Recreation Area. After a period of 24 hours personnel property along the

shoreline shall be presumed to be abandoned and may be impounded.

- 5) Construct buildings, roads, improved pathways, or any other facilities on public land.
- 6) Restricting public access to public land either verbally, by posting signs, or by any other method.
- 7) Operating vehicles on public land, except on paved roads and in authorized access points.
- 8) Launching or retrieving boats with motorized vehicles except at public boat ramps. (You may hand-carry small boats to launch or retrieve them from all but restricted areas of the shoreline; however, no portable ramps/docks are authorized). Hand-carried boats may not be left on the shoreline for longer than 24 hours.
- 9) Camping on public land, except in designated areas.
- 10) Disposal of household garbage or any other debris on public land.
- 11) Fires on public land, except in authorized receptacles.
- 12) Gather fallen timber for firewood, except for use in authorized areas.
- 13) Horses, cattle, or other livestock are prohibited on public land, except by lease from the Government or as otherwise permitted.
- 14) Dogs and cats must be under the control of their owner at all times. In developed recreation areas or adjacent waters dogs, cats, or other pets must be penned, caged, or a leash six feet in length or otherwise physically restrained.
- 15) Destruction, alteration or removal of any facility, vegetation or natural feature.
- 16) Fireworks.
- 17) Removal or alteration of boundary fence or monument markers.
- 18) Privately owned sewage facilities are not allowed on Government land.

**FLOWAGE EASEMENT LAND**

Perpetual flowage easement estates, such as those the Government holds over property owned by others in the Lewisville Lake area, grant to the Government full, complete, and perpetual right, power, privilege, and easement to occasionally overflow, flood, and submerge lands in connection with the operation and maintenance of the lake. In most cases, flowage easement lands around Lewisville Lake is defined as those lands at and below the elevation contour of 537.0 feet above mean sea level.

A typical flowage easement deed is available from the Lewisville Project Office. An identical or similar description should be found in the deed to your property, or cited for reference in the appropriate county deed records. In some instances the reference to flowage easement restrictions is omitted during the preparation of new deeds with changes in property ownership. The omission does not diminish the legality or validity of flowage easement restrictions over the property involved.

**PERMIT APPLICATIONS:**

- All requests for construction or placement of any structure or facility on either Government land or flowage easement land must include:
  - 1) A letter of application to the Lake Manager.
  - 2) Detailed design plans of construction (2 copies).
  - 3) A plat map showing the location of proposed action, and the relationship with the Government boundary and lakeshore (2 copies).
  - 4) Written approval from any other agencies as noted previously.

**SUMMARY OF IDEAS TO CONSIDER:**

- Before purchasing land adjacent to Lewisville Lake, there are three items which should be checked to determine if the land is suitable for the uses you intend for it:
  - 1) Check to see if the 537.0 elevation contour (upper extent of flowage easement) and the Government property line are identified. The person selling the land when the property lines are surveyed usually does this. If they are not identified, contact the U.S. Army Corps of Engineers.
  - 2) Contact the local city or county Environmental Health Department for information and requirements for submitting a permit for a septic system, testing, and design requirements.
  - 3) Establish on the ground whether or not there is enough space ABOVE the lake water surface at the uncontrolled spillway elevation (upper extent of flowage easement) on which to place a mobile home or construct a house with a septic system. After the land is purchased, apply for all necessary permits, licenses and contracts well in advance of construction.

*We are engaged in preserving and restoring natural scenic beauty at The Elm Fork Lakes (Lewisville, Groesvins and Roy Roberts), and we appreciate your participation in this effort on both Federal owned and flowage easement lands. Your cooperation will assist us in providing a healthily ecosystem managed environment that will provide and protect the quality of air, land and water, and a variety of plants and animals that contribute to our personal, social and economic well being for future generations.*

Please address all permit applications or other correspondence to:

**Lake Manager  
Elm Fork Project Office  
U.S. Army Corps of Engineers  
1881 North Mill Street  
Lewisville, Texas 75067**

If you have any other questions, please call 972-434-1667.

**THE OWNER OF FLOWAGE EASEMENT LAND, AT HIS DISCRETION MAY, ON PRIVATELY OWNED FLOWAGE EASEMENT:**

- 1) Construct a fence to the Government boundary line, ensuring Corps boundary markers/monuments are not removed or alienated and that water may freely pass through the fence. A permit is required to construct a fence on Government property.
- 2) Mow, clear, or plant vegetation.
- 3) Sell or lease the land to others, subject to all restrictions contained in the flowage easement instrument.

**ACTIVITIES THAT ARE PROHIBITED ON FLOWAGE EASEMENT LANDS:**

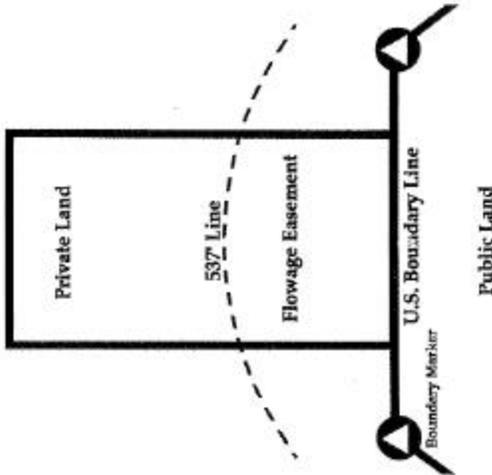
- 1) Construction or maintenance of any structure in, under, on, or over, the land, for human habitation, including mobile homes, travel trailers, recreational camping vehicles, tents, or other shelters which are normally used for overnight occupancy, as well as commercial structures are prohibited.
- 2) Placement or construction of structures or facilities in, under, on, or over, the land, without prior written approval by the District Engineer is prohibited. This includes, but is not limited to: buildings, roads, ramps, ditches, channels, dams, dikes, wells, earthen tanks, roads, utility lines, and tramways.
- 3) Adding fill material on flowage easement lands, and/or changing the 537.0 elevation contour.
- 4) Commercial structures are prohibited on flowage easement lands.

