

REQUIRED UPDATES TO 1978 LAKE O' THE PINES
SHORELINE MANAGEMENT PLAN

Note: The following list of items are changes to the 1978 Lake O' the Pines Shoreline Management Plan that are needed to comply with public law and district policy. These required updates will be included in the 2019 revision of the Shoreline Management Plan.

1. Page 3: Paragraph 2.4 will be updated to reflect the land classifications described in the 2019 Lake O' the Pines Master Plan.
2. Page 9: Paragraph 4.1 a will be edited to remove the requirement stating that repairs will not be allowed if the cost will exceed 50 percent of the cost of a new structure exactly like the one being repaired. All docks may now be repaired or replaced as long as it is not a safety hazard and the permittee is in compliance with permit conditions.
3. Page 9: Paragraph 4.1 b will be edited to make it clear that transfer of ownership is possible for all docks regardless of location. Permits will continue to be issued to new dock owners if the permittee is compliant with permit conditions. The statement about phasing out all private facilities not located in a Limited Development Area will be removed to comply with Public Law.
4. Page 10: Paragraph 4.2 a will be edited to reference the drawing that describes floating dock standards and to reflect current safety standards such as handrails and electrical.
5. Page 11: Paragraph 4.2 b needs minor edits ensure that existing or new stairs are compliant with District policy. New stairs may be permitted only in Limited Development Areas.

LAKE O'THE PINES, TEXAS

LAKESHORE MANAGEMENT PLAN

APPENDIX F

TO THE MASTER PLAN FOR

RECREATIONAL DEVELOPMENT AND MANAGEMENT

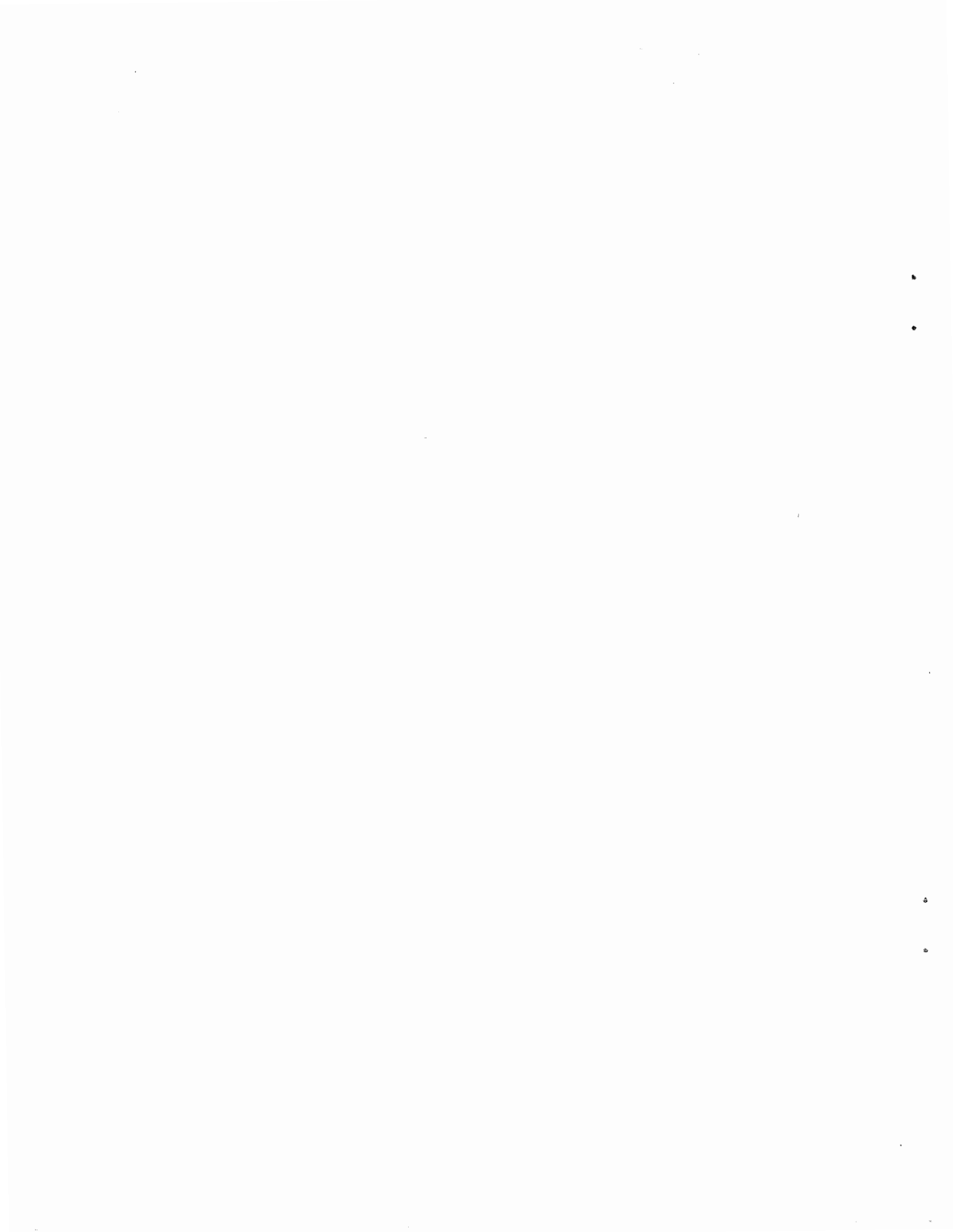
DESIGN MEMORANDUM NO. 12



US ARMY ENGINEER DISTRICT, FORT WORTH
CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

APPROVED BY THE
DIVISION ENGINEER
11 OCTOBER 1978

1978



LAKE O'THE PINES
Lakeshore Management Plan
1978

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1. Sample Application for Lakeshore Use Permits
2. Conditions of Permit for Lakeshore Use
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INTRODUCTION

LAKESHORE MANAGEMENT PLAN

LAKE O' THE PINES, TEXAS

I. INTRODUCTION

1.1 Purpose. The purpose of this plan is to establish policies and provide guidelines for managing the shoreline (lakeshore) and open water areas of Lake O' The Pines, Texas, for the protection of desirable environmental characteristics and for the restoration of shorelines where degradation has occurred.

