



MANUAL FOR ENCROACHMENTS

Collin County SWCD #535

Jilane Carper – Conservation Technician

COLLIN COUNTY SOIL & WATER CONSERVATION DISTRICT

POLICY STATEMENT

The Board of Directors, Collin County Soil and Water Conservation District, approved the following policies relative to the operations, management, and maintenance of all Floodwater Retarding Structures within the District:

1. The dams, emergency spillways and reservoirs were built on private property after the Collin County SWCD and Commissioners Courts secured special use permits from the landowners involved. These easements are perpetual. The structures were built with federal money but are not federal property.

All surface waters in Texas are owned by the State. However, land-owners are not required to let the general public cross private property to gain access to this state-owned water area. Unauthorized access to water areas is trespassing.

2. To permit controlled grazing of the grass cover on the dam and emergency spillway provided that at least a four-inch stubble of grass is maintained at all times. All grazing shall be excluded when the structures are wet or during dry weather conditions. Fences are the property of the Collin County SWCD and are to remain intact so that grazing can be controlled. Fences must not be altered or removed without prior consent of the District.

3. To permit the urban-suburban development of land adjoining the lakes provided the dams and emergency spillways are not damaged or modified in any manner and provided the floodwater detention capacity of the detention reservoir is not decreased. Placing any obstruction, building, improvement or in any other way altering the dams, emergency spillways or principal spillways is prohibited unless written consent is given by the District. Human dwellings are not to be built within the dam crest elevation upstream of the dams. Other buildings (sheds, boat houses, small barns, etc.) may be built within the dam crest elevation. However, The Collin County SWCD assumes no responsibility for floodwater damages to any building and other private improvements. Landowners must inform the Collin County SWCD of plans to construct any improvements or enhancements within the dam crest elevation.

4. To permit the use of the structures for creek crossings and access roads. However, the dam slopes and emergency spillway cuts were not built to be used by off-pavement recreation vehicles (jeeps, motorcycles, dune buggies, ATV's/UTV's, etc.). Landowners must keep these vehicles off the slopes at all times. These vehicles cause rutting which develops into gully erosion of the dam and the emergency spillway cuts.

5. To permit the landowners and operators involved in the structures the right to use the water for domestic, livestock, or family-size garden (non-commercial) irrigation purposes. Landowners and operators may enjoy recreational activities on these structures (fishing, canoeing, kayaking, etc.) however, motorized boats or jet skis, or any activity creating wave action, is prohibited. Swimming in these structures is highly discouraged. The Collin County SWCD assumes no responsibility for these activities.

6. To permit the sale of water or donation of water for such purposes as sprinkling roads, drilling wells and commercial uses other than irrigation provided the landowners of the floodwater detention reservoir are in accord and provided that any and all rules and regulation of the state, county and/or other local entities are obeyed regarding such use.

7. To permit the use of or sale of water for commercial irrigation provided rules and regulations of the State of Texas are obeyed. Irrigation permits must be obtained from the Texas Commission on Environmental Quality (TCEQ). Also, the detention structures must not be damaged as a result of this use. The landowners having sediment pool areas (permanent water) must all be in agreement on the using of the water for irrigation.

The above regulations and policies shall remain in force until such time or condition should arise causing this policy to be amended, deleted, or added to for proper care of Floodwater Retarding Structures within the Collin County Soil & Water Conservation District.

Adopted by the Board of Directors in Regular Session this 15th day of Oct, 2019.

R.E. Aycock
Chairman

COLLIN COUNTY SOIL & WATER CONSERVATION DISTRICT

POLICY FOR PARTIAL RELEASE OF EASEMENT ABOVE FLOODWATER RETARDING STRUCTURES

1. Developer and/or landowner shall furnish the District a written request for a Partial Release of Easement stating the purpose for the request and comprehensive plans for the area to be released.
2. Developer and/or landowner shall furnish the District a topographic map showing the following elevations:
 - a. Five feet (5') above top of dam (highest point)
 - b. Top of dam (highest point)
 - c. Emergency spillway crest
 - d. Principal spillway
 - e. Permanent water surface
3. Developer and/or landowner shall furnish the District with a metes and bounds description of the area. The described area shall be equal to or exceed the elevation of the top of dam (highest point) or the elevation described in the easement as the maximum area of easement, if not equal to or higher than top of dam (highest point). The survey shall be done by a registered surveyor.
4. The District will not allow any encroachment within the structural embankment, detention storage area equal to the elevation at top of dam (highest point), spillways or outlet channel within the easement area.
5. The District shall retain ingress/egress right-of-way, with no restrictions, with a minimum 30 feet width, to the easement area for operation, maintenance and inspection purposes.
6. In the event that development is planned in phases, a complete plan for all development must be reviewed and approved by the District prior to any Partial Release of Easement being granted. No construction may begin until the Partial Release of Easement is granted and properly filed.
7. The developer and/or landowner requesting the Partial Release of Easement is responsible for all fees associated with the request, including all fees, legal or otherwise, incurred by the District.
8. The developer and/or landowner shall be responsible for filing the Partial Release of Easement with the County Clerk of Collin County and furnishing the District with a filed copy. No release is valid until appropriately filed and the District receives its copy.
9. Any variance to this policy or to areas downstream must be individually reviewed and approved by the District.