**ACTIVITIES ON FLOWAGE EASEMENT LANDS, WHICH MAY BE PERMITTED:**

- The owner of flowage easement must make written application for a permit to place or construct any type of structure or facility on flowage easement property. With written approval of the District Engineer, the landowner then may:
- a. Build streets or roads.
  - b. Construct utility lines.
  - c. Construct water and sewer systems.
  - d. Use land for recreation purposes.
  - e. Construct swimming pools.

The construction of water, sewer, or septic systems will be examined on a case by case basis to ensure that no pollution of the lake, or water wells, nor any interference with the operation of the reservoir, will occur. Construction must be in accordance with all applicable laws, rules, and regulations. Specifically in the case of requests for sewage and septic systems, written approval from either the County Environmental Health Department, (if the site is located in an unincorporated area), or the City within whose jurisdiction the site is located and/or the Texas Commission on Environmental Quality (TCEQ), Region 4 Office located in Arlington, Texas must accompany the request to the District Engineer. TCEQ regulations require that all septic systems should not be located within a minimum of 75 feet from the lake water surface at the uncontrolled spillway elevation. Please contact the Elm Fork Project Office for specific details concerning flowage easement requirements, controlling elevations and requirements for submitting an application.

**Types of Land at Lewisville Lake**





**DEPARTMENT OF THE ARMY**  
 FORT WORTH DISTRICT, CORPS OF ENGINEERS  
 P. O. BOX 17300  
 FORT WORTH, TEXAS 76102-0300

04  
 PER-E

REPLY TO  
 ATTENTION OF

June 14, 2004

COMPLIANCE ASSISTANCE  
 & ENVIRONMENT DIV

Planning, Environmental, and Regulatory Division

Mr. Robert Lawrence  
 Office of Planning and Coordination  
 U.S. Environmental Protection Agency, Region 6  
 1445 Ross Avenue  
 Dallas, Texas 75202

	U.S. Environmental Protection Agency Region 6 Office of Planning & Coordination (EN-XP) 1445 Ross Avenue Dallas, Texas 75202-2733
EPA has reviewed this document and has no comments.	
Reviewer: <i>[Signature]</i>	Date: <i>06/22/04</i>

Dear Mr. Lawrence:

The U.S. Army Corps of Engineers, Elm Fork Project Office, is in the process of drafting new ecosystem-based vegetation management plans and new adjacent landowner guidelines for mowing, under-brushing, and access paths at Grapevine and Lewisville Lakes. These two lakes are located about 25 miles north and northwest of downtown Dallas.

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In order to assist us in our efforts we are asking that your agency participate in an agency workshop to assist us in developing alternatives to be discussed in the EA. Enclosed for your consideration are current adjacent landowner guidelines that are in effect until the EA is completed and new guidelines are adopted. I urge you to review these current guidelines and to provide comments to assist in identifying alternatives to be assessed in the EA.

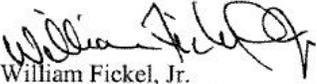
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Mr. Rob Newman  
 CESWF-PER-EE  
 P.O. Box 17300  
 Fort Worth, Texas 76102-0300  
 Fax: 817-886-6499

When the EA is completed it will be made available for public comment for a 30-day period. Release of the EA for public comment is currently scheduled for August 2004.

Please contact Mr. Rob Newman at 817-886-1762 or [rob.newman@swf02.usace.army.mil](mailto:rob.newman@swf02.usace.army.mil) if you are planning on attending the meeting or you have any other questions.

Sincerely,

  
William Fickel, Jr.  
Chief, Planning, Environmental,  
and Regulatory Division

Enclosure



June 23, 2004

Mr. Robert Newman  
CESWF-PER-EE  
P.O. Box 17300  
Fort Worth, Texas 76102-0300

Re: Dallas Water Utilities Comments to "Guidelines For Property Adjacent To Public Land" for Lewisville Lake and Grapevine Lake

Dear Mr. Newman:

Our office has reviewed the above referenced document and is providing the following comments for your consideration.

As you are aware, both lakes are part of an important network of raw water resources for the City of Dallas and the surrounding metroplex area. Therefore, every effort should be taken to protect the water quality in these lakes. Specifically, the use of pesticides, herbicides, fungicides, fertilizers, chemically preserved wood, and fuel products on the shore area should be addressed. The document should also specify proper disposal of debris generated at the authorized work site.

We appreciate the opportunity to review this important document and provide comments. If you should have any questions please call me at 214-670-1201.

Sincerely,

Charles Stringer, P.E.  
Assistant Director  
Water Operations

Our Vision: To be an efficient provider of superior water and wastewater service and a leader in the water industry.

1500 Marilla, 4AN, Dallas, Texas 75201  
Telephone: (214) 670-3146 • Fax: (214) 670-3154



June 29, 2004

Rob Newman  
Natural Resource Manager  
Ft. Worth District Corps of Engineers  
PO Box 17300  
Ft. Worth, TX. 76102-0300

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Mr. Newman,

It is my understanding that the policy for natural area management around local reservoirs is under review. I am writing to urge you and your agency to aggressively uphold your national charge to manage land for fish and wildlife habitat. I applaud your agency's efforts to provide refuge and support for our local wildlife populations. However, I urge you to strengthen your commitment to our natural resources by tightening the regulations regarding maintenance practices allowed on public land owned by the Corp of Engineers.

As a Wildlife Biologist for the Texas Parks and Wildlife Department, I am keenly aware of the values of natural areas in the Dallas / Ft. Worth area. I am constantly touring various properties in our area and must say that the habitats around our local reservoirs are some of the most important natural areas we have in the metroplex. Specifically deserving mention are the natural areas bordering Lake Grapevine. The quality and diversity of habitats found in the woodlands, prairies and shorelines of that lake are amazing. As I hiked those natural areas, I was taken back by two things. First, the quality of the habitat is quite unusual for the metroplex. The most amazing was the quality and diversity found in the prairie patches. The abundance of native grasses and wildflowers seen around that lake is a rarity in this area. These habitats were quite pleasing to see. The second thing that took me back was the impact of adjacent property owners manicuring the public land. I was very disappointed to see the areas of grassland being mowed by private landowners. I was further frustrated to see the wooded areas stripped of their understory shrubbery and in some places even replacing that understory with exotic landscape plants. Lastly, I was saddened to see the shoreline vegetation eliminated by maintenance practices.

