

APPENDIX A
Existing Guidelines for Adjacent Property Owners

GUIDELINES FOR PROPERTY ADJACENT TO PUBLIC LAND

Dated February 11, 2004

LEWISVILLE LAKE

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

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

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

Government Owned (Public) Land

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

Uses of Public Land available to the Adjacent Landowner

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

Uses of Public Land which are Prohibited:

1. Use of public lands for any type of private exclusive use or use that gives the appearance of

such.

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

Flowage Easement Land

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

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

The Owner of Flowage Easement land, at his discretion may, on privately owned flowage easement:

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

Activities which are prohibited on Flowage Easement lands:

1. Construction or maintenance of any structure in, under, on, or over, the land, for human habitation, including mobile homes, travel trailers, recreational camping vehicles, tents, or other shelters which are normally used for overnight occupancy, as well as commercial structures are prohibited.
2. Placement or construction of structures or facilities in, under, on, or over, the land, without prior written approval by the District Engineer is prohibited. This includes, but is not limited to,

buildings, roads, ramps, ditches, channels, dams, dikes, wells, earthen tanks, roads, utility lines, and tramways.

3. Adding fill material on flowage easement lands, and/or changing the 537.0 elevation contour.
4. Commercial structures are prohibited on flowage easement land.

Activities on Flowage Easement lands, which may be permitted:

The owner of flowage easement must make written application for a permit to place or construct any type of structure or facility on flowage easement property. With written approval of the District Engineer, the landowner then may:

- a. Build streets or roads.
- b. Construct utility lines.
- c. Construct water, sewer, or septic tanks and systems.
- d. Use land for recreation purposes.
- e. Construct swimming pools

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

Permit Applications

All requests for construction or placement of any structure or facility on either Government land or flowage easement land must include:

- 1) A letter of application to the Lake Manager.
- 2) Detailed design plans of construction (2 copies).
- 3) A plat map showing the location of proposed action, and the relationship with the Government boundary and lakeshore (2 copies).

Written approval from any other agencies as noted previously.

Summary of Ideas to Consider:

Before purchasing land adjacent to Lewisville Lake, there are three items, which should be checked to determine if the land is suitable for the uses you intend for it:

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

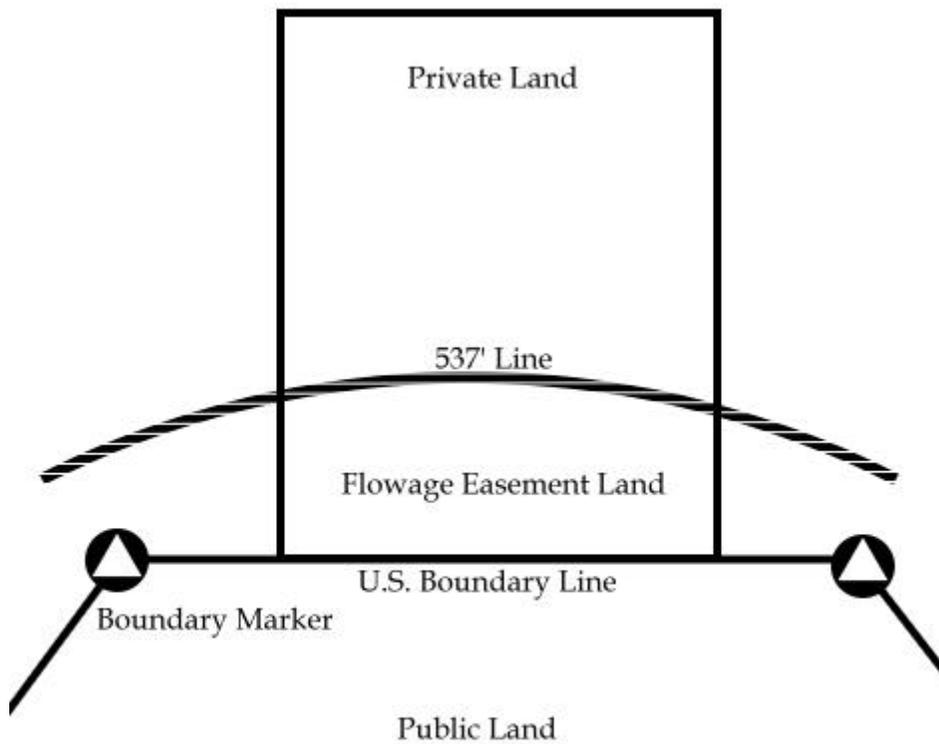
We are engaged in preserving and restoring natural scenic beauty at The Elm Fork Lakes (Lewisville, Grapevine and Ray Roberts), and we appreciate your participation in this effort on both Federal owned and flowage easement lands. Your cooperation will assist us in providing a healthy ecosystem managed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