1.2 Authority. This Lakeshore Management Plan is prepared as Appendix F to the Master Plan, Lake O' The Pines, Texas. The development and implementation of this plan is in accordance with the following Acts, Regulations, and Executive Order:

- a. Section 4, 1944 Flood Control Act, as amended, PL 87-874.
- b. The Act of 31 August 1951 (31 USC 483 a).
- c. The National Environmental Policy Act of 1969, PL 91-190.
- d. The Federal Water Pollution Control Act of 1972 (FWPCA), PL 92-500.
- e. Title 36, Chapter III, Part 327, Code of Federal Regulations, "Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers."
- f. Executive Order 11752, dated 17 December 1973.
- g. Engineering Regulation 1130-2-406.
- h. Engineering Regulation 405-1-800.
- i. Engineering Regulation 405-1-830.
- j. Engineering Regulation 405-2-835.

1.3 Objective. The objective of this plan is to implement the policies contained in Section 4, 1944 Flood Control Act, as amended, Public Law 87-874 and Engineer Regulation 1130-2-406. Section 4 of the 1944 Flood Control Act requires that all water areas of lakes such as Lake O' The Pines, Texas, be open to public use for recreational purposes and that ready access to and exit from the water areas along the shores of the lake be maintained for general public use. A statement of policy by the Corps of Engineers is given in ER 1130-2-406 dated 13 December 1974, subject, Lakeshore Management at Civil Works Projects, and is summarized

as follows: (a) to manage and protect the shorelines (Lakeshores) of all lakes under the jurisdiction of the Chief of Engineers; (b) to properly establish and maintain acceptable fish and wildlife habitat, esthetic quality and natural environmental conditions; (c) to promote the safe and healthful use of these shorelines for recreational purposes by all people; (d) to provide ready access to and exit from these shorelines by the public; (e) to manage private exclusive use of public property to the degree necessary to gain maximum benefits to the public; (f) to encourage boat owners to moor their boats at commercial marinas, utilize dry storage off project lands, or trailer their boats to commercial launches or to public launching ramps which are provided by the Corps of Engineers.

1.4 Applicability. This plan is applicable to Lake O' The Pines, Texas. The lakeshore is defined as all land along the perimeter of the lake lying between and bounded by the shoreline formed at the minimum conservation pool elevation of 201.0 feet mean sea level (m.s.l.) and the Government fee boundary located at the approximate 236.0 feet m.s.l. contour. For clarity in depicting the normal shoreline, it is shown in the plan at the recreation pool elevation of 230.0 feet m.s.l. Both fee simple estate and flowage easement purchases were used by the U.S. Army Corps of Engineers in acquiring right-of-way for the project. About 29,105 acres are owned in fee title for the damsite and reservoir areas below the 236.0 ft. contour required by real estate policy to provide areas for public access and use above the flood control pool. Flowage easements have been purchased over about 16,320 acres in the reservoir area which lies between the project fee boundary and the 254.5-ft. m.s.l. contour for the flood control pool, and 2.223 acres located below the dam for flood control operations. Private use of easement land is subject to conditions and restrictions set forth in the easement documents. This plan will determine the facilities and activities which will be permitted on project on lands and water areas along the lakeshore. No other Federal agencies have jurisdiction over the administration of lakeshore management at Lake O' The Pines.

II

**PROJECT
DESCRIPTION**

2.1 General. Lake O' The Pines was created by the construction of Ferrells Bridge Dam. The damsite is located in Marion County, Texas, on Cypress Creek at mile 81.2 above its mouth at Red River and approximately 9 miles west of Jefferson, Texas. The lake area extends throughout portions of Marion, Harrison, Upshur, Morris, Camp and Titus Counties, Texas. Topography of the area is generally rolling, hilly uplands with wide, flat floodplains and terraces. Some hills, visible from the lake, rise as much as 200 feet above the shoreline. The major forest type of the region is short-leaf and loblolly pine. Mixed pine and oak type occupy shallow bottomland and hillsides, while pine is the major species occurring on hilltops and ridges. In bottoms along Cypress Creek and other streams, the major forest type is Oak-Gum-Cypress.

2.2 Authorized Purpose of the Project. Ferrells Bridge Dam was constructed for the purpose of flood control and water supply storage. It was authorized as part of the comprehensive plan for flood control on the Red River below Denison Dam, Oklahoma-Texas by the Flood Control Act of 1946, approved 24 July 1946 (Public Law 526, 79th congress, 2nd Session). In addition to flood control and water supply benefits, project forest land and water resources provide for fishing, hunting, camping, picnicking and other outdoor recreation opportunities and related public benefits. In recent years, Lake O' The Pines has become one of the major recreation attractions in the region, experiencing over 4 million visitors annually since 1964, and exceeding 5 million in 1971 and 1982. Lake O' The Pines is currently managed for flood control, water supply, recreation, fish and wildlife enhancement, environmental quality, and the preservation of natural resources.

2.3 Operational Concept. Initial impoundment of the lake began in August 1957 and full operation of the dam commenced on 11 December 1959. The authorized level of the flood control pool at elevation 249.5 feet m.s.l. covers some 38,200 acres. The water supply pool maintained for domestic and industrial supply has a capacity of 251,000 acre-feet at lake elevation 228.5 m.s.l. and covers an area of 18,700 acres, ranging for a distance of 18 miles upstream. A seasonal recreation pool of 19,780 acres at 230.0 feet m.s.l. is provided from 20 May to 15 September. The approved plan of operation has minimal effect on recreation and other activities at the reservoir, since the total difference between the regulated water supply pool and recreation pool is only 1.5 feet.

2.4 Project Land Use. The total project fee simple estate, including water and land areas is currently approximately 29,057 acres. Total fee land above the average recreation pool (230.0 ft) is about 9,277 acres. Present project land uses and associated acreages are approximated as follows:

<u>LAND USE</u>	<u>ACREAGE</u>
a. Forest Management	8,390
b. Natural Areas	527
c. Wildlife Management Area	8,390
d. Public Recreation Areas	870
e. Project Operations	20
f. Flowage Easement	16,268

Multiple use management practices for the various land use classifications require that some use areas overlap. Thus, the total of the above classifications does not equal the total project land area. The shoreline length at the 230 feet m.s.l. recreation pool elevation is approximately 144 miles.

