



August 12, 2013

Dear Property Owner-

The City of The Colony has a partnership agreement with the US Army Corps of Engineers (USACE) to assist with the oversight and management of mowing, underbrushing and other activities taking place on federal lands. The guidelines and restrictions for these activities can be found in a full report on the USACE website at:

www.swf-wc.usace.army.mil/grapevine/PDF/ElmForkProjectMowingandUnderbrushingPermitGuidelines_2.pdf

Through our partnership agreement the City has been given the authority to issue annual mowing and under-brushing (See MUZ and MUZ/NSV below) permits, as well as irrigation permits for property owners who wish to mow USACE land or pump irrigation water from the lake. The guidelines also allow re-establishment of wildlife habitat areas, which will be authorized under Habitat Management Zone (HMZ) permits. Following is a brief description of the types of permits that will be issued under these guidelines:

Mowing and Underbrushing Zone -(MUZ) : An established horizontal distance (maximum of 50 ft.) running perpendicular from the USACE property line and extending toward the shoreline whereby a permit may be obtained for mowing and removal of underbrush. These permits will also apply to mowing activities on city owned land. No mitigation is required for MUZ permits.

Fee- \$20/year

Mowing and Underbrushing in a Narrow Shoreline Variance Area (MUZ/NSV): Shoreline areas where the width of the majority of USACE ownership is less than 100 horizontal ft. from private property lines to the normal pool elevation of 522. These areas are identified in the Elm Fork Project Mowing and Underbrushing Guidelines, or maps can be obtained by contacting the Parks and Recreation Dept. Administration at 972-624-3957. The NSV permits will require a one-time mitigation fee for the environmental/natural resource losses caused by frequent mowing and clearing. The fees can be found in the USACE Mowing and Under-brushing Guidelines, and will be calculated prior to issuance of the permit.

Fee- \$25/year plus one-time mitigation fees

Habitat Management Zone (HMZ): The area between the MUZ and the shoreline specifically managed to maintain and improve habitat for various wildlife species, as well as provide ecologically adapted vegetative cover resistant to flood induced erosion. Mowing and underbrushing activities are generally not allowed in these areas. Groups or individuals may participate in plantings and low maintenance activities that will enhance the ecosystems for wildlife and natural erosion control in these areas.

Fee- Free

Irrigation line Encroachments: If an adjacent property owner wishes to use lake water for irrigation purposes (for their own property only) in which their irrigation line(s) will cross USACE property, they must first apply for and obtain a permit from Dallas Water Utilities (DWU) for use of lake water. A copy of the DWU permit along with an irrigation plan identifying where the lines and pumps will encroach on Federal lands, must be submitted to the City in order to obtain an irrigation line permit and license agreement from the Corps.

Fee - \$20/year

A combination MUZ/NSV/Irrigation permit may be obtained for a reduced annual fee of \$35.

The City and USACE will be available to help affected parties understand the limitations and activities that can take place on public lands, as well as the process for obtaining permits. The above guidelines will also apply to any city owned land adjacent to private properties. A site plan must be submitted by the resident applying to do any of these activities to the Parks and Recreation Dept. for consideration of approval for each of these permits. Please feel free to contact any of the following with questions:

Pam Nelson,
The Colony Community Services Director
972-624-3958
pnelson@thecolonytx.gov

Eve Morgan
The Colony Park Development Manager
972-624-3956
emorgan@thecolonytx.gov

US Army Corps of Engineers
469-645-9100

We appreciate your cooperation and assistance in adhering to the USACE guidelines for mowing, underbrushing, and other activities on Federal lands.

Sincerely-

Pam Nelson
Community Services Director
City of The Colony

Procedures for Completing the Mowing, Underbrushing, and Habitat Management Permit Application for USACE Property

1. Go to <http://maps.google.com> or the City's website map viewer, <http://gismap.cityofthecolony.com/website/imap/viewer.htm> , and find the satellite or aerial view of your property. Zoom in on your house and property so it can be seen clearly along with the adjacent Corps property for which you are requesting the permit.
2. Print this off and clearly mark the Corps property that you wish to maintain, manage habitat, or cross with an irrigation line. Please show dimensions and provide details of what you want to do on the map.(Note- you may only apply for areas adjacent to your property.)
3. Fill out the permit application, and bring it with the map to the Parks & Rec. Dept. Admin. Office, 5151 N. Colony Blvd.- in the Community Center Building-(south entrance). In order to expedite the process, please contact Pam (972-624-3958) or Eve (972-624-3956) to review the application and discuss requirements for the activity you are requesting. Appointments are between 9 AM-5 PM, Mon.-Fri.
4. PARD will coordinate with the Corps to determine the amount of mitigation fees you will be required to pay, if applicable. Anyone living in an NSV area will be required to pay mitigation fees, or may opt to improve the habitat (planting **approved** trees, grasses) at a value equal or greater to the mitigation fees.
5. Payment of permit and mitigation fees must be submitted with the application for processing. If plantings are to be done in lieu of mitigation fees, and the timing of the permit request is not during preferred planting seasons, or must be delayed for other reasons, a separate agreement will be required.
6. Once the paperwork is processed by PARD, it will be sent to the Development Services Dept. for issuance of the permit. Please allow at least 5 working days to complete the process.

