~~FINAL~~

DRAFT 5-YEAR REVISION

SABINE RIVER AUTHORITY OF TEXAS
SABINE RIVER AUTHORITY, STATE OF LOUISIANA

TOLEDO BEND PROJECT
(FERC NO. 2305)
SHORELINE MANAGEMENT PLAN

FEBRUARY 2012

REVISED JANUARY 2020

DRAFT

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LIST OF ACRONYMS

APE .....Area of Potential Effects

Authorities.....Sabine River Authority, State of Louisiana, and/or the Sabine River Authority of Texas

CLUP .....Commercial Limited Use Permit

ESA .....Endangered Species Act

FERC.....Federal Energy Regulatory Commission

FPA .....Federal Power Act

gpd.....gallons per day

HPMP.....Historic Properties Management Plan

LA .....Louisiana

LDNR.....Louisiana Department of Natural Resources

LDWF .....Louisiana Department of Wildlife and Fisheries

LOCD.....Louisiana Office of Cultural Development

msl.....mean sea level

National Register .....National Register of Historic Properties

~~PGP .....Programmatic General Permit~~

PLUP .....Private Limited Use Permit

Project .....Toledo Bend Project (FERC No. 2305)

RCW .....red cockaded woodpecker

Reservoir .....Toledo Bend Reservoir

RGP.....Regional General Permit

RM .....river mile

RMP .....Recreation Management Plan

RRC.....Railroad Commission of Texas

RTE .....rare, threatened, and endangered

SMP.....Shoreline Management Plan

SRA.....Sabine River Authority

SRA-LA .....Sabine River Authority, State of Louisiana

SRA-TX .....Sabine River Authority of Texas

TCEQ .....Texas Commission on Environmental Quality

THC.....Texas Historical Commission

TPWD .....Texas Parks and Wildlife Department

TX .....Texas

USACE .....U.S. Army Corps of Engineers

USFS .....U.S. Forest Service

USFWS .....U.S. Fish and Wildlife Service

1.0 INTRODUCTION

1.1 TOLEDO BEND PROJECT

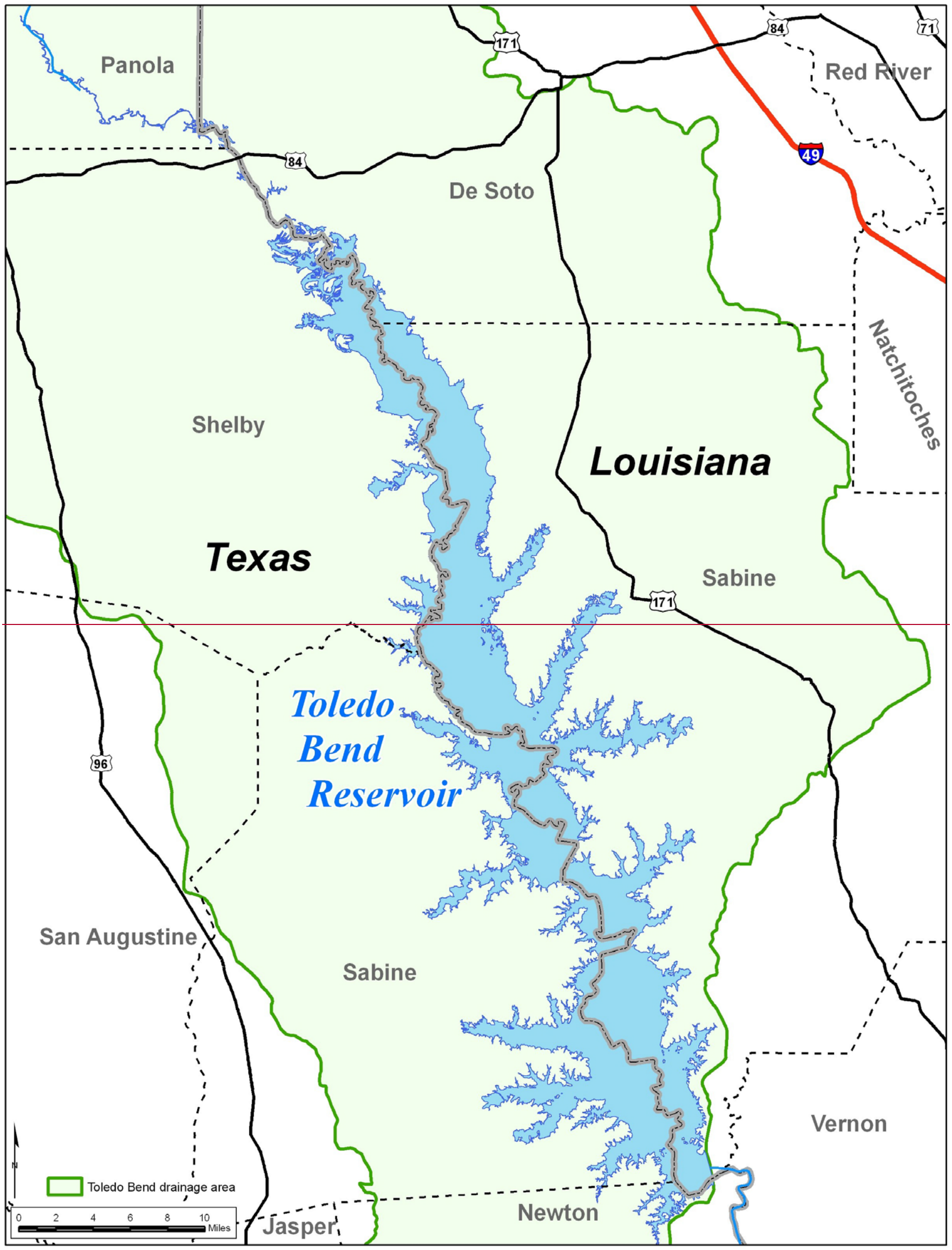
The Toledo Bend Project (FERC No. 2305) ("Toledo Bend Project" or "Project") is an existing, federally licensed hydroelectric project jointly owned and operated by the Sabine River Authority ("SRA"), State of Louisiana, and the Sabine River Authority of Texas (together, "the Authorities"; individually "SRA-LA" and "SRA-TX," respectively). The Project was originally licensed to the Authorities as co-licensees in 1963 by the Federal Energy Regulatory Commission's (FERC) predecessor agency, the Federal Power Commission. On August 29, 2014, the Federal Energy Regulatory Commission (FERC or the Commission) issued a new 50-year license to the Authorities for the continued operation of the Project.[1] The Project was initially conceived, licensed, and developed as, and today functions primarily as, a water supply facility, with hydroelectric power generation and recreation as secondary purposes.

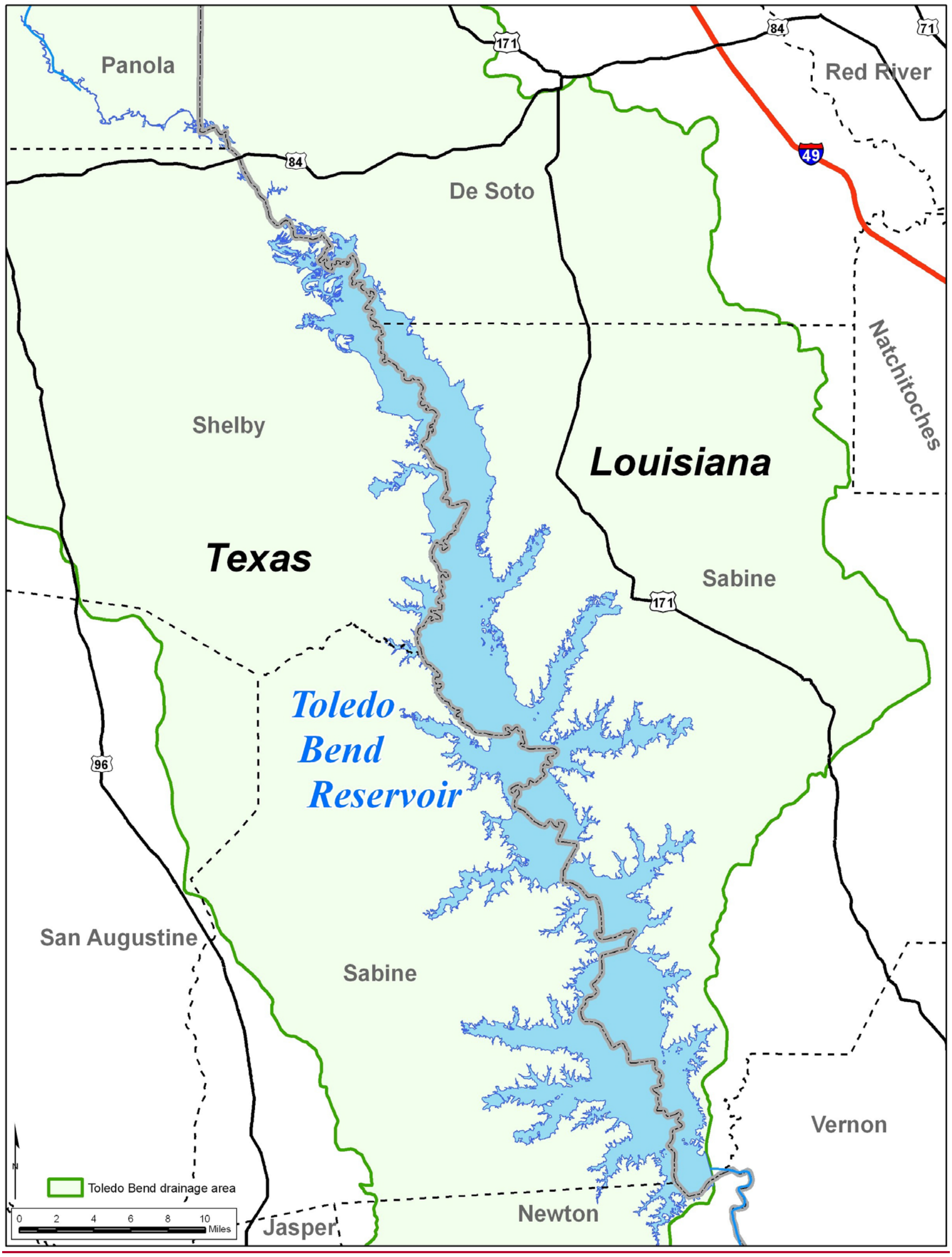
The Toledo Bend Project is located on the Sabine River in Panola, Shelby, Sabine, and Newton counties in Texas; and DeSoto, Sabine, and Vernon parishes in Louisiana (Figure 1-1). The existing facilities at the Project include a dam and powerhouse, three dikes, gated spillway, tailrace and excavated channel, switchyard, turbines, penstocks, and primary transmission line. The Toledo Bend Reservoir (or "Reservoir") extends approximately 132 river miles (RM) up the Sabine River to just north of Logansport, Louisiana, from RM 147 to RM 279. Toledo Bend Reservoir is a large, irregularly shaped basin that consists of approximately 1,130 miles of shoreline and 185,000 surface acres at 172 feet mean sea level (msl). It is the largest manmade reservoir in the southern United States and the fifth largest in the country and is located along the boundary between Texas and Louisiana. From the Toledo Bend Dam, the Sabine River flows in a southerly direction for approximately 146 miles, where it empties into Sabine Lake, which flows into the Gulf of Mexico.

The Toledo Bend Reservoir consists of several major drainage basins that are larger than many lakes. The topography creates many small coves and inlets in addition to the main portion of the Reservoir. While much of the shoreline is undeveloped, residential and commercial development does occur along the shores. In accordance with its federal license, the Authorities maintain property rights and therefore have control over types of facilities and activities that occur below the approximate 175-foot-msl contour elevation (i.e., the Project Boundary, the "Take Line"). Use of lands located beyond the Project Boundary is at the discretion of the property owner and governed by local or state laws or regulations.

[1] Order Issuing New License, 148 FERC ¶ 62,171 (2014). The effective date of the new license is August 1, 2014.

FIGURE 1-1
TOLEDO BEND RESERVOIR AND LOWER BASIN




Panola
171
84
71
Red River
84
49
De Soto
Natchitoches
Shelby
Louisiana
Texas
Sabine
171
Toledo
Bend
Reservoir
96
San Augustine
Sabine
Vernon
N
Toledo Bend drainage area
0 2 4 6 8 10
Miles
Jasper
Newton

1.2 PURPOSE OF THE SHORELINE MANAGEMENT PLAN

~~This Shoreline Management Plan (SMP) has been developed as part of the FERC relicensing of the Project and will become effective once FERC issues a new license for the Project, approves this SMP, and makes it part of the new license.~~ This Shoreline Management Plan (SMP) was developed as part of the FERC relicensing of the Project and became effective when FERC issued the new license for the Project on August 29, 2014, approved the SMP filed with the Commission on February 3, 2012, and made it part of the new license under Article 411. In part, Article 411 of the new license requires the Authorities to, within 5 years of the date of the license order, file, for Commission approval, a report that summarizes its review of the SMP after consultation with interested agencies and stakeholders, determines whether or not any modifications to the SMP are needed, and if so, provides a plan and schedule for modifying the SMP. On August 27, 2019 the Authorities filed a Process Plan and Schedule for Shoreline Management Plan Review. On September 30, 2019 Commission staff concurred with the Authorities' proposed process plan and schedule, noting that the Authorities should file the revised SMP with the Commission by January 30, 2020 including documentation of consultation with the stakeholders listed in Attachment B of the August 27, 2019 filing, copies of any comments and recommendations received, and specific descriptions of how the agencies' comments are accommodated by the revised SMP. This revised SMP filed January 30, 2020 meets these requirements.

The SMP is a comprehensive plan to manage the multiple resources and uses of the Project's shoreline in a manner that is consistent with license requirements and Project purposes, and to address the needs of the public. This SMP identifies the existing resources at the Project and acceptable uses that the Authorities will consider in analyzing the impact of new shoreline facilities and activities within the Project Boundary, prior to granting a permit or authorization for such uses.

While the SMP is a management tool to assure that use and occupancy of Project lands and waters are consistent with license requirements, FERC guidelines, and the Authorities' management policies, it also serves as a helpful guide for property owners adjacent to the Project shoreline. For example, although both SRAs (the Authorities) have well-established, existing permitting programs, persons wishing to construct or place structures within the Project Boundary or otherwise use Project lands now have a consolidated document that provides information on the types of shoreline facilities and activities that will be allowed within specific portions of the Project Boundary.

This document also identifies the types of regulatory consultation and approvals needed for various types of proposed shoreline development activities. Potential permittees should be aware that FERC's Standard Land Use Article (Article ~~403 of the original license, which will be adopted into~~415, *Use and Occupancy*, under the new license~~) (;~~ see Appendix A) provides the Authorities with ~~limited~~some authority to approve specific activities. Moreover, this SMP—once approved by FERC—will confer expanded authority upon the Authorities to approve certain activities without needing to obtain prior FERC approval. Should a use or occupancy of the Project lands (or waters) that exceeds ~~these limits~~the Authorities' expanded authority be desired, FERC must

individually review and approve such occupancy through an application for non-project use of Project lands before the Authorities can issue any permit or other authorization.

In the event that a requested use or occupancy is inconsistent with this SMP, including the Authorities' Policies and Guidelines set forth in Appendices ~~C~~B and ~~D~~C, the Authorities will not issue a permit or authorization, nor will they submit the proposal to FERC for further review and approval. This SMP has been ~~approved~~developed and updated by ~~the Boards of~~ both SRA-LA and SRA-TX to provide a clear understanding of the rules, processes, and procedures for activities conducted on Authorities' lands and/or waters at the Toledo Bend Project. In addition, the Authorities reserve the right to modify or change any provision of this SMP document, as described in Section 7.0.

1.3 GOALS AND OBJECTIVES OF THE SHORELINE MANAGEMENT PLAN

The Toledo Bend Project is a hydroelectric project licensed and regulated by FERC. Adjoining property owners and other potential permittees should be aware that conducting activities within the Project Boundary is a revocable privilege that is allowed only through permits, leases, and other authorizations issued by the Authorities. The Authorities support the use of the Project lands and waters for a variety of activities, provided: (1) the uses meet the regulatory requirements of the license; (2) the uses are consistent with this SMP, including the Policies and Guidelines set forth in Appendices ~~C~~B and ~~D~~C; and (3) the Project's scenic, recreational, cultural, and environmental values are protected. FERC has specific mandates, rules, and regulations relating to the operation of the Toledo Bend Project and use of lands and water within the Project Boundary.

To achieve this overall goal of balanced and controlled use of Project lands, this SMP establishes the following objectives:

1. Protecting the Project's primary purpose of water supply and secondary purposes of hydroelectric power generation and recreation.

2. Accommodating shoreline development proposals that maintain the natural scenic quality of the shoreline and water for all users, protecting specific scenic attributes, and protecting environmental attributes such as wetlands, habitat, and spawning areas.

3. Assuring that development of the shoreline is balanced, orderly, in suitable locations, and done in a manner to protect reasonable public access and use of the shoreline, and the scenic and historic resources within the Project Boundary, and provides for economic development.

4. Encouraging the development of safe, convenient, properly administered, and diversified public access to publicly owned shorelines in such a manner that public access will not infringe upon the personal or property rights of adjacent residents.

5. Requiring that proposed shoreline development activities meet applicable federal and state regulatory requirements, and providing opportunities, where practicable, to meet such requirements efficiently, through coordinated and programmatic efforts with federal and state regulators.

6. Minimizing conflicts among contrasting uses.

7. Furthering the intent and policies of the SMP through fair, balanced, and impartial administration of the shoreline permitting process.

1.4 COMPONENTS OF THE SHORELINE MANAGEMENT PLAN

This SMP governs the shorelands and water of the Toledo Bend Reservoir and the areas below the dam that lie within the FERC Project Boundary. Shorelands are those lands that lie within the Project Boundary as identified on the Exhibit G Project maps approved by FERC as a part of the Project license.

