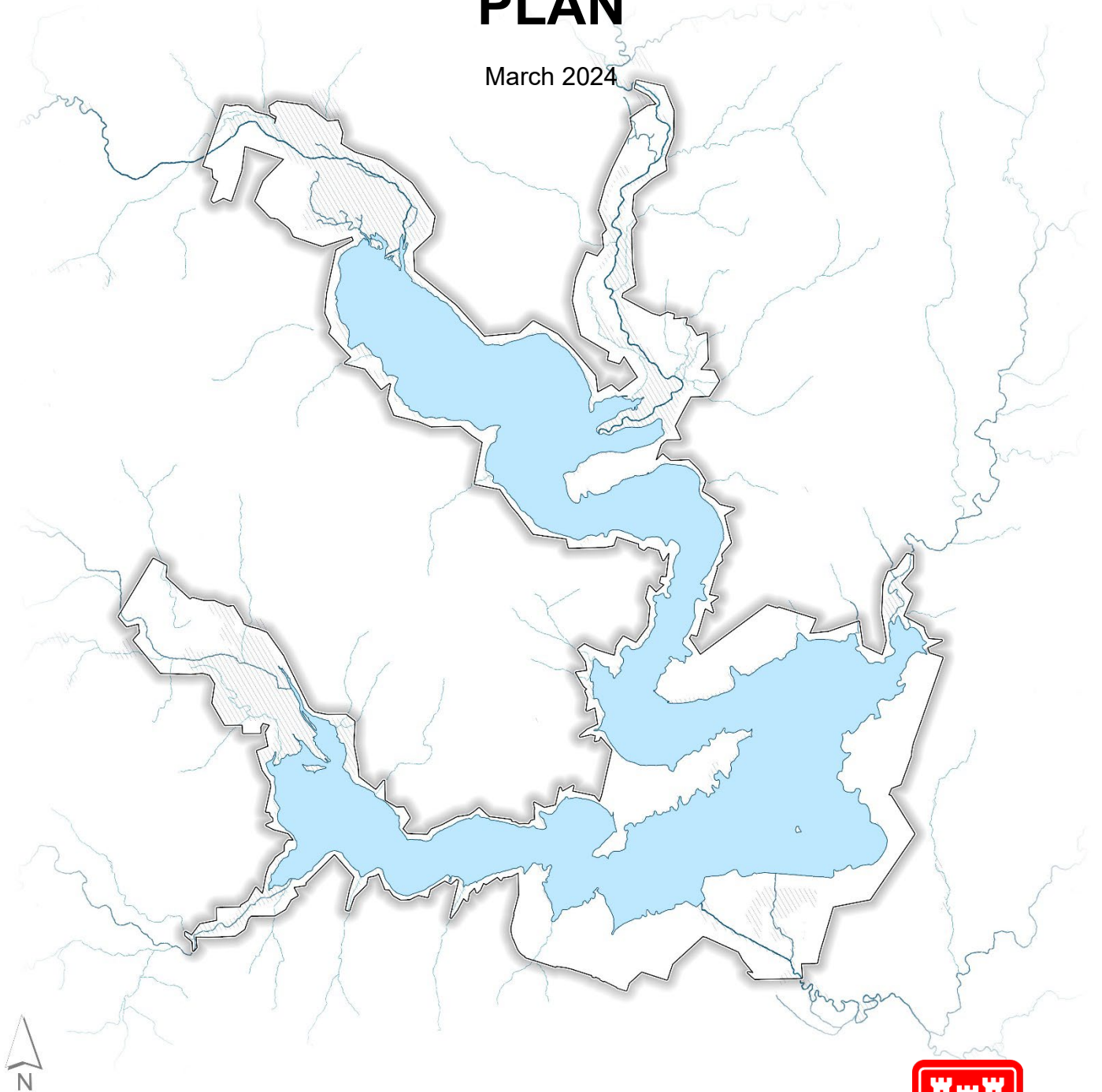


# PROCTOR LAKE

## DRAFT SHORELINE MANAGEMENT PLAN

March 2024



**US Army Corps  
of Engineers®**

SUPPORTING THE 2024 MASTER PLAN

U.S. ARMY ENGINEER DISTRICT FORT WORTH  
P.O. BOX 17300  
FORT WORTH, TEXAS 76102-0300

TO BE APPROVED BY THE DIVISION ENGINEER

## EXECUTIVE SUMMARY

### PURPOSE

The purpose of this Shoreline Management Plan (SMP), previously known as the Lakeshore Management Plan, is to establish policies and set guidelines by which the U.S. Army Corps of Engineers (USACE) manages the use of public lands and waters along the shoreline of Proctor Lake, Texas. The Shoreline Management Plan describes private exclusive uses by adjacent landowners and provides instructions, limitations, and permit application for some of those uses. Other uses may require real estate instruments in conjunction with or in lieu of shoreline use permits. It is the objective of the USACE to limit private exclusive use of public property to the degree necessary to gain maximum benefits to the general public. Such actions will consider all forms of benefits such as recreation, aesthetics, and fish and wildlife.

### IMPLEMENTATION

Proctor Lake is a multi-purpose project providing flood control, water supply, fish and wildlife, and recreation on the Leon River within the larger Brazos River Watershed as described in more detail in the 2024 Master Plan (MP). The entire shoreline is allocated using one of four shoreline allocations described in more detail in Section 4: Limited Development Areas, Protected Shoreline Areas, Public Recreation Areas, and Prohibited Access Areas. Personal floating facilities (docks or boathouses) are limited only to Limited Development Areas, and per the history described in Section 2 and policies described in Section 5, no applications for new facilities will be approved.

The SMP is used in tandem with the MP to manage the project resources at Proctor Lake. This plan with the MP will be reviewed periodically and may include minor updates with those reviews. Larger revisions changing land allocation outside of those described in this SMP or having significant public interest will require additional public input in compliance with the National Environmental Protection Act.

### PUBLIC INPUT

The 2024 SMP revision included public participation that included a public scoping meeting, held 19 January 2023 in Comanche, Texas with 19 people in attendance. The scoping meeting was for a combined MP and SMP and initiated a 30-day comment period. There will be an additional meeting in Comanche, Texas to release the draft MP and SMP to the public and initiate a 30-day comment period. A summary of comments from the public participation meetings and USACE responses can be found in Appendix G.

### PRIMARY CHANGES FROM THE 1976 LAKESHORE MANAGEMENT PLAN

Changes to shoreline allocations were a result of the recognition of historical uses, changes in federal regulations, public input, and alignment with the 2024 Proctor

Lake MP. Changes to shoreline allocations from the 1976 Lakeshore Management Plan to the 2024 SMP are found in Appendix H. In accordance with the National Environmental Policy Act and Engineering Regulation 1130-2-406, an Environmental Assessment (EA) was prepared to evaluate impacts of the proposed action on the human environment. The EA and Finding of No Significant Impact (FONSI) are included in the SMP in Appendix I.