Mr. Newman, the impacts of these practices are numerous. Please allow me to briefly discuss some of them. First, the tallgrass prairie ecosystem is the most endangered system in North America. Less than 0.05% of the original prairie remains. Most of it has been transformed into agricultural fields or is now covered by cities. As a result, all of the species of wildlife that depend on such habitat have also suffered serious declines in numbers. The single maintenance practice of keeping these areas mowed eliminates food sources and nesting sites for many species. Some of the bird species negatively impacted by mowing

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local grassland habitats include Dickcissels, Meadowlarks, Lark Sparrows, Cassin's Sparrows, and Blue Grosbeaks. I understand the desire for lake access and support the adjacent property owner's wish for a maintained path connecting their property to the lake, however that path should not exceed 4 feet in width. This width is sufficient to allow for access while minimizing the impact to the local habitat.

As mentioned earlier, the maintenance practices being exercised in the woodland habitats concerned me greatly as well. Adjacent property owners have been clearing out the understory (shrubby and vegetation that grows naturally beneath the forest canopy). This practice is termed "underbrushing" and is quite damaging to the forest system and the wildlife living there in several ways. First, the removal of this vegetation reduces protection from erosion. Underbrushing beneath sloped wooded areas increases erosion and ultimately leads to the failure of the wooded habitat and sedimentation of the lake. I've seen this occur on many park lands over my career. As the understory is removed, erosion begins to remove soil. As soil is removed, roots are exposed. As this occurs trees begin to die. As trees die, more ground is exposed to rainfall and erosion, and the process continues. I have reversed this process on several projects by simply restoring the understory. The best practice is to protect it to begin with and not allow it to be underbrushed.

Underbrushing also removes critical habitat for a variety of wildlife species. There are over 25 species of birds known to nest in the understory of our local forests. In addition to nesting sites, understory shrubs such as American Beautyberry, Turk's Cap, Coralberry, etc. are known to be significant food sources for wildlife. Underbrushing removes this vegetation, taking nesting sites and food sources with it.

Some adjacent property owners have gone so far as gardening or landscaping the Corp property. This should not be allowed for a couple of reasons. First, these practices fall into the realm of public land being used for private purposes. In addition to that, introducing exotic landscape plants invites habitat problems. Some of the common landscape plants are invasive and have taken over wooded areas around the metroplex. Some examples of problem landscape species include Nandina, Asian Privet, and Japanese Honeysuckle to name a few. Currently invasive exotic plants are one of our most serious habitat concerns. Exotic plants take over an estimated 1.75 million acres of habitat a year. Combating this threat costs our nation approximately \$138 billion per year.

The final maintenance practice that concerned me was manicuring the shoreline. Adjacent property owners have mowed shoreline vegetation in some areas. This

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concerns me for 3 reasons. First, shoreline vegetation helps to protect the bank from erosion. Wave action carries substantial erosive force. Vegetation growing in the water and along the shoreline buffers this erosive energy and insulates the shore from erosion. As shoreline vegetation is removed, erosion occurs.

Second, water quality is improved as bands of vegetation are allowed to grow in the water as well as along the bank. Research has demonstrated that runoff passing through vegetated buffer zones is cleaner than runoff that does not. As runoff from adjacent properties flows through diverse vegetated buffer zones, fertilizers and pesticides are reduced. This reduces the amount of pollutants entering the lake to begin with. Combine that with aquatic vegetation growing in the water along the shore and more of these pollutants are mitigated, resulting in better water quality in the lake. The practice of eliminating vegetation along the shoreline removes these benefits and results in poorer water quality.

Lastly, removing shoreline vegetation eliminates habitat for many species of wildlife. This practice eliminates shelter for fish as well as aquatic invertebrates such as dragonflies (which are predators on nuisance flying insects). Amphibians also lose sites for egg mass attachment. Bird species such as the King Rail and the Common Yellowthroat are known to nest in grasses and vegetation growing along the shoreline. As you can see, manicuring this vegetation negatively impacts more than water quality.

As a Wildlife Biologist, I have heard many people give reasons for the maintenance practices they employ. Some cite a fire break as the reason for manicuring the habitats adjacent to their property. This is not necessary. The private lawn areas currently maintained are sufficient to serve as a fire break. I find it noteworthy to mention that manicuring by adjacent landowners is not allowed on other government properties (i.e. state parks). I do not believe it should be allowed on Corp property as well.

I have also heard property owners citing snakes as the reason for manicuring natural areas. This is a fear-based argument that doesn't hold up to scrutiny. Most snakes in our area are not only harmless, but are quite beneficial. Many people assume that every snake near water is a Water Moccasin. Actually, the reverse is true. I spend a great deal of time in natural areas and have seen many harmless water snakes in our area, but have yet to see one Water Moccasin. The threat of snakes is simply blown out of proportion. However, knowing this will not stop some homeowners from fearing all snakes. They are free to maintain their property as they choose, but to allow them to impose their maintenance regime on public land is not right and should not be allowed.

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Mr. Newman, I am very concerned about the maintenance issues (and subsequent impacts) that I've mentioned. Research has shown that property owners definitely benefit from being adjacent to the Corp public land. Economic figures illustrate these homeowners enjoy higher property values as well as higher resale values as a direct result of being adjacent to Corp public land. Several studies have shown that interaction with natural areas reduces stress. "Greener" neighborhoods have been shown to have lower crime rates regardless of socioeconomic level. Research has also demonstrated that the public prefers to have natural areas be kept in a natural state. There are obviously endless benefits property owners enjoy being located adjacent to Corp public land. There is much data indicating that natural areas are highly valuable to our society. Therefore, I strongly encourage you and your agency to uphold your duties to the public and to the natural resources under your management by managing the land as fish and wildlife habitat and eliminating practices considered damaging to that management goal.

I am available for questions or assistance should you feel a need to contact me.

Sincerely,

*John M. Davis*

John M. Davis  
Urban Wildlife Biologist  
Texas Parks and Wildlife Department  
PO Box 941  
Cedar Hill, TX. 75106  
972-293-3841  
fax 972-293-3842  
jmdavis01@aol.com



September 1, 2004

Rob Newman  
Ft. Worth District, Corps of Engineers  
P.O. Box 17300  
Ft. Worth, TX 76102-0300

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Re: Proposed Adjacent Landowner Guidelines for Grapevine and Lewisville Lakes,  
Denton and Tarrant Counties

Dear Mr. Newman:

Thank you for coordinating with this agency regarding the proposed adjacent landowner guidelines for Grapevine and Lewisville Lakes in the Dallas/Fort Worth metroplex area.