As FERC licensees, the Authorities are required to manage lands and waters within the FERC Project Boundary in accordance with FERC license requirements. The policies, guidelines, and programs to manage the Toledo Bend shoreline are contained within this SMP. Three tools in shoreline management employed in this plan are: (1) classification of shorelands based on resources present, adjoining land uses and ownership, and desired future conditions; (2) description of permitted uses and processes to obtain required permits from the Authorities, including instances in which consultation with federal and state resource agencies is required; and (3) establishment of shoreline Policies and Guidelines for both Texas and Louisiana shorelines that govern existing and future occupancies, structures, and activities along Project shorelines within the Project Boundary.

For some types of proposed development within the FERC Project Boundary, other federal programs may apply, such as the National Historic Preservation Act, Endangered Species Act (ESA), Rivers and Harbors Act, and Clean Water Act. To meet the requirements of these programs, this SMP includes procedures for consulting with federal and state fish and wildlife agencies and the State Historic Preservation Officers, where appropriate. In addition, because the Authorities are not authorized under the FERC license to approve all potential activities and uses on Project lands and waters, the SMP identifies when FERC approval is necessary for contemplated shoreline uses.

The SMP for the Toledo Bend Project includes five key components: (1) general shoreline policies; (2) classification of the Project's shorelands; (3) programs and guidelines for managing shoreline development, including issuing permits; (4) SMP enforcement; and (5) an SMP review and update process. The Policies and Guidelines for Louisiana appear in Appendix B, and the Policies and Guidelines for Texas appear in Appendix C.

1.5 PROPERTY OWNERSHIP AND INTERESTS

Most lands within the Project Boundary are owned by SRA-LA or SRA-TX in fee title. SRA-LA owns all lands in Louisiana in fee title~~, although on some~~. However, nearly all Project ~~lands~~shorelands in Louisiana~~, during~~ are subject to leaseback agreements (with a term of nine-nine years) reached with adjacent landowners to facilitate the original development of the Project~~, SRA-LA issued leases to adjacent shoreline owners for terms of ninety-nine years~~. These leases are

expressly subject to safety, sanitary, building, and zoning requirements established by SRA-LA. In addition, SRA-LA has a long-standing permitting program, under which it has issued many permits for construction and development activities along the shoreline.

Similarly, in Texas, SRA-TX has a well-established permitting program for access and construction activities on Project lands it owns in fee. SRA-TX owns a fee interest in all non-federal lands in Texas within the Project Boundary. Approximately 3,797 acres of federal lands are located within the FERC Project Boundary in Texas. These lands, which include portions of the Sabine National Forest and Indian Mounds Wilderness Area, are administered exclusively by the U.S. Forest Service (USFS). Federal lands within the Project Boundary, therefore, are not eligible for the Authorities' permitting programs described in this SMP, nor does this SMP apply to USFS's management of these lands.

For these reasons, the Authorities possess sufficient interest in Project lands to manage such lands in accordance with Project purposes.

2.0 GENERAL SHORELINE POLICIES

In deciding whether to issue a license under the Federal Power Act (FPA) for any project, FERC, in addition to considering the power and development purposes for which licenses are issued, gives equal consideration to the purposes of energy conservation; the protection of, mitigation of damage to, and enhancement of fish and wildlife (including related spawning grounds and habitat); the protection of recreational opportunities; and the preservation of other aspects of environmental quality (FPA 1920, as amended).

A FERC licensee must hold all rights in project property necessary to fulfill project purposes, including the provision of reasonable public access to project lands and waters and the protection of aesthetic and natural resources, as required under the FERC-issued license. In the context of a FERC-licensed hydropower project, an SMP is, generally, a document that is used to meet the licensee's obligations under the FPA, associated regulations, other applicable federal and state laws, and the FERC license authorizing the project.

A licensee of a hydropower project may receive requests from neighboring landowners, government agencies, or private organizations to use project land for a variety of purposes unrelated to operating the project. These uses may include, but are not limited to, construction and maintenance of boat docks, marinas, bridges, pipelines, water withdrawals, and utility lines. Requests for non-project use of project lands can involve complex issues related to commercial marina construction, shoreline development, oil and gas leases, water withdrawals, and shoreline stabilization. FERC requires that licensees ensure the shorelines within their project boundaries are managed in a manner that is consistent with project license requirements and project purposes. Conveyances and permits must be consistent with the scenic, recreational, and other environmental values of the project.

3.0 SHORELINE CLASSIFICATIONS, RESOURCE PROTECTION, AND DEVELOPMENT REQUIREMENTS

This section presents the following components of the Toledo Bend Project SMP: (1) an inventory of shoreline uses; (2) the resources the SMP is designed to protect; and (3) the shoreline use conditions and requirements the Authorities have in place to protect resources and Project purposes. The Authorities will use the information in this section to assess proposed development activities and other requests for non-Project use of Project lands.

3.1 SHORELINE CLASSIFICATION

Shoreline use classification maps were created to inventory the current shoreline resources and uses at the Toledo Bend Project. These shoreline use classification maps were developed based on land use and natural resource information from publicly available sources (e.g., National Wetlands Inventory) and from studies conducted in relicensing. Shoreline use classifications are areas within the Project Boundary that are designated for certain existing and future uses that are consistent with the goals and objectives of this SMP.[2] ~~.~~ These classifications are not assigned to lands outside the Project Boundary. Instead, they refer exclusively to the use of the Project ~~shoreline~~shoreland property. The goal of these classifications is to balance the multiple interests involved in the shoreline's management. These use classifications will protect shoreline habitat while still allowing for ~~shoreline~~shoreland development. The shoreline is classified into four use categories, as described below. Shoreline land use classification maps are presented in Appendix D. Updates of the SMP, as discussed in Section 7.0, will include a periodic review of shoreline classifications and revisions as appropriate.

3.1.1 U.S. FOREST SERVICE (USFS)

The USFS classification identifies Project lands that are federally owned and administered by the USFS. All of these lands are located in Texas. As described in Section 1.5 of this SMP, federal lands are excluded from the provisions of this SMP. SRA-TX will not issue permits for use or occupancy of federal lands.

3.1.2 PUBLIC ACCESS

The Public Access classification identifies Project lands where publicly owned recreation facilities and access areas currently exist or are proposed for the term of the new license. In Public Access areas, the Authorities will issue shoreline permits exclusively to public entities or concessionaires, to promote opportunities for public access and public recreation at the Project. As described more fully in Section 4.0 of the SMP, depending on the scope of the proposed use or development,

[2] USFS lands in and adjacent to the Project are displayed on the maps.

different processes for resource agency consultation, FERC review and/or approval, and review and approval by the Authorities apply to proposed uses and developments in Public Access areas.

3.1.3 CONSERVATION

The Conservation classification identifies Project lands where sensitive resources (such as wetlands, historic properties, and special habitats) are present. In Conservation areas, the Authorities will issue a permit for a proposed use only after consultation with all affected federal and state resource agencies, as more fully described in Section 4.0 of the SMP. Also as described in Section 4.0, in most cases FERC pre-notification or approval will be required for proposed uses in Conservation areas. Based on the results of consultation with resource agencies and FERC review, the Authorities may decline to issue a proposed permit for proposed development in a Conservation area, or the permit may be subject to protection, mitigation, and enhancement measures that the developer would be required to implement. As provided in Section 7.0 of this SMP, lands designated under the Conservation classification are subject to periodic review and modification.

3.1.4 GENERAL

The General classification identifies Project lands that do not fall into the aforementioned shoreline classifications, and encompasses the majority of all non-federal shoreline areas within the Project Boundary. Lands within the General classification have not been identified as containing sensitive resources, and therefore are generally open for shoreline development activities that are consistent with this SMP, including the Policies and Guidelines set forth in Appendices ~~C~~B and ~~D~~C. As described more fully in Section 4.0 of the SMP, depending on the scope of the proposed use or development, different processes for resource agency consultation, FERC review and/or approval, and review and approval by the Authorities apply to proposed uses and developments in General areas. ~~For more common uses, such as residential docks, the Authorities expect that implementation of this SMP will involve few, if any, changes from their current permitting programs.~~

3.2 TOLEDO BEND SHORELINE AND RESERVOIR RESOURCE DESCRIPTIONS

This section is organized by resource type. Each subsection presents a summary of resources within the Toledo Bend Project Boundary.

3.2.1 GEOLOGY AND SOILS

The Toledo Bend Project is located in the West Gulf Coastal Plain physiographic region, a subdivision of the Coastal Plain Province of the Atlantic Plain (Natural Resources Conservation Service 2006). The West Gulf Coastal Plain borders the Gulf of Mexico and encompasses portions of Louisiana, easternmost Texas, and neighboring sections of Arkansas and Oklahoma (Bureau of Land Management Undated, Fisher 1965). The physiography of the West Gulf Coastal Plain has

been shaped by the deposition of sediments in a dynamic and interrelated combination of riverine, coastal, and deltaic settings, and the Reservoir shoreline is composed entirely of sedimentary deposits primarily consisting of sand, silt, and clay. As a result of this sedimentary composition, the Toledo Bend Reservoir shoreline is susceptible to erosion, and shoreline erosion has been observed at Toledo Bend Reservoir.

Shoreline erosion has been documented at the Toledo Bend Reservoir. Erosion is an ongoing and natural process that occurs when water moves along a shoreline. Wave action derived from prevailing winds is the primary cause of erosion at the Toledo Bend Reservoir (Holmes and Stalling 1987, Taylor 1998). Other factors influencing erosion include wakes created by power boats and the continued loss of standing timber that was inundated when the Reservoir was filled.

Although erosion is a natural process, the Authorities recognize that targeted erosion control measures, where feasible and cost-effective, can be an effective means of protecting sensitive resources by impeding or ceasing erosion. The permitting process originally created by the Authorities and expanded upon in this SMP guides the Authorities in permitting shoreline stabilization features as a means of inhibiting shoreline erosion.

3.2.2 WATER QUALITY

The Toledo Bend Project was initially conceived, licensed, developed, and today primarily functions as a water supply facility, with secondary uses of hydroelectric power generation and recreation. Ongoing water quality monitoring at the Toledo Bend Project demonstrates that, generally, water quality is in compliance with Texas and Louisiana numeric water quality standards (Authorities ~~2008b~~2018). While water quality within the Reservoir is good, and has been found to be excellent in some sampling locations, the permitting process originally created by the Authorities and expanded upon in this SMP allows the Authorities, FERC, and consulting agencies to ensure that permitted structures and activities meet applicable water quality requirements.

3.2.3 FISH AND AQUATIC RESOURCES

FISHERIES

Toledo Bend Reservoir provides a significant and diverse fishery resource, sport fishery, and other recreational opportunities and is well known for its trophy largemouth bass fishery. Besides the largemouth bass fishery, the Reservoir includes other temperate basses including white bass, yellow bass, and striped bass. ~~Since 1976, annual stockings of striped bass have been conducted.~~ Spotted bass are present in small numbers. Other related species include white and black crappie and bluegill. Blue and channel catfish are also abundant in the Reservoir, with a lesser population of flathead catfish. Forage and prey species include gizzard shad, threadfin shad, and bluegill (Driscoll and Ashe 2006).

Shoreline development has been occurring at the Toledo Bend Reservoir for several decades, and it is not anticipated that the continued development of the shoreline will adversely impact the fisheries in a manner that differs from what has historically occurred at the Reservoir. However, established permitting processes in this SMP will help ensure that development activities along the Toledo Bend Reservoir shoreline will not adversely affect fish populations or their associated habitats within the Reservoir.

AQUATIC HABITAT

Toledo Bend Reservoir is a large impoundment with approximately 1,130 miles of shoreline, and there is a significant amount of shallow littoral zone habitat for fish and other aquatic species. Aquatic vegetation communities occur on over 40 percent of the Reservoir (Yeldell et al. 2007), and the overall aquatic vegetation community within the Reservoir is considered diverse. In addition, there are large areas of standing timber, which were left uncut when the Reservoir was filled. This standing timber habitat persists within the Reservoir today. Toledo Bend Reservoir also has areas of aquatic vegetation coverage primarily in isolated coves, particularly in the northern portion of the Reservoir. Water structures such as docks also provide necessary cover and habitat for species such as largemouth bass and sunfish.

The SMP allows the Authorities to help protect sensitive aquatic areas through the use of their permitting systems. Land use classifications, for example, allow the Authorities to determine where development can occur along the shoreline that will not impact sensitive areas (i.e., General Land Use Classification), and where development should occur only after careful review (i.e., Conservation Land Use Classification). Through consultation with appropriate federal and state resource agencies in Conservation areas, as well as in other areas of the Reservoir where appropriate, proposed developments along the Toledo Bend Reservoir shoreline will be appropriately conditioned to help protect and manage aquatic habitat.

AQUATIC VEGETATION

Toledo Bend Reservoir has a robust aquatic vegetation community, which provides for good fish habitat. The community consists of alligator weed, American lotus, buttonbush, cattail, coontail, common water nymph, eelgrass, Eurasian watermilfoil, giant salvinia, hydrilla, pondweeds, torpedo grass, water fern, water hyacinth, and white water lily, along with a variety of other species of aquatic vegetation (Driscoll and Ashe 2006, Yeldell et al. 2007).

Significant proportions of the aquatic vegetation present in Toledo Bend Reservoir have been identified as nuisance and invasive aquatic plant species. Examples include hydrilla, water hyacinth, and giant salvinia, which are the primary nuisance aquatic vegetation species found in Toledo Bend Reservoir (Driscoll and Ashe 2006). Hydrilla, however, has been deemed beneficial by many anglers for bass habitat.

At Toledo Bend Reservoir, Texas Parks and Wildlife Department (TPWD) and Louisiana Department of Wildlife and Fisheries (LDWF) direct the monitoring and management of the invasive aquatic plant community within the Reservoir. The Authorities cooperate with TPWD and LDWF in the states' management programs for invasive aquatic vegetation, which primarily

focus on water hyacinth and giant salvinia (SRA-TX 2010). The states' cooperative programs direct surveys and monitor invasive aquatic plants on an annual basis, actively manage invasive plant areas (i.e., using biological- and chemical-control measures), and promote public education regarding control of aquatic invasive species populations (Toledo Bend Giant Salvinia Training Team 2010, Elder 2008).

3.2.4 TERRESTRIAL RESOURCES

Terrestrial resources within the Project Boundary include wetlands, shoreline vegetation, and wildlife, including rare, threatened, and endangered (RTE) species.

WETLANDS AND SHORELINE VEGETATION

The periphery of the Project contains several wetland varieties including Palustrine Forested, Palustrine Scrub/Shrub, Palustrine Emergent, and Palustrine Aquatic Bed wetlands (Cowardin et al. 1979). The Palustrine Forested community forms the riparian and floodplain area for most of the lower Sabine River. The Palustrine Scrub/Shrub community forms the transition zone between the relatively drier bottomland hardwoods and the permanently flooded or saturated emergent wetlands. Emergent wetlands present at the Project are semi-permanently or permanently flooded. Additionally, the aquatic bed community is found within the Reservoir and consists of floating or submerged plants in areas of little water movement.

Through the SMP's land use classification system, wetlands and areas of shoreline habitat that provide critical habitat to threatened/endangered wildlife will be labeled with the Conservation land use classification. In order to protect these critical habitat areas, the shoreline permitting process established under this SMP requires shoreline permit requests in Conservation areas be subject to applicable permits from, and consultation with, appropriate federal and state resource agencies prior to the Authorities' issuance of a permit. Any issued permit may be subject to modifications and conditions to help ensure protection of wetlands and shoreline vegetation.

INVASIVE SPECIES

Chinese tallow is a terrestrial invasive species that commonly occurs within the FERC Project Boundary and vicinity. Chinese tallow is an aggressive invader of riparian and bottomland habitats, and thrives in open, disturbed areas, as well as mature forests with a developed canopy (Authorities ~~2008a~~2008).

Chinese tallow has been persistent in the general vicinity of the Project, and the Authorities recognize that preventing its spread is desirable. In support of inhibiting the spread of Chinese tallow, the Authorities' Policies and Guidelines require permit holders and lessees to remove Chinese tallow trees of any size from the permitted/leased shoreline property, and prevent permit holders/lessees from planting Chinese tallow and other invasive species. Also, Article 411 of the new license, *Shoreline Management Plan*, requires the Authorities to implement measures to control the spread of Chinese tallow at project recreation areas maintained by the Authorities as

part of routine vegetation management and on Conservation and Public Access classification lands where ground-disturbing activities would occur.

WILDLIFE

Numerous game and non-game animals are found in the Project vicinity, which includes private property as well as the Sabine National Forest and state wildlife areas. White-tailed deer is the most common big game species in the Project vicinity and wild hogs are also common. Other mammals present include large to medium furbearers, small game species, rodents, and bats, etc.; additionally, avian species, reptiles, and amphibians are common and well represented in the Project vicinity.

Shoreline classification maps have been developed to denote Conservation areas in which federal and state resource agencies must be consulted prior to the Authorities' issuance of any permit for proposed shoreline development. Such development, therefore, is subject to modifications and conditions to appropriately protect and manage wildlife habitat.

RARE, THREATENED, AND ENDANGERED (RTE) SPECIES

Several state or federally listed RTE species potentially occur in terrestrial habitats within the vicinity of the Project. Federally listed endangered, threatened, or candidate species occurring or potentially occurring within the Project Boundary consist of the Louisiana black bear, red cockaded woodpecker (RCW), Louisiana pine snake, earth fruit, Texas golden gladecress, and Sprague's pipit. The Project vicinity also provides nesting habitat for the bald eagle, which has been removed from protection under the ESA as of August 8, 2007. Although de-listed under ESA, bald eagles continue to be protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

The Authorities' relicensing studies concluded that the continued operation and maintenance of the Project will have no effect upon four of the six species known to occur or potentially occur in the vicinity of the Project: Louisiana black bear, Sprague's pipit, earth fruit, and Texas golden gladecress. The RCW and the Louisiana pine snake are known to occur or have the potential to occur or forage within or adjacent to the Project Boundary. The RCW studies found that the quality of foraging habitat adjacent to the shoreline was low and the Project operation does not impact the foraging habitat. The Louisiana pine snake surveys found no optimal foraging habitat for the snake or its main prey (pocket gophers) in the survey areas. Based on the findings of the RCW and the Louisiana pine snake studies, the continued operation and maintenance of the Project will not affect these species. Nonetheless, habitats, nesting sites, forage areas, and rookeries associated with some of these species, together with the bald eagle, have been placed in the Conservation land use classification area under the SMP's land use classification system, thereby helping to ensure protection of these potentially sensitive resources.