2.5 Effects of Lake Fluctuation on Recreation and Resource Management.

a. Recreational Development. Current recreational development is affected very little by normal lake fluctuation because of the difference of only 1.5 feet in the water supply (winter) and recreational (summer) pool levels. This authorized plan of operation is very conducive to recreation facilities development and lends itself ideally to most types of water-oriented recreational activities. The normal slight fluctuation in lake level provides excellent access to the water along most reaches of the shoreline and gives Lake O' The Pines a high potential for continued development of public recreation facilities. Lower than normal water stages adversely affect the recreational potential of the lake by decreasing accessibility along the shoreline and by increasing dangers to boating in certain shallow areas of the lake. Higher lake levels adversely affect recreational potential of the lake because of boating hazards from old timber which may become partially or fully submerged in uncleared areas of the lake and from drift or other floating debris which may accompany high reservoir inflows. In addition, the higher water stages expose new areas of the lakeshore to possible wave-generated erosion, and subject all facilities located along or in the proximity of the normal shoreline to possible damage, displacement or destruction as a result of flooding and/or wave action.

b. Aquatic Vegetation. The relatively small normal lake drawdown at Lake O' The Pines does not produce conditions favorable to the reduction of aquatic vegetation along the shoreline. Noxious vegetation, however, is a serious problem only in some isolated coves and inlets, and the upper reaches of the lake. Efforts are made to control noxious aquatic growth in and around public swimming beaches, at points of access, or in other areas where it is desirable to benefit boat operation and other recreational activities.

c. Forest Management. Normal lake fluctuations have virtually no effect on forest management at Lake O' The Pines. All forest lands above the 10-year flood frequency elevation are managed intensively and lake draw-downs have no effect. Lands between elevation 228.5 and 230.0 feet are flooded frequently and support only a few water-tolerent species. Lands above elevation 230.0 feet m.s.l. support mixed stands of hardwoods and pines in the draws and bottoms, as well as pure pine stands along the ridges. Forest management activities at the project are conducted in accordance with the Forest Management Plan, Appendix B, to the Master Plan.

d. Fish and Wildlife Management. The relatively small annual lake fluctuation has little negative influence on fish and wildlife management and is actually beneficial in some regards. A small fluctuation encourages the growth of aquatic vegetation in the shallow coves and embayments which in turn tends to attract and hold a variety of migrating waterfowl and aid in fish spawns during the spring months. Nevertheless, prolific and uncontrolled growth of some aquatic plants may become a hinderance to fisherman or other recreational activities in some areas of the lake during the warm summer months. Fish and wildlife management activities at the project will be in accordance with the Fish & Wildlife Management Plan, Appendix D., to the Master Plan.

2.6 Public Use Facilities. At present, there are 13 public use developments around the lake (See EXHIBIT 3 for locations). Improvements at these areas generally include access and circulation roads, restroom facilities (either vault or waterborne types), bathhouses or washhouses, potable water supplies, sanitary dump stations, swimming beaches, picnic sites with tables, fireplaces, trash cans, shelters, parking areas, and campsites. Earlier development of public recreation areas allowed the uncontrolled mixing of camping and day-use recreational activities. In many cases, this resulted in overcrowding, overuse and subsequent despoilment of natural resources in the developed areas. Present planning and development practices provide for separation of overnight and day-use recreation activities, and for the establishment of more recreation facilities designed to optimized public benefit from recreational use of the land, and at the same time minimize environmental impacts on the land from such uses. In addition to the 13 public use development areas around the lake, there are 7 public boat launching ramps maintained by the U.S. Army Corps of Engineers or Marion County.

III

**LAKESHORE
ALLOCATION**

III. LAKESHORE ALLOCATION

3.1 General. The policy of the Corps of Engineers is to manage the shoreline of Lake O' The Pines so as to maximize benefits to the visiting public by minimizing the appearance of private exclusive use of the public land. This plan will encourage the use of public facilities, commercial establishments and community docks, and discourage any private development which will affect esthetic quality or natural environmental conditions of the lakeshore, or which might restrict the safe and healthful use of the lakeshore by the general public. The following lakeshore allocations have been made in accordance with the stated policy and objectives and in consideration of their relationship to the operating criteria and physical characteristics of the lake and surrounding shoreline.

3.2 Allocation Classifications.

a. Limited Development Areas. Limited development areas are those segments of fee land and shoreline adjacent to private land holdings which have been developed for private recreational cottages and homes and whose location and physical characteristics conform to the criteria established in this plan as qualifying for limited development status. The requisite criteria are as follows:

(1) The shoreline in limited development areas must be adjacent to existing high density private residential developments where private boat docks, underbrushing and/or mowing permits have been issued under previous management policies.

(2) Limited development areas should be located in coves, small embayments, or inlets which afford some degree of natural erosion protection to the shoreline from high winds and wave action. Limited development areas may also be located along unprotected, highly developed shoreline segments where permit holders have previously or may in the future install approved additional or natural erosion protection materials along the bank.

(3) Limited development lakeshore areas must provide a visually pleasing park-like or natural appearance when viewed from the open lake, being planted only in native trees, vines, shrubs, groundcovers, and grasses, and thus maintaining general esthetic and environmental qualities found along the naturally vegetated shoreline. formal landscaping treatments with trees, shrubs, and flowers by planting, pruning, trimming, or training growth in geometric patterns and designs are prohibited. In addition, vegetable gardening, row cropping, and other agricultural activities are prohibited.

(4) Shoreline segments where only a few scattered or isolated private facilities or vegetation modifications exist under previous permits will not qualify for limited development status.

(5) A limited development area must not be located proximate to developed or proposed public recreation areas unless a vegetative buffer can be established along the perimeter of the public use area to maintain its desired environmental characteristics and esthetic quality.