Please address all permit applications or other correspondence to:

**Lake Manager
Lewisville Project Office
U.S. Army Corps of Engineers
1801 North Mill Street
Lewisville, Texas 75067**

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

Types of Land at Lewisville Lake



GUIDELINES FOR PROPERTY ADJACENT TO PUBLIC LAND

Dated February 11, 2004

GRAPEVINE LAKE

Guidelines for Property Adjacent to Public Land

The responsibility of the U.S. Army Corps of Engineers is to manage the resources and to protect the environmental features of Grapevine Lake to afford maximum use and enjoyment of the lake lands and waters for all segments of the public. Conservation of natural resources is given primary consideration in all management decisions.

While private exclusive use of public lands is always denied, we do understand that property owners adjacent to public lands have same rights and privileges as any other citizen. Therefore, the information contained in these guidelines is designed to acquaint the adjoining landowner, and other interested persons, with the types of property involved in the management of Grapevine Lake.

Government Owned (Public) Land

Land which is owned in fee by the Government consists of both the land where Grapevine Lake is located and the surrounding property. The limits of this public land are defined by the U.S. boundary line, the corners of which are marked with concrete monuments. The boundary markers, or monuments, are topped with a brass cap which is usually about 4 inches above ground level. The boundary line is also indicated by fencing in many areas around the lake.

Uses of Public Land available to the Adjacent Landowner

Apply for a permit to mow or clear underbrush to reduce a fire hazard or pest infestation. Upon inspection and approval, restrictions as to method of removal and types of vegetation to be removed will be included in a permit.

Apply for a license to place a water line over Government property to the lake, and to withdraw water for private use. As with the above, a prior written request must be made. Water rights must be obtained from Dallas Water Utilities before approval will be granted.

Construct a fence to, or along, the U.S. boundary line.

Have unlimited pedestrian access to public land except in those areas specifically restricted.

Uses of Public Land which are Prohibited:

Use public lands for any type of private exclusive use.

Place unattended personal property of any kind on public land.

Moor a boat or any other floating devices.

Construct buildings, roads, improved pathways, or any other facilities on public land.

Restrict public access to public land either verbally, by posting signs, or by any other method.

Operate vehicles on public land, except on paved roads and in authorized access points.

Launch or retrieve boats with motorized vehicles except at public boat ramps. (You may hand carry small boats to launch or retrieve them from all but restricted areas of the shoreline.)

Camp on public land, except in designated areas

Dispose of household garbage or any other debris on public land.

Have fires on public land, except in authorized receptacles

Gather fallen timber for firewood, except for use on public property.

Allow horses, cattle, or other livestock on public land, except by lease from the Government or as otherwise permitted.

Destroy, alter, or remove any facility, vegetation, or natural feature.

Flowage Easement Land

Perpetual flowage easement estates, such as those the Government holds over property owned by others in the Grapevine Lake area, grant to the Government full, complete, and perpetual right, power, privilege, and easement to occasionally overflow, flood, and submerge lands in connection with the operation and maintenance of the lake. Flowage easement lands around Grapevine lake are defined as

those lands below the elevation contour of 572.0 feet above mean sea level.