3.2.5 CULTURAL RESOURCES / HISTORIC PROPERTIES

The area surrounding the Toledo Bend Project has been the setting of numerous cultural-resource management-related investigations dating back to the 1960s. The compilation of research resulted in the identification of numerous archaeological sites located along the shoreline or in the vicinity of the Project. The identified sites have been categorized according to their eligibility for inclusion in the National Register of Historic Places (National Register) and their categorization will determine the level of development permitted near the given site. Additionally, several Native American tribes may attach religious and cultural significance to historic properties within the Project Boundary or in the vicinity of the Reservoir. Article 412 of the new license, *Programmatic Agreement and Historic Properties Management Plan*, requires the Authorities to implement the Historic Properties Management Plan (HPMP) filed with the Commission on June 12, 2012. The HPMP describes how the Authorities will consider and manage historic properties within the Project's Area of Potential Effects (APE) throughout the term of the new license. The management measures described in the HPMP define how the Authorities will meet the Cultural Resources Working Group (RWG)'s goals for the appropriate protection and preservation of, and public education regarding, historic properties.

Construction of new boat ramps, docks, marinas, retaining walls, and other shoreline features could potentially affect archaeological resources and other historic properties within the Project's ~~Area of Potential Effects (APE).~~APE. Shoreline development activities can vary considerably, and the nature and severity of potential effects depends on the location, extent, and type of development. Low-impact activities such as the installation of seasonal floating docks are unlikely to have any direct effects on historic properties within the Project's APE. However, ground-disturbing activities associated with new construction (e.g., boat ramps) have the potential to adversely affect archaeological and historic resources. Other indirect effects of shoreline development may include unintentional changes in the patterns of erosion and sedimentation in the vicinity of historic and archaeological resources. Shoreline development may also make archaeological resources more easily accessible to looters and vandals.

Through the SMP's land use classification system, culturally sensitive and/or culturally significant areas have been placed under the Conservation land use classification, and no ground-disturbing construction activities will be authorized within a 50-meter radius of archaeological sites that have not been evaluated or are determined to be National Register-eligible without consultation with the State Historic Preservation Officer. Due to the sensitive nature of certain cultural resources, the exact location of some sensitive resources within the Conservation classification will not be disclosed to the public and may influence the level of development permitted in given areas. Portions of the Toledo Bend Reservoir shoreline may be added to or removed from the Conservation classification as a result of archeological surveying activities that will occur throughout the term of the license.

3.2.6 RECREATION RESOURCES

The Toledo Bend Project currently offers a spectrum of recreation activities and related experiences. The spectrum ranges from simple undeveloped camping and picnic sites to fully developed parks with full-service cabins and wireless Internet service. These recreation areas are

owned and maintained by a variety of entities including SRA-LA, SRA-TX, the State of Louisiana, USFS, and contract operators. The range of opportunities currently in place appears to serve the needs of many different types of people. Projections indicate that population may increase in the southern states over the next 50 years, possibly creating an increase in demand for outdoor recreation facilities. Under Article 410 of the new license, the Recreation Management Plan (RMP) governs the maintenance and operations of the Authorities' Toledo Bend Recreation Facilities, or TBRFs. The RMP was developed to be consistent with this SMP and the HPMP.

The SMP provides a Public Access land use classification to ensure continued availability of shoreline access by the public through the new license term. To meet future recreation demands, the Public Access classification may be modified, as appropriate, as part of the periodic review of the SMP between the Authorities and applicable state and federal agencies.

3.2.7 AESTHETIC / VISUAL RESOURCES

Views of the Toledo Bend Project area are generally scenic, with the natural beauty of the water of the Reservoir combined with forests, grasslands, and croplands. Visual elements of the Toledo Bend Project include the approximately 70-mile-long Reservoir, earthen dam and surrounding appurtenances, and several shoreline recreation sites located on both the Louisiana and Texas shorelines. The Texas shoreline includes 250 miles of the Sabine National Forest and two wildlife management areas. The overall terrain of the Project area is heavily wooded with rolling hills and valleys.

The SMP's Policies and Guidelines in Appendices ~~C~~B and ~~D~~C enable the Authorities to review proposed developments and permit facilities that are consistent with management goals and values of the Project.

4.0 SHORELINE PERMITTING PROGRAM

As described above, both SRA-LA and SRA-TX have long-standing and well-established shoreline policies, permitting programs, and other management practices designed to protect shoreline resources at the Toledo Bend Project, including Project operations, recreation, and environmental values. As described in this section, since approved by FERC in 2014 this SMP ~~expands~~has expanded these efforts and ~~consolidates~~consolidated them into a single document, to better inform shoreline users and the recreating public, and to enhance coordination and promote consistency between the Authorities in managing shoreline areas at the Toledo Bend Reservoir. The Authorities' permitting program is described below, and the Authorities' individual Policies and Guidelines, which include additional procedures and policies specific to shoreline development in Louisiana and Texas, appear in Appendices ~~C~~B and ~~D~~C of this SMP.

4.1 OVERVIEW

As a general rule, all proposed improvements, construction activities, and other ground-breaking activities at Toledo Bend Reservoir within the FERC Project Boundary must be permitted in advance by SRA-TX (for proposed activities in Texas) or SRA-LA (for proposed activities in Louisiana).[3] The process for applying for a permit from the Authorities may differ, depending on several variables:

- ***Land Use Classification.*** The designated land use classification of the area in which the proposed improvement or use is proposed will affect the level of the Authorities' review and the applicant's responsibility to consult with affected federal and state resource agencies. As described below, for example, applicants for proposed developments or uses within a Conservation land use area must complete consultation with resource agencies prior to submitting a permit application with the Authorities.

- ***Proposed Development or Use.*** Depending on the scope of the proposed development, the permitting process will differ. The typical process for permitting a major natural gas pipeline, for example, will involve additional consultation and approval requirements than required for a proposed residential dock. In most cases, the permitting processes in this SMP adopt the process required for different development activities described in FERC's Standard Land Use Article. As described below, however, in a few limited instances this SMP ~~modifies~~provides expanded authority for the ~~consultation and review provisions of the Standard Land Use Article to~~Authorities to independently address special circumstances present at the Toledo Bend Project, beyond the confines of FERC's Standard Land Use Article.

- ~~***Programmatic***~~***Regional General Permit.*** To assist shoreline developers in completing the permitting process as expeditiously and efficiently as possible, the Authorities ~~are in~~consulted with the ~~process of obtaining a Programmatic General Permit (PGP) from~~Fort Worth District of the U.S. Army Corps of Engineers (USACE) ~~that would apply~~to ensure that Regional General Permit, Boat Ramps and Minor Facilities, (RGP-8) applies to some dredging and filling activities within Toledo Bend Reservoir. ~~A PGP~~The purpose of RGP-8 is ~~a type of general permit issued by~~ to expedite authorization of recurring work that would have minimal adverse impact on the ~~USACE every 5 years, which allows certain activities to occur on a programmatic basis, as authorized by~~aquatic environment. It contains provisions intended to protect the ~~Authorities~~environment, including natural and cultural resources. Thus, for proposed shoreline developments that include dredging or filling activities within the scope of ~~the PGP~~RGP-8, the developer would not need to obtain a separate permit from the USACE, as the Authorities' issuance of a permit incorporates and consolidates the USACE permitting requirement. For this reason, ~~the PGP~~RGP-8 expedites the permitting review process for many proposed activities at the Toledo Bend

[3] In Section 4.0 of this SMP, the term "Authorities" is used generically to refer to either or both of the Authorities. A proposed development or use occurring only in Texas requires a permit only from SRA-TX. A proposed development or use occurring only in Louisiana requires a permit only from SRA-LA. A proposed development or use occurring in both states requires a permit from both SRA-LA and SRA-TX.

Project. For proposed development activities beyond the scope of ~~the PGP~~RGP-8, the developer will need to obtain an individual or other permit from the USACE. RGP-8 is included in Appendix G of this SMP.

Based on these variables, the Authorities in this SMP have established five different authorization or permitting processes to process applications as efficiently as possible, while meeting FERC licensing and other regulatory requirements. These processes are described in Section 4.2. Some of these processes require the developer to consult with federal and state resource agencies prior to submitting a permit application with the Authorities, and this consultation requirement is described in Section 4.3. Details regarding the Authorities' permit application requirements appear in Section 4.4. For all activities requiring a permit, the Authorities—prior to issuing a permit—will review the application for consistency with other management plans associated with the FERC license, as well as other regulatory requirements, as described in Section 4.5. ~~In some cases~~In some cases, this SMP grants the Authorities expanded authority to approve some activities that otherwise would require prior FERC notification or approval under the Standard Land Use Article (Article 415, Appendix A), as described in Section 4.6. For activities that are beyond the scope of the Authorities' delegated authority to grant independently, FERC review or approval may be required prior to the Authorities' issuance of a permit, as set forth in Section 4.~~6~~7. Finally, procedures and requirements related to structures and other shoreline uses in existence prior to the effective date of this SMP appear in Section 4.~~7~~8.

4.2 DESCRIPTION OF PERMITTING PROCESSES

As described above, the Authorities' permitting process for proposed shoreline development and use at Toledo Bend Reservoir will vary, depending on: (1) the land use classification in which the proposed development or use is located; (2) the scope and type of the proposed development or use; and (3) whether the proposed development or use is within the scope of ~~the Authorities' PGP with~~Fort Worth District USACE RGP-8. Based on these three variables, the Authorities have developed five separate approval or permitting processes, as follows:

- ***Type 1 Activities.*** Recognizing that many adjoining landowners to Toledo Bend Reservoir currently hold leases or other authorizations from the Authorities to occupy shoreline areas, this SMP approves certain activities on a programmatic basis, without the need for the lessee or permittee to obtain further authorization from the Authorities. So long as they are conducted according to the standards in the Authorities' Policies and Guidelines set forth in Appendices ~~C~~B and ~~D~~C, these Type 1 activities are hereby approved on premises covered by a lease or permit. All Type 1 activities are identified in Table 4-1, below.

- ***Type 2 Activities.*** Type 2 activities occur outside of Conservation areas under this SMP's land classification system and are covered ~~by~~ the ~~Authorities' PGP with~~Fort Worth District USACE RGP-8. In addition, Type 2 activities are smaller in scope, generally covering those described in subsection (b) of FERC's Standard Land Use Article. Given the expanse of the Toledo Bend shoreline area, moreover, Type 2 activities also include existing, minor encroachments on the Authorities' lands within the Project Boundary not classified as a Conservation area. Type 2 activities also encompass some Project-specific needs that

justify the Authorities' expanded authority described in Section 4.6, below, such as: (1) energy and secondary distribution electric infrastructure development with no ground-breaking activities within the Project Boundary in non-Conservation areas, recognizing the prevalence of residential electric distribution services and natural gas and oil exploration in the vicinity of the Project~~. Finally, Type 2 activities include~~; (2) temporary, residential-scale water withdrawal pumps for non-consumptive irrigation of parcels immediately adjacent to the Project's shoreline~~.~~; and (3) temporary, portable pumps in which the delivered capacity is no more than 3 million gallons per day. **Based on their long-standing experience of managing shorelines through their previous permitting programs, the Authorities expect the majority of shoreline development activities at the Toledo Bend Reservoir to fall within the abbreviated and consolidated permitting process for Type 2 activities.** Specific Type 2 activities are identified in Table 4-1, and the permitting process for Type 2 activities, which is outlined in Figure 4-1, consists of:

- Completion and filing of an application with the Authorities, as provided in Section 4.4; and
- Review and approval of the application by the Authorities, as provided in Section 4.5.

- ***Type 3 Activities.*** Type 3 activities are the same as Type 2 activities, except they involve dredging or filling activities not covered by the ~~Authorities' PGP with~~Fort Worth District USACE RGP-8. Specific Type 3 activities are ~~indentified~~identified in Table 4-1, and the permitting for Type 3 activities, which is outlined in Figure 4-2, consists of:
  - Obtaining a dredge and fill and/or other permit from USACE, as required; and
  - Completion and filing of an application with the Authorities, as provided in Section 4.4; and
  - Review and approval of the application by the Authorities, as provided in Section 4.5.

- ***Type 4 Activities.*** Type 4 activities include most construction and other ground-breaking activities within Conservation areas, as well as larger-scale, more intensive development activities in non-Conservation areas. Generally, Type 4 activities encompass those proposed in Conservation areas and described in subsection (b) of FERC's Standard Land Use Article, as well as activities throughout the Project described in subsections (c) and (d) of the Article~~.~~ (unless the activity is designated a Type 1, 2 or 3 Activity due to the Authorities' enhanced authority described in Section 4.6, below). Some Type 4 activities may be covered by the ~~Authorities' PGP with~~Fort Worth District USACE RGP-8, but in all instances applicants for a proposed Type 4 activity must obtain all federal approvals and consult with interested federal and state resource agencies prior to submitting a permit application to the Authorities. Specific Type 4 activities are ~~indentified~~identified in Table 4-1, and the permitting for Type 4 activities, which is outlined in Figure 4-3, consists of:
  - Obtaining a dredge and fill and/or other permit from USACE, as required; and
  - Consultation with interested federal and state resource agencies, as provided in Section 4.3; and
  - Completion and filing of an application with the Authorities, as provided in Section 4.4; and

- ~~Review~~Prior review and approval of the application by the Authorities, as provided in Section 4.5; and
- ~~Review~~Prior review and/or approval of the application by FERC if required ~~by the Standard Land Use Article, as provided in~~under Section 4.~~6~~7.

- ***Type 5 Activities.*** Type 5 activities encompass all activities not specifically identified in Table 4-1. All Type 5 activities must be approved, in advance, by both the Authorities and FERC, and in all instances applicants must obtain all federal approvals and consult with interested federal and state resource agencies prior to submitting a permit application to the Authorities. While the process for permitting Type 5 activities is generally the same as the process for Type 4 activities (set forth in Figure 4-3), developers are encouraged to contact the Authorities as early in the planning phase as possible, such that the Authorities can work with the developer in establishing a process and schedule for obtaining all requisite regulatory approvals for the proposed activity or use.

TABLE 4-1
APPROVAL PROCESS REQUIRED AT TOLEDO BEND PROJECT BASED ON TYPE OF PROPOSED ACTIVITY

(Activities Subject to the Authorities' enhanced authorities per Section 4.6 appear in italicized text)

No.	Activity	General Land Use Classification	Public Access Land Use Classification	Conservation Land Use Classification
1	Landscape plantings[4]	Type 1	Type 1	Type 1
2	*Fencing*[5]	Type 1 or 2	Type 1 or 2	Type 1 or 2
3	Noncommercial pier, landing, boat dock, or similar structures, *including any accompanying boathouse and driveway access,* that can accommodate ~~up~~no more than 10 water craft at a time, and where said facility is intended to ~~10 slips~~serve single-family type dwellings	Type 2 or 3	Type 2 or 3	Type 4
4	*Commercial pier, landing, boat dock, or similar structures, including any accompanying boathouse and driveway access, that can accommodate no more than 10 water craft at time*	Type 2 or 3	Type 2 or 3	Type 4
5	Embankments, bulkheads, retaining walls, or similar structures for erosion control ~~measures~~to protect the existing shoreline	Type 2 or 3	Type 2 or 3	Type 4
6	*Maintenance dredging or filling*	Type 2 or 3	Type 2 or 3	Type ~~4~~2 or 3

[4] *See* Appendix ~~C~~B § 1.2.2.2; Appendix ~~D~~C § 1.2.2.

[5] SRA-LA's Policies and Guidelines treats fencing as a Type 1 activity. *See* Appendix ~~C~~B § 1.2.2.~~2~~1. SRA-TX's Policies and Guidelines treats fencing as a Type 2 activity. *See* Appendix ~~D~~C § 2.9.

No.	Activity	General Land Use Classification	Public Access Land Use Classification	Conservation Land Use Classification
7	Food plots and other wildlife enhancements	Type ~~2 or 3~~1	Type ~~2 or 3~~1	Type ~~4~~1
8	*Minor existing encroachments on SRA-LA or SRA-TX lands within Project Boundary*[6]	Type 2	Type 2	Type ~~4~~2
9	*Natural gas and oil pipelines, wells, secondary distribution lines, and similar infrastructure with no ground-breaking activities within Project Boundary*	Type 2	Type 2	Type ~~4~~2
10	*Portable water intake or pumping facilities that are: (1) used on a temporary basis (approved for no more than 6 months at a time); (2) require no ground-breaking activities to install or maintain; and (3) involve a delivered capacity of no more than 3 million gallons per day*	Type 2	Type 2	Type 4
11	*Residential-scale, temporary water withdrawal pumps*[7]	Type 2	Type 2	Type ~~4~~2
12	Replacement, expansion, realignment, or maintenance of bridges or roads where all necessary state and federal approvals have been obtained	Type 4	Type 4	Type 4
13	*Storm drains and water mains*	Type ~~4~~2	Type ~~4~~2	Type 4
14	*Sewers that do not discharge into Project waters*	Type ~~4~~2	Type ~~4~~2	Type 4
15	*Minor access roads*	Type ~~4~~2	Type ~~4~~2	Type 4

[6] *See infra* § 6.3.1; Appendix ~~C~~B § 1.2.10.2; Appendix ~~D~~C § 1.2.9.

[7] *See* Appendix ~~C~~B § 2.7.