John Davis, the urban biologist for the Texas Parks and Wildlife Department (TPWD), provided comments in a June 29, 2004 letter regarding the importance of the wildlife habitat provided by the U.S. Army Corps of Engineers (COE) properties and the potential repercussions of adjacent landowner activities on COE lands. The Wildlife Habitat Assessment Program of TPWD concurs with Mr. Davis' comments. TPWD would discourage any action that would adversely impact fish and wildlife resources on public lands. TPWD staff looks forward to working with the COE in developing guidelines promoting adjacent landowner management practices that would enhance the value of COE lands for fish and wildlife resources.

I appreciate the opportunity to review and comment on this project. Please contact me at (512) 389-4579 if we may be of further assistance. I apologize for the lateness of our reply.

Sincerely,

Danny Allen  
Wildlife Habitat Assessment Program  
Wildlife Division

cc: John M. Davis, TPWD

DLA:sm.10546



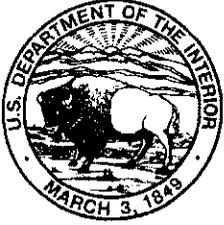
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# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
WinSystems Center Building  
711 Stadium Drive, Suite 252  
Arlington, Texas 76011

January 5, 2005

Colonel John R. Minahan  
District Engineer  
U.S. Army Corps of Engineers  
(Attn: Don Wiese, CESWF-OD-R)  
P.O. Box 17300  
Fort Worth, Texas 76102-0300

Dear Colonel Minahan:

The U.S. Fish and Wildlife Service (Service) has reviewed the U.S. Army Corps of Engineers (Corps) November 2004 Draft Programmatic Environmental Assessment (EA) on Allowable Adjacent Landowner Activities Incorporating Ecosystem Management Practices on Federal Lands at Grapevine and Lewisville Lakes, Texas and the Finding of No Significant Impact (FONSI). The EA identifies and evaluates an array of ecosystem vegetation management prescriptions, and mowing and underbrushing alternatives for adjacent landowners for fire protection, public safety, and pedestrian access along the shorelines of both lakes. The decisions made based on this document will be used to revise the mowing, underbrushing, and access path guidelines associated with the Shoreline Management Plans.

We commend the Corps for their planning efforts to revise these guidelines. We also appreciate the complexity and difficulty such a task involves in meeting your mandated obligations to provide safe, multi-use, public access to the lake shores while managing and conserving environmental resources. We offer the following comments pertaining to the subject document under the National Environmental Policy Act for your consideration.

### **General Comments**

As part of the 1976 Lakeshore Management Plans for each lake, pursuant to Engineering Regulation (ER) 1130-2-406, the Corps developed specific guidelines to allow a certain amount of mowing and access paths on government property by adjacent landowners around the lakes to provide a buffer for fire protection, public safety, public access, and pest control. The purpose of the mowing and access guidelines was to "promote the safe and healthful use of the shorelines by the public while maintaining environmental safeguards to ensure a quality resource for use by the public." The ER states that the objectives of all management actions will be to achieve a balance

between permitted private uses and resource protection for general public use. The mowing and access guidelines are to protect natural resources, including the fish and wildlife management areas, as anticipated human encroachment occurs around the lakes. The management plans for Lewisville and Grapevine Lakes include land use designations for fish and wildlife management, of which portions are considered environmentally sensitive areas and mitigation for past Corps actions. These areas would be affected by the proposed revision of the shoreline management guidelines as stated in the EA. In spite of the current guidelines, non-permitted encroachment onto government property has occurred. Consequently, we agree that these guidelines should be reviewed periodically; but, natural resource management decisions should be based on science to protect the fish and wildlife management areas from human encroachment, with human use and encroachment as a factor to consider. Allowing human encroachment to be the deciding factor for natural resource decisions could set a precedent for further encroachment into the fish and wildlife management areas.

In order to achieve a balance between natural resource management and public use, the Corps has developed the November 2004 Ecosystem-based Vegetative Management Prescriptions for Federally-owned Land at Grapevine and Lewisville Lakes as a component of the EA (Appendix H). These Management Prescriptions define two zones of management along the shorelines of the lakes: 1) the Mowing/ Underbrushing Zone (MUZ), an area adjacent to private land where “property owners can obtain written permission to perform limited mowing, pruning, and removal of shrubs, vines, and other underbrush”, and 2) the Habitat Management Zone (HMZ) that falls between the water’s edge and the MUZ that is managed to “maintain a refuge for wildlife as well as a diverse and ecologically adapted vegetative cover resistant to flood-induced erosion.” The Service supports the concepts contained in the Management Prescriptions.

The EA states that the preferred alternative does not exceed the thresholds of significant impacts for the 10 intensity issues provided by the Council on Environmental Quality. However, the increasing number of subdivisions and/or developments adjacent to public lands and the varying degrees of encroachment onto government lands at these lakes increases the likelihood of the cumulative impacts, known and unknown, to the natural resources including non-point source pollution. On page 15, The EA states that two areas of Lewisville Lake have been cited by the Texas Commission on Environmental Quality (TCEQ) for nutrient enrichment. Furthermore, the large amount of development and habitat modification (mowing and underbrushing) that have already occurred has significantly impacted habitats surrounding the lakes. The EA cites (page 55) studies that “lead to a professional opinion that native Cross Timbers and Blackland Prairies are under tremendous human pressure, and since there are relatively little Federal lands in Texas, what is left of the Cross Timbers and Blackland Prairies on Federal land needs maximum protection.” The EA states (page 25) that most of the environmental effects on land cover within the lake areas are proportional to the amount of mowing/underbrushing verses the habitat zones. The preferred alternative (Alternative 7), which would increase the MUZ and decrease the HMZ (page 26), is predicted to result in small adverse impacts in every environmental consideration, except recreational use of non-recreational lands, environmental stewardship of non-recreational lands, and social-economics. The preferred alternative could potentially cause an increase in sheet and rill erosion, non-point source pollution, air emissions, noise, and intense recreational activities on lands designated for low density recreational or habitat use. Additionally, it could increase the potential to encounter wetlands and decrease floral and faunal diversity.