Existing private use facilities located on Government land and within areas zoned for limited development will, in general, be allowed to remain provided they conform to the construction criteria as established in this plan. After proper application and approval by the Park Manager, permits will in turn be issued for existing facilities located in these areas or for new private floating facilities. The density of existing and new facilities permitted will not exceed 50 percent of the shoreline. Permits may also be issued for vegetation modifications such as mowing and clearing of weedy vegetation and underbrush as approved by the Park Manager. Erosion and shoreline protection measures may also be permitted if permanent structures on private land are threatened by caving or eroding banks. Existing private facilities in limited development areas which do not meet the construction criteria established by this plan must be removed by the owner, but may be repaired or replaced under permit by a new facility which will comply with the criteria. Limited development areas are designated in red on EXHIBIT 3.

b. Public Recreation Areas. Public recreation areas are those shoreline segments adjacent to developed or proposed public use and commercial concession areas. An adequate vegetative buffer has been established around each public use area to maintain esthetic and environmental qualities. Neither private exclusive use privileges nor facilities, nor vegetation and landform modifications by private individuals are allowed or permitted in these areas. Activities in commercial concession areas are governed by the conditions contained in the concession lease and are not subject to the permit requirements of this plan. These areas are shown in yellow in EXHIBIT 3.

c. Protected Lakeshore Areas. Protected shoreline areas are designated primarily to protect esthetic, environmental, or fish and wildlife values. The lakeshore may also be designated in this category for physical protection reasons, such as heavy siltation or exposure to high winds and wave action. Land access and boating are permitted along protected shorelines provided that esthetic, environmental, and natural resource values are not damaged or destroyed. No new private exclusive use facilities or privileges will be permitted in these areas. Although these shorelines are available for general recreational purposes, no developed public use facilities are provided. Modification of landforms and vegetative communities are normally prohibited unless otherwise provided for in this plan in Section IV. Protected lakeshore areas are depicted in green on EXHIBIT 3.

d. Prohibited Access Areas. Prohibited access areas are those segments of shoreline zoned for the physical safety and well being of visitors to the lake. Hazardous areas near the damsite are included under

this category. The dam operating structure is restricted from public access and use at all times, except for fishing at the outlet structure downstream from the dam. Buoys have been placed ahead of the dam intake structure to prevent boating access from the lake. These areas are annotated in brown on EXHIBIT 3.

e. Flowage Easement Lands. Flowage easement areas are those lands over which the Corps of Engineers has acquired and maintains the right to flood in conjunction with the authorized operation of the project. Development of private exclusive use facilities on easement lands will be constrained by the terms and conditions of the flowage easement rights. No permanent, private facilities other than those specifically allowed under the terms of the easement document may be constructed or allowed on flowage easement lands, nor may any structure, activity or use that would interfere with the operation, maintenance, or management of the lake be allowed. Restrictions on developments on flowage easement lands are not intended to limit the use of the land by the owners, but are designed to provide personal protection for the owners as well as protection from damage to personal property and to insure that the project can be operated unobstructed for its authorized flood control purpose.

IV

**IMPLEMENTATION
OF THE PLAN**

IV. IMPLEMENTATION OF THE PLAN

4.1 Private Facilities.

a. Limited Development Areas. Permit applications for new private facilities will, in general, be accepted for those areas designated as limited development. However, a permit request may be denied in a limited development area if the facilities have reached a density of 50 percent or the area is subject to heavy siltation or exposure to high winds and wave action. After initial issuance of a permit, the permitted facility must pass an annual inspection without need for major repair. The extent of the term major repair will be determined by the Park Manager and is generally defined as an instance in which the costs estimated for repairing the facility equals or exceeds 50 percent of the replacement cost of such facility at the time of inspection. Permits will be issued only for existing facilities and new facilities which meet the construction criteria set forth in this plan. The permittee of a dock located in a limited development area which does not conform to the facility standard criteria outlined herein will be allowed a period of 90 days from date of notice of nonconformance to upgrade or replace the facility. If the facility is not brought up to acceptable standards within this time, the permittee (s) will be given 30 calendar days to remove the facility. After a permit has been issued, no alterations may be made to any private facilities unless first approved by the Park Manager. Permits for private facilities located in limited development areas are not transferable and will become null and void upon the date of sale or other legal change of ownership. The new owner of a previously permitted private facility shall make application for a new permit within 60 days after date of the transaction. No private facilities located on Corps property shall be used for permanent human habitation.

b. Other Than Limited Development Areas. In areas allocated as protected lakeshore, existing private facilities and activities that have been permitted previously will, in general, be allowed under new permits provided they meet the criteria established in this plan. Applications for permit for new private facilities in other than limited development areas will not be accepted. It is the intent here to phase out all existing private recreational facilities not located in a limited development area if: (1) these facilities need major repair, (2) present owners sell their homesites, or (3) after the death of the permittees. However, after a permittee's death, spouses will be allowed to retain the permit until their death, at which time their permit will become null and void. The term major repairs is defined as when the repair cost of the facility equals or exceeds 50 percent of its replacement cost at the time of each annual inspection.

Vegetation modification in the form of underbrushing and mowing is allowed in these areas only where such activities have been previously permitted and only after proper application and issuance of a new permit under conditions of this plan. Vegetation modification permits will be issued in accordance with paragraph 4.2.d, Section IV.

4.2 Private Facilities or Activities That May Be Permitted. This section is applicable to those private facilities and activities which now exist or may be permitted on Lake O'The Pines.

a. Floating Boat Docks. New individual boat docks will be permitted provided they conform to the established criteria and policies set forth in this document and provided plans for the facilities are approved by the Park Manager. Individual boat docks will be permitted only in accordance with conditions stated in paragraph 4.1.a. Private floating boat docks shall meet the following design criteria:

(1) All boat docks shall be of the floating type with provision for safe anchorage and usage during normal regulated lake level fluctuations between elevations 228.5 feet m.s.l. and 230 feet m.s.l. Anchoring systems for these docks shall not pose any safety hazard on land or on the lake. (See paragraph 2.3.)

(2) Dock anchorage and guide posts (pilings) shall be designed so as to prevent breaking away of floating docks at lake elevations other than normal seasonal regulated pool levels.

(3) No private floating dock will exceed the minimum length required to provide adequate draft and safely moor the permittee's boat.

(4) The overall size of all structures will be kept to a minimum to limit encroachment on the water surface.

(5) All floating docks shall be securely anchored to the shore by means of moorings which do not obstruct the free use of the shoreline.