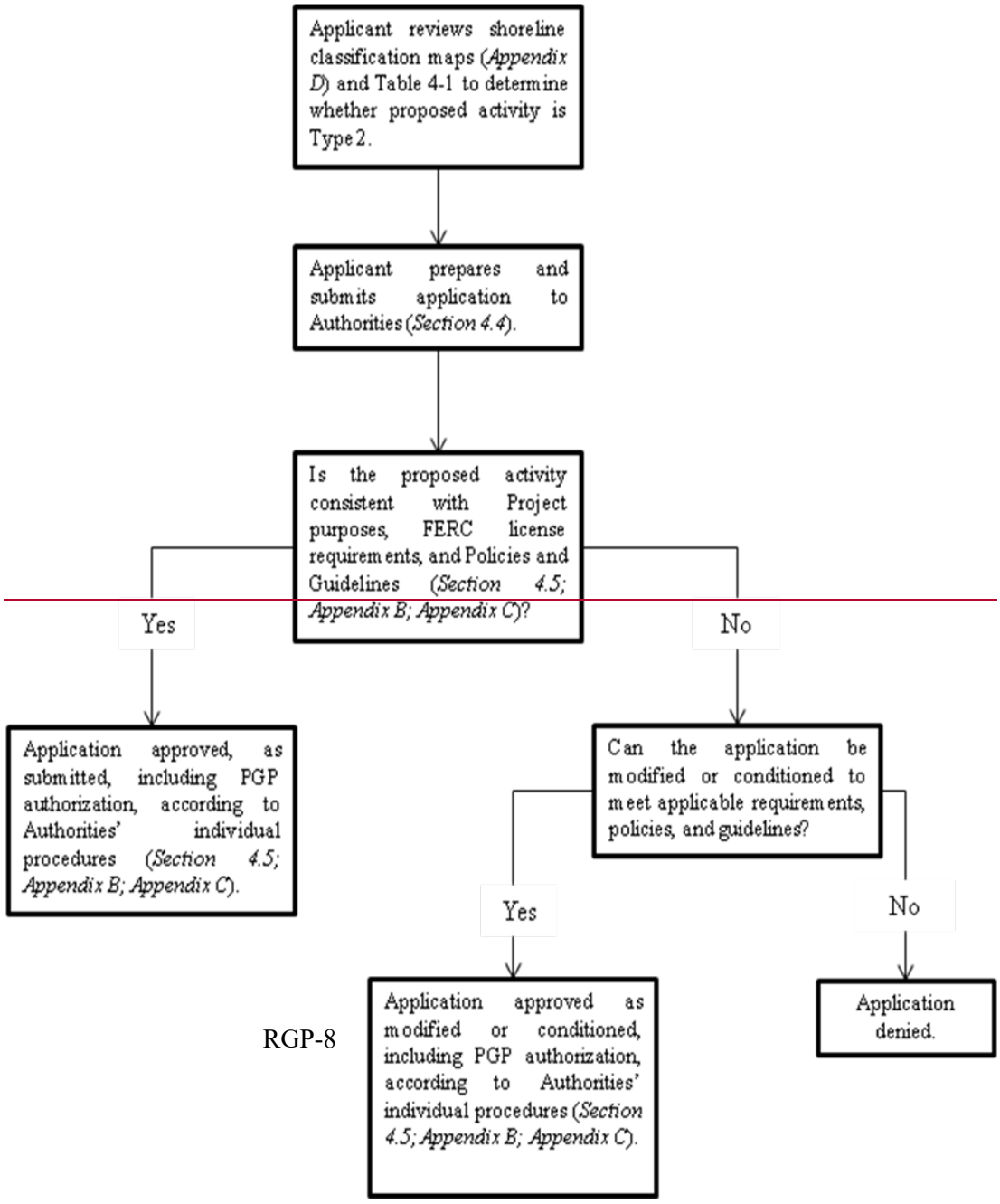
No.	Activity	General Land Use Classification	Public Access Land Use Classification	Conservation Land Use Classification
16	*Telephone, gas, and ~~primary~~ electric utility distribution lines*	Type ~~4~~2	Type ~~4~~2	Type 4
17	Non-Project overhead electric transmission lines that do not require erection of support structures within the Project Boundary	Type 4	Type 4	Type 4
18	Submarine, overhead, or underground major telephone distribution cables or major electric distribution lines (69-kilovolts or less)	Type 4	Type 4	Type 4
19	~~Water~~ *Permanent* water intake or pumping facilities ~~other~~that do not extract more than ~~residential-scale, temporary water withdrawal pumps~~one million gallons per day from a project impoundment[8]	Type 4	Type 4	Type 4
20	Construction of new bridges or roads for which all necessary state and federal approvals have been obtained	Type 4	Type 4	Type 4
21	Sewer or effluent lines that discharge into Project waters for which all necessary federal and state water quality certification or permits have been obtained	Type 4	Type 4	Type 4
22	Pipelines that cross Project lands or waters *and involve ground-breaking activity within the Project Boundary*, but which do not discharge into Project waters	Type 4	Type 4	Type 4

[8] FERC's Standard Land Use Article distinguishes between water intake facilities that extract less than one million gallons per day (gpd), and those that extract at least one million gpd. Facilities extracting less than one million gpd do not require prior FERC notification and review, and only need to be reported to FERC on an annual basis. Facilities extracting at ~~lease~~least one million gpd require prior FERC notification and review. *See infra* § 4.6; Figure 4-3; Appendix A.

No.	Activity	General Land Use Classification	Public Access Land Use Classification	Conservation Land Use Classification
23	Non-Project overhead electric transmission lines that require erection of support structures within the Project Boundary for which all necessary federal and state approvals have been obtained	Type 4	Type 4	Type 4
24	Private or public marinas that can accommodate no more than ~~10~~*20* watercraft at a time and are located at least one-half mile from any other private or public marina	Type ~~4~~2 or 3	Type ~~4~~2 or 3	Type 4
25	Recreational development consistent with the Project's Recreation Management Plan	Type 4	Type 4	Type 4
26	Other uses, if: (1) the amount of land required is 5 acres or less; and (2) the involved land is located at least ~~75~~*50* feet (horizontally) from Toledo Bend at the conservation pool elevation of 172 feet msl	Type 4	Type 4	Type 4
27	Non-minor encroachments on SRA-LA or SRA-TX lands within Project Boundary[9]	Type 4 or 5	Type 4 or 5	Type 4 or 5
28	All other structures, developments, and uses	Type 5	Type 5	Type 5

[9] *See infra* § 6.3.1.

FIGURE 4-1
PERMIT APPLICATION PROCESS FOR TYPE 2 ACTIVITIES



RGP-8

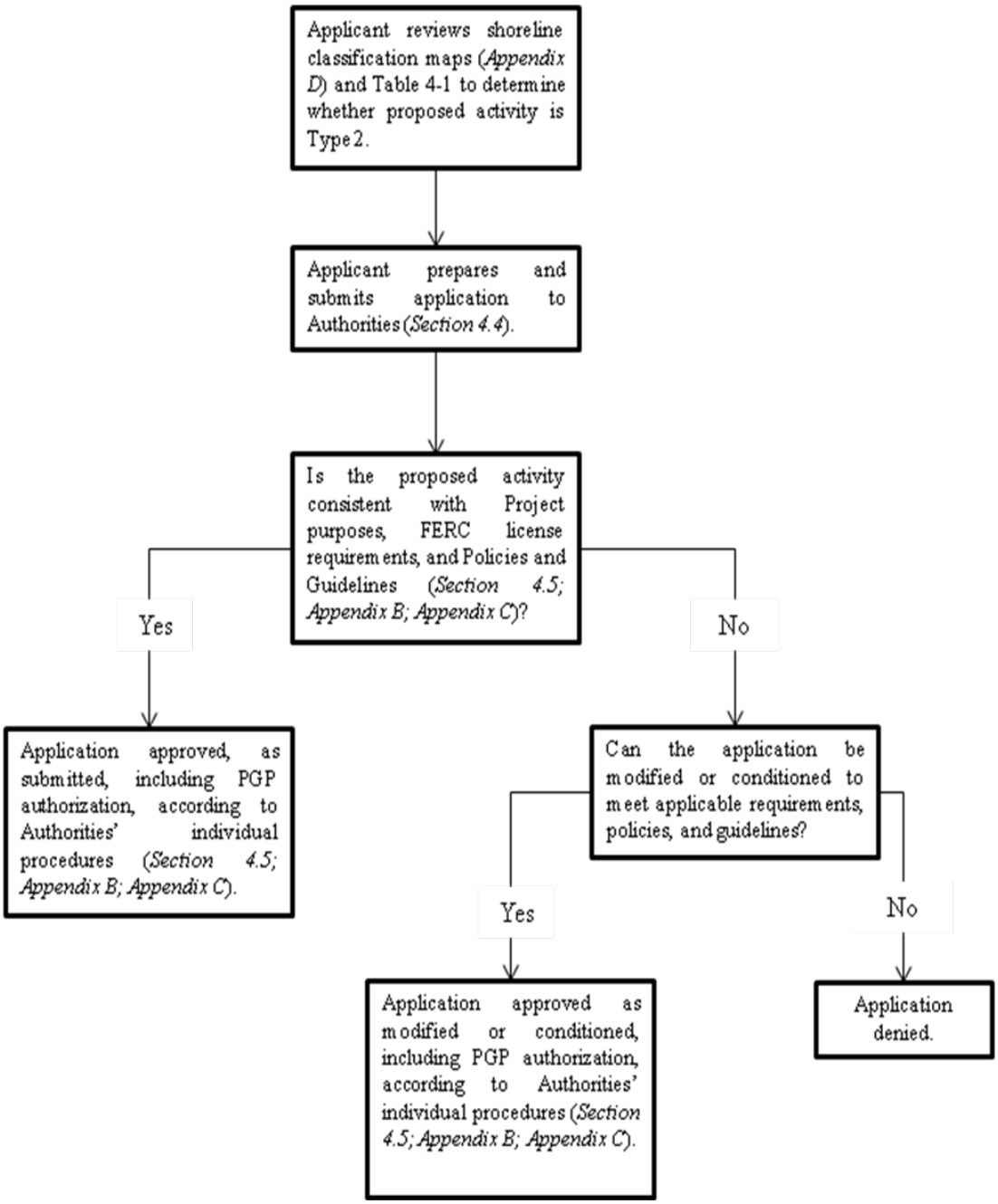
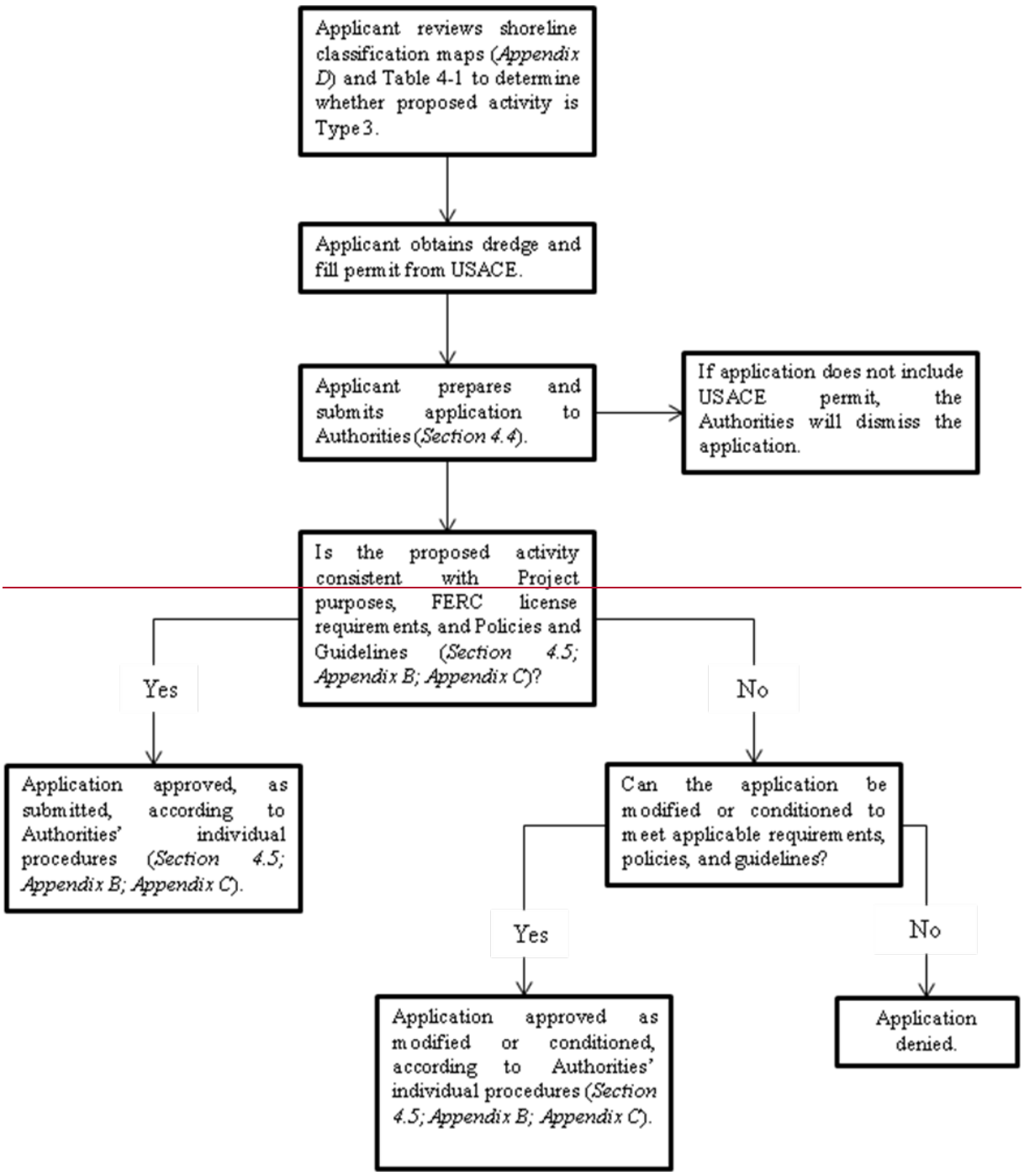

Applicant reviews shoreline classification maps (*Appendix D*) and Table 4-1 to determine whether proposed activity is Type 2.
Applicant prepares and submits application to Authorities (*Section 4.4*).
Is the proposed activity consistent with Project purposes, FERC license requirements, and Policies and Guidelines (*Section 4.5; Appendix B; Appendix C*)?
Yes
No
Application approved, as submitted, including PGP authorization, according to Authorities' individual procedures (*Section 4.5; Appendix B; Appendix C*).
Can the application be modified or conditioned to meet applicable requirements, policies, and guidelines?
Yes
No
Application approved as modified or conditioned, including PGP authorization, according to Authorities' individual procedures (*Section 4.5; Appendix B; Appendix C*).
Application denied.

FIGURE 4-2
PERMIT APPLICATION PROCESS FOR TYPE 3 ACTIVITIES


Applicant reviews shoreline classification maps (*Appendix D*) and Table 4-1 to determine whether proposed activity is Type 3.
Applicant obtains dredge and fill permit from USACE.
Applicant prepares and submits application to Authorities (*Section 4.4*).
If application does not include USACE permit, the Authorities will dismiss the application.
Is the proposed activity consistent with Project purposes, FERC license requirements, and Policies and Guidelines (*Section 4.5; Appendix B; Appendix C*)?
Yes
No
Application approved, as submitted, according to Authorities' individual procedures (*Section 4.5; Appendix B; Appendix C*).
Can the application be modified or conditioned to meet applicable requirements, policies, and guidelines?
Yes
No
Application approved as modified or conditioned, according to Authorities' individual procedures (*Section 4.5; Appendix B; Appendix C*).
Application denied.