The above regulation and policies shall remain in force until such time or condition should arise causing this policy to be amended, deleted, or added to for proper care of Floodwater Retarding Structures within the Collin County Soil & Water Conservation District.

Adopted by the Board of Directors in Regular Session this 15th day of October, 2019.

R.E. Aycock
Chairman

Engineering Requirements for Dam Modification Proposals

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The following information is a structured list of information that is required by NRCS when the NRCS field office or watershed sponsors receive requests for modifications at and/or near NRCS-assisted watershed flood control dam sites. NRCS field offices and sponsors can use this list to inform the company or individual of information needed to determine the proposed project's impacts to the dam, auxiliary spillway and appurtenances.

Information needed to provide recommendations:

1. Detailed information concerning cross-sections through the project, especially in areas of the most cut and fill (but not limited to these location), with elevations directly correlating to those on the dam as-built drawings.
2. Volume computations (showing excavation and fill in 1-foot increments from principal spillway elevation to top of dam elevation), based on elevations that directly correlate to the elevation on the dam as-built drawings.
3. A plan map of the of the grading work showing proposed fill (all fill i.e. soil, rock, concrete, brick, etc.) and offsetting cuts/excavation with contour lines on it labeled with elevations that directly correlate to those on the dam as-built drawings.
4. Any other design information or drawings of project design that would be impacted by water from the dam, for example, a retaining wall that will get inundated during flow through the auxiliary spillway and it having a drainage system behind it to help evacuate water should the wall get submerged.
5. A complete description of the project and approximate timeline of activities indicating if and how the project will impact the embankment and appurtenances, the auxiliary spillway, the outlet works and the reservoir.

**MANUAL FOR ENCROACHMENTS
WITHIN
DISTRICT EASEMENTS
OF
FLOODWATER RETARDING
STRUCTURES**



**COLLIN COUNTY
SOIL & WATER
CONSERVATION DISTRICT #535**

Encroachment Manual

Adopted March 1, 2022

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Section 1 Introduction

The Collin County Soil & Water Conservation District #535 is a governmental subdivision of the State of Texas and a public body corporate and politic. The Certificate of Organization for the District was signed by the Secretary of State of the State of Texas on August 12, 1946.

The United States Congress passed the Flood Control Act of 1936 and directed US Department of Agriculture – Soil Conservation Service to develop their national, small watershed concept. In 1944 Congress passed Public Law 76-534 that authorized eleven watershed projects in the nation, and the construction of the small watershed dams began. The US Department of Agriculture - Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service (SCS), oversaw the design and construction of ninety-nine (99) earthen flood control dams in Collin County, Texas, and is considered the “Engineer-of-Record” for the structures. The Collin County Soil & Water Conservation District (District) is the primary local sponsor of these dams.

These floodwater retarding structures, or dams, were constructed on private, rural, agricultural lands through easements held by the District. Most easements were prepared in the 1950’s through 1960’s, and are considered blanket easements, although some easements have been modified, partially released, or more clearly defined by metes and bounds descriptions and filed under separate instruments or on plats. Easements are perpetual. All easements are filed with the Collin County Clerk’s office.

As part of a national inventory of dams, all the District’s structures are regulated by the Texas Commission on Environmental Quality (TCEQ), the agency that oversees dam safety in the state. Texas Administrative Code (TAC) Title 30, Part 1, Chapter 299: DAMS AND RESERVOIRS contains regulations pertaining to structures that satisfy specific size or hazard criteria. Over half of the District’s structures are now designated by TCEQ as High-Hazard dams, though they were all originally constructed by NRCS as Low-Hazard dams.

When activity is contemplated which will impact a District Easement, the District shall be contacted to review the plans and their impact on the easement. All activities within District Easements are prohibited without an executed agreement with the District, reviewed on a case-by-case basis. District approval is at the discretion of the District Board of Directors. The District’s approval of any request for modification of any easement area will be contingent on the concurrence of the USDA-NRCS and/or TCEQ (as applicable).

The District will use the following Manual to control encroachments within the District Easements to preserve the functionality of the structures and maintain the flood storage as originally designed to protect residents upstream and downstream of the dams.