The only mitigation that would be required is some of the Ecosystem-based Vegetation Management Prescriptions contained in Appendix H would be implemented in only those areas for which an adjacent landowner receives a mowing/underbrushing permit for the area past the normal allowable distance and into a “narrow” shoreline. The significant benefits shown for Alternative 7 would occur only if the proposed Management Prescriptions were voluntarily applied by community groups in the habitat zones. Furthermore, these “prescriptions would only be applied to a small area of the habitat zone since community groups are unlikely to have the resources, both time and money, to fully implement the prescription.”

We believe the Corps should not base their decision on a benefit that may not occur. Individually, the environmental impacts of Alternative 7 may not be significant, but combined with past and future developments around the lakes they could contribute to significant cumulative impacts. The Service does not support an alternative that is predicted to further degrade water quality and decrease the Cross Timbers and Blackland Prairies habitats on Federal lands without guaranteed mitigation. Consequently, we recommend the Corps reconsider the cumulative impacts Alternative 7 may have on the environment.

Currently, neither of the management plans for the lakes includes a minimum buffer along the lake shores for wildlife habitat and water quality protection. The EA lists literature (page 9) that recommends a range of buffer widths that will protect water quality (minimum of 16 feet) and maintain habitat for wildlife (maximum of 1,640 feet). Considering these recommendations, Alternative 4 includes a 25-foot minimum buffer. However, the Texas Best Management Practices for Silviculture<sup>1</sup>, developed by the Texas Forestry Association for forest management in East Texas, suggests a minimum width of 50 feet on each side of intermittent and perennial streams. After reviewing available buffer width studies, Castelle, Johnson, and Conolly (1994) recommend a minimum buffer width of 50 feet to provide “maintenance of the natural physical and chemical characteristics of aquatic resources.”

The proposed HMZ should be managed to function as its name implies, as habitat. It should be at least wide enough to maintain water quality and provide some wildlife habitat. We recommend at least a minimum 50-foot HMZ, where available, for maintaining water quality and fish and wildlife habitat. This buffer would provide food, cover, and protection from humans and domestic animals, and function as a wildlife travel corridor, which is essential to the survival of a variety of migratory and resident bird and mammalian species in highly urbanized areas. These habitat zones may soon become the last remaining undeveloped lands providing a diversity of functional wildlife habitats within the Lewisville and Grapevine Lakes areas.

Table 4-14 indicates that Alternatives 3 and 4 have small benefits for all aspects analyzed in the EA, except small adverse impacts to recreational use of non-recreational lands and no change for the social-economic issue. We recommend consideration be given for a combination between Alternative 3 and Alternative 4. Alternative 4 could be modified to allow homeowners to maintain a 25-foot wide fire break between structures and wildlands to protect structures from

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<sup>1</sup> 1994. Castelle, A.J., A.W. Johnson, and C. Conolly. Wetland and Stream Buffer Size Requirements – A Review. J. Environ. Qual. 23: 878-882.

fire. In other words, a 25-foot wide fire break between structures and wildlands would dominate over the Service recommended minimum 50-foot habitat zone. This could mean that where the distance between structures and the conservation pool are 25 feet or less, all of that zone would be mowed for fire safety reasons. We anticipate this situation to be uncommon. Where it is more than 25 feet between structures and the conservation pool, the area beyond the fire zone would be in the HMZ, whatever the width. Written permits for a MUZ could continue on Federal lands up to 25 feet at Grapevine Lake and 50 feet at Lewisville Lake in areas outside of the fire zone, between private property boundaries and the 50-foot minimum habitat zone. The MUZ could be less than 25 feet at Grapevine lake and 50 feet at Lewisville Lake as the 50-foot minimum HMZ would dominate over the MUZ providing a contiguous land base allowing for wildlife movement. We recognize that there are sections of the lake where the distance between private property and the lake shore is less than 50 feet. In these areas, the entire distance would be in the HMZ, unless a portion or all of it is in the 25-foot fire break zone.

We recommend the Corps apply the proposed ecosystem based vegetation prescriptions contained in Appendix H to the HMZ using Corps funding when possible. This would not preclude the habitat restoration measures contained in the Management Prescriptions which could be voluntarily applied by community groups. We, also, recommend permitting for community access paths to minimize the number of paths cleared for access.

### **Threatened and Endangered Species**

The EA states (page 43) that no threatened or endangered species are known to occur in the Lewisville or Grapevine Lake areas. Bald eagles (*Haliaeetus leucocephalus*) are considered winter and possible spring residents of Denton and Tarrant Counties. Bald eagles nest, roost, and perch in tall trees near water and feed primarily on fish and waterfowl. Winter habitat includes reservoirs, lakes, playas, rivers, and marshes. Lake shorelines and/or adjacent lands contain large trees suitable for perching and nesting by bald eagles. According to our records, bald eagles have been documented in recent years in the Lewisville Lake area and likely over-winter there. Most wintering bald eagles migrate north in February through March; however, nesting eagles either stay throughout the entire year or migrate late in the summer. We recommend that the Final EA or EIS include an analysis of the possible impacts to the bald eagle.

### **Specific Comments**

Page 19. The citation for Frey, 1996 is not listed in the Reference Cited list.

Page 20. Threatened and Endangered Species. "Grapevine" County should be "Tarrant" County. The Black-capped Vireo is listed as a possible resident in Dallas County.

The maps on pages 28 and 29 are of poor quality. It is difficult to distinguish between Herbaceous and Maintained cover classes as the colors are too similar.

We appreciate the opportunity to provide these comments. Please contact Carol S. Hale of my staff at (817) 277-1100 if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink that reads "Tom Cloud". The signature is written in a cursive style with a large, looping "T" and "C".

Thomas J. Cloud, Jr.  
Field Supervisor

cc: Resource Protection Division, TPWD, Austin, TX (Attn: Tom Heger)

January 31, 2005

Planning, Environmental, and Regulatory Division

Mr. Thomas Cloud, Jr.  
U.S. Fish and Wildlife Service  
Ecological Services  
711 Stadium Drive, Suite #252  
Arlington, Texas 76011

Dear Mr. Cloud:

This letter is in response to your comments dated January 5, 2005, and the site visit on January 19 related to the Programmatic Environmental Assessment on Allowable Adjacent Landowner Activities Incorporating Ecosystem Management Practices on Federal Lands at Grapevine and Lewisville Lakes, Texas (PEA). We want to thank you for taking the time to comment on the draft PEA and conduct a site visit to discuss the complex issues. Per our conversations, this letter is going to address the main comments made in your letter and the conclusions reached during the site visit.