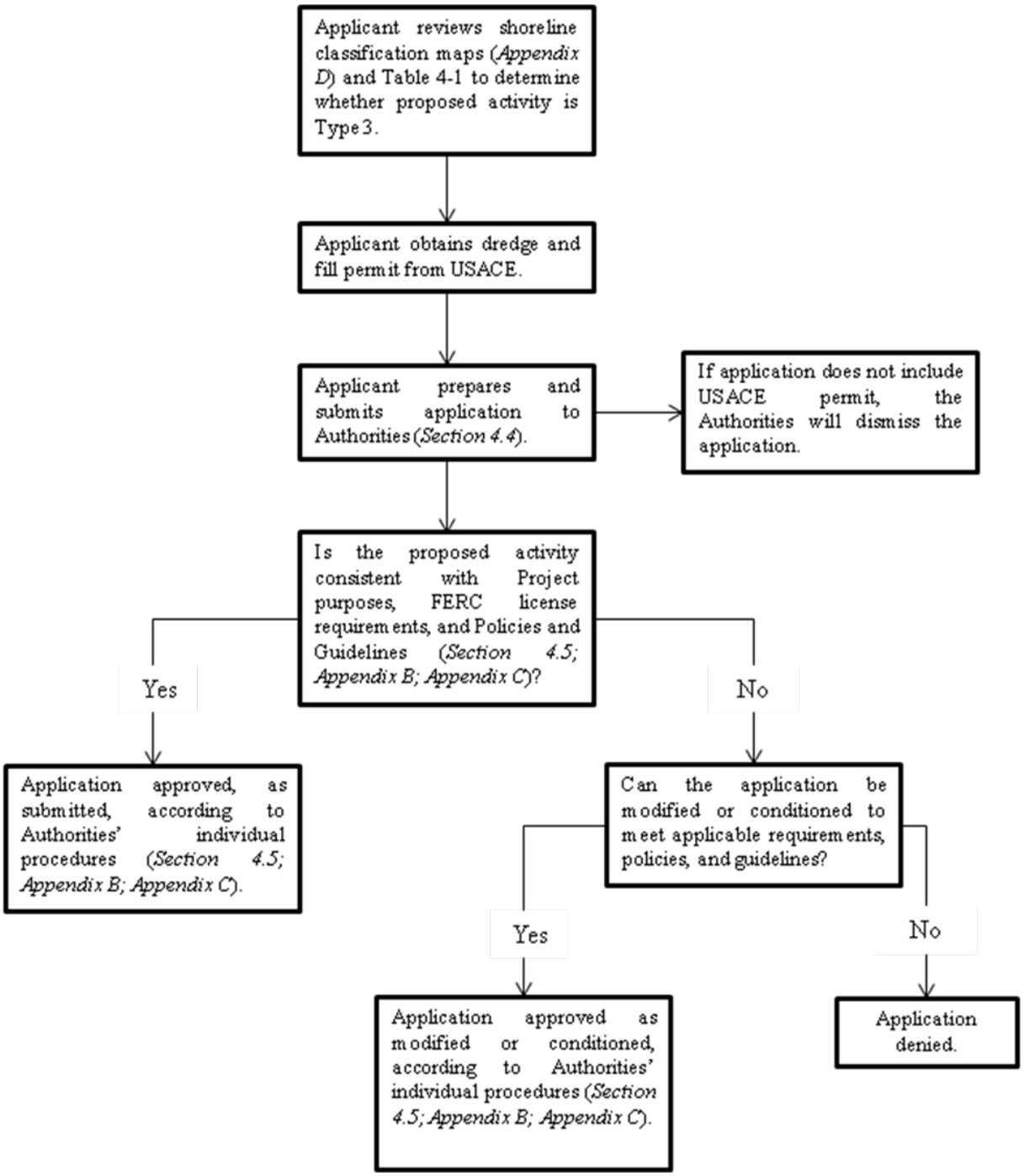
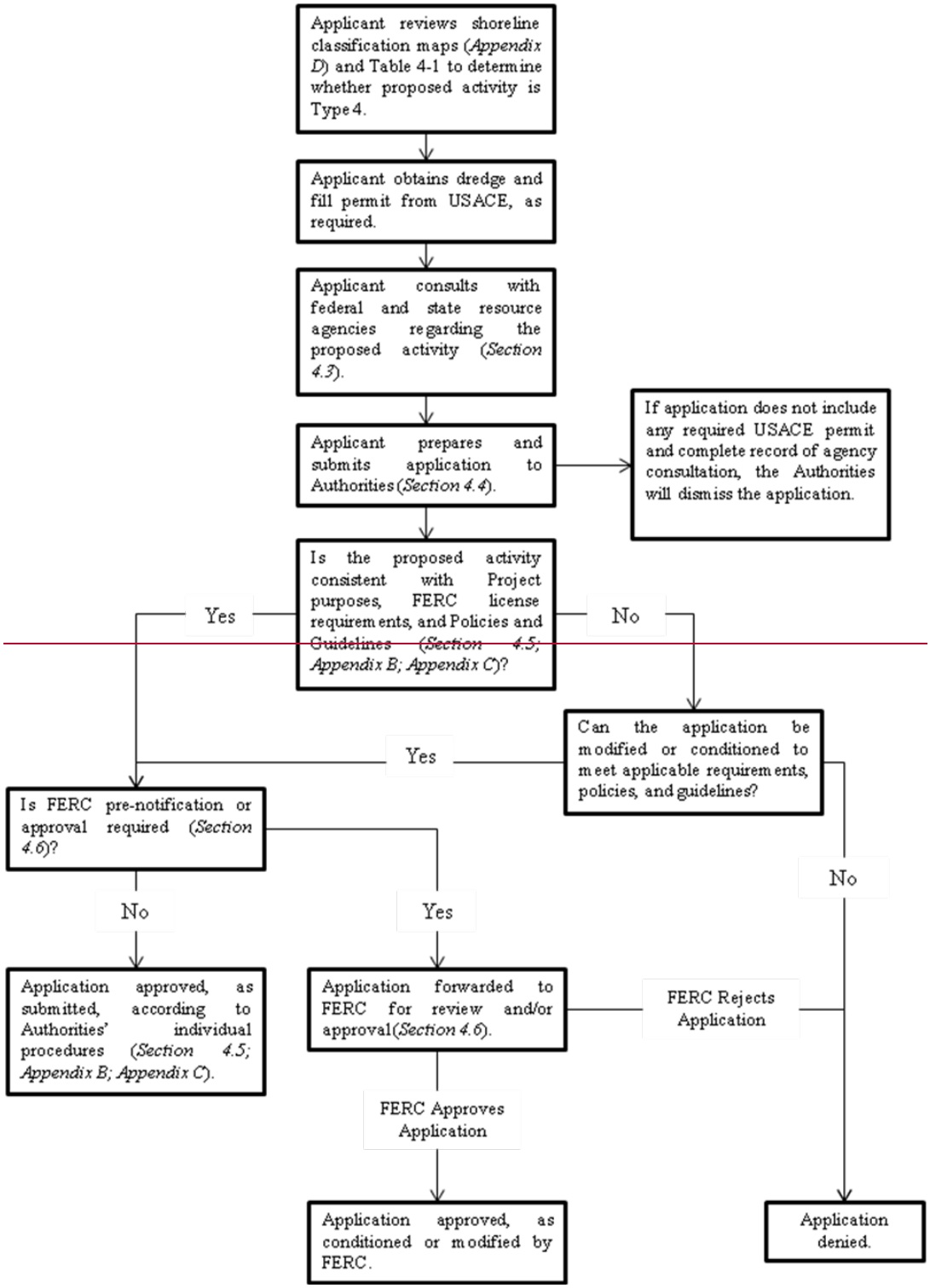
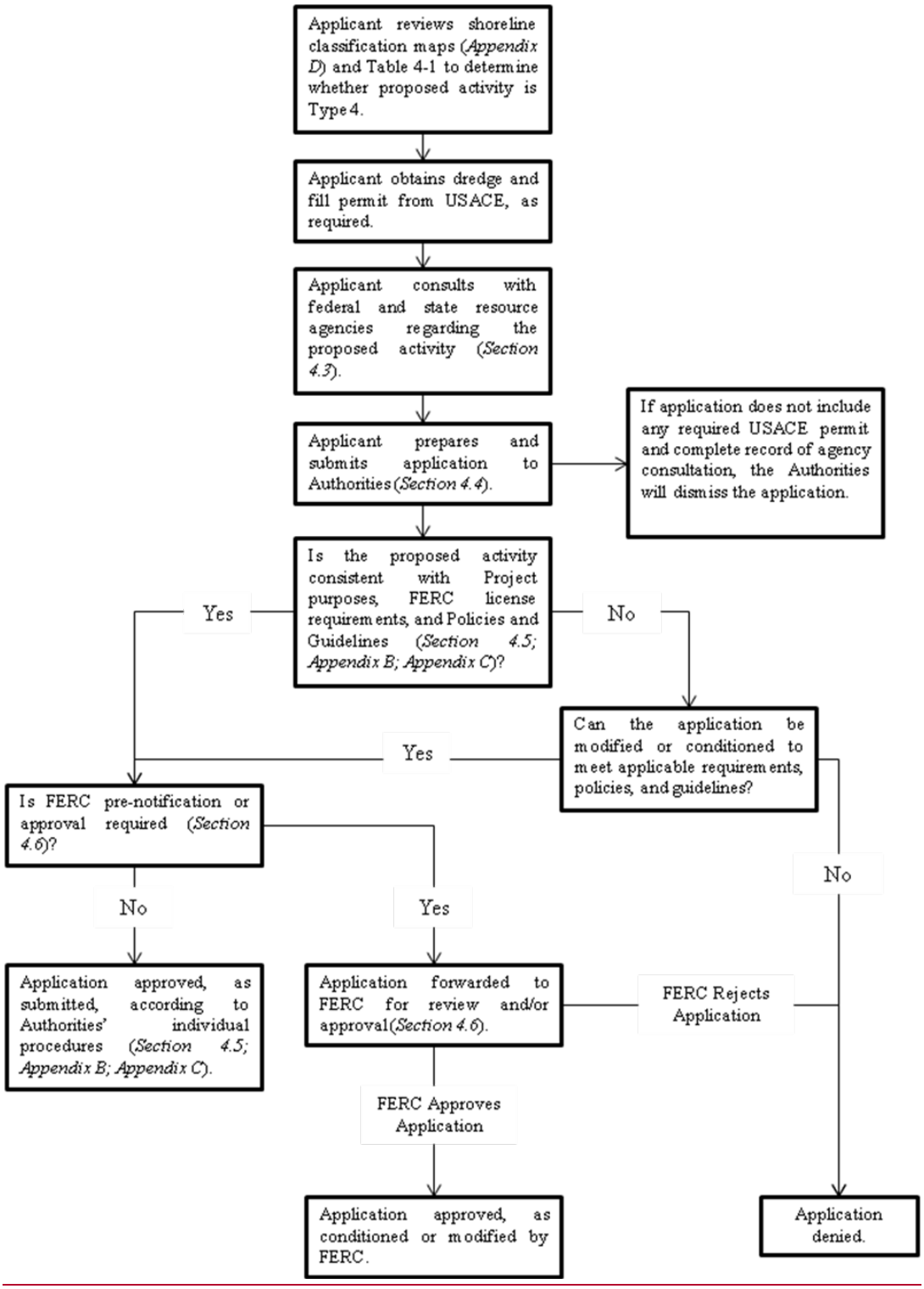

Applicant reviews shoreline classification maps (*Appendix D*) and Table 4-1 to determine whether proposed activity is Type 3.
Applicant obtains dredge and fill permit from USACE.
Applicant prepares and submits application to Authorities (*Section 4.4*).
If application does not include USACE permit, the Authorities will dismiss the application.
Is the proposed activity consistent with Project purposes, FERC license requirements, and Policies and Guidelines (*Section 4.5; Appendix B; Appendix C*)?
Yes
No
Application approved, as submitted, according to Authorities' individual procedures (*Section 4.5; Appendix B; Appendix C*).
Can the application be modified or conditioned to meet applicable requirements, policies, and guidelines?
Yes
No
Application approved as modified or conditioned, according to Authorities' individual procedures (*Section 4.5; Appendix B; Appendix C*).
Application denied.

FIGURE 4-3
PERMIT APPLICATION PROCESS FOR TYPE 4 ACTIVITIES




Applicant reviews shoreline classification maps (*Appendix D*) and Table 4-1 to determine whether proposed activity is Type 4.
Applicant obtains dredge and fill permit from USACE, as required.
Applicant consults with federal and state resource agencies regarding the proposed activity (*Section 4.3*).
Applicant prepares and submits application to Authorities (*Section 4.4*).
If application does not include any required USACE permit and complete record of agency consultation, the Authorities will dismiss the application.
Is the proposed activity consistent with Project purposes, FERC license requirements, and Policies and Guidelines (*Section 4.5; Appendix B; Appendix C*)?
Yes
No
Can the application be modified or conditioned to meet applicable requirements, policies, and guidelines?
Yes
No
Is FERC pre-notification or approval required (*Section 4.6*)?
No
Yes
Application approved, as submitted, according to Authorities' individual procedures (*Section 4.5; Appendix B; Appendix C*).
Application forwarded to FERC for review and/or approval (*Section 4.6*).
FERC Rejects Application
FERC Approves Application
Application approved, as conditioned or modified by FERC.
Application denied.

4.3 RESOURCE AGENCY CONSULTATION REQUIREMENTS

As noted in Section 4.2 above, the application approval process for Type 4 and Type 5 activities requires the developer to consult with interested federal and state resource agencies before filing an application with the Authorities. The section describes the required resource agency consultation process.

4.3.1 RESOURCE AGENCIES TO CONSULT

Applicants for Types 4 and 5 activities must consult with, and obtain any required permit or approval from, all interested federal and state resource agencies prior to submitting their permit applications with the Authorities. At a minimum, these applicants must consult with federal and state fish and wildlife agencies and the State Historic Preservation Officer~~.~~, as appropriate. In addition, if the proposed activity would involve any wetland areas or dredging or filling activities in navigable waters, the applicant must obtain all required permits and authorizations from USACE, to the extent such activities are not covered by the ~~Authorities' PGP with~~Fort Worth District USACE RGP-8. Thus, for proposed activities in Louisiana, applicants must consult with the following agencies as appropriate:

- Louisiana Department of Wildlife and Fisheries
- Louisiana Office of Cultural Development (as provided in the Project's HPMP)
- USACE (for any required permit or authorization)
- U.S. Fish and Wildlife Service (Type 5 activities only)

For proposed activities in Texas, applicants must consult with the following agencies as appropriate:

- Texas Parks and Wildlife Department
- Texas Historical Commission (as provided in the Project's ~~Historic Properties Management Plan~~HPMP)
- USACE (for any required permit or authorization)
- U.S. Fish and Wildlife Service (Type 5 activities only)

By letter dated January 6, 2012 and included as Appendix E to this SMP, the U.S. Fish and Wildlife Service (USFWS) recommends that the Authorities provide information on USFWS's trust resources, which include, but are not limited to, federally listed species, bald eagles, and migratory birds, directly to shoreline permit applicants in lieu of mandatory coordination with USFWS. Except where prior FERC review and approval is required, applicants will be required to adhere to the USFWS recommendations and instructions provided by the Authorities. Where a proposed activity requires prior FERC review and approval (i.e., Type 5 activities), applicants must consult with USFWS prior to submitting their permit applications with the Authorities. In implementing the SMP, the Authorities will periodically update the information in Appendix E to be provided to applicants, as requested by USFWS.

Contact information for each of these agencies appears in Appendix F of the SMP, and as noted in Appendix F, additional consultation requirements and permitting may apply, depending on the scope of the proposed activity.

When consulting with interested federal and state resource agencies, applicants must provide the agencies with a description of the proposed activity, including any maps, plans, and specifications, and the applicant must complete any resource investigation, study, or assessment requested by an agency. The applicant must provide consulting agencies at least 30 days to review and comment on the proposal. If a permit applicant provides documentation that an agency did not respond to an applicant's written request for consultation within 30 days of receipt,[10] the Authorities may move forward with processing the application as provided in Section 4.5, provided that the applicant obtained any required permit prior to submitting its application with the Authorities.

4.3.2 RECORD OF CONSULTATION

Where agency consultation is required for a proposed permit under this SMP, the applicant must provide the Authorities a complete record of consultation, consisting of:

- Correspondence from the applicant to each agency, providing the description, maps, plans, and specifications of the proposed activity, together with any resource studies or investigations conducted by the applicant and provided to the consulted agency in support of the activity.
- All comments received from consulted agencies, including any and all issued permits or other authorizations.

If any consulted resource agency raises any resource-related concern regarding the proposed activity, the applicant must resolve that issue directly with the resource agency prior to submitting an application with the Authorities, and should adapt or modify its proposal to address resource-related concerns raised by consulting agencies. The applicant's record of consultation must include documentation demonstrating the resolution of any resource-related concerns raised by consulting agencies.

4.4 APPLICATION REQUIREMENTS

4.4.1 OBTAINING AN APPLICATION PACKAGE

A form of application is appended to each of the Authorities' Policies and Guidelines, which appear in Appendices ~~C~~B and ~~D~~C of this SMP. To obtain the most current version of the permit application, applicants should contact the Authorities as follows:

[10] TPWD Wildlife Habitat Assessment Program: Project Review Requests provides for an approximately 45-day review period. See https://tpwd.texas.gov/huntwild/wild/wildlife_diversity/habitat_assessment/review.phtml, referenced October 10, 2019.

Louisiana
Sabine River Authority
Shoreline Department
15091 Texas Hwy.
Many, LA 71449

Telephone: (318) 256-4112

Texas
Sabine River Authority of Texas
Toledo Bend Division
450 Spur 135
Burkeville, TX 75932

Telephone: (409) 565-2273

4.4.2 APPLICATION CONTENTS

Applicants must ensure that their applications are complete. All incomplete applications will be dismissed and will not be reviewed or approved by the Authorities. In particular, all applicants must submit:

1. A fully completed, signed original application.
2. One copy of the construction drawings or design plans for the proposed structure. Where appropriate, re-vegetation or shoreline stabilization plans should be included.
3. One copy of a site plan that identifies: (1) the leased or permitted property boundary in relation to the Reservoir shoreline; (2) the location of existing structures within the Project Boundary; (3) the location of proposed structures within the Project Boundary; and (4) areas inside the Project Boundary that may be temporarily disturbed or affected by construction activities. For any proposed activity within 100 feet of Sabine National Forest or other federal land administered by the USFS, moreover, the site plan must demonstrate that the construction or use of the proposed activity, including ingress and egress, would not involve any encroachment upon federal lands.
4. Any other application requirements in the Authorities' Policies and Guidelines, which appear in Appendices ~~C~~B and ~~D~~C of this SMP.
5. For Type 4 and Type 5 activities, a complete record of consultation with federal and state resource agencies, as set forth in Section 4.3 of this SMP.
6. Any permit application fees required by the Authorities.

4.5 REVIEW AND APPROVAL BY THE AUTHORITIES

All permit applications must be reviewed and approved by the Authorities before the applicant can commence any development or other ground-breaking activities at the proposed site. In particular,

the Authorities will review the application and determine whether the proposed activity is consistent with: (1) the primary Project purpose of water supply and secondary purposes of hydroelectric generation and recreation; (2) the obligations of the FERC license; (3) the Authorities' Policies and Guidelines set forth in Appendices ~~C~~B and/or ~~D~~C; and (4) the FERC-approved Historic Properties Management Plan and Recreation Management Plan for the Project. As required under FERC's Standard Land Use Article, moreover, the Authorities will evaluate whether the proposed activity is consistent with the protection of the Project's scenic, recreational, and other environmental values. Finally, for Type 4 and Type 5 activities, the Authorities will review the applicant's record of consultation with federal and state resource agencies.

Based on this review, the Authorities will determine whether to approve the application and issue a permit for the proposed activity. The Authorities reserve the right to approve the application as submitted, or to require modifications or changes to conform the application with the standards, guidelines, requirements, values, and purposes identified above.

For all Type 2 and Type 3 activities, as well as Type 4 activities identified in Subsection (c) of the Standard Land Use Article, once the Authorities complete their review of the application, they will notify the applicant, in writing, of their decision. If the application is approved, the Authorities will issue a permit as set forth in their Policies and Guidelines, which appear in Appendices ~~C~~B and/or ~~D~~C of this SMP.