If you have any questions about the permit application and process, please contact Pam Nelson or Eve Morgan at the numbers in item #3 above

GUIDELINES FOR PROPERTY OWNERS ADJACENT TO PUBLIC LAND

Dated August 8, 2006

LEWISVILLE LAKE

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

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

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

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 group 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 the property line. A group, in order of preference, would include a city government, adjacent landowner organization, management company, homeowners association, or conservation organization, such as Master Naturalists. Mowing and underbrushing within this distance may be permitted as a means to help control rodents and spread of wildfire. Mowing in other areas is not allowed. Refer to the Elm Fork Project Mowing and Underbrushing Permit Guidelines for details of how to obtain a group mowing and underbrushing zone (MUZ) permit.
- 2) Apply for a group habitat management zone (HMZ) permit to plant native grasses, either by seeding or transplants. Planting shall be done only in natural clearings (not in areas where all vegetation has been recently removed) and within the 50-foot zone. Refer to the Elm Fork Project Mowing and Underbrushing Permit Guidelines for details of how to obtain a group HMZ permit.
- 3) 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.
- 4) 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.
- 5) Have unlimited pedestrian access to public land except in those areas specifically restricted
- 6) 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 as ornamental landscaping or lawn maintenance.
- 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 personal 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. In most cases, flowage easement lands around Lewisville Lake is defined as those lands at and below the elevation contour of 537.0 feet above mean sea level.

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

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 Natural Resource Manager.
- 2) Detailed design plans of construction (2 copies).
- 3) A plat map showing the location of proposed action, and the relationship with the Government boundary and lakeshore (2 copies).
- 4) Written approval from any other agencies as noted previously.

SUMMARY OF IDEAS TO CONSIDER:

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

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

We are engaged in preserving and restoring natural scenic beauty at The Elm Fork Lakes (Lewisville, 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:

Natural Resource Manager
 Elm Fork Project Office
 U.S. Army Corps of Engineers
 1801 North Mill Street
 Lewisville, Texas 75067

If you have any other questions, please call 469-645-9100.

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 and that water may freely pass through the fence. A permit is required to construct a fence on Government property.
- 2) Mow, clear, or plant vegetation.
- 3) Sell or lease the land to others, subject to all restrictions contained in the flowage easement instrument.

ACTIVITIES THAT ARE PROHIBITED ON FLOWAGE EASEMENT LANDS:

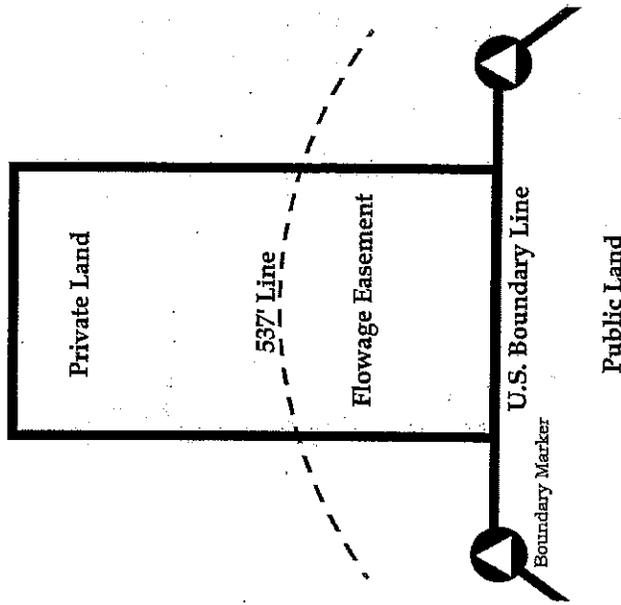
- 1) Construction or maintenance of any structure in, under, on, or over, the land, for human habitation, including mobile homes, travel trailers, recreational camping vehicles, tents, or other shelters which are normally used for overnight occupancy, as well as commercial structures are prohibited.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

ACTIVITIES ON FLOWAGE EASEMENT LANDS, WHICH MAY BE PERMITTED:

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

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

Types of Land at Lewisville Lake



US Army Corps of Engineers
 Fort Worth District