**PROCTOR LAKE**  
**DRAFT SHORELINE MANAGEMENT PLAN**

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## SECTION 1: INTRODUCTION

**1.1 Purpose:** The Shoreline Management Plan (SMP) for Proctor Lake establishes policy and furnishes guidelines by which the U.S. Army Corps of Engineers (USACE) protects and preserves the desirable environmental characteristics of the shoreline while maintaining a balance between public and private shoreline uses. This plan is intended to develop management strategies for the review, approval, and administration of private shoreline uses on Proctor Lake, Texas. The SMP does not apply to the management and administration of public park areas, commercial concession leases, quasi-public use areas/leases and public utilities, except as specifically stated herein, or to flowage easement lands. In addition, the SMP does not address the specifics of water quality, water level management, water level changes due to flood or drought, or the operation and maintenance of project operations facilities.

**1.2 Objective:** The objective of the SMP is to protect and manage shorelines of all Civil Works water resource development projects under USACE jurisdiction in a manner that will promote the safe and responsible management of the shoreline, and maintain environmental safeguards to ensure a quality resource for use by the public, while supporting the greater project missions. The objective of all management actions will be to achieve a balance between permitted private uses and resource protection for general public use. The following are detailed objectives at Proctor Lake:

- a. To manage and protect shoreline under jurisdiction of the Chief of Engineers.
- b. To establish, conserve, and maintain sustainable natural resources, including fish and wildlife habitat, and promote environmental sustainability and aesthetic quality.
- c. To promote a reasonably safe and healthful environment to project visitors.
- d. To provide pedestrian access to project lands and waters while maintaining the shoreline for general public use.
- e. To honor past written commitments authorizing certain private uses while ensuring equitable access to and use of public property.
- f. To encourage boat owners to moor their boats at commercial marinas, utilize dry storage off project lands, or to trailer their boats to commercial or public launching ramps.
- g. To ensure the SMP compliments and does not contradict the Proctor Lake Master Plan.

**1.3 Authority:** Engineer Regulation (ER) 1130-2-406, *Shoreline Management at Civil Works Projects*, originally dated 13 December 1974, and revised in 1990, 1992, and 1999, provides specific authority and directive to implement the SMP. The regulation was published as a formal rule as Section (§) 327.30 of Title 36, Chapter III of the Code of Federal Regulations (CFR).

**1.4 Applicability:** Within ER 1130-2-406, and this SMP, private shoreline use (also private exclusive use) is described as any action that gives a special privilege to an individual or group of individuals on land or water at a USACE project that precludes

use of those lands and waters by the general public. The shoreline is defined as all land along the perimeter of the lake lying between and bounded by the shoreline formed at the conservation pool elevation of 1162.0 feet National Geodetic Vertical Datum (NGVD29) and the boundary of the Government fee owned land. Flowage easements were acquired in some locations which grant to USACE the right to periodically inundate land associated with the operation of the project without owning fee title to the land. The guidance in this SMP does not apply to flowage easements. This SMP establishes what and where private facilities and activities will be permitted on government property along the project shoreline. No other governmental entity has jurisdiction over the administration of the SMP at Proctor Lake. Rules and regulations applicable to shoreline management are addressed in Title 36, Chapter III, Part 327, CFR, and are enforced by the USACE.

**1.5 References:** The management and stewardship of lands and waters at USACE water resource development projects is guided by numerous Public Laws (PL), Executive Orders (EO), and ER that bear significantly on the shoreline management program. A comprehensive listing of these references can be found in ER 1130-2-540, *Environmental Stewardship Operations and Maintenance Policies*. A copy of ER 1130-2-540 and ER 1130-2-406 is available electronically at the USACE website at [www.usace.army.mil](http://www.usace.army.mil).

- PL 91-190, National Environmental Policy Act of 1969, as amended (42 USC 4231, et seq.), 1 January 1970.
- The Clean Water Act (33 U.S.C. 1344, et seq.).
- PL 86-717, Forest Cover Act, (74 Stat. 817, 16 U.S.C. 580m et seq.), 6 September 1960.
- 16 USC. 470aa - 470mm, PL 100-588; 102 Stat. 2983, Archaeological Resources Protection Act (ARPA) of 1979, as amended.
- National Historic Preservation Act of 1966 (P.L. 89-665; 80 Stat. 915) as amended (16 USC 470 et seq.).
- PL 93-205, Endangered Species Act of 1973, as amended (87 Stat 884, 16 USC 1531(b)).
- EO 11990, Protection of Wetlands, 24 May 1977.
- EO 13112, Invasive Species, 03 February 1999.
- EO 11644, Use of Off-Road Vehicles on Public Lands, 08 February 1972.
- ER 1130-2-406, Shoreline Management at Civil Works Projects, 31 October 1990.
- ER 1130-2-540, Environmental Stewardship Operations and Maintenance Policies, 15 November 1996.
- Engineer Pamphlet (EP) 1130-2-550, Recreation Operations and Maintenance Guidance and Procedures, 15 November 1996.
- ER 1130-2-550, Recreation Operations and Maintenance Policies, 15 November 1996.

- Section 4, 1954 Flood Control Act, as amended, PL 780, 83rd Congress, 2nd Session.
- Title 36, Chapter III, Part 327, CFR, "Rules and Regulations Governing Public Use of Water Resources Development Projects Administered by the Chief of Engineers."
- The Water Resources Development Act of 1986 (P.L. 99-662).
- Executive Order 12088 (13 Oct 78).
- The Federal Water Pollution Control Act of 1972 (FWPCA).

## SECTION 2: PUBLIC INVOLVEMENT AND RELATED ACTIONS

**2.1 References:** The management and stewardship of lands and waters at USACE water resource development projects is guided by numerous Public Laws (PL), Executive Orders (EO), and ER that bear significantly on the shoreline management program. A comprehensive listing of these references can be found in ER 1130-2-540, *Environmental Stewardship Operations and Maintenance Policies*. A copy of ER 1130-2-540 and ER 1130-2-406 is available electronically at the USACE website at [www.usace.army.mil](http://www.usace.army.mil).

**2.2 Shoreline Management History:** USACE policy until 1976 was to encourage lake usage and development of public lands at certain areas around the lake. However, there was very little demand for private exclusive uses such as personal floating facilities (boat docks, boat houses, etc.) at Proctor Lake, with the peak number of permits for floating facilities reaching 15 in 1970. The environmental and aesthetic qualities of the lake suffered from the degradation caused by many of these structures. This situation also brought attention to the limited public access into many desirable areas of the shoreline. As of 1 November 1970 permits for private floating facilities were no longer transferable and no new permits were issued. Concurrently, efforts to improve existing conditions on the lake were started.