For ~~Type 4 activities identified in Subsection (d)~~some types of ~~the Standard Land Use Article and all Type 5~~ activities, the Authorities ~~will not immediately~~cannot unilaterally approve the application. Rather, if the Authorities are supportive of the application, they ~~will~~ are required to forward the application to FERC for its review and, in some cases, prior approval, as provided in Section 4.~~6~~7.

The Authorities expressly reserve the right to deny any permit application for any reason, including inconsistency with the standards, guidelines, requirements, values, and purposes identified above. As all lands available for permitting under this SMP are owned in fee by SRA-LA or SRA-TX, the issuance of permits is entirely discretionary, and no applicant has any right or entitlement to obtain a permit from the Authorities. With regard to valid leaseback agreements in Louisiana, nothing in this SMP is intended to infringe upon any rights granted under such agreements, although this SMP does establish regulations regarding safety, sanitation and zoning for purposes of the leaseback agreements.~~All permitting decisions of the Authorities are final and unreviewable.~~

All permitting decisions of the Authorities are final and unreviewable.

4.6 EXPANDED AUTHORITY

FERC's Standard Land Use Article, Article 415 of the current license for the Project (and included as Appendix A to this SMP), authorizes SRA-LA and SRA-TX to grant certain types of shoreline uses at the Project without prior FERC approval. Because FERC has regulatory responsibilities under the Federal Power Act for all activities occurring at a licensed hydropower project, the Standard Land Use Article is intended to give the Authorities additional flexibility and

independence in granting shoreline development activities that otherwise would require prior FERC review and authorization.

Based on their experience in managing their shoreline programs since the Project was originally developed in the 1960s, including their implementation of this SMP since 2014, the Authorities have concluded that while the Standard Land Use Article covers many of the activities at Toledo Bend, unique aspects of this project require expanded authority—such that the Authorities can efficiently make decisions on requested land use activities without the need for FERC approval in each instance. This Section 4.6 identifies, in Table 4-2, the types of activities—beyond the limits of the Standard Land Use Article—that the Authorities may grant without prior FERC notice or approval. Table 4-2 also provides a rationale for each activity for which FERC has authorized expanded authority under this SMP.

Importantly, while this SMP (upon approval of FERC) will authorize the Authorities to make decisions on proposed activities listed in Table 4-2 without prior FERC notice or approval, the Authorities' decisions on these activities will continue to ensure that all activities are consistent with: (1) the primary Project purpose of water supply and secondary purposes of hydroelectric generation and recreation; (2) the obligations of the FERC license; (3) the Authorities' Policies and Guidelines set forth in Appendices B and/or C; (4) the FERC-approved Historic Properties Management Plan and Recreation Management Plan for the Project; and (5) the protection of the Project's scenic, recreational, and other environmental values. The decision-making process and standards described above in Section 4.5 will apply to activities under this Section 4.6, in which the Authorities have expanded authority to approve.

By January 31 each year, the Authorities will provide a report to FERC, briefly describing for each activity approved under Table 4-2 during the calendar year, the type of interest conveyed, the location of the lands subject to the conveyance, and the nature of the use for which the interest was conveyed. Such report will be included as part of the Authorities' annual report submitted with FERC under Article 415(c) of the license.

TABLE 4-2
ACTIVITIES SUBJECT TO EXPANDED APPROVAL AUTHORITY

Table 4-1 Reference	Activity	Rationale
2	Fencing	The SRA-LA leaseback agreements, which date back to the original construction of the Project, authorize leaseholders to erect fences within the leaseback areas, so long all such fencing is at least 50 feet (measured laterally) from elevation 172 feet. Any such fencing cannot exclude the right of the general public to ingress and egress on the leaseback area. SRA-LA's Policies and Guidelines on fencing appears in Appendix B, § 1.2.2.1.

Table 4-1 Reference	Activity	Rationale
3	Noncommercial pier, landing, boat dock, or similar structures, including any accompanying boathouse and driveway and/or path access, that can accommodate no more than 10 water craft at a time, and where said facility is intended to serve single-family type dwellings	Similar to the activity described in Article 415(b)(2), this activity expressly includes an accompanying boathouse and accompanying access infrastructure. Many residents at Toledo Bend seek to enhance their investment in residential property adjacent to Toledo Bend by developing a boathouse in conjunction with a pier, landing, or boat dock. Both Authorities have developed specific Policies and Guidelines for boathouses. *See* Appendix B § 2.3; Appendix C § 2.3. As provided in Table 4-1, any proposed installation of this infrastructure in a designated Conservation Land Use Classification area would be subject to the enhanced consultation and approval requirements of a Type 4 activity.
4	Commercial pier, landing, boat dock, or similar structures, including any accompanying boathouse and driveway access, that can accommodate no more than 10 water craft at time	Because small commercial piers, landings, boat docks and similar structures for commercial activities have the same environmental consideration as similar private, residential developments, the Authorities propose consistent, uniform approval for these facilities—particularly since most commercial operators at Toledo Bend are small family businesses. *See* Appendix B § 3.6; Appendix C § 3.6. As provided in Table 4-1, any proposed installation of this infrastructure in a designated Conservation Land Use Classification area would be subject to the enhanced consultation and approval requirements of a Type 4 activity.
6	Maintenance dredging or filling	This activity clarifies that subsequent FERC review and/or approval is not needed for maintenance dredging or filling of a previously-approved activity. Rather, any such dredging or filling activity will be conducted in accordance with a required USACE permit.

Table 4-1 Reference	Activity	Rationale
8	Minor existing encroachments on SRA-LA or SRA-TX lands within Project Boundary	Toledo Bend has an extensive shoreline of approximately 1,130 miles. In the over 50 years since its original development, some development activities of habitable structures have occurred within the Project Boundary due to survey errors, prior policies, or factors. This SMP, coupled with the FERC-approved Existing Encroachment Identification Plan under Article 411, will govern the disposition of minor encroachments. *See infra* § 6.3.1; Appendix B § 1.2.10.2; Appendix C § 1.2.9.
9	Natural gas and oil pipelines, wells, secondary distribution lines, and similar infrastructure with no ground-breaking activities within Project Boundary	Due to the Project's location in an area of high oil and gas development (e.g., Haynesville shale play), both Authorities are often approached by oil and gas developers, seeking authorization for pipeline crossings at Toledo Bend. This SMP authorizes the Authorities to grant these requests, to the extent the proposal would not involve any ground-disturbing activity within the Project boundary (e.g., horizontal-directional drilling).

Table 4-1 Reference	Activity	Rationale
10	Portable water intake or pumping facilities that are: (1) used on a temporary basis (approved for no more than 6 months at a time); (2) require no ground-disturbing activities to install or maintain; and (3) involve a delivered capacity of no more than 3 million gallons per day	Also due to the Project's location in an area of significant oil and gas development, the Authorities are often approached by developers for temporary sources of water to support drilling activities. This SMP authorizes the Authorities to grant requests that are temporary in nature (i.e., a maximum contract term of 6-monhts), involve no ground-disturbing activities, and which would have a delivered capacity of no more than 3 million gallons per day. With a surface area of 185,000 acres, Toledo Bend is one of the largest waterbodies in the United States. These types of temporary water withdrawal facilities are not expected to have any meaningful impact on consumptive or environmental resources at the Project. As provided in Table 4-1, any proposed installation of this infrastructure in a designated Conservation Land Use Classification area would be subject to the enhanced consultation and approval requirements of a Type 4 activity.
11	Residential-scale, temporary water withdrawal pumps	This SMP authorizes the Authorities to approve the use of residential-scale water pumps for purposes of watering lawns and other plantings adjacent to the Project.
13	Storm drains and water mains	These types of authorizations are common along the Toledo Bend shoreline to support primarily residential development. Because there is little development pressure at Toledo Bend, this SMP authorizes the Authorities to grant use of Project lands for these uses without further consultation or review/approval by FERC. However, any other permitting or other approvals required under federal, state or local law is required. Moreover, as provided in Table 4-1, any proposed installation of this infrastructure in a designated Conservation Land Use Classification area would be subject to the enhanced consultation and approval requirements of a Type 4 activity.
14	Sewers that do not discharge into project waters	
15	Minor access roads	
16	Telephone, gas, and electric utility distribution lines	

Table 4-1 Reference	Activity	Rationale
24	Private or public marinas that can accommodate no more than 20 watercraft at a time and are located at least one-half mile from any other private or public marina	Most marinas at Toledo Bend are small, given the rural setting of the Project and the proximity of other reservoirs that are closer to Houston and the Dallas Metroplex (e.g., Sam Rayburn Reservoir). This SMP authorizes the Authorities to approve these smaller marinas without having to first obtain FERC notice or approval—a modest increase from the 10-slip size authorized under the Standard Land Use Article. As provided in Table 4-1, any proposed installation of this infrastructure in a designated Conservation Land Use Classification area would be subject to the enhanced consultation and approval requirements of a Type 4 activity.
26	Other uses, if: (1) the amount of land required is 5 acres or less; and (2) the involved land is located at least 50 feet (horizontally) from Toledo Bend at the conservation pool elevation of 172 feet msl	Prior to the Commission's adoption of the Standard Land Use Article at the Project in 2009, the Authorities adopted shoreline policies that generally authorized development at locations: (1) above the 175-foot (msl) contour line (which generally depicts the Project Boundary); and (2) at least 50 feet (measured horizontally) from the conservation pool of 172 feet msl. The Standard Land Use Article imposes a different standard, i.e., a 75-foot horizontal distance from the reservoir at 172 feet msl. Under this SMP, the Authorities are authorized to approve development starting at the 50-foot horizontal distance, to assure consistent treatment of development along the shoreline. As provided in Table 4-1, any proposed development under this category is subject to the enhanced consultation and approval requirements of a Type 4 activity.

4.7 FERC REVIEW AND/OR APPROVAL

As noted in Section 4.2 above, with the exception of the activities described in Table 4-2, Type 4 activities identified in Subsection (d) of the Standard Land Use Article and all Type 5 activities require prior FERC review, and in some cases, prior FERC approval before the Authorities may issue a permit. In these cases, the Authorities will initially review the application, as set forth in

Section 4.5. If the Authorities, based on this review, are supportive of the proposed activity, they will forward the application to FERC for review and/or approval.

As a general matter, Type 4 activities identified in Subsection (d) of the Standard Land Use Article do not require prior FERC approval. Rather, as provided under the Standard Land Use Article, FERC will have 45 days to review the application, and the Authorities can issue the permit 60 days after the application is filed, unless FERC notifies the Authorities that prior FERC approval will be necessary. All Type 4 activities that are described in Table 4-2 do not require prior FERC notification or approval; rather, such activities will be reported to FERC on an annual basis, as provided in Section 4.6 of this SMP.

All Type 5 activities will require prior approval by FERC before the Authorities can approve the application and issue the permit.

Once FERC completes its review, and either approves the application or authorizes the Authorities to proceed with their permitting of the activity, the Authorities will issue the permit as set forth in their Policies and Guidelines, which appear in Appendices ~~C~~B and ~~D~~C.

4.~~7~~8 PERMITTING REQUIREMENTS FOR EXISTING FACILITIES

4.~~7~~8.1 EXISTING PERMITTED FACILITIES

The Authorities are aware that many shoreline developments have been constructed along the Toledo Bend Reservoir shoreline under their prior permitting programs. This SMP does not require any new permit for an existing structure or activity that is covered by an existing, valid permit~~.~~ (i.e., issued before the initial effective date of this SMP of August 1, 2014). Regardless of the shoreline classification of the existing, permitted structure or activity, previously issued and current permits issued by the Authorities remain valid.

The Authorities will require a new permit issued pursuant to this SMP, however, for: (1) any major modification or expansion of any existing, permitted facility, or (2) construction of any new facilities or structures. Such permits will be issued in accordance with Sections 4.1 through 4.~~6~~7 of this SMP.

4.~~7~~8.2 EXISTING NON-PERMITTED FACILITIES

Facilities in existence prior to the effective date of this SMP, but which do not have a valid permit issued in accordance with the Authorities' previous permitting programs, must be permitted in accordance with Sections 4.1 through 4.~~6~~7 of this SMP.

5.0 MONITORING

In an effort to ensure that shoreline development at the Toledo Bend Reservoir is conducted in accordance with this SMP, the Authorities will monitor shoreline areas on an incidental and opportunistic basis during the new license term, and will respond appropriately to reports and notifications from federal and state resource agencies, adjacent landowners, and members of the public. Additionally, the Authorities developed and are implementing an Existing Encroachment Identification Plan (EEIP) to satisfy the requirements of Article 411 of the new license. The EEIP, filed on February 27, 2015, and approved by the Commission on July 1, 2015, provides a plan and five-year schedule to monitor project lands within the Project Boundary to identify existing encroachments at the Project. If, based on these efforts, the Authorities discover any unpermitted structure or any other activity not consistent with the SMP, they will notify the adjoining landowner of the violation in writing. Such notice will provide instructions on how to bring the unpermitted or other unauthorized activity into compliance with the SMP, including the requirement to obtain any permit required under Section 4.0.

6.0 ENFORCEMENT

6.1 PERMITTING VIOLATIONS

Where the Authorities become aware of any unpermitted structure, activity, or other activity inconsistent with the SMP, the Authorities will first seek to enforce the requirements of this SMP by notifying the permittee or adjacent landowner of the permit violation or activity that is inconsistent with this SMP. The Authorities will work with the permittee or adjacent landowner in an effort to bring the structure or inconsistent activity into conformance with the SMP. Such efforts may include providing information on the Authorities' permitting procedures, working with the permittee or adjacent landowner in preparing an application and securing authorization required under this SMP, and notifying an offending landowner or permittee that continued violations could result in the loss of the privilege to occupy shoreline areas through termination of the permit, lease, or other authorization.

Should these efforts fail to cure the violation, the Authorities will exercise other means of enforcing SMP requirements. These measures include: terminating the lease, permit, or other authorization; entering onto the premises and removing unpermitted structures; requiring the permittee or adjacent landowner to remove unpermitted structures; blocking access to the Project Reservoir; reporting violations to law enforcement officials; and seeking remedies in court.

6.2 UNAUTHORIZED DREDGING

Any dredging within the FERC Project Boundary without an approved permit will be reported to the USACE.

6.3 ENCROACHMENTS

Landowners adjacent to the Toledo Bend Reservoir are responsible to ensure that dwellings, buildings, and other structures do not encroach on the Authorities' lands within the FERC Project Boundary. Landowners in the vicinity of Sabine National Forest in Texas, moreover, are responsible to ensure that their developmental activities do not encroach on National Forest lands administered by the USFS. During the term of the new license for the Project, encroachments on Project lands will be resolved as follows.

6.3.1 MINOR, EXISTING ENCROACHMENTS

The Authorities recognize that adjacent landowners may be unaware that the Take Line or Project Boundary, while generally running along the 175-foot msl contour elevation~~,~~ and at least 50 feet from the 172-foot (msl) elevation (the actual criteria for the original survey), actually is a metes and bounds survey that, in some areas, encompasses areas above 175 feet msl~~.~~ and in many cases may be much more than the required 50 feet from the 172-foot elevation. During the over 40 years since the Project was initially developed~~, moreover~~ and the lease-back agreements established, some adjacent landowners may have ~~mistakenly~~ relied upon ~~this~~the "general understanding" ~~of~~or administrative order for the location of the ~~Project Boundary~~property division and ~~mistakenly~~ erected dwellings and other structures that, while above 175 feet msl~~,~~ and at least 50 feet from the 172-foot elevation (msl), are within the FERC-approved Project Boundary.

The Authorities also recognize the wide expanse of public resources at the Toledo Bend Project. With approximately 1,130 miles of shoreline across two states, these comparatively minor instances where well-intentioned landowners have encroached upon the Authorities' lands within the Project Boundary are far surpassed by the immense availability of other areas for public access, recreation, fish and wildlife protection and management, and other public uses. The Project shoreline is generally undeveloped, remote, and sparse, and the rural location of the Project has not created development pressure on Toledo Bend Reservoir.

For these reasons, this SMP authorizes the Authorities to handle minor encroachments on a case-by-case basis, either by directing the owner of the minor encroachment to remove the encroachment and restore the site, or by authorizing the encroachment as a Type 2 activity under Section 4.0 of this SMP.

The Authorities have identified three criteria that must be met for a minor encroachment to be addressed under this Section 6.3.1. First, the ~~encroachment~~majority of the habitable portion of the encroaching structure must occur ~~entirely~~ above the 175-foot msl contour line and the majority of the habitable portion of the encroaching structure must also be at least 50 feet (measured horizontally) from the conservation pool of 172 feet msl. These areas, while perhaps necessary for Project purposes, are away from the shoreline, outside the normal flowage and inundated area of the Project, and sufficiently away from the shoreline as to not adversely affect shoreline resources, such as public access, public recreation, aesthetics, and fish and wildlife management.

Second, the encroachment must have occurred during the original license term for the Project. As discussed below, the Authorities will be undertaking initiatives to better inform adjacent landowners of the location of the Project Boundary. Thus, only ongoing, historical encroachments are subject to the more abbreviated approval process contemplated under this Section 6.3.1.

Finally, encroachments on federal lands administered by the USFS cannot be approved under the abbreviated procedures contemplated under this Section 6.3.1. The Authorities cannot authorize any encroachments on federal lands, including federal lands within the FERC Project Boundary. Any such encroachments must be resolved exclusively by the USFS.

Thus, the only encroachments that meet all three of the following criteria are eligible for the more abbreviated resolution process for minor encroachments under this Section 6.3.1:

1. The encroachment existed during the original term of the Toledo Bend license, i.e., on or before ~~September 30, 2013;~~July 31, 2014;[11] and

2. The majority of the ~~encroachment~~habitable portion of the encroaching structure must be located: (a) above the 175-foot msl contour; and (b) at least 50 feet (measured horizontally) from the Toledo Bend conservation pool level of 172 feet msl; and

3. The encroachment, including lands used for purposes of ingress and egress, must not occupy any federal lands administered by the USFS.