(6) Deck flotation units of boat docks shall be constructed of material which will not become waterlogged or sink when punctured.

(7) The installation of permanent roofs, closed walls, raised decks, fixed seating space, plumbing and electrical fixtures and devices, or any other permanent fixtures, equipment or items conducive to human habitation of floating private facilities is prohibited.

(8) No alterations, modifications, or additions shall be made to private facilities which are under permit. This prohibition does not apply to routine repairs of permitted private facilities.

b. Stairways and/or Steps. Existing private stairways and/or steps constructed on the lakeshore for access to floating boat docks will, in general, be allowed under new permits provided these facilities are structurally sound and safe and are approved by the Park Manager. Building material will be of wood, stone, metal, or similar materials that can be removed if required. If painted, all stairways and steps will be painted a color that is visually compatible with the natural background. The construction of new steps or stairways will be permitted in limited development areas only, and will be subject to approval by the District Engineer.

c. Erosion Control Devices. Private erosion control measures will be permitted where bank or shoreline erosion is endangering adjacent private facilities. Materials for erosion control may consist of native stone, riprap, treated wood, concrete, or a combination of these materials as approved by the Park Manager. Any erosion control devices should blend with the natural background as much as possible. Permits will be issued by the Park Manager for such structures only after review and approval of plans for the structures by the District Engineer.

d. Vegetation Alteration and Mowing. Vegetation alteration, such as clearing of underbrush and mowing along the lakeshore will be allowed in limited development areas, but no vegetation other than as specifically prescribed in a permit issued for such activities shall be damaged, destroyed, removed or altered in any manner. In accordance with the same conditions, underbrushing and mowing may also be permitted in other than limited development areas only where permits authorizing such activities have been previously issued. In protected shoreline areas where no permits have been issued in the past, no new private vegetation alteration will be permitted except for the clearing of trails no wider than 6 feet to provide walking access to the shoreline and/or limited underbrushing and mowing as required to reduce fire and vermin hazards to private homes located adjacent to the project boundary line. Applications for permits for hazard reduction will be considered by the Park Manager on a case-by-case basis, and require an onsite inspection to determine extent of conditions justifying a permit and clearly delineate the limits of vegetation alterations to be allowed. The use of herbicides for control of vegetation is prohibited. Vegetation modification permits will be issued to private individuals only, except in conjunction with and/or access to permitted community dock facilities. A vegetation modification permit does not convey any right to the permittee to discourage or prevent full and free public access and/or use of the project land.

e. Tree Cutting. On Lake O'The Pines project land no living tree, bush, or shrub will be cut which has a base diameter of 3 inches or larger measured at 6 inches above the ground, without the approval of the Park Manager and the issuance of a permit. Each tree that is permitted to be removed will be marked by the Park Manager. Dead trees of any size may be removed without a permit provided that the adjacent landowner first notifies the Park Manager of his intentions and obtains his approval in writing.

Trees that are cut must be used at the homesite and may not be transported from the areas. The sale of any cut tree is prohibited. The defacing of trees, rock, or any other natural materials along the lakeshore by painting, coloring, or otherwise altering their appearance is prohibited. Tree cutting violations will be cited under the provisions of Title 36, Code of Federal Regulations, and may be cause to revoke any lakeshore use permits held by the violator.

4.3 Other Facilities That May Be Approved.

a. Duck Blinds. Duck blinds will be permitted on the lake during the period 30 days prior to the regular duck season and 30 days after the close of season. Temporary, revocable permits will be issued for duck blinds after approval of the plans by the Park Manager. Blinds installed within the water portion of the reservoir will be of a floating nature. Blinds may also be installed onshore and in shallow areas (including islands), but must be of a nature that it will not be necessary to drive posts or other objects into the ground to install the blind. Human habitation of duck blinds is expressly prohibited.

b. Community Boat Docks. Permits for new community boat docks may be issued to contiguous landowners of any subdivision development in limited development areas of the shoreline only when the site location is remote from commercial marine moorage service, a suitable site in a protected cove off the open lake is available for installation of the dock, and the granting of such permits will not unduly inhibit public use of the shoreline. In order to qualify for a community boat dock permit, a group applying for the permit must show sufficient use demand for the proposed facility and furnish assurances to provide for the continued surveillance, maintenance and operation of the facility. If a new community mooring facility is approved for an area, any existing private dock facilities and individual privileges of community group members shall be terminated upon commencement of operation of the community boat dock. Design criteria for community boat docks shall be in general compliance with guidelines for private floating boat docks, except that covered boat storage areas may be permitted. Consideration will be given requests for new community boat docks in other than limited development areas in accordance with the same qualifying and design criteria, but will require approval by the Division Engineer as a limited development area prior to the issuance of a permit.

c. Ski Jumps. Temporary, revocable permits will be issued by the Park Manager for ski jumps upon approval of plans submitted by a requesting club, group, or agency. Permits for ski jumps will not be issued to individuals except when acting in the capacity of a group representative.

d. Electrical Power and Lights. Permits for electrical installations may be issued by the Park Manager to service permitted private use facilities located along the lakeshore, but will be limited to one outdoor type overhead light and one weather protected outdoor type electrical power receptacle, all mounted on a single wooden pole. Power supply for the light and receptacle shall be provided by under groundpower lines only. The underground electrical supply installation shall be protected and controlled by adequately sized circuit breakers and cutoff switches located on and readily accessible from the adjacent private property for which this installation permit is issued. The service light/receptacle pole shall be located not less than 50 feet from the water's edge at lake-pool elevation of 230 feet m.s.l. Outdoor lights shall be rated at not more than 150 watts and receptacles rated at not more than 120 volts, 15 amps, and be protected by ground-fault interrupter circuit. All electrical installations shall be certified by the owner to meet applicable national, state, and local electrical codes.