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

The Owner of Flowage Easement Land, at his discretion, may:

Construct a fence to, or along, the Government boundary line.

Mow, clear, or plant vegetation.

Sell or lease the land to others, subject to all restrictions contained in the flowage easement instrument.

Activities which are prohibited on Flowage Easement lands:

Construct or maintain any structure for human habitation, including mobile homes, travel trailers, recreational camping vehicles, tents, or other shelters which are normally used for overnight occupancy. Place or construct any other structure or facility in, under, on, or over the land without prior approval by the District Engineer. This includes, but is not limited to, buildings, ramps, roads, channels, ditches, dams, dikes, wells, earthen tanks, roads, utility lines, and tramways.

Add fill material to raise flowage easement lands above the 572.0 elevation contour.

Activities on Flowage Easement lands which may be permitted:

The owner of flowage easement must make written application for a permit to place or construct any type of structure or facility on flowage easement property. With written approval of the District Engineer, the landowner then may:

Construct almost any type building, other than one designed or intended for human habitation.

Build streets or roads.

Construct utility lines.

Drill or dig wells.

Construct water, sewer, or septic tanks and systems.

Use the land for recreational purposes.

The construction of wells, water, sewer or septic systems will be examined on a case by case basis to ensure that no pollution of the lake or water wells, nor interference of the operation of the reservoir, will occur. Construction must be in accordance with all applicable laws, rules, and regulations. Specifically in the case of requests for sewage and septic systems, written approval from both the state health department and the State Water Pollution Control Division must accompany the request to the District Engineer. State Health Department regulations require, in the case of Grapevine Lake, that all septic systems be located a minimum of 75 feet in horizontal distance above the 560.0 elevation contour.

Permit Applications

All requests for construction or placement of any structure or facility on either Government land or flowage easement land must include:

A letter of application

Detailed design plans of construction (4 copies)

A plat map showing the location of proposed action, and the relationship with the Government boundary and lake shore (4 copies).

Written approval from any other agencies as noted previously.

Please address all permit applications or other correspondence to:

Reservoir Manager
Lewisville Lake project office
1801 N. Mill St. Lewisville TX 75067

Applications cannot be processed until all this information is complete.

Summary of Ideas to Consider:

Before purchasing land adjacent to Grapevine Lake, there are three items which should be checked to determine if the land is suitable for the uses you intend for it:

Check to see if the 572.0 elevation contour (upper extent of flowage easement) and the Government

property line are identified. This is usually done by the person selling the land when the property lines are surveyed. At times, information regarding flowage easement that is given to individuals by sellers and others involved in the transactions can be inaccurate. The Project Office cannot be responsible for decisions made based on this information. If you have any doubts, it is in your best interest to check with the Corps of Engineers regarding rules and regulations before purchasing property encumbered by flowage easement.

Contact Denton County Health Department for information on the size and location of septic systems. DCHD personnel will tell you how to apply for a septic system permit, run percolation tests, and help design the system.

Establish on the ground whether there is enough space above elevation 572.0 (upper extent of flowage easement) on which to place a trailer or construct a house with a septic system.

After the land is purchased, apply for all necessary permits, licenses, and contracts well in advance of construction. Depending on the time of year and the particulars involved, it can take 6 weeks-2 months to process a request for use of flowage easement. It is not possible to process "same day" requests; nor is it possible to give verbal permission to proceed with construction on flowage easement requests.

We are engaged in preserving and restoring natural scenic beauty at Grapevine Lake, and we appreciate your participation on both Government owned and flowage easement lands. Your assistance in erosion control, pollution abatement, landscaping, and other related activities in land management will help to create a unique blending of private and public ownership that will result in a harmonious environment that we all can enjoy and appreciate.