1. The U.S. Fish and Wildlife Service (Service) commented that Environmentally Sensitive Areas (ESA's) would not be protected under the preferred alternative. **Response:** Under the preferred alternative, ESA's would continue to be mowed in the Mowing and Underbrushing Zone (MUZ), but no Narrow Shoreline Variances would be allowed in the ESA's.

2. The Service is concerned that allowing human encroachment to be the deciding factor for natural resource decisions could set a precedent for further encroachment into fish and wildlife management areas. **Response:** The U.S. Army Corps of Engineers (USACE) did not allow human encroachment to be the deciding factor in selecting the preferred alternative, which designates Narrow Shoreline Variance Areas (NSV's). We based our decisions on a national USACE objective stated in ER 1130-2-406, which requires us to "achieve a balance between permitted private uses and resource protection for general public use", and several local objectives including: 1) a mowing and underbrushing policy that is consistent, enforceable, and can be efficiently administered, 2) a policy that does not reduce the width of existing MUZ zones if possible, 3) a policy that gives priority to natural resource considerations and values on wildlife management lands in the habitat management zone (HMZ), 4) establishes ecosystem-based habitat prescriptions on all HMZ's, 5) is considerate of fire safety, public safety, and public access considerations in the MUZ and 6) Allows community access paths. The preferred alternative allows for continued mowing of the long-standing MUZ's of 25-feet at Grapevine and 50-feet at Lewisville Lake, and allows for designated NSV's to be mowed to the water's edge at Lewisville; however, all other existing mowing in the HMZ would cease and go back to a more natural state. USACE would implement, to the extent practicable, the habitat management prescriptions in all HMZ's. In addition, private groups can volunteer to implement USACE's

habitat management prescriptions on large management units with the supervision of a master naturalist or other USACE-approved biologist.

3. The Service expressed concern that increasing urban sprawl adjacent to Federal lands, and the varying degrees of encroachment, increases the likelihood of cumulative impacts to the natural resources including non-point source pollution. **Response:** This is a valid concern; however, the impacts that USACE applied to the MUZ were on a programmatic level and considered that the entire property line would be mowed to the full extent of the 25 and 50-foot MUZ's. Even under intense urban sprawl pressure, it is extremely unlikely that this degree of mowing and underbrushing would occur. The USACE agrees to revise the PEA to make it clear that only the NSV's identified at this time will be implemented. If there is a need in the future to add additional NSV's, then the person or entity requesting a NSV would pay for a supplemental environmental assessment to assess the impacts of that action. This would reduce the potential for cumulative impacts associated with NSV's. The PEA process is also allowing USACE to bring all mowing in the HMZ into compliance and ensure all future encroachments are handled in a timely manner to lessen the threat of cumulative impacts.

4. The Service noted the regional importance and on-going threats to the Cross Timbers and Blackland Prairies Ecoregion and the need to provide maximum protection of this resource. Alternative 7 increases impacts to this Ecoregion with only minimal and poorly described mitigation as stated in the PEA. **Response:** Upon further consideration, the mitigation requirements for the final PEA will be tiered to Section 8 of the Lewisville Programmatic Environmental Assessment dated September 30, 1999, to offset the additional 144 acres impacted by the NSV's. In order for an adjacent property owner to obtain a shoreline use permit, these clearly-stated mitigation measures would be listed as a condition of the permit if the permittee intends to mow past the normal MUZ in a NSV. In lieu of a butterfly garden or minimal tree plantings in the NSV's as mentioned in the draft PEA, permittees would remit mitigation in cash or in volunteer services to implement habitat prescriptions in HMZ designated by USACE with coordination from the Service for a positive gain in habitat value resulting in true mitigation. In all shoreline areas that are not in designated NSV's, no permits would be issued to mow beyond the normal MUZ.

5. The Service states, "that benefits shown for Alternative 7 would occur only if the proposed management prescriptions were voluntarily applied by community groups in the habitat zones. Furthermore, these prescriptions would only be applied to a small area of habitat zone since community groups are unlikely to have the resources, both time and money, to fully implement the prescription". **Response:** Benefits would occur for the HMZ even if USACE did not implement the ecosystem-based management prescriptions. The areas in the HMZ that have been mowed regularly for a period of years would undergo succession back to a more natural habitat. However, when the prescriptions are implemented, the successional stages would be

supplemented by planting of native vegetation, which would hasten the development of a climax vegetation community. With proper management, the area would continue to function as a climax community. USACE is not planning to implement the prescriptions with individual landowners for work immediately behind their houses, but will seek cooperation with organized groups to implement the prescriptions on larger tracts of lands to gain the most benefits. If these cooperative ventures are not successful, then USACE will implement the prescriptions using appropriated funds and/or mitigation funds that become available from other actions. While USACE would probably never be able to fully implement the prescriptions on "all" of the HMZ, there would still be overall improvements to habitat quality in the HMZ by removing existing encroachments and implementing the prescriptions as funds and volunteers become available.

6. The Service recommends that the HMZ should be managed as fish and wildlife habitat as the name implies and that it should be wide enough to maintain water quality and provide some wildlife habitat. The Service recommends at least a 50-foot HMZ, where available, for maintaining water quality and fish and wildlife habitat. **Response:** USACE agrees that the HMZ should be at least 50-feet wide where possible. However, in those segments of shoreline where the majority of Federal ownership below the MUZ is less than 50 feet wide, is currently not high quality habitat, and does not serve as a corridor connecting larger blocks of habitat, USACE has designated these areas as NSV's and proposes to allow continual mowing of the areas. As disclosed in the PEA, the additional mowing that would occur in the NSV's is 144 acres (approximately 0.6 percent of the Federal land lying above the conservation pool elevation at the two lakes. Although unmowed areas are slightly more effective at filtering pollutants, the NSV's, although continually mowed, would continue to serve as a vegetative buffer strip to maintain water quality and filter out pollutants. As an additional step to protect water quality, USACE will modify the final PEA to prohibit the use of pesticides and inorganic fertilizers within the NSV's.