Section 2 District Authority to Regulate Encroachments

The District is a political subdivision of the State of Texas organized under the provisions of Texas Soil Conservation Law of 1939. It operates pursuant to Title 7, Chapter 201 of the Texas Agriculture Code with regulatory oversight from the Texas Commission on Environmental Quality, specifically Title 30, Part 1, Chapter 299 of the Texas Administrative Code.

All of the District’s dams were constructed in conjunction with the United States Department of Agriculture, and most were constructed in the 1950’s, 1960’s and early 1970’s. The easements granted to the District specifically state that the District shall have the right, privilege, and authority to utilize the property for the installation, operation, maintenance, and inspection of the dams. Additionally, each easement includes language that states the District has all rights that may be necessary, useful, or convenient for the full enjoyment of the easement conveyed. The District has consistently and vigorously protected these easement rights.

As easement holder and local sponsor of the structures, TCEQ considers the District as “owner” of the dam. The District is responsible for the operation, maintenance, inspection, and potential rehabilitation of these structures.

The District’s review and approval authority is solely focused on ensuring that the District easement rights are fully protected or are otherwise remediated for the benefit of the District. Consequently, the District’s review of any development near or within the easement boundaries is limited to the protection of the easement.

Section 3 Glossary of Terms & Definitions

- Upper Brushy Creek WCID
- TCEQ
- Federal Guidelines for Dam Safety
- Association of State Dam Safety Officials
- Google