After several years of public and political interest, the USACE published a new regulation, ER 1130-2-406, on 13 December 1974, titled Lakeshore Management at Civil Works Projects which was republished in October 1990 as Shoreline Management at Civil Works Projects. The ER established significant new restrictions on private use of the shoreline at USACE lakes. The regulation prohibited the construction of private floating facilities (docks and boathouses) on newly constructed lakes and existing lakes with no facilities present prior to 13 December 1974. The 1976 Lakeshore Management Plan shifted the objective to eliminate private exclusive use where it might compete with the interests of the general public, while honoring existing valid permits. Public Law (PL) 97-140 and PL 99-662 made significant changes that restricted any new personal floating facilities and ensured existing facilities would be allowed to remain (“grandfathered”) if they maintained a valid permit and remained in a usable and safe condition as described in Section 5.2.3.

**2.3 Revision Summary:** In 2023, the USACE initiated a revision of the 1976 Proctor Lake Lakeshore Management Plan. The SMP was revised to align with the 2024 Proctor Lake MP, incorporate current terminology (such as “Shoreline Management” instead of “Lakeshore Management”) and to insure compliance and compatibility with ER 1130-2-406 and ER 1130-2-540, as well as Fort Worth District policy decisions related to shoreline management. The primary reasons for the revision of the Lakeshore Management Plan is to incorporate language that supports the natural resources mission statement to “manage and conserve natural resources consistent with ecosystem management principles” as set forth in ER 1130-2-540, and align the SMP with the 2024 Proctor Lake Master Plan, all while ensuring public participation. Appendix H of this plan describes the changes made herein. In accordance with the

National Environmental Protection Act and Engineering Regulation 1130-2-406, an Environmental Assessment (EA) was prepared to evaluate impacts of the proposed action on the human environment. The EA and Finding of No Significant Impact (FONSI) are included in the SMP in Appendix I.

**2.4 Public Involvement:** The 2024 SMP revision included public participation that included a scoping meeting, held 19 January 2023 in Comanche, Texas with approximately 19 people in attendance. The scoping meeting was for a combined MP and SMP and initiated a 30-day comment period. There will be an additional meeting in Comanche, Texas to release the draft MP and SMP to the public and initiate a 30-day comment period. A summary of comments from the public participation meetings and USACE responses can be found in Appendix G. This plan with the MP will be reviewed periodically and may include minor updates with those reviews. Larger revisions changing land allocation outside of those described in this SMP or having significant public interest will require additional public input in compliance with the National Environmental Policy Act.

## SECTION 3: PROJECT DESCRIPTION

**3.1 General:** Proctor Lake was authorized by the Flood Control Act of 1954 (Public Law [PL] 780, 83rd Congress, 2nd Session) with the purposes of flood control and water supply, with the purposes of fish and wildlife and recreation being added later. Construction of the dam was started in 1961 and was completed in 1963. The entire project is located within Comanche County, Texas. Proctor Lake encompasses approximately 9,109 acres, owned in fee simple, with 4,583 acres located above the conservation pool of 1,162.0 feet NGVD29 and 4,526 acres classified as water surface located below 1,162.0 feet. There are approximately 43 miles of shoreline located along the water surface at conservation pool.

### 3.2 Definitions/Terms:

**3.2.1 Government Owned (Public) Land:** Land that is owned in fee by the government consists of both the land where Proctor Lake is located and the surrounding property. The limits of this public land are defined by USACE boundary line, the corners of which are marked by concrete markers or monuments, each topped with a bronze cap indicating a specific tract and monument number. The boundary line may or may not be delineated by a fence. The boundary line and conservation pool represented in the maps of the SMP based on current GIS and LiDAR mapping, but are subject to change based on review and audit of real estate documents and boundary markers or changes in mapping technology.

**3.2.2 Flowage Easement Land:** Flowage Easement Land is privately owned land on which USACE has acquired certain perpetual rights. The flowage easement estate conveys to the Government the right to periodically inundate the land for project operations purposes and to prevent human habitation on the easement or placement of fill material and changing contours in a manner that would reduce flood storage capacity. The flowage easement at Proctor Lake is generally located between the Government boundary line and the 1,200 foot contour, including tracts which contain that elevation. A complete description of the flowage easement can be found in the deed to the property. Formal written authorization and coordination with Fort Worth District Operations and Real Estate Divisions is required for placement of structures or changing of natural contours on the flowage easement. The SMP is not applicable to flowage easement lands.

**3.2.3 Shoreline:** The shoreline is 43 miles long at normal pool elevation of 1,162 feet above sea level (NGVD29). The upper two-thirds of the lake is very flat, and the water is shallow. This portion of the lake is unsuitable for mooring of floating facilities because one foot of vertical fluctuation can cause the water's edge to fluctuate up to 100 feet horizontally. This portion of the lake also poses great problems to waterlines since they must move their intakes long distances each season as the water level fluctuates (See Section 6.2 for information on Real Estate Instruments for waterlines). The lower one-third of the lake has sufficient gradient in many places to make the impounded water suitable for recreational activities. This area is suitable for intensive

public use, and a large portion of the shoreline area is included in developed parks. The dominant vegetation and soils along the shoreline around Proctor Lake are described in the Master Plan.

**3.2.4 Present Land Use:** The fee lands around Proctor Lake are managed solely by the USACE as described in the MP with the exception of two (2) boat ramps which are managed by Comanche County, Texas. Uses are described and managed according to the land classifications, goals, and objectives described in the MP.

**3.2.5 Private Developments:**

- a. **Private Floating Facilities** – There are two (2) types of private floating facilities under permit on the lake. First are boathouses, either closed or open, designed for the mooring of boats within the confines of the outer dimensions of the facility. The second type are open flat docks used for open mooring docks beside or within which boats can tie up but subsequent use for fishing and general recreation. Both are described in more detail and with permit requirements in Section 5.
- b. **Commercial Concessions** – There are currently no commercial concessions on Proctor Lake. If demand arises for commercial concessions in the future, they will be located in areas classified as High Density Recreation in the MP and subject to license and real estate instruments rather than the SMP. Areas currently classified other than High Density Recreation may be reclassified if necessary, through the appropriate processes if necessary to support a commercial concession.

**3.3 Overview:** A complete description of the environmental and socioeconomic setting, as well as a brief overview of the technical flood and water supply operational factors influencing the management of natural resources and public use at the lake can be found in the project Master Plan and associated Environmental Assessment, dated March 2024, available at the project office and online at USACE, Fort Worth District website at <https://www.swf.usace.army.mil/About/Lakes-and-Recreation-Information/>.