7. The Service recommends a combination of alternatives 3 and 4. **Response:** After the site visit and discussions, USACE understands that the Service still recommends a 50-foot water quality and wildlife habitat buffer on all USACE lands and prefers no mowing on Federal lands, but would support Alternative 7 if USACE restricts herbicides and pesticides use by adjacent landowners and brings the existing encroachments back into compliance. In addition, USACE would implement, to the extent possible, the habitat prescriptions within the HMZ as funding becomes available.

8. The Service recommends permitting community access paths. **Response:** USACE agrees with community access paths as set forth in the PEA.

9. The service recommends that the final PEA or Environmental Impact Statement include an analysis of the possible impacts to the bald eagle. **Response:** Per our conversations during the site visit, a bald eagle was recently observed flying over Lewisville Lake. It is unknown if

the bald eagle is in fact nesting at the lake or if it was just migrating through. An analysis was done for the bald eagle and will be added to the final PEA. The proposed alternative does not include removal of large open trees, which the bald eagle uses for nesting and perching. Per the habitat prescriptions, very few trees would be allowed to be removed that are over 2 inches diameter at breast height (dbh) in the MUZ, HMZ or NSV. The 144 acres within the NSV that would be mowed currently functions as low quality habitat that does not significantly affect fish or wildlife populations that the bald eagle uses as a food source. Alternative 7 is not anticipated to have any effect on the bald eagle.

10. During the site visit, the Service request information on the procedure the USACE used to determine if an area qualified as a NSV. The following criteria were used to determine if an area qualified as a NSV:

- a. High quality wildlife habitat is not a primary or sole management objective within the 25 and 50 ft. MUZ's. The HMZ starts below the MUZ.
- b. Literature indicates 49 ft. is required for minimum viable mammal habitat (which provides maximum habitat protection)
  - i. This is further supported by the 3- zone buffer approach as stated in the research (SR-24):
    1. 15-25 ft. -Zone 1- Immediate shoreline which provides shoreline protection and aquatic and terrestrial habitat (15-25 ft)
    2. 10 ft->10 ft - Zone 2- Upslope from Zone 1- minimum 10 ft. and up to several hundred feet. This zone provides water quality benefits and this, along with Zone 1, provides most of the habitat.
    3. 15 ft. Zone 3- Upslope from Zone 2- (35 ft. if used alone) this is generally the upland habitat
    4. This means that according to the 3-zone approach a 40 ft. minimum buffer is required for maximum protection of fish and wildlife habitat and, therefore, protection of the Cross Timbers and Blackland Prairies Ecoregions.
  - ii. USACE selected 50 ft. minimum buffer for maximum protection beyond the MUZ.
- c. Narrow areas were identified using GIS (small potential for error)

- d. USACE analyzed narrow areas for habitat value and connectivity to larger/other habitat.
- e. Recognizing a highly variable shoreline width, and the potential for quality habitat, the team used GIS to measure shoreline width on areas that had low habitat value and connectivity to determine which areas qualified as NSV's.
- f. NSV's were delineated and included in the PEA for public comment. Public comment suggested we add various areas to the NSV. The lake staff, along with a biologist, is analyzing those requests to determine if in fact the requested areas should be added to the NSV. Areas that qualify will be added and final NSV maps will be added to the final PEA.

We appreciate your continued interest in this initiative and your suggestions on how to better manage the fish and wildlife resources on Grapevine and Lewisville Lakes. If you have any further questions, please contact Mr. Rob Newman at (817) 886-1762.

Sincerely,

William Fickel, Jr.  
Chief, Planning, Environmental  
and Regulatory Division

Newman/1762  
PAXTON, CESWF-PER-EE  
COLLINS, CESWF-OD-R  
HARBERG, CESWF-PER-E  
FICKEL, CESWF-PER

Master  
Naturalist™



January 7, 2005

Elm Fork Chapter of Texas Master Naturalist™ Program  
Texas Cooperative Extension, Denton County  
306 N. Loop 288, Suite 222  
Denton, Texas 76209-4887

Mr. Rob Newman, CESWF-PER-EE  
U.S. Army Corps of Engineers  
Post Office Box 17300  
Fort Worth, Texas 76102-0300

Dear Sir:

The following comments are being submitted to you regarding the Environmental Assessment on Shore Management Practices at Lewisville and Grapevine Lakes by the Board of Directors of the Elm Fork Chapter of Texas Master Naturalist™.

Master Naturalist is referenced in the following statement in the E.A.:

*"In those area beyond the mowing/underbrushing zone that are not considered "narrow shorelines"...USACE has developed guidelines for ecosystem based vegetation management prescriptions that community groups, led by a master naturalist (my underlining), could implement with a permit issued by USACE."*

The Elm Fork Chapter of Texas Master Naturalist™ supports the proposal to use certified Texas Master Naturalists™ on a volunteer basis in leading community groups toward implementing ecosystem based vegetation management prescriptions under permits issues by the USACE.

The term "Master Naturalist" is a trademarked title of the Texas Master Naturalist™ program co-sponsored statewide by the Texas Parks and Wildlife Department and Texas Cooperative Extension. The program is a chapter based volunteer training and service organization including the Elm Fork Chapter serving Denton and surrounding counties. The Environmental Assessment should be revised to include the trademark symbol (TM) after each use of the term Texas Master Naturalist™ or add the word "certified" immediately before Texas Master Naturalist in order to prevent any confusion between members of the organization and individuals who may call themselves "master naturalists".

If individuals not affiliated with the Texas Master Naturalist™ program are expected to participate in implementation of the management plan, we would suggest revising the document further to include the statement "or other qualified individuals as identified by the U.S. Army Corps of Engineers". This would allow for a larger scope of assistance to include educators, experts in various fields, etc.

Thank you for this opportunity to interact and further expand the relationship between the Texas Master Naturalist program™ and the U.S. Army Corps of Engineers.