4.4 Prohibited Facilities and Activities.

a. Piers. Any type of fixed pier or platform extending into the water from the lakeshore is strictly prohibited. (Docks with guide pilings or posts braced by structural cross members which may be anchored to the lake bottom, but with flotation supported dock structure which becomes fully floating at lake pool elevations of 230 feet and greater are defined as floating docks, and are not prohibited.)

b. Permanent Moorage. Private boat docks will be permitted only for transient usage by the permittee and shall not be used for permanent moorage of any private boat, barge, houseboat, seaplane or other vessel.

c. Offshore Moorage. Nontransient offshore moorage of individual boats, barges, and other floating facilities will not be permitted.

d. Floating Swimming Platforms. All floating platforms or structures that are used for swimming and diving are prohibited. This does not apply to boats and other vessels operating on the lake.

e. Pilings or Posts. All pilings or posts not structurally associated with existing or future private facilities, and driven into the lake bottom for the purpose of mooring or tying boats are prohibited.

f. Buoys or Waterway Markers. All privately owned buoys or waterway markers are prohibited. The Corps of Engineers is responsible for placing necessary navigation and safety buoys in the lake.

g. Burning. The burning of any materials along the lakeshore by private individuals is prohibited.

h. Landform Modifications. Any type of private modification, construction or other activity that changes the original or present condition of the lakeshore is prohibited. This includes but is not limited to beach construction, channel construction, bank terracing, cuts and fills, or road and trail construction.

i. Trash. The dumping and accumulation of garbage, trash, refuse, litter or other similar materials in the lake or on the lakeshore is prohibited.

j. Fences. The construction of any type of fence or similar structure on the lakeshore is prohibited.

k. Private Use Facilities. The construction of permanent type fireplaces, barbecue pits, patios, picnic tables and shelters, swimming pools or other facilities for the exclusive private use of individuals on the lakeshore is prohibited.

l. Bank Storage. Private boats, barges, houseboats, seaplanes, or other vessels shall not be permanently stored on the lakeshore.

m. Structures. No type of private building structure, either portable or permanent, shall be allowed on project land.

n. Overhead Electrical Wiring. The installation of overhead electrical lines for private use power service or lighting along the lakeshore is prohibited.

o. Attachments to Trees. No privately owned apparatus, implement, equipment or device of any kind shall be attached to living trees located along the lakeshore on project land. This prohibition includes but is not limited to light fixtures, electrical wiring, cables, ropes, swings, treehouses, birdhouse, mooring lines, signs, lantern holders and any other device which may cause injury to a tree or connote private ownership of lakeshore area.

p. Private Signs. The installation of private signs of any kind along the lakeshore or on permitted private use facilities is prohibited.

4.5 Commercial Concessions. Floating facilities used in connection with commercial concessions, limited motel/resort leases, and boat with cabin license operations are not affected by the shoreline allocations presented in this plan. These commercial operations are effectively controlled under existing regulations. The services and storage facilities provided by these commercial operations will reduce the need for numerous individually owned docks along the lakeshore.

V

**PERMIT
ADMINISTRATION**

V. PERMIT ADMINISTRATION

5.1 Applications for Lakeshore Use Permits. All existing private exclusive use facilities (including community docks) and activities located on Corps owned lakeshore property at Lake O' The Pines have been permitted in accordance with criteria as set forth in the Lakeshore Management Plan implemented in February 1979. All applicants applying for permits for new private facilities or activities will submit a completed form titled "Application for Lakeshore Use Permit". Sample form is included in this plan as EXHIBIT 1. All applications for private use facilities shall include 2 copies of drawings (plans) and specifications for the facilities which clearly show engineering and structural design details, anchorage method, construction materials, type, size, and location, as well as the owner's name, address and telephone number. All applications for vegetation modification permits will include a plat map drawn to scale showing the extent of the proposed modification, type of vegetation to be affected and the reason for desiring the work. Applicants for temporary plans and specifications for these facilities along with the application for such permits.

All applications for permits for new community boat docks will be submitted complete with 2 copies of plans and specifications of the facility to the Park Manager of Lake O' The Pines. Review of plans for community dock facilities will be made by the Operations Division, Fort Worth District Office. Permits will be issued by the District Engineer or his authorized representative in accordance with approved plans.

Application form (See EXHIBIT 1.) will be available at the Park Manager's office, Lake O' The Pines. The permit for any type facility or activity will be issued in the name of the husband and/or wife who owns the facility and are not transferable (except that the community dock permits will be issued in the name of responsible individuals designated to act in behalf of the organization represented). All permits are revocable whenever the District Engineer determines that the public interest requires such revocation or the permittee has failed to comply with the conditions of the permit or with the conditions in this plan. Community permits will remain valid on a continuing basis only so long as the organization remains active and complies with conditions of the permit. All permits shall be enforced in accordance with "Conditions of Permits for Lakeshore Use". (see EXHIBIT 2.)

5.2 Permit Duration. Individual and community permits including floating access docks, erosion control measures and other allowable private activities will be issued for a period of 5 years. All individual permits will terminate upon the change of property ownership. Permit for duck blinds, ski jumps, and similar structures will be issued on a temporary basis only.

5.3 Administration Fees. A fee of \$30.00 will be assessed for permits issued for private floating facilities. The fee includes the processing of the permit and annual inspections of the dock. The fee for permits for vegetation alteration and erosion control structures will be \$10.00. Duckblinds will be permitted at \$10.00, along with a \$40.00 deposit to insure removal of the blind within 30 days after the close of regular duck season. All private use permit fees shall be collected in advance of permit issuance. In the event that a permit is terminated or revoked before its expiration date, no portion of the fee will be prorated or returned for the unused tenure of the permit. Fee shall be paid in cash, or by check or money order made payable to the F&A Officer, USAED, Fort Worth. Only the exact amount of the fee due will be accepted. Receipts will be given for all cash transactions and all fees will be received by the Park Manager at Lake O' The Pines.

5.4 Posting of Permits. All dock permittees will be furnished a routed sign containing the dock number to be posted on the floating structure. The dock number will be securely affixed to the facility in a manner to allow for clear visibility from the lakeside of the structure. Permits issued for vegetation modification and other activities will not be posted but shall be retained in the possession of the permittee.

