



US Army Corps
of Engineers
Fort Worth District

KNOW YOUR BOUNDARIES at CANYON LAKE

GUIDELINES FOR ADJACENT PROPERTY OWNERS AND RESIDENTS

In keeping with the flood damage reduction, environmental stewardship and recreation mission of the U.S. Army Corps of Engineers, this publication is designed to acquaint adjoining property owners, residents, and other interested persons with the rules and regulations that apply to the management of public lands and flowage easements at Canyon Lake. Maintaining the integrity of project purposes is given primary consideration in all management decisions to insure the maximum use and enjoyment of the lake lands and waters by present and future generations of Americans.

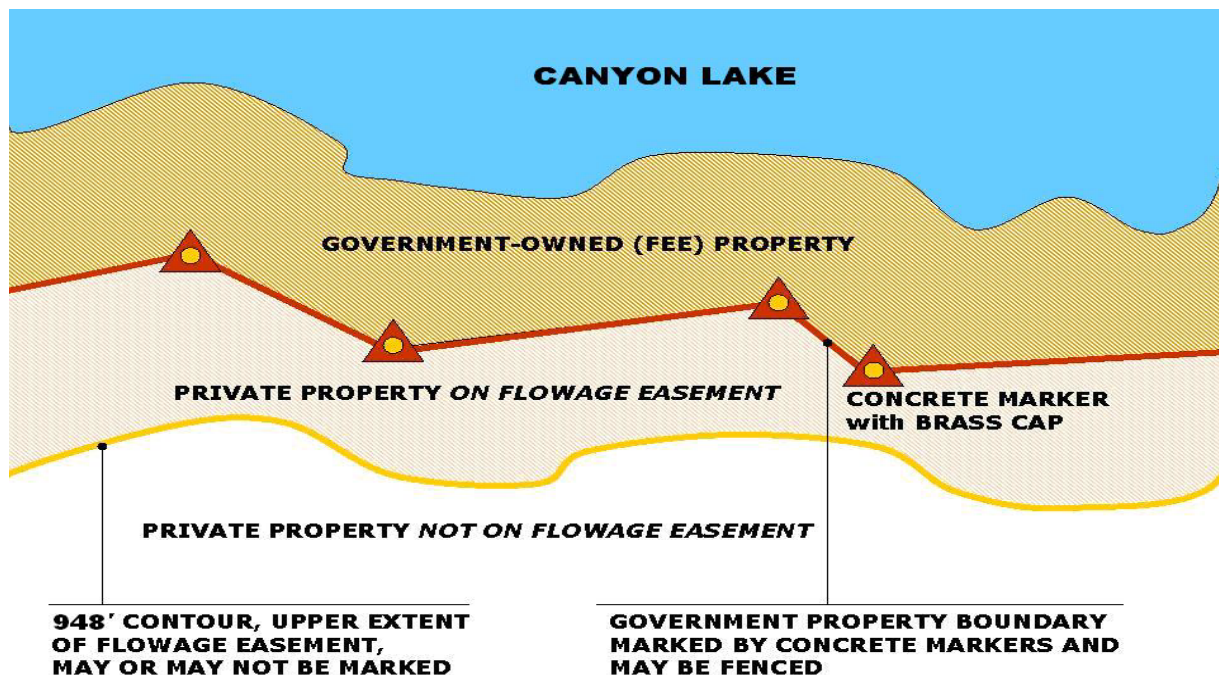
While private, exclusive use of public lands is not allowed, all citizens, including property owners adjacent to public lands, enjoy the same rights and privileges. One of the most valued privileges is that of pedestrian access to most of the public lands surrounding the lake. With the exception of certain controlled access park areas and secure operational areas, most public land at Corps lakes is open to public pedestrian traffic.

GOVERNMENT OWNED (PUBLIC) LAND

Land which is owned by the Federal government consists of the land inundated by Canyon Lake at the conservation (normal) pool elevation of 909.00' above mean sea level, as well as a strip of land of varying width which surrounds the lake when the lake is at the conservation pool elevation. The limits of this public land are defined by the U.S. boundary line, the corners of which are marked by concrete monuments. These monuments, or boundary markers, are topped with a brass cap which is usually about four inches above ground level. At some lakes the brass caps may be mounted on rocks or on metal pipes as well. The U.S. boundary line may or may not be delineated by a fence.

If you have questions about the location of the government property boundary, please reference the survey of your property. If you do not have a survey, you may contact the Canyon Lake Project Office at 830-964-3341. A field appointment with a Corps ranger can be scheduled to assist you in locating the boundary or in obtaining answers to any other questions you may have concerning the management of public land. Written inquiries may be addressed to:

US Army Corps of Engineers
Canyon Lake Office
601 C.O.E. Road
Canyon Lake, TX 78133



USES OF PUBLIC LAND AVAILABLE TO ADJACENT PROPERTY OWNERS AND RESIDENTS

1. Pedestrian access to public land except those areas that are specifically restricted.
2. Opportunity to apply for a permit to mow a 3-foot wide path to the 909 elevation line. This permit authorizes a maximum of two (2) cuts per year and must be renewed annually through the local lake office.
3. Opportunity to apply for a permit to remove flood debris on federal land through local lake office. No heavy equipment or motorized vehicles are authorized on federal property.