As set forth in the Authorities' individual Policies and Guidelines, the Authorities will work with the owner of the encroachment to either: (1) remove the encroaching structure and appropriately remediate the Project lands associated with the encroachment, ~~or (2~~(2) correct any survey error that may be mistakenly indicating an encroachment or (3) grant appropriate rights to occupy Project lands.[12] Any such rights issued by the Authorities will reserve all rights for the Authorities to manage such lands for Project purposes. All costs, fees, and remedial work associated with resolving any encroachment are the sole responsibility of the owner of the encroaching structure or activity. In appropriate circumstances, the Authorities may seek a change in the Project boundary, where it is determined that the encroached lands are not needed for Project purposes.

6.3.2 OTHER ENCROACHMENTS

For all encroachments beyond the scope of Section 6.3.1, the Authorities will address encroachments as follows:

- ***Map and Detailed Description of Encroachment.*** Upon discovery of an encroachment, the Authorities will contact the owner of the encroachment, or the adjacent landowner where the owner of the encroachment cannot be readily identified, notifying the owner or landowner of the encroachment, and requiring the owner or landowner to prepare a report

[11] The original term of the Toledo Bend license ended on September 30, 2013, but the Commission extended it up to the effective date of the new license, August 1, 2014.

[12] Appendix C § 1.2.10.2; Appendix D § 1.2.9.

that includes: (1) a detailed map showing the location of the encroachment with respect to the Project Boundary; and (2) a description of the encroachment and encroached lands, including any affected natural resources.

- ***Analysis by the Authorities.*** Upon receipt of the landowner's or owner's report, the Authorities will review it and determine whether the encroached lands are necessary for Project purposes. If the Authorities determine that the encroached lands are unnecessary for Project purposes, they will prepare and file an application with FERC to move the Project Boundary to exclude the encroachment from the Project Boundary. If, however, the Authorities determine that the encroached lands are necessary for Project purposes, they will work with the owner or landowner to appropriately address the encroachment.

- ***Removal and Restoration.*** If the Authorities determine, after working with the owner or landowner, that the appropriate action would be to remove the encroachment, they will notify the owner or landowner, providing a reasonable amount of time for the owner or landowner to remove the encroachment and restore the site. Owners of encroachments bear all costs associated with removing the encroachment and restoring the site to environmentally acceptable conditions.

- ***Continuation of Encroachment.*** If the Authorities determine, after working with the owner or landowner, that the appropriate action would be to authorize the encroachment, the Authorities will treat the encroachment as a Type 4 or Type 5 activity, as appropriate, and require the owner to obtain approval of the encroachment pursuant to the procedures set forth in Section 4.0 of this SMP. As part of that approval process, the Authorities, consulted resource agencies, and FERC may impose conditions and measures to protect FERC license requirements and Project purposes.

6.3.3 ENCROACHMENT PREVENTION INITIATIVES

To help prevent encroachments and implement the encroachment measures in this Section 6.3 over the term of the new license for the Project, the Authorities will undertake the following measures:

- ***Monitoring.*** The Authorities will monitor Project shorelines, as set forth in 5.0 of this SMP.

- ***Reporting Violations to the USFS.*** Upon discovery of any encroachment on federal lands within the FERC Project Boundary, the Authorities will immediately report the encroachment to USFS officials.

- ***Permitting Violations.*** In the event that owners of encroachments are unresponsive to the Authorities' efforts to address any encroachments, they will seek to enforce these provisions as set forth in Section 6.1 of this SMP.

7.0 SHORELINE MANAGEMENT PLAN REVIEW AND UPDATE PROCESS

Every 5 years during the term of the new license for the Project, the Authorities will review the overall SMP in consultation with interested federal and state resource agencies and members of the public. The purpose of this update is to develop any reasonable and necessary revisions to protect water supply, power generation and capacity, environmental values, public recreation, historic properties, ~~and~~ aesthetics of the Toledo Bend Project, and to effectively administer the plan for the benefit of all. Upon FERC approval, this 5-year review cycle may be extended following the initial review of the SMP.

In addition, the Authorities, in consultation with interested federal and state resource studies, will update the land classification maps on an as-needed basis to reflect results of archeological surveys, designation of critical habitat for any federally listed endangered or threatened species, or identification of other sensitive resources along the Project shoreline.

Any revisions to this SMP are subject to FERC review and approval.

8.0 LITERATURE CITED

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9.0 DEFINITIONS

ADJOINING LANDOWNER: A person or entity owning land that shares a common boundary with property owned by SRA-LA or SRA-TX within the FERC Project Boundary for the Toledo Bend Project.

DOCK: A floating or fixed structure that: (1) extends into or over a lake, pond, or navigable river or stream from only that portion of the immediate shoreline or boathouse necessary to attach the floating or fixed structure to the shoreline or boathouse, and (2) is built or used for the purposes of securing and/or loading or unloading watercraft.

LITTORAL ZONE: Part of the river, lake, or ocean that is closest to the shore. The littoral zone extends from the shoreline to 600 feet into the water.

PALUSTRINE WETLAND: Includes all nontidal wetlands dominated by trees, shrubs, and emergent species.

PERMIT HOLDER OR PERMITTEE: Person(s) or entity(ies) who obtain a permit to use and occupy Project lands.

PROJECT BOUNDARY: The Toledo Bend Project Boundary encompasses lands and waters necessary for the construction, operation, and maintenance of the Project, and for other Project-related purposes, as depicted in Exhibit G of the Project license.

RETAINING WALL: A permanent structure of cribbing, wood, masonry, stone, concrete, or other material that supports a mass of soil.

RIPRAP: A heavy stone facing (armor) on a shore bank used to protect it and the adjacent upland against wave scour. Riprap depends on the soil beneath it for support and should be built only on stable shores or bank slopes.

WETLANDS: Areas that are temporarily, intermittently, or permanently inundated by surface water or saturated by groundwater.

APPENDIX A

FERC STANDARD LAND USE ARTICLE

(ARTICLE 415, *USE AND OCCUPANCY*)

Article 415. ***Use and Occupancy.*** (a) In accordance with the provisions of this article, the licensees must have the authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain types of use and occupancy, without prior Commission approval. The licensees may exercise the authority only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project. For those purposes, the licensees must also have continuing responsibility to supervise and control the use and occupancies for which it grants permission, and to monitor the use of, and ensure compliance with the covenants of the instrument of conveyance for, any interests that it has conveyed, under this article. If a permitted use and occupancy violates any condition of this article or any other condition imposed by the licensees for protection and enhancement of the project's scenic, recreational, or other environmental values, or if a covenant of a conveyance made under the authority of this article is violated, the licensees must take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, canceling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.

(b) The type of use and occupancy of project lands and waters for which the licensees may grant permission without prior Commission approval are: (1) landscape plantings; (2) non-commercial piers, landings, boat docks, or similar structures and facilities that can accommodate no more than 10 water craft at a time and where said facility is intended to serve single-family type dwellings; (3) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline; and (4) food plots and other wildlife enhancement. To the extent feasible and desirable to protect and enhance the project's scenic, recreational, and other environmental values, the licensees must require multiple use and occupancy of facilities for access to project lands or waters. The licensees must also ensure that, to the satisfaction of the Commission's authorized representative, the use and occupancies for which it grants permission are maintained in good repair and comply with applicable state and local health and safety requirements. Before granting permission for construction of bulkheads or retaining walls, the licensees must: (1) inspect the site of the proposed construction, (2) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site, and (3) determine that the proposed construction is needed and would not change the basic contour of the impoundment shoreline. To implement this paragraph (b), the licensees may, among other things, establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover the licensees' costs of administering the permit program. The Commission reserves the right to require the licensees to file a description of its standards, guidelines, and procedures for implementing this paragraph (b) and to require modification of those standards, guidelines, or procedures.

(c) The licensees may convey easements or rights-of-way across, or leases of project lands for: (1) replacement, expansion, realignment, or maintenance of bridges or

roads where all necessary state and federal approvals have been obtained; (2) storm drains and water mains; (3) sewers that do not discharge into project waters; (4) minor access roads; (5) telephone, gas, and electric utility distribution lines; (6) non-project overhead electric transmission lines that do not require erection of support structures within the project boundary; (7) submarine, overhead, or underground major telephone distribution cables or major electric distribution lines (69-kilovolts or less); and (8) water intake or pumping facilities that do not extract more than one million gallons per day from a project impoundment. No later than January 31 of each year, the licensees must file three copies of a report briefly describing for each conveyance made under this paragraph (c) during the prior calendar year, the type of interest conveyed, the location of the lands subject to the conveyance, and the nature of the use for which the interest was conveyed.

(d) The licensees may convey fee title to, easements or rights-of-way across, or leases of project lands for: (1) construction of new bridges or roads for which all necessary state and federal approvals have been obtained; (2) sewer or effluent lines that discharge into project waters, for which all necessary federal and state water quality certification or permits have been obtained; (3) other pipelines that cross project lands or waters but do not discharge into project waters; (4) non-project overhead electric transmission lines that require erection of support structures within the project boundary, for which all necessary federal and state approvals have been obtained; (5) private or public marinas that can accommodate no more than 10 water craft at a time and are located at least one-half mile (measured over project waters) from any other private or public marina; (6) recreational development consistent with an approved report on recreational resources of an Exhibit E; and (7) other uses, if: (i) the amount of land conveyed for a particular use is five acres or less; (ii) all of the land conveyed is located at least 75 feet, measured horizontally, from project waters at normal surface elevation; and (iii) no more than 50 total acres of project lands for each project development are conveyed under this clause (d)(7) in any calendar year. At least 60 days before conveying any interest in project lands under this paragraph (d), the licensees must submit a letter to the Director, Office of Energy Projects, stating its intent to convey the interest and briefly describing the type of interest and location of the lands to be conveyed (a marked Exhibit G map may be used), the nature of the proposed use, the identity of any federal or state agency official consulted, and any federal or state approvals required for the proposed use. Unless the Director, within 45 days from the filing date, requires the licensees to file an application for prior approval, the licensees may convey the intended interest at the end of that period.

(e) The following additional conditions apply to any intended conveyance under paragraph (c) or (d) of this article:

(1) Before conveying the interest, the licensees must consult with federal and state fish and wildlife or recreation agencies, as appropriate, and the State Historic Preservation Officer.

(2) Before conveying the interest, the licensees must determine that the proposed use of the lands to be conveyed is not inconsistent with any approved report on recreational resources of an Exhibit E; or, if the project does not have an approved report on recreational resources, that the lands to be conveyed do not have recreational value.

(3) The instrument of conveyance must include the following covenants running with the land: (i) the use of the lands conveyed must not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use; (ii) the grantee must take all reasonable precautions to ensure that the construction, operation, and maintenance of structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational, and environmental values of the project; and (iii) the grantee must not unduly restrict public access to project waters.

(4) The Commission reserves the right to require the licensees to take reasonable remedial action to correct any violation of the terms and conditions of this article, for the protection and enhancement of the project's scenic, recreational, and other environmental values.

(f) The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be changed to exclude land conveyed under this article only upon approval of revised Exhibit G drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project must be consolidated for consideration when revised Exhibit G drawings would be filed for approval for other purposes.

(g) The authority granted to the licensees under this article must not apply to any part of the public lands and reservations of the United States included within the project boundary.

(G) The licensees must serve copies of any Commission filing required by this order on any entity specified in the order to be consulted on matters relating to that filing. Proof of service on these entities must accompany the filing with the Commission.

(H) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the FPA, 16 U.S.C. § 825*l* (2012), and section 385.713 of the Commission's regulations, 18 C.F.R. § 385.713 (2014). The filing of a request for rehearing does not operate as a stay of the effective date of this license or of any other date specified in this order. The licensees' failure to file a request for rehearing shall constitute acceptance of this order.

APPENDIX B

SABINE RIVER AUTHORITY, STATE OF LOUISIANA
PRIVATE USE AND COMMERCIAL USE FACILITY
POLICIES AND GUIDELINES

SABINE RIVER AUTHORITY, STATE OF LOUISIANA

PRIVATE USE AND COMMERCIAL USE FACILITY POLICIES AND GUIDELINES

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1.0 SHORELINE MANAGEMENT POLICIES FOR TOLEDO BEND PROJECT SHORELINE LANDS – LOUISIANA

1.1 Permitting Policies

1.1.1 Permit Required for Construction Activities

Except as provided in Section 1.2.2 of these Policies and Guidelines, all improvements, construction, and other ground-breaking activities at Toledo Bend Reservoir (or "Reservoir") on lands owned by the Sabine River Authority, State of Louisiana (SRA-LA), including the leaseback parcels, must be conducted under and in accordance with a Private Limited Use Permit (PLUP) or Commercial Limited Use Permit (CLUP) issued by SRA-LA. Any use of SRA-LA lands inconsistent with the PLUP or CLUP is strictly prohibited.

For purposes of these Policies and Guidelines, a PLUP is defined as a permit issued by SRA-LA to a person for a private, individual purpose associated with a single, private residence on lands adjoining SRA-LA's lands within the Federal Energy Regulatory Commission (FERC) Project Boundary for Toledo Bend Project (or "Project"). A CLUP is defined as any other type of permit issued by SRA-LA for use and occupancy of SRA-LA's lands within the FERC Project Boundary.

While the specifications and requirements provided in these Policies and Guidelines will be applied consistently along the Reservoir shoreline in Louisiana, SRA-LA reserves the right to make case-by-case adjustments based on the facts and circumstances of each proposed development, and as approved by the SRA-LA Board.

1.1.2 Adjacent Owners; First Option

It is the general policy of SRA-LA that property owners immediately adjacent to SRA-LA property within the FERC Boundary for Toledo Bend Project who, as original lessees, possess the first option to seek a PLUP or CLUP for proposed structures or activities requiring a SRA-issued permit, as set forth in Section 4.0 of the FERC-approved Shoreline Management Plan (SMP); *provided*, *however*, that the adjacent owner agrees to, in writing, and follows all rules and regulations, prescribed fees, restrictions, and reservations, including waiver of any claims against the SRA-LA for damages.

1.1.3 Process and Requirements for Obtaining Permit

All PLUP and CLUP applicants must adhere to the process requirements for obtaining a permit, as set forth in the SMP for Toledo Bend Project. In addition:

(a) Proof of Ownership. All applicants must include proof of ownership of land adjoining SRA-LA's lands within the FERC Project Boundary and/or a signed statement from the adjoining landowner or leaseback lessee authorizing the proposed development.

(b) Pre-Construction Inspection. Prior to issuance of a permit, SRA-LA will conduct a pre-construction inspection of the premises to ensure the proposed improvements are in accordance with these Policies and Guidelines.

(c) Commencement of Activities. No construction, development, or other ground-disturbing activities may be started until SRA-LA approves the application and issues the PLUP or CLUP for the proposed activity.

(d) Permit Available for Inspection. Once issued, a copy of the approved PLUP or CLUP must be available at the construction site during construction, for review and inspection by SRA-LA.

(e) Post-Construction Improvement Inspection. Upon completion of the permitted development or other ground-disturbing activity, the permittee shall notify SRA-LA, after which SRA-LA will conduct a post-construction inspection to ensure the improvements were constructed as permitted.

(f) PLUP or CLUP Plate. Upon completion of the post-construction inspection, SRA-LA will furnish a permit plate to the permittee. PLUP and CLUP plates apply to all structures on the premises except water withdrawal facilities, which will be issued a separate plate. All plates must be posted on a completed, permitted facility in a conspicuous location that makes the facility easily identifiable from the Reservoir.

1.1.4 Revocable Privilege

When issuing PLUPs or CLUPs for limited use and occupancy of its lands, SRA-LA expressly retains fee ownership and all rights to enter, occupy, control, and possess all lands associated with the PLUP or CLUP. Issuance of a PLUP or CLUP is a revocable privilege and does not convey any right of ownership or control of the permitted lands. In exchange for this privilege, permittees must comply with permit conditions, regulations, and these Policies and Guidelines developed by the SRA-LA, as well as applicable local, state and federal regulations, including any requirements to protect and enhance the scenic, cultural, environmental, public safety, and public recreational values of the Toledo Bend Project that may be required by FERC.

1.1.5 Water Level Fluctuation; No Right to Extend Facilities

In general, the permitted use of the Toledo Bend Reservoir shoreline within the FERC Project Boundary may provide some access to the Reservoir at the conservation pool stage elevation. **However, the water level in Toledo Bend Reservoir is subject to fluctuation and may drop ~~10 feet or more below the full pool stage.~~to levels that restrict or eliminate the access from some permitted structures. Permitted and leased premises are subject to flowage**

and inundation as a result of normal operations of the Reservoir. Unless approved by SRA-LA in accordance with the procedures set forth in the SMP, permittees are not authorized to extend any facility beyond the permit-approved specifications for any reason, including efforts to provide access to the Reservoir during periods of lower water levels at Toledo Bend Reservoir.

1.1.6 Construction and Maintenance

Construction activities under PLUPs and CLUPs shall comply with all applicable federal, state, and local laws, regulations, codes, and ordinances, as well as FERC license requirements. All permitted structures must be maintained in good repair. All structures not adhering to these requirements are subject to removal at the permittee's expense.

1.1.7 Electrical Standards

All electrical wiring shall be installed in accordance with national, state, and local electrical codes and requirements. Electrical wiring cannot be attached to trees, and all electrical service is to be installed underground in electrical conduit unless otherwise approved.

1.1.8 Limitations on Lands Eligible for Permit

Notwithstanding any other provision in these Policies and Guidelines, in certain areas of the Toledo Bend Reservoir shoreline, such as at the heads of drains, PLUPs and CLUPs will be issued only where reasonable and practical as determined by the SRA-LA.

1.1.9 Contractors Licensed and Insured

All contractors retained by permittees and lessees to undertake work within the FERC Project Boundary for the Toledo Bend Project must comply with state requirements related to licensing and insurance.