5.5 Appeal of Permit Disapproval or Revocation of Permits. At the end of 30 days after written notice to the permittee by registered or certified mail, the District Engineer may revoke a permit whenever he determines that the public interest necessitates such revocation or when he determines that the permittee has failed to comply with the conditions of the permit. The revocation notice shall specify the reason for such action. If within the 30-day period the permittee presents a written request for a hearing, the District Engineer will grant such a hearing at the earliest opportunity. In no event shall the hearing occur more than 60 days subsequent to the date of the hearing request. At the conclusion of the hearing, the District Engineer's decision will be rendered in writing and will be mailed to the permittee by registered or certified letter. The permittee may, within 5 days after receipt of the decision, appeal such decision in writing to the Division Engineer. The decision of the Division Engineer shall be rendered as expeditiously as possible and shall be sent to the permittee by registered or certified letter. The permittee may, within 5 days of the decision of the Division Engineer, appeal such decision in writing to the Chief of Engineers. The decision of the Chief of Engineers shall be final. If, in the opinion of the District Engineer, emergency circumstances dictate, he may summarily revoke any permit.

5.6 Removal of Unauthorized Facilities. Unauthorized private use facilities or activities which are not removed or terminated upon request of the Park Manager, or when requested after revocation, termination of expiration of a permit, will be treated as unauthorized structures or activities, abandoned personal property or other applicable violations pursuant to Title 36, Chapter III, Code of Federal Regulations.

5.7 Real Estate Instruments. All commercial development activities and all other activities by private or public interests on Government owned land which are not covered in this plan will be allowed only after issuance of a lease, license, or other legal grant in accordance with the requirements of ER 404-1-800, "Real Estate, Outgrants - General Procedures for Issuance and Administration," ER 405-1-830, "Real Estate - Leases," ER 405-2-835, "Management and Utilization of Civil Works Lands" and other applicable policies and authorities.

5.8 Department of the Army Permits. Activities such as dredging, construction of fixed structures (including fills and combination fixed floating structures), and the discharge of dredge or fill material in navigation waters will be permitted only under conditions specified in permits issued under authority of Section 10, River and Harbors Act of 3 March 1899 (33 USC 1344) and Section 404 of the Clean Water Act (33 USC 1344). Lakeshore Use Permits will not be used under these circumstances.

VI

**CONCLUSIONS
AND REVIEW**

VI. CONCLUSIONS AND REVIEW

6.1 Conclusions. The lakeshore management plan presented in this appendix is considered to provide the greatest recreational benefit to all the public and to balance bona fide recreational needs against the physical limitations and esthetic qualities of the lake and surrounding lands. The plan has taken into consideration both the present and anticipated recreational needs of the area and all oral and written comments submitted at the public meeting on 21 March 1978 and during the subsequent 30-day comment period.

6.2 Review. The lakeshore management plan presented in this Appendix is a flexible and working document. The Park 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 will continue to be approved by the District Engineer and reported to the Division Engineer on an annual basis. Changes in the plan which would result in additional limited development areas, the expansion of existing areas, or the transfer of designation of a limited development area to an area not presently designated as such will be submitted to the Division Engineer for approval prior to implementation. Additional public meetings will be held in advance of recommending any major revision to this plan.

EXHIBITS

EXHIBIT 2

Conditions of Permit for Lakeshore Use

1. This permit is granted solely for the purpose described by the permittee on the permit application form.
2. The permittee agrees to and does hereby release and agree to save and hold the Government harmless from any and all causes of action, suits at law or equity, or claims or demands or from any liability of any nature whatsoever for or on account of any damages to persons or property, including the permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities.
3. The ownership, construction, operation or maintenance of the permitted facility is subject to the Government's navigation servitude.
4. No attempt shall be made by the permittee to forbid the full and free use by the public of all Government fee lands and navigable waters at or adjacent to the permitted facility or activity, or to unreasonably interfere with navigation in connection with the ownership, construction, operation or maintenance of the permitted facility.
5. The permittee agrees that if subsequent operations by the Government require an alteration in the location of the permitted facility or if in the opinion of the District Engineer the permitted facility shall cause unreasonable obstruction to navigation or that the public interest so requires the permittee shall be required, upon written notice from the District Engineer to remove, alter, or relocate the permitted facility, without expense to the Government.
6. The Government shall in no case be liable for any damage or injury to the permitted facility which may be caused by or result from subsequent operations undertaken by the Government for the improvement of navigation or for other lawful purposes, and no claims or right to compensation shall accrue from any such damage.
7. The ownership, construction, operation and maintenance of the permitted facility is subject to all applicable Federal, State and local laws and regulations.
8. This permit does not convey any property rights either in real estate or material; and does not authorize any injury to private property or invasion

of private rights or any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by law for the construction, operation or maintenance of the permitted facility.

9. The permittee shall comply promptly with any lawful regulations or instructions of any Federal, State or local agency of the Government.

10. The permittee agrees that he will complete the facility construction action within one year of the permit issuance date. The permit shall become null and void if the construction action is not completed within that period. Further, he agrees that he will operate and maintain the permitted facility in a manner so as to minimize any adverse impact on fish and wildlife habitat, natural environmental values and in a manner so as to minimize the degradation of water quality.

11. At such time that the permittee ceases to operate and maintain the permitted facility, upon expiration of this permit or upon revocation of this permit, the permittee shall remove the permitted facility within 30 days, at his expense, and restore the waterway and lands to its former condition. If the permittee fails to remove and so restore to the satisfaction of the District Engineer, the District Engineer may do so by contract or otherwise and recover the cost thereof from the permittee.

12. No permitted facility is to be used for human habitation. Household furnishings are not permitted on boat piers or boathouses.

13. No houseboat, cabin cruiser or other vessel shall be used for human habitation at a fixed or permanent mooring point.

14. No charge may be made for use by others of the permitted facility nor commercial activity be engaged in thereon.

15. The size of all structures shall be kept to a minimum to limit encroachment on the water surface.

16. Flotation units of floating facilities shall be constructed of materials which will not become waterlogged or sink when punctured.

17. Floating structures are subject to periodic inspection by Corps rangers. If an inspection reveals conditions which make the facility unsafe in any way or conditions which deviate from the approved plans, such conditions will be corrected immediately by the owner upon receipt of notification. No deviation or changes from approved plans will be permitted without prior written approval of the Resource Manager.

18. Floating facilities shall be securely anchored to the shore in accordance with the approved plans by means of moorings which do not obstruct the free use of the lakeshore.