USES OF PUBLIC LAND WHICH ARE PROHIBITED

1. Any type of private or exclusive use. This includes but is not limited to docks, boat houses, boat ramps, parks, cart paths and other such.
2. Placement of personal property of any kind on public land for more than 24 hours.
3. Construction of buildings, roads, improved pathways or any other facilities on public land.
4. Restricting public access either verbally, by posting signs, or by any other method.
5. Operating motorized vehicles— including golf carts, ATV's, and UTV's.
6. Disposing of any type of garbage, debris, or other refuse on public land.
7. Dumping or disposing of human waste on public lands.
8. Burning of any kind on public land, except in authorized locations.
9. Gathering of firewood from live standing trees.
10. Gathering of firewood from fallen trees and limbs without a permit.
11. Allowing horses, cattle, or other livestock on public land, except by lease from the government or as otherwise permitted.
12. Destruction, alteration, or removal any facility, vegetation, or natural, historical, or cultural feature. Removal of trees or shrubs from federal land is illegal without written permit from local lake office.
13. Use of fireworks or other pyrotechnics on federal land.
14. Camping, except in designated camping areas.

FLOWAGE EASEMENT LAND

Perpetual flowage easement estates were acquired between 1940s and 1950s by the Federal Government on certain private lands that adjoin public land in the Canyon Lake area. These flowage easements 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 Canyon Lake are generally defined as those private lands located below the elevation contour of 948 feet above mean sea level. However, this does not mean all property has an easement or that the easement follows this contour. Sometimes the purchase line is by metes and bounds and NOT the 948 contour. A complete review of the deed history back to the 1940s may be necessary to determine the actual flowage easement related to your land. The deed information that created the flowage easement would be necessary to determine its exact location. This data is available in the local Comal County records office in New Braunfels, and some information may be in federal records offices as well.

With few exceptions, a flowage easement grants the Federal government the right to prevent human habitation on the flowage easement and to prevent any activity that would limit the government's ability to periodically store flood water on the land.

In some instances, the reference to a flowage easement restriction is omitted during the preparation of new deeds during changes in property ownership. **This omission does not diminish or remove in any measure the legality or validity of flowage easement restrictions over the property involved.**

ACTIVITIES ALLOWED WITHOUT WRITTEN CONSENT ON FLOWAGE EASEMENT LAND

1. Mowing, clearing, and/or planting vegetation (must not alter the natural grade of the slope).
2. Selling or leasing the land to others, subject to all restrictions contained in the flowage easement instrument.
3. Constructing a chain link, wrought iron, wire, or other permeable fence type to or along the Government boundary line.

ACTIVITIES PROHIBITED ON FLOWAGE EASEMENT LAND

1. Constructing or maintaining any structure for human habitation or buildings for commercial purposes, permanent or temporary. Habitation includes any structure, permanent or temporary, any recreational unit (RV, 5th wheel, pop up, tents, etc.) or any building that has been converted in any form to be habitable.
2. Placing fill material within the easement, raising the land above the flowage easement contour, or altering the location of the flowage easement contour.
3. Placing or constructing any other structures or appurtenances to existing structures on the flowage easement land without prior written approval of the District Engineer. "Other Structures" are construed to mean any structure of any kind including but not limited to fill material, buildings, ramps, ditches, channels, dams, dikes, wells, earthen tanks, roads, utility lines, and tramways.

ACTIVITIES WHICH MAY BE AUTHORIZED BY WRITTEN CONSENT ON FLOWAGE EASEMENT LAND

1. With a written Consent issued by the Corps of Engineers, most structures, other than a building or structure designed or intended to be used for human habitation or commercial purposes, structures that cause a loss of flood storage capacity, or structures designed to store petroleum or hazardous products, can be constructed on flowage easement land. The addition of any fill material must be mitigated with the removal of the same amount of fill material.
2. With respect to construction of water wells, sewer lines, or septic systems, each case will be examined to ensure that pollution of the lake or interference with the operation of the reservoir will not occur. All proposed sewer line and septic system installations must have prior approval of city, county or state health departments. State law requires that septic system installations must be located a minimum of 75 feet in horizontal distance up slope from the 50-year flood plain of 940' MSL contour line. However, the US Army Corps of Engineers will not allow septic tanks below elevation 948.