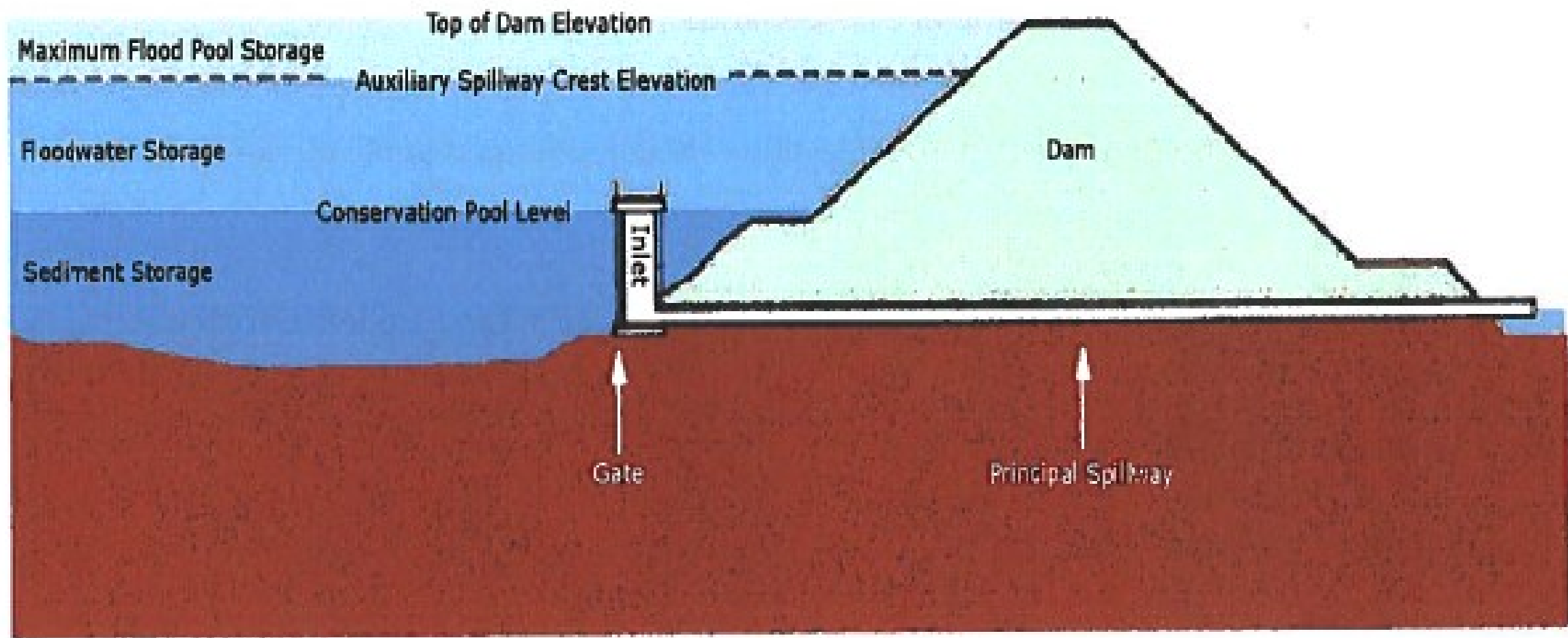


Fig. 1 – Vertical Zones of Dam Structure

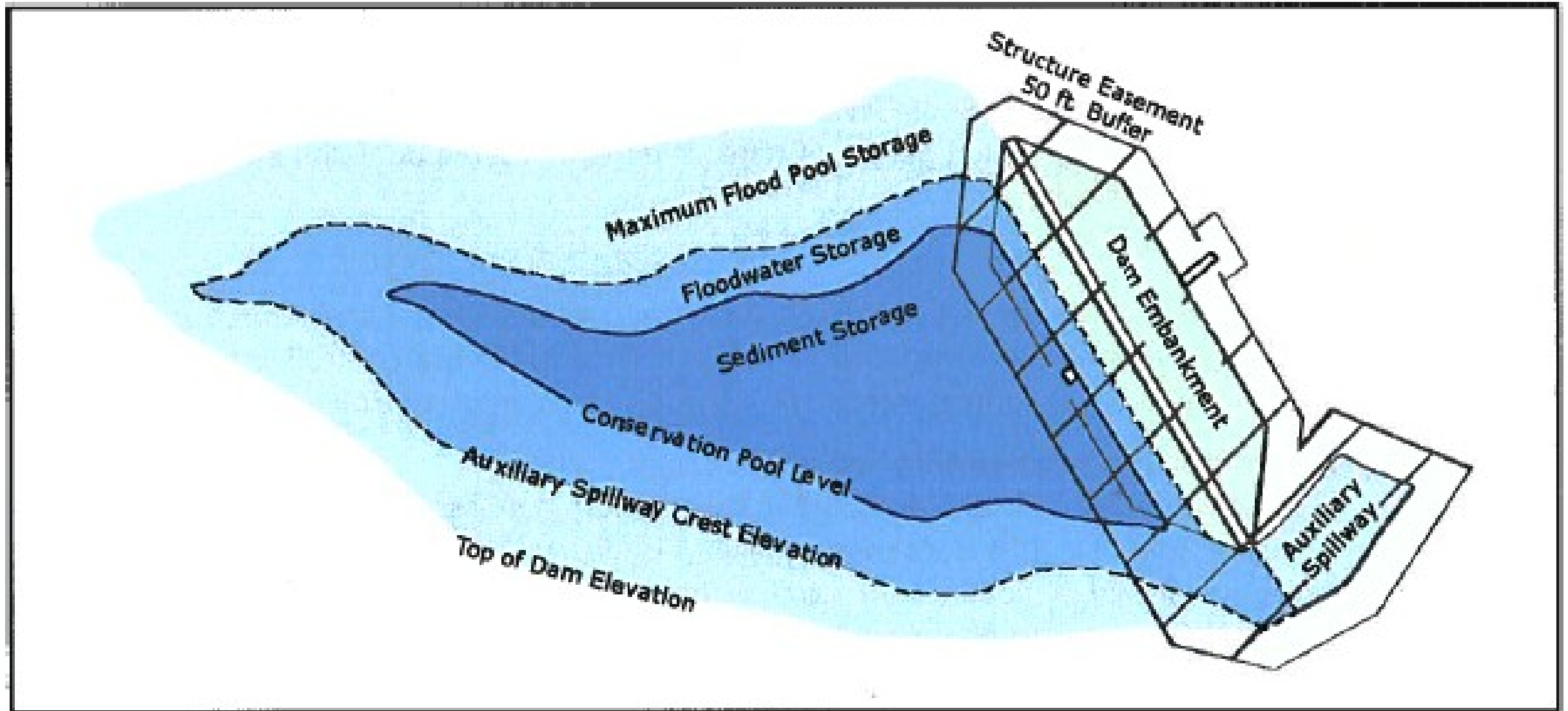


Fig. 2 – Horizontal Zones of Dam Structure

Section 4 Construction Activity Near Dams

Texas Administrative Code (TAC) 299.16(d), as amended, identifies activities near dams that may warrant evaluation by a professional engineer, registered in the State of Texas, at the request of the dam owner or the executive director of the Texas Commission on Environmental Quality (TCEQ). The District reserves the right to request such an evaluation for all work that falls within the criteria listed below.

TAC 299.16(d):

When a person proposes one of the following activities near the owner's dam, the owner or the executive director may request that the person have a professional engineer perform an evaluation to determine if the integrity of the dam would be compromised. If the person has a report prepared by a professional engineer, the person shall submit the evaluation report to the executive director and the owner for review and approval before any work is performed for a proposal to:

- (1) dredge the reservoir within 200 feet of the dam;*
- (2) install a utility line or pipeline in the dam or in the spillways that requires significant excavation in the dam or spillways;*
- (3) construct a road across the dam or spillways or within 200 feet of the dam;*
- (4) drill oil or gas wells, perform horizontal drilling or fracturing, or perform oil or gas exploration within 500 feet of the dam and spillways; or*
- (5) blast within 1/2 mile of the dam.*

Section 5 Encroachment Application Procedure

- Pre-Submittal Meeting
- Submittal
- Completeness Check
- Review & Approval
- Construction
- Construction Close-out