**3.4 Project Site Area:** Project Site Areas include developed parks with intensive recreation and are typically classified as High Density Recreation in the MP. They can include concessionaire facilities, Federal, state, or similar public parks or outgrants. These Project Site Areas are associated with the shoreline allocation Public Recreation Areas as described in Section 4.4. No private shoreline use facilities and/or activities will be permitted within or near designated or developed Project Site Area. The term “near” depends on the terrain, road system, and other local conditions, so actual distance must be established on a case-by-case basis. No modification of land forms or vegetation modification by private individuals or groups of individuals are permitted in Project Site Area. The USACE operates Project Site Areas at Proctor Lake as described in the MP with the exception of two (2) boat ramps managed by Comanche County, Texas.

**3.5 Commercial Concessions:** There are currently no commercial concessions or establishments located at Proctor Lake. However, if demand arose for a marina or other concession, it could offer a variety of services to the general public, such as mooring of vessels, lake access, boat ramps, courtesy dock, wet slips, dry storage, boat rental, restrooms, gas, etc. USACE policy gives preference to the public use of commercial marina concessions. The SMP does not apply to the management and administration of commercial concession leases, except as specifically stated herein.

**3.6 Existing Access:** Vehicular access paths leading from private property to USACE fee property or private floating facilities on fee properties exist but are considered unauthorized roadways. Pursuant to Title 36, Chapter III, Part 327.2 (c), vehicles may not operate off authorized roadways on USACE fee property except at locations and times designated by the District Commander. The USACE may construct or place gates, bollards, fences, or other similar items to prevent vehicular access. The USACE maintains the right to permit, restrict, limit, or consolidate these roads for pedestrian traffic, or remove them entirely. As funds permit, the USACE will permit, consolidate, restrict, or remove these paths to balance access needs with the USACE's environmental stewardship, flood risk management, and recreation missions. The USACE is not responsible for maintaining public access to private floating facilities from unauthorized roads passing through fee property whether or not they lead from public or USACE roadways. In no case will the USACE authorize or construct a new trail or secondary road for the purpose of providing access to privately-owned floating facilities.

**3.7 Private Exclusive Use:** USACE guidance encourages project managers to eliminate private exclusive use of private floating facilities in areas where they compete with the interests of the general public. The USACE has determined that restricting and eliminating private floating facilities through attrition is in the best interest of the general public. However, past written commitments or valid permits will be honored as long as the existing facilities or conditions remain in the same ownership and are maintained in such a manner to meet safety standards. In addition, private exclusive use including vegetation modification permits should only be for neighboring landowners for the reasons provided in the SMP. All exclusive use of lands and waters will be by permit or outgrant instrument only.

**3.8 Joint Jurisdiction:** No other federal, state, or local agencies have jurisdiction over the administration of the shoreline covered in this SMP.

**3.9 Cultural, Historical, Archeological, and Paleontological:** The National Historic Preservation Act of 1966, Archaeological and Historic Preservation Act of 1974, and Archaeological Resources Protection Act of 1979 and amended in 1988 were provided by Congress to protect historic sites and recover historic and archeological data. Title 16 U.S.C. 470 EE Archaeological Resources Protection Act and Title 36 CFR 327.14(a) provides restrictions prohibiting the collection of archaeological or paleontological resources on USACE project lands. Title 36 CFR 327.14(a) specifically states that "destruction, injury, defacement, removal, or any alteration of public property including but not limited to, developed facilities, natural formations, mineral deposits, historical and archaeological features, paleontological resources, boundary monumentation or

markers and vegetative growth, is prohibited except when in accordance with written permission from the district commander.” USACE restricts activities at the lakes that could cause harm or destroy these sensitive resources. If it is determined that a previously issued permit or license infringes upon or impacts a historic site, the permit will be rescinded.

**3.10 Native American Lands and Resources:** The USACE manages lands and resources as described in the MP. There are no Native American Lands described at Proctor Lake. However, Native American people have a long history of living in and around the lands comprising the Proctor Lake Project, and there exists historic and cultural resources as well as natural resources considered significant to some Native American people. The USACE will work with Tribes requesting access including, but not limited to, special access and activities permits.

## SECTION 4: SHORELINE ALLOCATION AND DESCRIPTION

**4.1 General:** The shoreline allocations in this Plan are in accordance with criteria established in ER 1130-2-406 and align with the land classifications in the Master Plan. Details of shoreline allocation changes from the 1976 Lakeshore Management Plan can be found in Appendix H. Factors taken into consideration during the MP and SMP map development include: site size and locations, land profile, exposure to wind and currents, accessibility to the public, water depth, grade of shoreline, vegetative growth, site environment, aesthetics, and safety and security. Areas along the shoreline have been designated according to the shoreline allocations described below:

**4.2 Limited Development Areas (LDA):** LDAs are those areas allocated for private activities, such as vegetative modification, and/or the installation of privately-owned floating facilities such as docks and boathouses following the issuance of a permit in accordance with current Federal regulations and this SMP. All LDAs have been removed at Proctor Lake, since there are currently four (4) existing grandfathered personal floating facilities, and no new facilities will be permitted. Existing authorized shoreline use permits for docks and boathouses will be renewed provided all criteria and permit conditions are met, and the facilities remain safe and useable. Ownership of existing, permitted facilities may be transferred per the conditions of Section 5.2.6, and permits may be issued for those existing facilities to new owners at the existing location. Existing floating facilities may not be relocated to other areas of Proctor Lake. There are no LDAs along the Proctor Lake shoreline.

**4.3 Protected Shoreline Areas (PSA):** Protected shoreline areas are designated primarily to protect or restore aesthetic, fish and wildlife, cultural, or other environmental resources in accordance with ER 1130-2-406, the USACE Environmental Stewardship mission stated in ER 1130-2-540, and the policies of the National Environmental Policy Act of 1969 (PL-190). Shorelines may also be designated in this category for physical protection reasons, such as heavy siltation, rapid dewatering, erosion, or exposure to high wind, wave, and current action. Land access and boating are permitted along these shorelines, provided aesthetic, environmental, and natural resource values are not damaged or destroyed, but private floating facilities are not permitted in these areas. Modification of landform or vegetation by private individuals will be allowed only by permit and only after due consideration of the effects of such action on the environmental and physical characteristics of the area. Approximately 31.3 miles of shoreline are classified as protected shoreline.

**4.4 Public Recreation Areas (PRA):** Public Recreation Areas are those areas designated for commercial concessionaire facilities; Federal, state, or other similar public use; typically include Project Site Areas as described in Section 3.4; and are classified as High Density Recreation in the MP. These areas have controlled access for the protection of park users and resources. Private floating facilities will not be permitted in these areas. Modification of landform or vegetation by private individuals or groups will not be permitted. Quasi-public organization recreational areas, operating

under lease agreements with USACE, are also zoned under this allocation. These quasi-public areas are designated for use by organizations such as the Scouts, YMCA, and the YWCA. Floating facilities owned by the quasi-public organization and within quasi-public lease areas will be managed under the terms of the real estate agreement for the individual site. No private floating facilities are allowed in the quasi-public sites. Shoreline use permits will not be issued or authorized in areas allocated as Public Recreation Areas. Commercial concession areas are governed by the conditions contained in the concession lease and are not subject to the permit requirements of this SMP. Approximately 10.4 miles of shoreline are allocated for public recreation.