REQUIREMENTS FOR ALL APPLICATIONS

No work of any kind shall be started before a Consent is completed and signed by all parties. Any work can be halted by USACE rep even on private land when it affects the flowage easement and is not permitted. All requests for construction or placement of any structure must include the following:

1. Request letter from property owner (not contractor) to include:
 - a. Property address.
 - b. Name, mailing address, email address, and phone number of property owner.
 - c. Brief description of all proposed work.
 - d. Statement of whether or not water, electric, or gas lines will be installed.
 - e. Statement of the volume, in cubic yards, of all *building* materials that will be added below the 948 line.
 - f. Statement of the volume, in cubic yards, of all *fill* material that will be added below the 948 line.
 - g. Statement of the volume, in cubic yards, of material that will be removed below the 948 line (must be greater than or equal to the building and fill materials to ensure no net loss of flood storage capacity).
2. Survey, plat, or engineered drawing of the property that clearly depicts the following:
 - a. Location of the 948 elevation line.
 - b. Location of all structures requested.
 - c. Location of any water, electric, and gas lines. For electric and gas lines, please show the location of their respective cut-off switches (must be located above the 948 line). Electric lines must be run underground and meet marine code for wet environments. Property owner must provide electrical certification of all components signed by a licensed electrician.
 - d. Location of the mitigation area (where material will be removed in order to offset material being added).
3. Detailed design plans of all proposed work. For structures that fall within the Comal County flood plain, be advised that a Consent from the US Army Corps of Engineers is required before obtaining a Flood Plan permit from Comal County.
4. Volume calculations, in cubic yards, of all building materials.
 - a. This includes concrete, lumber, stone, rock, and metal (sheet metal and small hardware such as nails, bolts, and nuts do not need to be calculated).
 - b. For enclosed structures, please calculate the volume of the interior of the structure that is located below the 948 line. For example, if you wanted to construct a storage shed that was 10 feet tall, and the bottom of the shed was located at elevation 943, then you would need to calculate the volume of the first 5 feet of the shed.
 - c. Show your work. The Corps needs to clearly see HOW you arrived at your total.
5. Volume calculations, in cubic yards, of any fill material placed below the 948 line.
 - a. This includes concrete, base material, and topsoil.
 - b. Show your work. The Corps needs to clearly see HOW you arrived at your total.
6. If you would like to outsource everything except for the request letter, you may hire a company to provide engineered drawings. For a list of companies that have provided engineered drawings in the past, please contact the Canyon Lake Office.

ADDITIONAL REQUIREMENTS FOR ON-SITE SEWAGE FACILITIES (OSSF)

1. Engineered drawings are required.
2. USACE will need the OSSF engineered drawing and all associated permit paperwork that will be submitted to the Comal County Engineers Office.
3. In addition to the 948 line, the engineered drawing must show the location of the 940 line (50-year floodplain).
4. There must be a MINIMUM of 75 feet horizontal distance between the spray zones and the 940 line.
5. Material removed during the trenching process shall be placed above the 948 line so as not to reduce flood storage capacity.
6. NO lateral fields. Spray Fields only.
7. Tanks must be placed above the 948 line.

WATER INTAKE LINES Information

The US Army Corps of Engineers at Canyon Lake no longer permits or licenses any water lines. At one time we did provide these permits, and no long can or will provide any more permits or leases. GBRA had not permitted any new water lines into the lakes in many years, and we can not permit lines across federal property to steal water from GBRA. All illegal lines in the lake will be removed in the near future and no new lines will be permitted ever.

SUBMITTAL AND TIMELINE

Please address all License and/or Consent applications or other correspondence to:

Lake Manager
Canyon Lake Project Office
601 C.O.E. Rd
Canyon Lake, Texas 78133

After applications have been submitted and reviewed, the Applicant will be contacted and must make an appointment with a Ranger to inspect the area of the proposed work. If necessary, Applicants can request an initial site visit with a Ranger to discuss conceptual plans and ideas.

Canyon Lake Park Rangers are assigned realty requests as they come into the office from around the lake. A ranger can answer questions about the lake, however it is helpful if questions are addressed to the ranger responsible for your request. Please contact the office at 830-964-3341, Monday thru Friday 8:00 am – 4:30 pm.

Once the Canyon Lake Project Office has reviewed the application, it is sent to our Regional Office in Belton. Next, it is sent to the Operations Division of the District Office in Ft. Worth. Lastly, it is sent to the Real Estate Division in Ft. Worth for final processing. *The entire process can take 180 days or longer.* Failure to provide all the necessary paperwork, or incorrect items, shall result in delays in processing applications.

We are engaged in preserving and restoring natural scenic beauty at Canyon Lake and we appreciate any effort on your part to assist in this effort on both public and flowage easement lands. Your assistance in erosion control, pollution abatement, restoring native plant communities, and related activities on adjacent land will help keep lake area clean and beautiful for all Americans to enjoy.

Updated: 04 April 2023