

WACO LAKE SHORELINE MANAGEMENT POLICY STATEMENT

Updated January 2012

1. Purpose

The purpose of this Shoreline Management Policy Statement (SMPS) is to set forth the policy and procedures by which the U.S. Army Corps of Engineers (Corps) manages certain private uses of public lands at Waco Lake. Within the context of the authorizing regulation, Engineer Regulation 1130-2-406, and this Shoreline Management Policy Statement, private shoreline use is defined as follows: any action which gives a special privilege to an individual or group of individuals on land or water at a Corps project that precludes use of those lands and waters by the general public. The objectives of all management actions described in this policy statement are to achieve a balance between permitted private uses and protection of natural resources and environmental quality for general public use.

2. Authority

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.

3. Reference

- a. Engineer Regulation, ER 1130-2-406, Shoreline Management at Civil Works Projects
- b. Engineer Regulation, ER 1130-2-540, Environmental Stewardship Operation and Maintenance Guidance and Procedures
- c. Waco Lake Master Plan Supplement Number 3, dated June 2007

4. Introduction

On December 13, 1974 the Corps published a new regulation, ER 1130-2-406, in the Federal Register entitled “Civil Works Projects: Lakeshore Management.” This regulation was published as Part 327.30 of Chapter III, Title 36 of the Code of federal Regulations. A subsequent change to the regulation was published in the Federal Register on October 31, 1990, incorporating the results of recent legislation and changing the name to “Shoreline Management at Civil Works Projects.” The focus of this regulation is to establish national policy, guidelines, and administrative procedures for the management of certain private uses of federal lands administered by the Corps.

The private uses described in ER 1130-2-406 primarily include privately owned floating facilities such as floating boat docks, fixed or movable piers, and vegetation modification activities such as plantings, mowing, and selective removal of shrubs and trees to the extent that exclusive benefits accrue to an individual or group and the general public is denied use of public lands or waters. Not included in the above definition are certain limited private activities that do not provide exclusive benefits to an individual or group,

nor preclude general public use. These limited private activities may be allowed by written shoreline use permit for reasons of public safety, erosion control, benefits to wildlife, or to provide reasonable pedestrian access to the shoreline.

A key requirement of the regulation is stated as follows: “**Except to honor written commitments made prior to publication of this regulation, private shoreline uses are not allowed on water resources projects where construction was initiated after December 13, 1974, or on water resources projects where no private shoreline uses existed as of that date.**” The regulation requires the Corps to prepare a Shoreline Management Plan for those projects where private uses existed as of December 13, 1974, and a Shoreline Management Policy Statement for all other projects.

5. History of Implementation at Waco Lake:

Construction of Waco Lake was initiated in 1958 with deliberate impoundment in 1965. By agreement with the City of Waco in 1965, the placement or mooring of privately-owned floating facilities has been restricted to authorized commercial concession areas or yacht clubs. Thus, as of December 13, 1974 Waco Lake had no private shoreline uses, and therefore private uses that accrue exclusive benefits to individuals or groups cannot be permitted. In accordance with ER 1130-2-406, a SMPS was prepared in 1975 to set forth policy and procedure relative to minor, non-exclusive private shoreline uses. This administratively updated SMPS has been prepared to ensure compliance with the above references.

As noted above, private shoreline uses which would accrue exclusive benefits to an individual or group, including but not limited to floating, fixed or movable boat docks; fixed or floating piers; or significant vegetation modification such as formal landscaping are not allowed at Waco Lake. Certain other limited and non-exclusive uses may be permitted for reasons of public safety, erosion control, benefits to wildlife, or to provide pedestrian access to the shoreline. Policy and procedures governing these other uses are set forth in the following paragraphs.

6. Description of the Waco Lake Shoreline:

The major portion of the reservoir area is confined to the North and South Bosque River valleys. The valley side slopes are generally gently sloping except for the south shoreline which consists of steep sloping bluffs. Prior to federal acquisition, approximately 40% of the reservoir area consisted of the old City of Waco Lake. Land use prior to inundation was predominately intensive agriculture with remaining areas used for home sites and ranching.

Waco Lake shoreline at the conservation pool elevation of 462 feet above mean sea level is approximately 81 miles in length. There are 8 developed recreational parks occupying 28 miles of shoreline. The parks surround most of the protected coves and provide most of the public road access to the lake.

The east shore of the lake is relatively steep, with areas adjacent to government property highly urbanized. Grasses in the area are primarily composed of little bluestem, Texas

Indiangrass, buffalograss and sideoats grama. The relatively flat or rolling topography of the west shore lies primarily within mixed grasslands consisting of big and little bluestem, switchgrass and Indiangrass and is adjacent to private agricultural lands. Patches of woody vegetation consisting of junipers, live oak, hackberry, cedar elm, American elm, chinaberry, and mesquite are present on the west side of the lake, particularly in drainages and fence rows. Predominant shoreline vegetation consists of black willow, cottonwood, green ash, and cedar elm, with a minor component of pecan, American elm or live oak groves.