**4.5 Prohibited Access Areas (PAA):** Prohibited Access Areas are those in which public access is not allowed or is restricted for health, safety, or security reasons. These could include hazardous areas near dams, spillways, work areas, water intake structures, etc. No shoreline use permits will be issued in Prohibited Access Areas. Private floating facilities such as docks and/or the modification of landform and vegetation are not permitted in these areas. Approximately 1.3 miles of shoreline are allocated as prohibited access areas.

## SECTION 5: SHORELINE USE PERMITS

**5.1 Shoreline Use Permits:** A Shoreline Use Permit is an instrument used to authorize certain uses of the shoreline in accordance with Title 36 Code of Federal Regulations (CFR) Part 327.19 and a project's SMP. Shoreline Use Permits may authorize activities such as boathouses, vegetative alteration (including mowing pedestrian paths), and other water and land use permitted activities along the shoreline on Federal property. Private shoreline use (often called private exclusive use) is defined in ER 1130-2-406 as "Any action, within the context of this rule Title [36 CFR 327.30], which gives special privilege to an individual or group of individuals on land or water at a Corps project, that precludes use of those lands or waters by the general public, is considered private shoreline use." Activities requiring Department of Army permits (such as dredging), Real Estate Instruments, or other activities not described in the SMP will require permissions and conditions outside the SMP. For information regarding the permitting process and associated fees, please refer to Section 7.

The USACE does not issue verbal approval for or changes to any private activity or facility. All approved private activities or facilities are only authorized in writing from the USACE. Shoreline Use Permits are non-transferable and become null and void upon sale or transfer of the neighboring property or permitted facility or the death of the permittee and his/her legal spouse. However, individuals purchasing or inheriting property associated with a private floating facility and a previously valid Shoreline Use Permit may apply for a new permit to continue their use of the associated facility. Before a permitted property or facility is sold, the prospective new owner must submit a Shoreline Use Permit Application (see Appendix B) and provide proof of legal land access to receive a new Shoreline Use Permit if the facility is to remain on Proctor Lake.

All Shoreline Use Permits are issued and enforced in accordance with the provisions of Title 36, Chapter III, Part 327, CFR. Non-compliance with any of the terms and conditions of a permit, general or specific, may result in termination of the permit, issuance of a Notice of Violation, and/or permanent removal of the private floating facility from the lake as described in Section 7.5.

### **5.2 Private Floating Facilities (Docks and Boathouses):**

**5.2.1 General:** In this Plan, the term Private Floating Facility refers to a typical floating dock or boathouse that is currently permitted on Proctor Lake. Boathouses are generally roofed structures, enclosed or open-sided, with slips for the mooring and storage of boats within the confines of the facility. Docks are described as floating platforms with or without individual slips.

**5.2.2 Existing Facilities on 13 December 1974 and 17 November 1986:** In accordance with ER 1130-2-406 and Section 1134(d) of Public Law 99-662, any private floating facility or lawfully installed dock or appurtenant structures in place under a valid Shoreline Use Permit as of 13 December 1974 or 17 November 1986, cannot be forced

to be removed from any federal water resources project or lake administered by the Secretary of the Army on or after 31 December 1989, if it meets the three conditions in Section 5.2.3, except where necessary for immediate use for public purposes or higher public use for a navigation or flood control project.

**5.2.3 Existing Personal Floating Facilities:** Floating facilities that may not meet current SMP guidelines but were in place on and before November 17, 1986 are considered Grandfathered. Grandfathered facilities may remain provided the following conditions are met:

- a. The facility must be maintained in a usable and safe condition.
- b. The facility does not pose a threat to life or property.
- c. The holder of the permit is in substantial compliance with the existing conditions of the permit.

If the Personal Floating Facility structures become damaged to the point where the substructure is not floating, safe, or usable; or where the substructure requires modification or replacement; then the permit will be revoked and the facility must be removed or replaced with a new facility meeting current construction and safety standards. However, if general upkeep and maintenance to the private floating facility will not affect the substructure, then it may be repaired. No new slips can be added to existing private floating facilities, as any modifications or replacements must share the footprint of the existing facility and conform to the SMP's general requirements and minimum design standards. The facility's footprint is considered the total combined surface area of all walkways, landings, and gangways beginning at the anchor point. If the cost of repairs will exceed 50 percent (50%) of the cost of a new like structure, the repairs are considered substantial, and the facility cannot be repaired and must be replaced.

To meet the requirements for a facility to be considered to be in a usable and safe condition, the facility must be structurally sound to provide a stable walking surface and stable superstructure, must be adequately supported by flotation, must be properly anchored to prevent excessive lateral movement, must be free from loose boards or other items that could constitute tripping hazards, must be properly wired according to the National Electric Code if electric power is installed, and otherwise must be in a condition that does not present hazards to persons or other property. For complete facility maintenance and construction standards, please see Appendix E for personal floating facility and Appendix F for standard dock plans.

Grandfathered facilities that have their permits revoked for failure of meeting the above conditions will lose their status as a grandfathered facility and must be removed and shoreline condition restored to its natural condition within 60 days. Such facilities cannot be replaced or repaired.

**5.2.4 Occupation and Use:** The primary use of the permitted dock facility shall be limited to the mooring of the permit holder's vessel or watercraft, and the storage of gear essential to the operation of such vessel and watercraft in enclosed locker

facilities. All boats or personal watercraft must be moored inside the boathouse or at the dock facility. The permit does not convey any property rights either in real estate or material. No attempt shall be made by the permit holder to forbid the full and free use by the public of all public waters and/or lands at or adjacent to the permitted facility or to unreasonably interfere with any authorized project purpose. No items conducive to human habitation or which give the appearance of converting public property to private use is allowed. Facilities authorized under a shoreline use permit will not be leased, rented, sublet or provided to others by any means of engaging in commercial activities by the permit holder or his/her agent for monetary gain.

**5.2.5 Inspection:** All permitted facilities are subject to periodic inspection by a government representative. Inspections will be conducted not less than annually, and more frequently as necessary because of storms and flooding. The Lake Manager and/or a USACE representative will notify the permit holder of any deficiencies. No deviation or changes from approved plans will be permitted without prior written approval of the Lake Manager. If an inspection reveals conditions that make the boathouse unsafe, or any deviations from the approved plans, such conditions must be corrected within 30 days. If the facility is in substantial non-compliance with permit requirements or has significant deviations from the approved plans, the permit will be revoked, and the permit holder will be given 60 days to remove the facility. If the facility owner fails to remove the non-compliant facility within 60 days, the USACE will remove the facility at the owner's expense.