Section 6 Partial Easement Release or Modification Procedure

- Pre-Submittal Meeting
- Submittal
- Completeness Check
- Review & Approval
- Execution

Appendix A Easements

Encroachment Policy



COLLIN COUNTY
SOIL & WATER CONSERVATION DISTRICT #535

EASEMENT ENCROACHMENT POLICY

The Collin County Soil & Water Conservation District (District) is responsible for the operation and maintenance of floodwater retarding structures (dams) including preserving the functionality, storage capacity, and safety of each dam. This Policy serves to clarify aspects of the District easements and standardize the consideration of encroachments related to those easements. Each request for encroachment or modification of a District Easement will require completing the appropriate application form(s) and paying the fees associated with the request.

A) GENERAL POLICY

The dams, emergency spillways and reservoirs were built on private property after the Collin County Soil & Water Conservation District #535 and Commissioners Courts secured special use permits from the landowners involved. These easements are perpetual. The structures were built with federal money but are not federal property.

All surface waters in Texas are owned by the State. However, landowners are not required to let the general public cross private property to gain access to this state-owned water area. Unauthorized access to water areas is trespassing.

District Easements are defined by documents recorded in the land records of the office of the County Clerk of Collin County, Texas, and generally described below:

- (1) No activity that could alter, impact, obstruct or otherwise compromise the District's full enjoyment of their easement rights may occur within the District easements without prior approval of the District, as described in (5).
- (2) Any activity in violation of District easements is subject to legal action by the District.
- (3) All activity shall comply with applicable State and Federal dam and dam-related regulations including those of Texas Commission on Environmental Quality (TCEQ) Dam Safety Program, USDA - Natural Resources Conservation Service (NRCS), Federal Emergency Management Agency (FEMA), and United States Army Corps of Engineers (USACE).
- (4) This Policy works in conjunction with and is part of the "Manual for Encroachments within District Easements of Floodwater Retarding Structures".
- (5) For this Policy, "District Approval" is through "Board Action" and requires the District Board of Directors to take action at a Board meeting, and the action be recorded in the minutes.
- (6) The District has the right to control the water levels in the structure.
- (7) Any variance to this policy, or to areas downstream, is at the discretion of the Board and must be individually reviewed and approved by the District.

EASEMENT ENCROACHMENT POLICY

B) GENERAL POLICY FOR AGRICULTURAL AND RURAL USE

- (1) The District permits controlled grazing of the grass cover on the dam and emergency spillway provided that at least a four-inch stubble of grass is maintained at all times. All grazing shall be excluded when the structures are wet or during dry weather conditions. Livestock will not be confined on the fenced structure. Fences are the property of the District and are to remain intact so that grazing can be controlled. Fences must not be altered or removed without prior consent of the District.
- (2) The District permits the urban-suburban development of land adjoining the structures provided the dams and emergency spillways are not damaged or modified in any manner and provided the floodwater storage capacity of the detention reservoir is not decreased. No net loss of flood storage will be allowed. Placing any obstruction, building, improvement or in any other way altering the dams, auxiliary spillways or principal spillways is prohibited unless written consent is given by the District. Human dwellings are not to be built within the dam crest elevation upstream of the dams. In cases where dams need to be upgraded to meet TCEQ high hazard standards, first floor finished elevations may need to be higher. Other buildings (sheds, boat houses, small barns, etc.) may be allowed within the dam crest elevation. All improvements must be anchored. **The District assumes no responsibility for floodwater damages to any building and other private improvements.** Landowners must request approval from the District for plans to construct any improvements or enhancements within the dam crest elevation, and approval must be received by the landowner prior to any improvements or enhancements occurring. See Section D of this policy (Cut & Fill Activity) for urban development.
- (3) Use of the structures for creek crossings and access roads is permitted. However, the dam slopes and emergency spillway cuts were not built to be used by off-pavement recreation vehicles (jeeps, motorcycles, dune buggies, ATV's/UTV's, etc.). Landowners must keep these vehicles off the slopes at all times. These vehicles cause rutting which develops into gully erosion of the dam and the emergency spillway cuts. If these activities occur, landowners may be required to pay for damages and/or repairs.
- (4) The District permits the landowners and operators involved in the structures the right to use the water for domestic, livestock, or family-size garden (non-commercial) irrigation purposes. Landowners and operators may enjoy recreational activities on these structures (fishing, canoeing, kayaking, etc.) however, motorized boats or jet skis, or any activity creating wave action, is prohibited. Swimming in these structures is highly discouraged. **The District assumes no responsibility for these activities.**

C) POLICY FOR AREAS WITHIN THE ACCESS EASEMENTS

- (1) Access easements preserve the District's rights and ability to inspect, operate, maintain, repair, and modernize all elements related to the dam and associated flood pool. Original easements preceding dam construction generally grant the District blanket access rights across any and all lands contained within the parent tract (and in some cases adjacent lands owned by the parent tract owner).
- (2) The District shall retain ingress/egress right-of-way, with no restrictions. All gates or openings in the access areas must be at least thirty (30) feet wide to allow equipment to enter. Any activity within District Easements that will restrict access, in any way, to the District dams, auxiliary spillways, and/or pipe outlet works, either temporarily or permanently, requires District approval. Both ends of all dams must always be accessible from a public access area.
- (3) Access Easement Area modification and/or partial release requests are reviewed on a case by case basis and approval is at the District's discretion via an executed agreement by Board action.