19. That the display permit tag provided shall be posted on the floating facility or on the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions of the Resource Manager.

20. No vegetation other than that prescribed in the permit may be damaged, destroyed or removed.

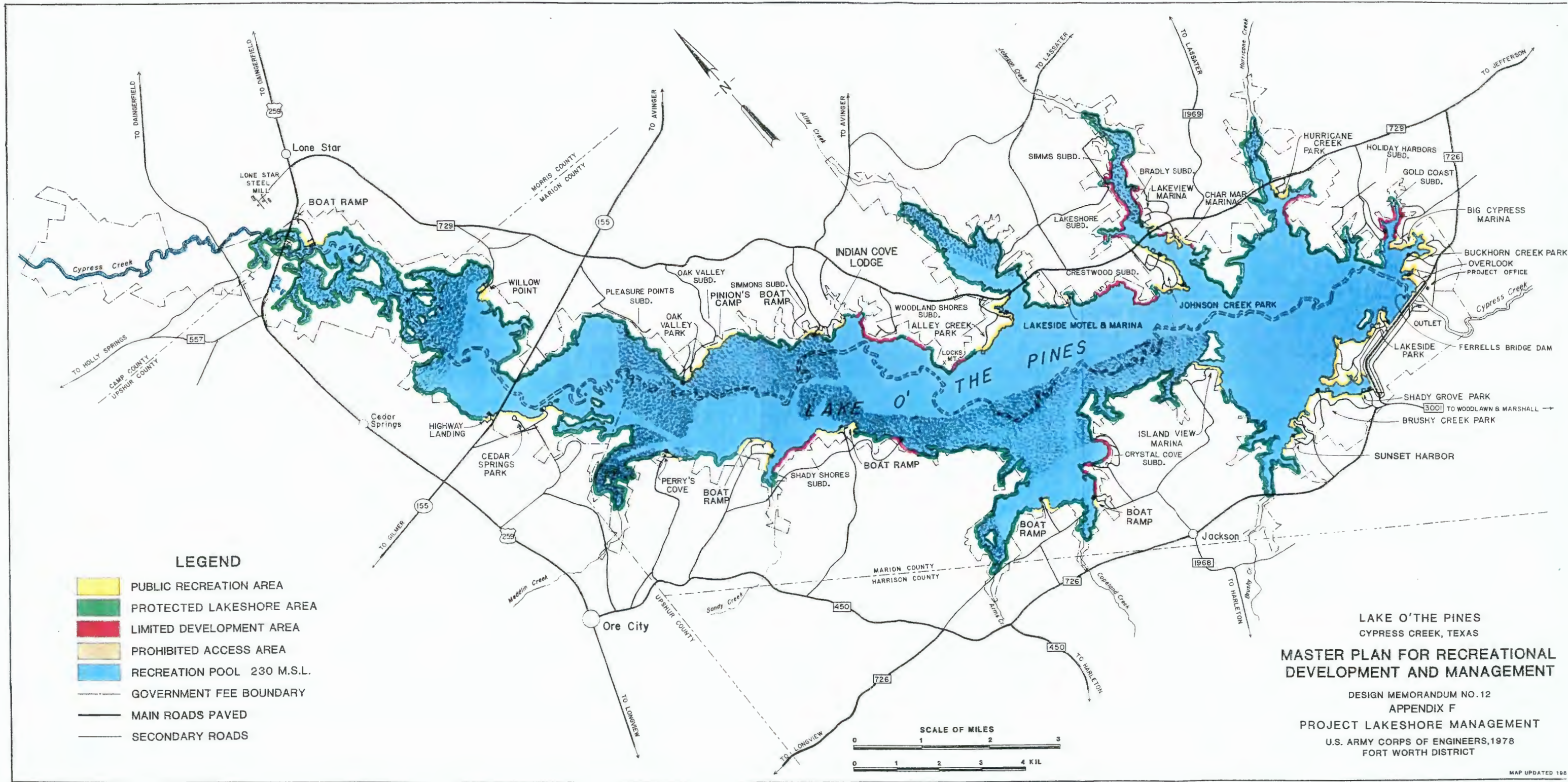
21. No change in land form such as grading, excavation or filling may be done.

22. No vegetation planting of any kind may be done, other than that specifically prescribed in the permit.

23. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death of the permittee, this permit is null and void.

24. By 30 days written notice, mailed to the permittee by registered or certified letter, the District Engineer may revoke the permit whenever he determines that the public interest necessitates such revocation or when he determines that the permittee has failed to comply with the conditions of the permit. The revocation notice shall specify the reasons for such action. If within the 30 days period, the permittee in writing requests a hearing, the District Engineer shall grant such hearing at the earliest opportunity. In no event shall the hearing date exceed 60 days from the date of the hearing request. At the conclusion of such hearing, the District Engineer shall render a final decision in writing and mail such decision to the permittee by registered or certified letter. The permittee may, within 5 days of receipt of the decision of the District Engineer appeal such decision to Division Engineer. The decision of the Division Engineer shall be rendered as expeditiously as possible and shall be sent to the permittee by registered or certified letter. The permittee may, within 5 days of receipt of the decision of the Division Engineer appeal such decision in writing to the Chief of Engineers. The decision of the Chief of Engineers shall be final from which no further appeal may be taken.

25. Notwithstanding condition 24 above if, in the opinion of the District Engineer, emergency circumstances dictate otherwise the District Engineer may summarily revoke the permit.



LEGEND

- PUBLIC RECREATION AREA
- PROTECTED LAKESHORE AREA
- LIMITED DEVELOPMENT AREA
- PROHIBITED ACCESS AREA
- RECREATION POOL 230 M.S.L.
- GOVERNMENT FEE BOUNDARY
- MAIN ROADS PAVED
- SECONDARY ROADS

**LAKE O' THE PINES
CYPRESS CREEK, TEXAS
MASTER PLAN FOR RECREATIONAL
DEVELOPMENT AND MANAGEMENT**

DESIGN MEMORANDUM NO.12
APPENDIX F

PROJECT LAKESHORE MANAGEMENT
U.S. ARMY CORPS OF ENGINEERS, 1978
FORT WORTH DISTRICT

MAP UPDATED 1988