Sincerely,

*Karen Mangum*

Karen Mangum, President Elm Fork Chapter of Texas Master Naturalist™

Cc: John Cooper, Denton County Horticultural Agent, Texas Cooperative Extension  
Mr. Don Wiese, USACE, Fort Worth District  
Mr. Doug Cox, USACE Elm Fork Project Office, Lewisville



w  
FEE

January 12, 2005

Mr. William Fickel, Jr.  
Planning, Environmental, and Regulatory Division  
Department of the Army  
Fort Worth District, Corps of Engineers  
P. O. Box 17300  
Fort Worth, TX 76102-0300

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- ROBERT L. COOK  
EXECUTIVE DIRECTOR

RE: Environmental Review of Proposed Modifications to Mowing,  
Underbrushing, and Access Path Guidelines at Grapevine and Lewisville  
Lakes (Tarrant County)

Dear Mr. Fickel:

Thank you for providing the environmental assessment (EA) and draft Finding of No Significant Impact (FONSI) regarding the proposed revisions to the mowing, underbrushing, and access path guidelines at Grapevine and Lewisville Lakes. Texas Parks and Wildlife Department (TPWD) staff has reviewed the documents and offer the following comments.

Increasing development and varying degrees of encroachment onto government property at Lewisville and Grapevine Lakes has caused the U.S. Army Corps of Engineers (COE) to look at its mowing, underbrushing, and access paths guidelines to determine whether new guidelines are needed and to ensure adjacent landowners are in compliance with the Corps' mission to properly manage the natural resources at the lakes. The COE proposes to allow adjacent landowners to apply for a permit to mow and underbrush Federal land for a distance of 25 ft. at Grapevine Lake and 50 ft. at Lewisville Lake from the Federal property line and maintain individual and community access paths to the water's edge on a case-by-case basis. The existing guidelines allow for these same distances to be mowed.

The proposed revision to the existing guidelines includes variances, termed Narrow Shoreline Variances, to allow adjacent landowners to perform additional mowing between the Federal property line and the conservation pool elevation (Shoreline) in areas too narrow to support a viable habitat zone. Under the preferred alternative, distances from the allowable mowing zone to the shoreline that are less than 50 ft. are considered narrow and mowing will be allowed under permit. A maximum of 75 ft. from the Federal property line to the shoreline at Grapevine Lake and 100 ft. at Lewisville Lake would be allowable for mowing



Take a kid  
hunting or fishing



Visit a state park  
or historic site

William Fickel  
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under the Narrow Shoreline Variance. Therefore, landowners will be able to mow/underbrush to the shoreline without leaving any habitat management zone. The proposed revisions will result in a decrease in the habitat zone from 24,413 to 24,269 acres and will increase the mowing/underbrushing zone from 1,782 to 1,926 acres.

Development pressure around the lakes is high. Currently, several acres are being mowed outside the allowed distances. The FOSNI stated that mowing in non-permitted areas would cease and the areas would be allowed to return to a more valuable wildlife habitat. Although the impact to wildlife habitat does not seem significant under the proposed revisions, TPWD is concerned that without effective enforcement of the permit provisions, landowners will continue to mow in non-permitted areas. Additionally, landowners outside of the Narrow Shoreline Variance Areas (NSVA) may begin to mow at greater distances because they see other landowners doing so. Based on review of Appendix K of the EA listing the comments from citizens of the area, landowners seem most concerned with having a view of the lake and minimizing the number of snakes in their yard, and less concerned with the effect human development has on the natural environment. The existing habitat zone provides habitat for wildlife and shoreline erosion control. Vegetated and undisturbed areas less than 50 ft. from the mowing zone can protect the shoreline and provide corridors allowing wildlife to travel from one patch of habitat to another. Vegetated buffer zones around all waterways is encouraged. The EA stated that erosion would occur at some locations and not others when mowed to the shoreline, depending on the soil types involved. To eliminate increased erosion, TPWD does not recommend intensive mowing to the shoreline.

Landowners with permits to mow and/or underbrush past the normal allowable distance would be required to follow ecosystem management prescriptions that include, but are not limited to, less mowing each season and mowing around patches where native grass and shrub species have been planted. Appendix H of the EA titled, *Ecosystem-based Vegetation Management Prescriptions for Federally-owned Land at Grapevine and Lewisville Lakes* dated November 2004 states that the permits in NSVA may contain requirements to plant desirable vegetation. TPWD encourages that all landowners along the Federal property line have a copy of the management prescriptions and participate in the active ecosystem management practices.

Coordination with this Agency regarding this project or future projects should be addressed to Kathy Boydston, TPWD Wildlife Division, Wildlife Habitat Assessment Program, 4200 Smith School Road, Austin, TX 78744. Please

William Fickel  
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January 12, 2005

contact me at (903) 675-4447 if you have any questions or need additional assistance.

Sincerely,

A handwritten signature in black ink that reads "Karen A. Bautch". The signature is written in a cursive style with a long horizontal line extending to the right.

Karen A. Bautch  
Wildlife Habitat Assessment Program  
Wildlife Division

kab/10798

Kathleen Hartnett White, *Chairman*  
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Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 16, 2005

Mr. Rob Newman  
CESWF-PER-EE  
P.O. Box 17300  
Fort Worth, Texas 76102-0300

Re: TCEQ GEARS #6333-Grapevine and Lewisville Lakes, Texas Ecosystem Management Practices  
EPA

Dear Mr. Newman:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the above-referenced project and offers the following comments:

A review of the project for General Conformity impact in accordance with 40 CFR Part 93 and Title 30, Texas Administrative Code §101.30 indicates that the proposed project is located in Denton and Tarrant counties, which are currently classified as a serious ozone nonattainment area. Therefore, general conformity rules apply.

The two criteria pollutants of concern as precursors to ozone formation are volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>). An increase of 50 tons per year for VOCs or NO<sub>x</sub>, resulting from the proposed project, could trigger general conformity analysis. However, the emissions from the proposed project are expected to be well below the 50 tons per year significance level. Therefore, a general conformity analysis will not be required.

Although any demolition, construction, rehabilitation or repair project will produce dust and particulate emissions, these actions should pose no significant impact upon air quality standards. Any minimal dust and particulate emissions should be easily controlled by the construction contractors using standard dust mitigation techniques.

Thank you for the opportunity to review this project. If you have any questions, please call Mr. Daniel Burke, Policy and Regulations Division, at (512) 239-1543.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan S. Ferguson".

Susan S. Ferguson, Manager  
Policy and Regulations Division