**5.2.6 Transfer of Ownership:** Shoreline Use Permits for personal floating facilities are not transferable and will become null and void upon the date of sale or other legal change of ownership of the personal floating facility and/or neighboring property adjacent to where the facility is located. Although the permit is not transferrable, transfer of ownership for personal floating facilities is allowed, and the new facility or property owner must submit a new permit application within 14 days prior to completing the transfer of ownership. Failure to notify the USACE of the transfer and submit a new permit application within 14 days prior to the transfer of ownership will be considered a violation of the terms of the shoreline use permit, and the facility must be removed and shoreline restored to its original condition within 60 days. If the permit holder fails to remove the facility within 60 days of transfer of ownership, the USACE will remove the facility at the permit holder's expense. A relinquishment form, signed by the previous owner, is also required for a dock or boathouse transfer of ownership.

**5.2.7 Personal Floating Facility (Boathouse and Dock) Specifications:**

- a. All boathouses permitted under this SMP shall adhere to the design standard depicted in the Maintenance and Construction Standards for personal floating facilities in Appendix E. Standard dock plans are depicted in Appendix F. Normal repairs to an existing facility that becomes unsafe or poses a hazard to the public as a result of normal wear, storm, flood, or any other event are permissible without prior authorization. Verification of standards is recommended prior to any repairs. After a permit has been issued, no alterations outside of general maintenance

may be made to any boathouses without prior approval by the Lake Manager.

- b. Complete replacement of an existing facility is permissible in accordance with the Maintenance and Construction Standards for personal floating facilities in Appendix E or for standard dock plans in Appendix F, following approval by the Lake Manager. The replacement facility shall be placed in the same exact location as the removed structure and be of a similar size footprint (square footage) unless variation is authorized in writing by the Lake Manager. The facility's footprint is considered the total combined surface area of all walkways, landings, and gangways beginning at the anchor point. Designs for replacement facilities must be prepared by a licensed professional engineer and approved by the Lake Manager before construction of the replacement facility can begin.
- c. Boathouses and docks shall be securely attached to the shore in accordance with the approved plan by means of mooring that does not obstruct general public use of the shoreline or adversely affect the natural terrain or vegetation. Anchoring to vegetation is prohibited.
- d. Existing flotation material for boathouses and docks must be replaced once the material no longer supports the substructure of the facility a minimum of 8 inches above the water surface. All new and replacement flotation must be plastic encapsulated foam that meets marina industry standards.

### **5.3 Vegetation Alteration/Modification:**

**5.3.1 General:** Adjacent landowners performing any and all mowing, brush clearing, dead tree removal, and all other related work on any portion of public property around Proctor Lake must first obtain written approval from the Lake Manager. Where significant wildlife habitat or scenic/aesthetic areas occur, requests for vegetation modification may be denied or additional restrictions may be included on the permit. Vegetation Modification Permits will not be issued solely for private landowners to create a view of the lake, or in situations where a fire hazard defensible space exists between public land and structures on private land. In all cases, the permit holder will avoid creating the appearance of private use of public property. Permits will not be granted adjacent to Public Recreation Areas, Prohibited Access Areas, or lands classified as Environmentally Sensitive.

Landform or vegetation modification by landowners without obtaining a permit or in violation of a permit will result in a Notice of Violation and enforced in accordance with the provisions of Title 36, Chapter III, Part 327, CFR. For more details about unauthorized activities and violations, see Section 7.5. The following conditions apply to all Vegetation Alteration/Modification Permits:

- a. Only hand-held tools and small lawn maintenance equipment may be used. No tractors, bulldozers, or heavy equipment of any kind may be used unless specifically authorized by permit conditions.
- b. Any special restrictions on size and species of trees or shrubs to be removed, as well as pruning limitations, will be specifically listed in the permit conditions. The allowed species, minimum and maximum width, length, and extent of the area subject to the Vegetation Modification Permit will be determined by the Lake Manager.
- c. The area subject to a Vegetation Modification Permit shall be described on the permit and accompanying map, and shall be in compliance with conditions set forth in this plan as well as any special conditions required by the Lake Manager.

**5.3.2 Mowing and Underbrushing (including Firebreak) Permit:** Adjacent landowners may request a Shoreline Use Permit for mowing and removal of underbrush where the Lake Manager determines there is a valid need to reduce the risk of damage to private property from wildfire. The USACE may grant permits to create defensible space around landowner's structures property at the Lake Manager's discretion, on a case-by-case basis. In these cases, mowing and removal of underbrush along a narrow strip of USACE land along the boundary line will be considered to maintain a 30-foot defensible space from the landowner's primary structure. In many situations, there is ample space on private land to provide for a defensible space and there is no need to approve a permit for clearing Government lands for defensible space on private property. If there is not 30 feet of defensible space on the landowner's property, the USACE may issue a permit for the necessary remaining feet on Government lands. In circumstances where endangered species habitat is present or soil erosion is occurring, mowing and removal of underbrush may not be authorized. Mowing and selective removal of vegetation may also be authorized for the purpose of controlling invasive, exotic, or noxious species.

**5.3.3 Pedestrian Access Path (Pathway Permit):** In Limited Development Areas (LDA) and Protected Shoreline Areas (PSA), vegetation alteration may be acceptable for the clearing of natural-surface trails to provide walking access to the shoreline. Requests will be considered by the Lake Manager on a case-by-case basis, and require onsite inspection to determine the extent of conditions justifying a permit. Requests for pedestrian access from individuals with special accessibility requirements will be handled on a case-by-case basis with the intent to allow reasonable access while preventing adverse impacts to natural resources. Paths will not be allowed in Prohibited Access Areas, Public Recreation Areas, or areas where controlled public access is a necessity for security of lake visitors.

The following specific guidelines apply to pedestrian access paths:

- a. Paths must be for pedestrian foot traffic only, and limited to four (4) feet in width.

- b. Paths must blend naturally with existing topography and vegetation.
- c. Permit holders must take precautions to prevent erosion, including using meandering paths in steeper areas.
- d. Paths located on government property must be open to public traffic.
- e. Neighbors living in close proximity to one another may be required to share a single path.
- f. Permit holders may not construct or place any structures such as steps, bridges, handrails, benches, signs, light poles, or to make any changes in landform or topography on Government lands on or along paths.
- g. The permit may contain other requirements deemed necessary by the Lake Manager.

**5.3.4 Hazardous Tree Cutting:** If an adjacent landowner discovers a tree they believe poses a hazard to the boundary fence or private property, they should contact the Proctor Lake Office to report the suspected hazard. Removal of hazardous trees will be handled in accordance with the Fort Worth District and Three Rivers Region Hazard Tree Management Plans which are on file at the Proctor Lake Office which may include a permit.