7. Description of Adjacent Private Land:

Subdivision development and agriculture are the two predominant land uses on the private lands surrounding the perimeter of the reservoir. All federal fee-owned land at Waco Lake lies within the corporate city limits of Waco and the trend toward urbanization along the federal land boundary is expected to continue.

Subdivision development has occurred on nearly all the private land adjacent to government property on the southeastern shoreline of the lake. Several other subdivisions are either in existence or planned in other areas adjacent to government property.

8. Roles and Responsibilities of other Governmental Agencies:

No other governmental entity has a shoreline management role at Waco Lake.

9. Ecosystem-based vegetation management:

The east side of Waco Lake is in the Texas Blackland Prairies. The rolling, nearly level plains of the Northern Blackland Prairie ecoregion are underlain by interbedded chinks, marls, limestones, and shales of Cretaceous age. Soils are mostly fine-textured, dark, calcareous, and productive vertisols. Historic vegetation was dominated by little bluestem, big bluestem, yellow Indiangrass, and tall dropseed. In lowlands and more mesic sites, such as on some of the clayey vertisol soils in the higher precipitation areas to the northeast, dominant grasses were eastern gamagrass and switchgrass. Common forbs included asters, prairie bluet, prairie clovers, and black-eyed susan. Stream bottoms were often wooded with bur oak, shumard oak, sugar hackberry, elm ash eastern cottonwood, and pecan. Most of the prairie has been converted to cropland, non-native pasture, and expanding urban uses around Dallas, Waco, Austin, and San Antonio.

The north side of the lake is in the Grand Prairie ecoregion, and is an undulating plain underlain by lower Cretaceous limestones with interbedded marl and clay. Although the vegetation of the Grand Prairie is similar to the Northern Blackland Prairie, the limestone of the Grand Prairie is more resistant to weathering, which gives the topography a rougher appearance. Meandering streams deeply incise the limestone surface. The original vegetation was tall grass prairie in the upland areas and elm, pecan, and hackberry in riparian areas where deeper soils have developed in floodplain deposits or where the underlying clays have been exposed by limestone erosion.

The invasive species Ashe juniper and, to lesser extent, honey mesquite have increased since settlement. Grande Prairie grasses include by bluestem, yellow Indiangrass, little

bluestem, hairy grama, Texas wintergrass, sideoats grama, and Texas cupgrass. Some common Great Plains animals, such as a black-tailed jackrabbit and scissortail flycatcher, range farther east through the Grand Prairie, creating an overlap in Great Plains and eastern forest species. Present land uses include grazing on ridges with shallow soils and farming corn, grain sorghum, and wheat on the deeper soils on the flats.

The Limestone Cut Plain ecoregion is on the west side of the lake. This ecoregion is underlain by Lower Cretaceous limestones, including the Glen rose Formation and Walnut Clay that are older than the limestone of the Edwards Plateau. The Glen Rose Formation has alternating layers of limestone, chert and marl that erode differentially and generally more easily than the Edwards Limestone. The effects of increased precipitation and runoff are also apparent in the increased erosion and dissolution of the limestone layer. The Limestone Cut Plain has flatter topography, lower drainage density, and a more open woodland character than the Balcones Canyonlands. The vegetation of Ecoregion 29e is similar to that of the Balcones Canyonlands, but less diverse: post oak, white shin oak, cedar elm, Texas ash, plateau live oak, and but oak are prevalent. Although the grasslands of the Limestone Cut Plain are a mix of tall, mid, and short grasses, some consider it a westernmost extension of the tallgrass prairie, which distinguishes this ecoregion from the Edwards Plateau Woodland. Grasses include big bluestem, little bluestem, yellow Indiangrass, silver bluestem, Texas wintergrass, tall dropseed, sideoats grama, and common curlymesquite.

Ecosystem-based vegetation management may be implemented as needed to restore environmental damage resulting from encroachments or trespass by adjacent landowners or as a proactive measure if an adjacent landowner desires to manage a portion of Corps-administered lands for the benefit of the natural resources. When preparing a prescription the applicant should consider the historical habitat type (such as riparian or upland), erosion control, and native plant communities.

Any vegetative modifications on lands classified as wildlife management, low-density recreational or environmentally sensitive areas shall be managed to maintain various stages of succession. Any vegetative modification prescriptions will be set forth in an ecosystem-based plan that will achieve the Corps' natural resource management objectives. Such plans require approval of the Corps in the form of a Shoreline Use Permit.

10. Mowing and Selective Removal of Vegetation:

Mowing and underbrushing of public property by adjacent residential landowners is generally not permitted at Waco Lake. Most homes immediately adjacent to the Government property line are located along the bluffs of the southeastern shore. Vegetation below many of the houses serves an important role in erosion control and flood damage reduction, and for this reason much of the shoreline is classified as Environmentally Sensitive Areas. Most of the remaining property line is buffered by the upper guide contour, which will prevent the close approach of residential structures to the federal boundary line. Applications for a shoreline use permit for vegetation

modification will not normally be approved, but may be granted under exceptional circumstances where public safety is a factor.