D) POLICY FOR CONSTRUCTION IN THE FLOOD POOL (CUT & FILL ACTIVITY)

- (1) District easements preserve the District's rights and ability to impound flood water during rain events and slowly release that water downstream. The original easements preceding dam construction generally grant the District the authority to impound water in the flood pool area (temporarily or permanently), collect sediment, etc. The dam may detain flood water beyond these limits in extreme rain events.
- (2) Any and all encroachment activity, manipulation, fill, or any changes of natural ground within the Flood Pool Area, including aerial and sub-terranean utilities, requires District approval before any activity begins.
- (3) Construction of habitable structures within the Flood Pool Area, to top of dam elevations, is prohibited. All habitable structures must have first floor finished elevations above the top of dam elevation, at a minimum. In cases where dams need to be upgraded to meet TCEQ high hazard standards, first floor finished elevations may need to be higher.
- (4) Flood Pool Area Impacts - The District requires that any fill and/or encroachments of any kind below existing top of dam elevations be offset to preserve the floodwater storage capacity and anchored to protect functionality of the dams.
 - a. Compensatory Cut - required excavation of at least 25% greater volume than that of any fill and/or encroachment placed in the Flood Pool Area.
 - b. The Compensatory Cut excavations must be made within the Flood Pool Area at or below the elevations of the fill.
 - c. Improvements within the Maximum Flood Pool Storage Area shall be anchored or otherwise contain facilities, materials, trash, etc. to minimize potential clogging of the principal spillway and contamination of the flood water.
- (5) Landowner shall provide a recordable indemnification document in a form approved by the District's legal counsel, to be recorded with any platting or subdivision activity for property that is included within any of the District's easement rights.
- (6) The Conservation Pool Level (non-flood, normal water level) is controlled by the District. Owner(s) desiring an adjustment to the Normal Pool level must obtain written approval from all other Owners who own land within the Normal Pool and submit written concurrence showing unanimous agreement before the District will consider the request.
- (7) All surface water in Texas is controlled by the State. The use of water is under the jurisdiction of the TCEQ. Water impounded by District dams is not available for commercial use unless TCEQ has permitted that use.

EASEMENT ENCROACHMENT POLICY

E) POLICY FOR AREAS WITHIN THE STRUCTURE (DAM & SPILLWAYS)

- (1) Structure easements preserve the District's rights and ability to operate, maintain, repair, and modernize all elements of the dam including the embankment, spillways, and outlet works. TCEQ considers the District as owner of the structure and all its parts. The limits of the Structure Area are defined as offsets of:
 - (a) Fifty (50) feet from the toe of the dam embankments,
 - (b) Fifty (50) feet from the outermost edge of the spillway embankments (top or toe of slope, whichever is furthest), and
 - (c) Fifty (50) feet from all sides of the primary spillway and outlet works.
- (2) Activity within the Structure Easement is prohibited without an executed agreement with the District. Requests for activity and/or encroachments within the Structure Easement will be reviewed on a case by case basis and approval is at the District's discretion by Board action.
- (3) No dam shall be modified in any form for any reason without prior Board action and concurrence from TCEQ and Natural Resources Conservation Service (NRCS), as applicable.
- (4) No new utilities or trenching operations of any kind will be allowed within the Structure Easement Areas.
- (5) Any activity near the structure must be in accordance with Texas Administrative Code (TAC) 299.16(d).