**5.3.5 Permit Duration:** The term of a permit for vegetation modification will be for no more than five years. Where possible, such permits will be consolidated with other shoreline permits into a single permit. The lake manager is authorized to issue vegetation modification permits of less than five years for one-time requests or to aid in the consolidation of shoreline management permits.

**5.3.6 Planting:** No planting on USACE property will be permitted other than species recommended by the Project personnel which will benefit wildlife and help control erosion. The permit application must include a list of all species to be planted and a map showing locations of plantings. All permitted planting, including materials and supplies, will be at the expense of the permit holder.

## **5.4 Other Land and Water Uses:**

**5.4.1 Erosion Control Structures:** Individuals may be permitted to install erosion control structures such as rip-rap, gabions, or other measures where bank or shoreline erosion is endangering boathouses or structures. Any erosion control structure should blend with the natural setting as much as possible. Permission to install such structures may be granted only after review and approval of plans and specifications by the Lake Manager and issuance of the proper instrument from the Fort Worth District Real Estate Division.

**5.4.2 Hunting Blinds:** Hunting blinds are not managed by the SMP. They may only be authorized as detailed in the Proctor Lake section of the most recent Fort Worth District Public Hunting Guide.

## **5.5 Prohibited Facilities and Activities:**

**5.5.1 Fixed Piers:** Any type of fixed pier or platform extending into the water from the shoreline is prohibited.

**5.5.2 Pilings or Posts:** All pilings or posts driven into the lake bottom for the purpose of mooring or tying boats are prohibited.

**5.5.3 Mooring Buoys or Waterway Markers:** All privately owned buoys or waterway markers are prohibited.

**5.5.4 Vessel Moorage:** Mooring of boats or personal watercraft outside of permitted private floating facilities, courtesy dock, or marina is prohibited. Vessels of any type, when not in use, shall be removed from project lands and waters unless moored in an approved boathouse or commercial marina.

**5.5.5 Burning:** The burning of any materials along the shoreline by private individuals is prohibited.

**5.5.6 Landform Modification:** Any type of private modification, construction, or other activity that changes the original or present condition of the shoreline is prohibited.

**5.5.7 Unauthorized Private Structures or Facilities:** Construction or placement of personal property, portable or permanent, on the shoreline or adjacent project lands is prohibited.

## SECTION 6: OTHER APPLICABLE RESOURCES

**6.1 Department of the Army Permits:** The USACE has broad regulatory authority pursuant to Section 404 of the Clean Water Act of 1972 and Section 10 of the Rivers and Harbors Act of 1899 to regulate the placement of dredged or fill material in certain waters and wetlands of the United States and placement of certain structures in waters that are, by definition, a navigable water of the United States. These regulatory permits generally have no relationship to Shoreline Use Permits except in rare instances where a facility that is authorized by a Shoreline Use Permit might also require a regulatory permit. Any shoreline erosion control structure located below the conservation pool elevation of 1,162.0 feet would require both a real estate instrument and a regulatory permit from the USACE. Requests for such activities must be submitted to the Lake Manager.

**6.2 Real Estate Instruments:** The USACE issues real estate instruments such as leases, licenses, easements, and consents to easements structures for a wide variety of activities. Leases are issued to concessionaires for marinas and to governmental entities for operation of park areas. Easements are typically granted to public utilities and governmental entities for waterlines, sewer lines, natural gas lines, electric lines, and roads. Licenses are typically granted to individuals for electrical lines, waterlines for domestic irrigation, erosion control structures, and other activities that involve a change in land form on USACE administered public lands. Consents for easement structures are issued for construction and/or improvements within the flowage easement. All commercial development activities and other activities by private or public interests on Government owned land that are not covered in this plan may be allowed only after issuance of a lease, license, or other legal grant in accordance with the requirements of ER 405-1-12, Real Estate Handbook and must comply with recreation and non-recreation outgrant policy set forth in Chapters 16 and 17 of ER 1130-2-550.

**6.2.1 Electrical:** A real estate license may be issued for electrical power and light service to a permitted facilities where electrical lines already exist. A written request for a new or renewal license for electric service shall be submitted in writing to the Lake Manager. All electric lines on government land shall be installed underground by a licensed electrician. The underground electrical supply installation shall be protected and controlled by a readily accessible main cut-off switch and circuit breaker, no larger than 20 amps, located on the adjacent private property, above the flowage easement line or the 1,200 feet elevation, for which the installation permit is issued. Shoreline below the 1,200 feet NGVD29 elevation is considered a wet location. All electrical components shall be installed and maintained in accordance with the National Electric Code (NEC) and the National Electrical Safety Code (NESC) conducive to wet and damp locations, and lighting installed according to dark-sky best management practices to reduce light pollution on wildlife and ecosystems. The licensee shall provide electrical certification of all components approved and signed by a licensed electrician. Applicants for existing electric line licenses are encouraged to consider solar applications that will meet the need for electrical power and eliminate the need for utility provided electric lines and meters.

At facilities where no electrical service currently exist, the facility permit holder will be limited to solar and battery systems to prevent the installation of electrical lines across USACE land. All electrical components shall be installed and maintained in accordance with the National Electric Code (NEC) and the National Electrical Safety Code (NESC) conducive to wet and damp locations, and according to best management practices for dark-sky friendly lighting to reduce light pollution on wildlife and ecosystems. The licensee shall provide electrical certification of all components approved and signed by a licensed electrician.

**6.2.2 Waterlines:** Requests for a new or renewal license for a waterline shall be submitted to the Lake Manager. Any approval granted will be in the form of a Real Estate Instrument and not by a shoreline use permit. The request packet must have written approval from the water purveyor (i.e. purchased water rights from the Brazos River Authority) to withdraw water from the reservoir. The use of submersible pumps for the purpose of withdrawing water for individual domestic uses at Fort Worth District Civil Works Reservoirs is prohibited. Proposed waterline installations must comply with National Environmental Policy Act requirements. Any land alteration needed to maintain the water pump and line will require a permit as described in Section 5 of this plan. Project personnel may be required to inspect the proposed installation site to determine potential damage to vegetation or obvious archeological resources. Generally, waterlines will not be allowed to hang over sheer cliffs where the line is visible when viewed from the lake. Approval will be recommended for proposed rights-of-way only when they enter the lake at a point having sufficient gradient to eliminate the need of "chasing" the water when the lake level drops a few feet. The aesthetic and safety impacts of all installations will be considered. Waterlines must not interfere with public recreational use. Where numerous waterlines exist in close proximity on sheer bluffs or badly eroded shorelines, the Lake Manager will consider consolidating these waterlines into the minimum number of intakes possible servicing multiple users. Requests for this type of license will be considered on a case-by-case basis.