Mowing federal land, if allowed, will be for the purpose of reducing the potential for wildfire and/or for maintaining a line-of-sight identifiable property boundary. Selective removal of trees, shrubs and vines, if allowed, will be done primarily for fire hazard reduction. If the Corps determines there is a valid need to reduce the risk of damage to private structures from wildfire, the Lake Manager will generally rely on criteria for “defensible space” around homes as described by the Texas Forest Service. In most situations, there is ample space on private land to provide for a defensible space.

Mowing and selective removal of vegetation may also be authorized for the purpose of controlling invasive or exotic species. Selective removal of vines such as poison ivy and greenbrier species may be permitted in areas where the vines have become dominant. Also removal of certain non-native and/or invasive species such as Japanese honeysuckle, Chinese privet, Chinese tallow, juniper and mesquite may be approved. In no case will mowing or vegetation removal activities create the appearance of private ownership of public land.

The following is a list of minimum requirements for any mowing or vegetation removal permit. This list is not all inclusive:

- a. Only hand operated tools may be used. The use of heavy equipment such as tractors and bulldozers is not permitted.
- b. Only selected trees may be cut and generally these will be no larger than 3 inches in diameter measured at 42 inches above the ground surface. Any cut trees or brush must be removed from Government-owned land for disposal.
- c. No burning by individuals will be allowed on Government-owned lands.
- d. An on-site inspection by the Lake Manager or authorized representative will be required prior to and upon completion of any work performed on Government-owned lands.
- e. No flowering trees or shrubs may be removed regardless of their size.
- f. Trimming or topping of healthy trees to obtain a view is prohibited.
- g. The height of grass in mowed areas must not be less than 4 inches.

11. Erosion Control Activities:

Soil erosion takes place on public lands for a variety of reasons including wave action from wind and boating activity and loss of vegetative cover due to prolonged inundation during flood events. Generally, undisturbed vegetation offers the best protection from wind, water; rain and flood-induced erosion.

If shoreline erosion is demonstrably threatening private property to the extent that significant damage may occur, the Corps may consider a request by an adjacent landowner to construct, at landowner’s expense, a professionally-designed structure (buried piers, retaining walls and similar structures) on public property to lessen future damages. If approved, structures would be permitted via an instrument issued by the Fort Worth District Real Estate Division. If the proposed erosion control method is basically

non-structural, such as planting native vegetation, it may be approved by the lake manager via a Shoreline Use Permit.

12. Pedestrians Access Paths:

Pedestrian access paths involve minimal modification of vegetation and are narrow meandering paths to the water. Such access paths may be allowed only following the issuance of a permit if the lake manager determines that the activity will not adversely impact the environment or be incompatible with the land classification of the area in question.

Access paths will only be allowed for pedestrian foot traffic to the shoreline of areas where public access is not prohibited such as around prime facilities and in controlled areas such as developed parks.

Paths will be laid out so as to blend naturally with existing topography and vegetation with precautions taken to prevent erosion.

Use of rock, gravel, bricks, concrete or asphalt will not be allowed. The width of the path will not exceed 5 feet. Structures such as benches, hand rails, constructed steps, etc. will not be allowed. In an effort to minimize erosion, paths will not be allowed in areas where slopes are excessive. Cutting into the soil or bedrock to gain access to the shoreline will not be permitted.

Neighbors living in close proximity to each other will be required to share a single path as long as at least one of the neighbors has legal access to the Corps land.

Requests for pedestrian access paths from individuals with special accessibility requirements will be handled on a case-by-case basis with the intent to allow reasonable access while preventing adverse impacts to natural resources.

13. Shoreline Use Permit Administration:

a. **Consolidated permits:** Where applicable consolidated permits will be required.

b. **Term of Permit:** Generally, Shoreline Use Permits will be effective for 5 years from the date of issuance. Shorter term permits may be issued as deemed appropriate by the Lake Manager.

c. **Permit Fee:** In accordance with current long-standing policy in Fort Worth District, no fee is charged for shoreline use permits issued for reasons of public safety or that accrue benefits to the Government. Therefore, no fee is charged for Shoreline Use Permits issued at Waco Lake.

d. **Enforcement:** Citations under Title 36 will be issued for failure to abide by the terms of a Shoreline Use Permit. Unauthorized removal of vegetation will be treated as an act

of trespass. Vegetation losses will be evaluated using landscape and/or wildlife habitat values.

14. National Environmental Policy (NEPA):

The administrative update of this SMPS is a minor action that is categorically excluded from further NEPA documentation. The exclusion that applies in this case is found in ER 200-2-2, paragraph 9.d.

15. Conclusion:

This SMPS is the primary policy that governs the relationship between the Corps and individuals or a group of individuals who own or rent a residence adjacent to Corps property. Substantial changes to this policy may result from changes in public law or national Corps policy. Any such changes would be implemented through a process of public involvement and input from all interested parties. Minor changes of an administrative nature or that do not significantly change the SMPS, such as those included in this update, do not require public involvement.