F) POLICY FOR CONSIDERING A PARTIAL RELEASE OF BLANKET EASEMENT (MODIFICATION)

- (1) District easements preserve the District's rights and ability to inspect, operate, maintain, repair and modernize all elements related to the structure and associated flood pool areas. They also allow the District ingress/egress right of way to access the structure, as needed, and easements grant the District the authority to impound water in the flood pool area (temporarily or permanently), collect sediment, etc.
- (2) Application forms for defined easement boundaries may only be submitted by current landowners. Landowners may be asked to show proof of ownership.
- (3) Limits for Partial Release:
 - a. For dams that may need to be upgraded to meet high hazard standards as defined by TCEQ, the District will not consider releasing any easements, upstream of the dam, at elevations lower than **three (3) feet above current top of dam elevations, at a minimum.**
 - b. For dams that have already been rehabilitated, the District will maintain easements at elevations at least equal to top of dam elevations or higher.
 - c. All structure easements will remain intact with a **fifty (50) foot buffer** around all aspects of the structure.
 - d. The District will retain ingress/egress right-of-way with no restrictions. Ingress/egress easements may be defined as long as full access is not limited from a public access area to the structure from both ends of the dam. All gates, openings, gaps, etc., must be a minimum of thirty (30) feet wide to allow equipment to enter.
- (4) Landowner shall furnish the District with a **metes and bounds description** of the area based upon the approved mean sea level (MSL) elevation and/or the structure with off-set buffer areas, including a map or plat of the described area, and **referencing the approved MSL elevation and/or buffer distance.** The survey shall be done by a Texas Registered Professional Land Surveyor (RPLS).
- (5) **In the event that development is planned in phases, a complete plan for all development must be reviewed and approved by the District prior to any Partial Release of Easement and/or Modification is granted.**
- (6) Landowner shall furnish a legal easement document to be reviewed by the District's legal counsel, signed, and filed with the land records at the office of the County Clerk of Collin County, Texas. This easement shall state the elevation determining the defined easement area.
- (7) **Landowner shall provide a recordable indemnification document** in a form approved by the District's legal counsel, to be recorded with any platting or subdivision activity for property that is included within any of the District's easement rights.

G) FEES

Fees assessed by the Collin County Soil & Water Conservation District #535 are intended to cover expenses incurred by the District for the review and management of the activity impacting District Easements. Payment of these fees does not determine review time by any outside agency nor do they guarantee approval of any application or request. **The District reserves the right to waive or reduce any fees. If any construction work is commenced prior to formal approval by the Board of Directors of the District, then the required fees will be 150% of the fee listed in the Fee Schedule below:**

Encroachment Request w/Cut & Fill

Submittal Fee = \$15,000

Application Review and Processing. Each submittal requires the payment of Easement Encroachment fees. Applications failing to resolve the District's comments within three (3) rounds or six (6) months may require an additional fee payment.

Encroachment Request w/NO Cut & Fill

Submittal Fee = \$5,000

Application Review and Processing. Each submittal requires the payment of Easement Encroachment fees. Applications failing to resolve the District's comments within three (3) rounds or six (6) months may require an additional fee payment.

Partial Release/Modification of Blanket Easements

Submittal Fee = \$3,000

Each submittal will require the payment of Easement Modification fees. Applications failing to resolve the District's comments within three (3) rounds or six (6) months may require an additional fee payment.

H) EFFECTIVE DATE

This policy will become effective upon adoption by the Board of Directors. All new applications submitted after the effective date shall be subject to the new policy. Any submittals before the effective date may request to move forward to the new policy.

Application



Soil & Water
Conservation
District

District Easement Encroachment

Application Form

1. **Project Name:** _____
Project Acreage: _____ District Dam#: _____ Hazard Classification (TCEQ) _____
Jurisdiction: _____ Previous Application #: _____
2. **Landowner (Name/Title):** _____
Company: _____
Address: _____
Telephone: _____ Email: _____
3. **Applicant/Engineer (Name/Title):** _____
Company: _____
Address: _____
Telephone: _____ Email: _____
4. **Description of proposed activity to occur within the Easement Area:**

5. **Compensatory Cut:**
a. Sediment Pool _____ **Total fill (cy)** _____ **Total cut (cy)** _____
b. Flood Pool _____

Landowner's Acknowledgement

- The District does not receive or review submittals made to any other jurisdictions and additional permits may be necessary from other entities.
- Any revisions that change the civil site plans based on other entity review or for any other reason must be resubmitted to the District for acceptance.
- I acknowledge that all fees required are my responsibility.
- I hereby authorize the applicant indicated above to represent me in matters pertaining to this application.

Signature of Landowner

Date

Signature of Applicant

Date

District Use Only:

Permit #: _____ Date Fee Received: _____ Cash/Check No.: _____



Soil & Water
Conservation
District

District Easement Encroachment

Submittal Checklist

The following are required to be included with the District Easement Encroachment Application within all District Easements for a submittal to be considered complete.