**6.2.3 Stairways, Elevators, and Trolleys:** Proctor Lake has a gentle slope around most of the lake, and the existing personal floating facilities are accessible without stairways, elevators, or trolleys. As such, no new stairways, elevators, trolleys, or other methods of accessing personal floating facilities are necessary and will not be permitted at Proctor Lake.

## SECTION 7: PERMIT ADMINISTRATION

**7.1 Request for Shoreline Use Permits:** In order to obtain a permit the applicant shall submit a written request detailing the purposed shoreline use along with contact and location information for review and approval by the Lake Manager. "Application for Shoreline Use Permit", ENG 4264-R, (Appendix B) serves as the shoreline use permit issued by the Proctor Lake Project Office. Shoreline Use Permits will be managed in accordance with "Conditions of Permits for Shoreline Use" (Appendix C). Permits for private facilities are not transferable and will become null and void upon the date of sale or other legal change of ownership. See Section 5.2.6 for more information about the sale or transfer of ownership of personal floating facilities. A dock relinquishment form, signed by the previous owner, is also required for a boathouses when there is a change in ownership.

**7.2 Permit Duration:** Shoreline Use Permits will be issued for a five-year duration, from date issued. Temporary or short-term permits may also be issued when the nature of the proposed use requires a shorter duration. All permits will expire the last day of the month listed for expiration. A notice will be sent to the permittee forty-five (45) days prior to the expiration date by the Corps of Engineers. The permittee must then call the project office and arrange for a joint inspection of the facility during this forty-five (45) day period. Inspections will be made weekdays during normal business hours. Failure of the permittee to contact the Project Officer and arrange for the joint inspection during this forty-five (45) day period will result in the permit expiring of its own terms. If a permit expires because of no action in the forty-five (45) day period, the party who held the permit may only get a new permit by going through the procedures shown above. A responsible party, owner, or caretaker, must be available locally for the duration of the permit to care for the structure and provide entrance to the structure and/or information to the USACE.

**7.3 Administrative Fees:** Project staff must review all applications and inspect sites where any work on public lands will be performed and are subject to periodic inspection during the life of the permit to ensure compliance with permit conditions. An administrative fee will be assessed for all dock and boathouse permits. The fee includes the processing of the permit and annual inspections of the dock. No fees will be charged for vegetation modification permits where the purpose is for safety and/or is to the benefit of the government, but are subject to inspection; all other vegetation modification permits are subject to application fees and periodic inspection for compliance. Applicable fees will be charged for permits and licenses and for inspections where all other types of permits, licenses, and real estate instruments are concerned. In the event that a permit is terminated or revoked before its expiration date, no portion of the administrative fee will be prorated or returned for the unused duration of the permit. This administrative fee paid by check and money order shall be made payable to the F&A Officer, US Army District, Millington, Tennessee (USAED), Fort Worth and submitted to Proctor Lake Project Office. Only the exact amount of the fees due will be accepted.

**7.4 Revocation of Permits:** The District Commander may revoke shoreline use permits by a 30-day written notice, mailed to the permit holder by certified letter, whenever the public interest necessitates such revocation or when the permit holder fails to comply with any permit conditions or terms. The revocation notice shall specify the reason for such actions. If the permit holder requests a hearing in writing to the District Commander through the Lake Manager within the 30-day period, the District Commander shall grant the hearing at the earliest opportunity. In no event shall the hearing occur more than 60 days from the date of the hearing request. Following the hearing, a written decision will be rendered and a copy mailed to the permit holder by certified mail. Upon determination of emergency circumstances, the District Commander may summarily revoke any permit.

**7.5 Unauthorized Structure and Shoreline Use:** Unauthorized structures or other unauthorized shoreline uses will be treated as a violations pursuant to Title 36, Chapter III, Code of Federal Regulations. Common violations include but are not limited to the following: vegetation modification without a permit; vegetation modification beyond the approved description of a valid permit; creating a path without a permit; installing waterlines and removing water without a permit and real estate instrument; moving or modifying boundary fences or monuments; installing erosion control features without a permit and real estate instrument; digging and removing of archeological, historical, or paleontological resources; grazing cattle on USACE property without a permit or license; installing structures such as sheds, benches, or lighting; etc.

**7.6 Other Shoreline and Water Uses and Guidance:**

Sanitation and Refuse: Sanitation facilities on project lands include trash and garbage removal from park areas on a schedule varied by park use, toilet facility types, dump stations, and other amenities. In no cases should users of recreation facilities allow sewage or garbage to be dumped outside of dedicated facilities. If such facilities are full or inoperable, users must remove all personal refuse from Government land. If commercial marinas are developed, the marinas will handle marine sanitary facilities. Toilets on floating facilities are a violation of the terms of Shoreline Use Permits and will result in cancellation of the permit. At no time should raw sewage be allowed to run across Government lands or into surface water.

Runoff from Adjoining Lands: Lands adjoining U.S. Government lands are subject to laws of the State of Texas in regard to sanitation. Adjoining landowners are responsible for garbage, sewage, runoff, and other materials that flow onto Government lands or into public waterways. Private adjoining landowners should conduct periodic inspections to ensure raw sewage, garbage, or other materials are not allowed to flow onto Government land or into public waterways.

Hunting: Specific hunting policies peculiar to the Proctor Lake will be publicized in the Proctor Lake Section of the Fort Worth District Public Hunting Guide. The general hunting policies are established by the Texas Parks and Wildlife Department and are enforced by that agency under State law and are described in more detail in the MP.

Special Use Permits: Temporary and/or revocable permits may be granted for special activities or uses including, but not limited to the following: temporary ski jumps, floats, boat moorage facilities, and other private floating recreation facilities where such facilities will not inhibit the public use or enjoyment of the project waters or shoreline. Special Use Permits will only be issued to organizations such as nonprofits, businesses, or agencies; not to individuals.

## SECTION 8: CONCLUSION AND REVIEW

**8.1 Conclusion:** The SMP reflects changes that have occurred since the implementation of the original plan, including public laws, new environmental considerations, recreation trends, and increased development around the lake. A detailed description of changes from the 1976 to the 2024 SMP can be found in Appendix H of this Plan. The Plan has taken into consideration both the present and anticipated recreational needs of the area. Written public comments received at the public meetings and during the subsequent 30-day public comment periods are documented in Appendix G and were taken into consideration in the preparation of this plan.

**8.2 Review:** The Lake Manager will continually monitor the needs of the recreational users of the lake and recommend revisions that will minimize conflicts between various interests. Minor changes that would eliminate areas, or reduce the size of areas designated for limited development may be approved by the District Commander and be reported to the Division Engineer on an annual basis. Changes that may result in additional or expanded limited development areas will require significant public involvement and proper documentation pursuant to the National Environmental Policy Act, normally in the form of an Environmental Assessment.

**8.3 Recommendation:** Approval of this plan as submitted is recommended.