

**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 ESEAMENT 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.

for specific details concerning flowage easement requirements, controlling elevations and requirements for submitting an application.

**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 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 Lewisville Lake Project Office

**PERMIT APPLICATIONS:**

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

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

**SUMMARY OF IDEAS TO CONSIDER:**

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

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

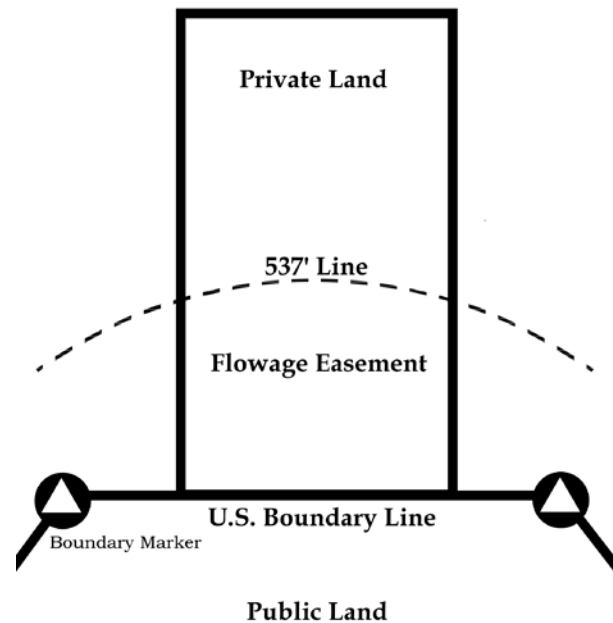
*We are engaged in preserving and restoring natural scenic beauty at Lewisville Lake and we appreciate your participation in this effort on both Federal owned and flowage easement lands. Your cooperation will assist us in providing a healthy ecosystem managed environment that will provide and protect 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 Lake Project Office  
U.S. Army Corps of Engineers  
1801 North Mill Street  
Lewisville, Texas 75057**

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

**Types of Land at Lewisville Lake**



**US Army Corps  
of Engineers**  
Fort Worth District