Submittal Requirements:

- ☐ Encroachment Application Form and Submittal Checklist
- ☐ Complete Construction Plans for entire subject tract
- ☐ CAD Files of existing and proposed grading (3D files)
- ☐ Plat(s) of the property (existing and/or proposed)
- ☐ Easement Encroachment Submittal Packet
 - ☐ CCSWCD Site Plan
 - ☐ Drainage Area Map
 - ☐ Maximum Flood Pool Storage Map
 - ☐ Proposed Construction Schedule
 - ☐ Drainage Report

Easement Encroachment Submittal Packet:

- ☐ **CCSWCD Site Plan**
 - ☐ Single sheet (if possible) at legible scale showing all proposed improvements
 - ☐ All District Easements or Blanket Easements located on property are shown and identified
 - ☐ All proposed impervious cover is clearly indicated
- ☐ **Drainage Area Map**
 - ☐ Existing and proposed drainage areas encompassing entire subject tract
 - ☐ Delineated drainage basins with contours
 - ☐ Existing and proposed impervious cover
 - ☐ Existing and proposed runoff coefficients
 - ☐ Existing and proposed time of concentration path delineations
- ☐ **Maximum Flood Pool Storage Map**
 - ☐ Limits of Maximum Flood Pool Storage (Area)
 - ☐ Limits of proposed fill with dimensions (one-foot increments)
 - ☐ Limits of proposed compensatory cut volume with dimensions (one-foot increments)
 - ☐ Cross sections of all cut and fill locations w/elevations directly correlating to the dam as-built drawings
 - ☐ Table summarizing total fill volume calculations (in cubic yards)
- ☐ **Proposed Construction Schedule**
 - ☐ Date proposed activity within District Easement (Area) will begin
 - ☐ Date proposed activity within District Easement (Area) will end
 - ☐ Expected date of completion for entire project
- ☐ **Drainage Report**
 - ☐ Report is signed and sealed by a Professional Engineer
 - ☐ Summary of project including a description of any project phasing
 - ☐ Summary of method of analysis and modeling software and origin
 - ☐ Hydrologic support including but not limited to: rainfall data; Curve Number calculations including soils map and land use map; impervious cover; and time of concentrations paths and calculations
 - ☐ Summary table of existing and proposed volume of runoff for the 24-hr 1% AEP
 - ☐ Project phasing table (Phase Number, fill volume, impervious cover area, runoff volume, compensatory cut volume required and provided)
 - ☐ Digital copy of the hydrologic model

Appendix C Partial Easement Release or Modification Request Application

**** Two Step Process in Most Cases ****

 Partial Easement Release or Modification Request <i>Application Form and Submittal Checklist</i>	
1. Project Name: _____ Project Acreage: _____ District Dam#: _____ Hazard Classification (TCEQ) _____ Jurisdiction: _____ Previous Application #: _____	
2. Landowner (Name/Title): _____ Company: _____ Address: _____ Telephone: _____ Email: _____	
3. Applicant/Engineer (Name/Title): _____ Company: _____ Address: _____ Telephone: _____ Email: _____	
Landowner's Acknowledgement • I acknowledge that any activity or encroachment in the modified easement requires separate application. • I acknowledge that all fees required are my responsibility. • I hereby authorize the applicant indicated above to represent me in matters pertaining to this application.	
_____ Signature of Landowner	_____ Date
_____ Signature of Applicant	_____ Date
The following are required to be included with the Partial Easement Release or Modification Request Application for submittal to be considered complete.	
Submittal Requirements:	
☐ Partial Easement Release or Modification Request Application Form and Submittal Checklist	
☐ Plat(s) of the property (existing and proposed)	
☐ Contour maps showing the following: ○ Three feet (3') above current top of dam elevations (highest point) ○ Top of dam elevations (highest point) ○ Auxiliary spillway crest elevations ○ Principal spillway crest elevations ○ Conservation pool elevations (water surface)	
☐ Metes and bounds survey describing the defined easement area or the area to be released (RPLS) based on defined MSL elevation including a map or plat	
☐ Delineation of Ingress/Egress access areas from a public rights-of-way, if applicable	
☐ Indemnification document	
☐ Legal document to be reviewed by legal counsel, signed by the District, and filed with Collin County Clerk	
District Use Only: Permit #: _____ Date Fee Received: _____ Cash/Check No.: _____	

WHAT REALLY CHANGED?

- Fees Collected
- Requiring 25% additional compensatory cut
- Maintaining easements at 3 feet above top of dam, 50 feet maintenance buffer, defined access
- Keeping original updated easement documents in our possession

Why Adopt A Manual?

- Professionalism
- Consistency
- Time saved
- Support from NRCS, TSSWCB and TCEQ Dam Safety
- Assists engineering and development firms
- Fees collected
- Maintaining possession of easement documents

Things to Consider

- Clarification of Modifying Easements
- Consistent Indemnification Requirements
- Requiring signage
- Requiring breach analyses
- Requiring accepted EAPs
- Requiring maintenance agreements and/or funding from HOAs
- Requiring co-sponsorship and/or MOUs with MUDs
- Requiring bonds and insurance from contractors??



Jilane Carper

Conservation Technician

972-542-0081 ext. 3

Jilane.Carper@tx.nacdnet.net

collincountyswcd.
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