1.2 Land Management Policies

1.2.1 General

The following land management policies apply to all premises subject to: (1) permits issued by SRA-LA for use and occupancy of lands within the FERC Project Boundary for Toledo Bend Project, including PLUPs and CLUPs; and (2) leaseback agreements issued by SRA-LA to landowners whose property lies immediately adjacent to SRA-LA lands within the FERC Project Boundary for Toledo Bend Project.

1.2.2 Authorized Ground Breaking and Construction Activities

Permittees and lessees are authorized under these Policies and Guidelines to undertake the following construction and other ground-breaking activities without specific prior approval of SRA-LA, so long as the activity conforms to the specifications, limitations and requirements below.

1.2.2.1 Fencing

Permittees and lessees are authorized to construct and maintain fencing on the permitted or leased land, so long as the fencing meets the following specifications:

- Fencing material ~~must be pre-approved~~should be appropriate to meet its intended purpose and is subject to approval by SRA-LA.

- Privacy, hog-wire, and barbwire fences are strictly prohibited. For purposes of this section 1.2.2.1, "privacy fences" include, but are not limited to, fences that are 6' or taller, made of wood, vinyl, masonry, or other material that restricts viewing across the property/leaseback boundary.

- Fencing may not extend below the conservation pool elevation of 172 feet mean sea level (msl).

- Fencing shall be constructed only along or within the boundary of the permitted or leased premises.

SRA-LA reserves the right to require relocation or removal of any fencing not in compliance with these guide lines for any reason, including but not limited to facilitating public access to the Toledo Bend Project and protecting environmental resources. Upon receipt of a written relocation or removal notification from SRA-LA, the permittee or lessee shall immediately relocate or remove the fencing ~~at its own expense, and at no cost to SRA-LA~~. If, within thirty (30) days, lessee fails to comply with or respond, the SRA shall have the right to enforce such notification, at lessee's own expense.

1.2.2.2 Landscaping

Lessees and permittees must keep their leased or permitted premises clear of garbage, refuse, debris, and other unsightly objects and materials that detract from the aesthetic qualities at Toledo Bend Project. Lessees and permittees are authorized to engage in reasonable landscaping activities to beautify the leased or permitted premises; such activities, however, must be conducted in a manner that recognizes the importance of natural, native vegetation for maintenance of shoreline and bank stability, fish and wildlife habitat, aesthetics, and water quality at Toledo Bend Project. For these reasons, landscaping activities on leased and permitted premises are subject to the following restrictions and requirements:

- Underbrush Clearing. Lessees and permittees are authorized to clear underbrush on the leased or permitted premises.

- Tree Removal. Unless authorized in advance by SRA-LA, lessees and permittees are strictly prohibited from removing: (1) any cypress trees on the leased or permitted premises; (2) any trees below the conservation pool elevation of 172 feet msl, except for non-native invasive species discussed below; and (3) any trees on the leased or permitted premises more than three inches in diameter, except for non-native invasive species discussed below. As a matter of policy, SRA-LA generally will not authorize removal of more than 10 trees per acre from any leased or permitted premises.

- Grasses and Other Plantings. SRA-LA encourages permittees and lessees to plant native grasses and other plantings that do not require intensive watering, fertilizer, and pesticide treatments. SRA-LA reserves the right to require permittees and lessees to remove any landscape plantings that detract from the natural beauty and aesthetics of the Toledo Bend Project.

- Chinese Tallow and Other Invasives. Permittees and lessees are strictly prohibited from planting or maintaining any invasive terrestrial or aquatic species on the leased or permitted premises. In particular, permittees and lessees must immediately remove any Chinese tallow trees from the leased or permitted premises, regardless of the diameter.

1.2.3 SRA-LA Access to Premises

All leased and permitted premises are subject to entry and periodic inspection by SRA-LA. As a condition of any permit or lease issued by SRA-LA, SRA-LA requires all lessees and permittees to provide access at all times to all leased and permitted sites, through private property if necessary, for the purpose of inspection or monitoring the premises. In addition, adjacent private property owners will provide SRA-LA access to any structure or facility within the FERC Project Boundary of Toledo Bend Project, regardless of whether the structure or facility has been issued a PLUP or CLUP by SRA-LA. The purposes for SRA-LA entry and inspection on leased and permitted premises include, but are not limited to, the following:

- As part of the permit processes, such as issuing a new permit or transferring a permit.

- Monitoring water withdrawal activities and compliance.

- Construction and post-construction inspection.

- Response to complaints from regulators and/or members of the public.

- Periodic inspection at the sole discretion of SRA-LA.

1.2.4 Stump Removal

Permittees and lessees are prohibited from removing any tree stumps from Toledo Bend Reservoir below the conservation pool elevation of 172 feet msl, except as approved in advance of such removal by SRA-LA.

1.2.5 Aquatic Herbicides

Permittees and lessees must adhere to all federal, state, and parish laws and regulations applicable to the handling, storage, disposal, and application of aquatic herbicides within the FERC Project Boundary of the Toledo Bend Project. In addition, use of aquatic herbicides on leased and permitted premises is subject to the following restrictions and requirements:

- Toledo Bend Salvinia Training and Permit. Prior to applying any aquatic herbicides within the FERC Project Boundary for the Toledo Bend Project, lessees and permittees, and their contractors or service providers, must obtain a permit, which can be obtained only upon completion of a training course offered by Louisiana Department of Wildlife and Fisheries.

- Herbicide Application Data Form. Within 14 days of applying any aquatic herbicides within the FERC Project Boundary for the Toledo Bend Project, lessees and permittees must submit a completed Herbicide Application Data Form to SRA-LA. A copy of the data form must be retained by the lessee or permittee for a period of 3 years from the date of the herbicide application.

1.2.6 Property Covenants and Deed Restrictions

Private covenants and deed restrictions that do not appear on the face of the permit or leaseback agreement issued by SRA-LA are not enforceable by SRA-LA and are beyond the scope of these Policies and Guidelines.

1.2.7 Abandoned or Non-Conforming Property

After thirty (30) days from the date of written notification from SRA-LA to lessee, lessee fails to comply with or respond, SRA-LA is authorized, at the expense of the lessee or permittee, to seize any structures, fixtures, or personal property located on permitted or leased premises, or in the adjoining Reservoir area of the Toledo Bend Project, which is unauthorized, abandoned, unattended for unreasonably lengthy periods, non-conforming with these Policies and Guidelines, or where the permittee or lessee fails to timely submit payment for any fee or charge issued by SRA-LA.

1.2.8 Vehicles on Leased and Permitted Premises

Unused or inoperable motor vehicles, ~~including but not limited to~~ watercraft, ~~must~~equipment of any kind, or the like shall not be stored on any lands subject to any lease or permit issued by SRA-LA.

No non-portable recreational vehicles (which, for the purposes of these Policies and Guidelines, include travel trailers~~,~~ and/or mobile homes on blocks, and similar equipment) of any type may be stored on SRA-LA lands subject to a lease or PLUP. Recreational vehicles may be parked on lands subject to a CLUP, provided that: (1) recreational vehicle use is consistent with the commercial activity authorized under the CLUP, and (2) the recreational vehicle is not used for permanent habitation.

1.2.9 Encroachments, Generally

Lessees and permittees are responsible to ensure that their use and occupancy of SRA-LA lands do not encroach beyond the leased or permitted premises. In addition, adjoining landowners are responsible to ensure that dwellings, buildings, and other structures and uses do not encroach on SRA-LA lands. Any encroachment issues must be resolved prior to SRA-LA issuing any permit for a proposed structure or activity. SRA-LA reserves the right to require, at the sole expense of the lessee, permittee, or land owner, removal of any and all encroachments. Costs and expenses associated with remediation of an encroachment are the responsibility of the permittee, lessee, or land owner of the encroaching structure or activity.

1.2.10 Encroachments within FERC Project Boundary

Leaseback agreements and permits issued by SRA-LA do not authorize the lessee or permittee to construct any dwelling or other habitable structure within the FERC Project Boundary for the Toledo Bend Project. In addition, any structure or groundbreaking activity, except as provided in Section 1.2.2 of these Policies and Guidelines, must be approved and permitted by SRA-LA. For these reasons, it is the policy of SRA-LA to cure any encroachments within the Project Boundary in a manner that balances the expense and challenge of removing encroachments against SRA-LA's FERC license obligations to ensure public access and protect the electric generating, water supply, recreational, historical, and environmental values at the Toledo Bend Project. The following procedures apply to the resolution of encroachments on SRA-LA's lands within the Project Boundary.

1.2.10.1 Removal of Encroachment

As a general rule, SRA-LA requires removal of all encroachments on its lands within the FERC Project Boundary for Toledo Bend Project. Upon discovery of an encroachment, SRA-LA will notify the owner of the encroachment, in writing, directing the owner to remove the encroachment within a reasonable period, not to exceed 90 days. If the owner of the encroachment

believes additional time for removal is warranted, it may seek an extension of time to remove the encroachment, which SRA-LA may grant at its sole discretion, upon a showing of good cause.

1.2.10.2 Authorization of Limited Encroachments

If the owner believes that a notification of an encroachment ~~believes~~is in error or that removal of the encroachment is unreasonable or impractical, ~~it may seek authorization and accompanying appropriate interests from SRA-LA for the encroachment, as follows~~the following procedures will apply:

(a) ~~Improvement~~ *Survey* ~~Required~~. The owner of the encroachment must prepare an improvement survey ~~and submit it to SRA-LA with its request for authorization and accompanying interests from SRA-LA.~~of the premises by a Louisiana Registered Professional Land Surveyor At a minimum, the ~~improvement~~ survey must depict the location of: (1) the alleged encroaching structure or use, (2) the FERC Project Boundary for Toledo Bend Project and SRA-LA property line, and (3) the 172-foot-msl and 175-foot-msl contour lines.

(b) ~~Unilateral~~ *Resolution of Error.* If the survey completed under paragraph (a) demonstrates that SRA-LA's notification of encroachment under section 1.2.10.1 was in error, SRA-LA will rescind the notification in writing.

(c) *Request for Authorization* ~~by SRA-LA. Upon receipt of a request to authorize~~. If the survey completed under paragraph (a) confirms the presence of an encroachment, the owner may, in accordance with section 1.2.10.3, seek SRA-LA authorization of any minor encroachment, defined as follows:

(1) The encroachment must have been in existence prior to August 1, 2014 (i.e., during the original FERC license term for the Toledo Bend Project); and

(2) The majority of the encroachment is located above the 175-foot msl contour and at least 50 feet (measured horizontally) from the Toledo Bend conservation pool level of 172 feet msl.

~~with accompanying improvement survey, the~~*1.2.10.3 Procedures for Authorizing Minor Encroachments*

(a) *Submittal of Request.* The owner of the encroachment must submit, in addition to the survey required under section 1.2.10.2(a), documentation establishing that the encroachment meets the criteria of a minor encroachment. Such information shall include, but is not necessarily limited to:

(1) Information demonstrating that the encroaching infrastructure existed prior to August 1, 2014; and

(2) An analysis demonstrating that the majority of the habitable portion of the encroaching structure is above the 175-foot msl contour; and

(3) An analysis demonstrating that the majority of the habitable portion of the encroaching structure is at least 50 feet (measured horizontally) from the Toledo Bend conservation pool level of 172 feet msl.

(b) *Type of Authorization Sought.* The owner of the minor encroachment may seek two different types of authorizations from SRA-LA, depending on the owner's individual needs:

(1) *Permanent Easement.* At the owner's request, SRA-LA will issue a permanent easement for the minor encroachment. FERC approval and agency consultation are not prerequisites for SRA-LA's issuance of a permanent easement, so the approval time period for an easement is generally shorter than a reconveyance. However, as a requirement of the FERC license, SRA-LA must include a clause in the easement reserving its authority to manage the easement premises as may be required by FERC. The procedures for applying for a permanent easement are as follows:

- *Application*. The owner of the minor encroachment must apply to SRA-LA for a permanent easement, as provided in paragraph (a).

- *Determination of Consistency with License Requirements.* Upon receipt of an application for easement, SRA-LA will determine whether ~~authorizing~~issuing the ~~encroachment~~easement would: (1) be consistent with FERC license requirements; (2) preserve public access and use at the Toledo Bend Project; and (3) meet the electric generating, water supply, recreational, historical, and environmental values at the Toledo Bend Project. ~~If the requested encroachment approval meets each of these criteria, SRA-LA will approve limited encroachments, without prior resource agency consultation or FERC review and/or approval, so long as:~~SRA-LA will notify the owner of the minor encroachment, in writing, of its consistency determination. If SRA-LA determines that granting the easement would be inconsistent with the above-stated criteria, its notification will provide further instructions to the owner, including the possibility of removal of the encroachment.
~~(1) The~~

Easement Deed. Upon receipt of SRA-LA's written notification that the minor encroachment ~~existed during the original term of~~ is consistent with the ~~Toledo Bend Project license, i.e., on or before September 30, 2013; and~~

~~(2) The majority of the encroachment is located above the 175-foot msl contour and at least 50 feet (measured horizontally) from the Toledo Bend conservation pool level of 172 feet msl.~~

~~(c) Authorization Following Consultation and/or FERC Approval. All encroachments not within the scope of Section 1.2.10.2(b) must be approved~~above-listed criteria, the owner shall prepare an easement deed in accordance with ~~Section 4.0 of the SMP and SRA-LA's accompanying Policies and Guidelines.~~

- ~~(d) Authorization and Rights. Upon approval,~~ SRA-LA ~~will authorize the encroachment and grant appropriate rights for the encroaching structure. Any instrument of conveyance~~requirements. The easement will: (1) require the owner to indemnify SRA-LA and hold it harmless; (2~~) require the owner to maintain appropriate insurance for the structure and personal property therein; (3~~) retain sufficient flowage rights to SRA-LA, as well as rights to operate the Toledo Bend Project for all Project purposes; and (4) include any other provisions deemed necessary or appropriate by SRA-LA.
~~(e) Denial of Encroachment Authorization. In the event SRA-LA or FERC denies a request to authorize an encroachment~~
- *Fees and Filing.* Upon execution of the easement deed, owner will compensate SRA-LA for land conveyed computed on the basis of the current assessment rate per acre for the adjacent property. Owner also will file the easement deed in the Clerk of Court records and provide SRA-LA one certified copy.

- *Expenses.* Expenses associated with the survey, deed preparation, filing, and providing the certified copy will be the responsibility of the owner.

- *Annual Report.* SRA-LA will, at the end of each calendar year, provide documentation to FERC to reflect any and all easements approved during the previous calendar year.

(2) *Reconveyance.* At the owner's request, SRA-LA will seek authorization from FERC to convey fee title to the owner of a minor encroachment. Because FERC will need to approve a change in the Project boundary to exclude the encroachment, a reconveyance is expected to take much longer than an easement deed described in paragraph (b)(1). Upon FERC's approval, however, SRA-LA will be authorized to grant fee title, without any reservations of authority related to FERC license requirements. The procedures for applying for a reconveyance are as follows:

- *Application.* The owner of the minor encroachment must apply to SRA-LA for a reconveyance, as provided in paragraph (a).

- *Determination of Consistency with License Requirements.* Upon receipt of an application for easement, SRA-LA will determine whether issuing the easement would: (1) be consistent with FERC license requirements; (2) preserve public access and use at the Toledo Bend Project; and (3) meet the electric generating, water supply, recreational, historical, and environmental values at the Toledo Bend Project. SRA-LA will notify the owner of the minor encroachment, in writing, of its consistency determination. If SRA-LA determines that granting the reconveyance would be inconsistent with the above-stated

criteria, its notification will provide further instructions to the owner, including the possibility of removal of the encroachment.

- *Resource Agency Consultation.* SRA-LA will prepare a draft application to FERC, seeking to adjust the FERC-approved Project boundary to exclude the encroachment area. As required by FERC's regulations, SRA-LA will circulate the draft application to federal and state resource agencies, soliciting their comments on the draft.

- *Additional Information.* During consultation, resource agencies may require additional technical or scientific information related to the draft application. SRA-LA will work with the owner in responding to these information requests from agencies.

- *FERC Application.* Once consultation is complete, SRA-LA will make any adjustments to the FERC application, as appropriate, and file the application with FERC.

- *FERC Order*. Once FERC makes a decision on the application, SRA-LA will notify the owner in writing, and provide a copy of FERC's decision.

- *Deed.* If FERC approves the application, the owner shall prepare a reconveyance deed in accordance with SRA-LA requirements.

- *Fees and Filing.* Upon execution of the reconveyance deed, owner will compensate SRA-LA for land conveyed computed on the basis of the current assessment rate per acre for the adjacent property. Owner also will file the reconveyance deed in the Clerk of Court records and provide SRA-LA one certified copy.

- *Expenses.* All expenses associated with the survey, deed preparation, filing, agency information requests, and providing the certified copy will be the responsibility of the owner.

1.2.10.4 Non-Minor Encroachments and Unapproved Minor Encroachments

For any non-minor encroachment and any minor encroachment that is not approved by SRA-LA and/or FERC, as appropriate, SRA-LA will notify the owner of the encroachment, in writing, directing the owner to remove the encroachment within a reasonable period, not to exceed 90 days. If the owner of the encroachment believes additional time for removal is warranted, it may seek an extension of time to remove the encroachment, which SRA-LA may grant at its sole discretion, upon a showing of good cause.

1.2.11 Boundary Line Disputes Among Lessees and Permittees

Disputes regarding a common boundary line between leaseback and permitted parcels that cannot be agreed to by all concerned parties will be resolved by the SRA-LA, at its sole discretion. Costs and expenses associated with the resolution of boundary line disputes, including but not limited to surveys, are the sole responsibility of the disputing parties, and not SRA-LA.

1.2.12 Habitation

Except as provided in Section 1.2.10 of these Policies and Guidelines, leased and permitted lands owned by SRA-LA and within the FERC Project Boundary may not be used for permanent habitation by any person(s).

1.2.13 CLUP Approved Uses

Upon issuance of a CLUP, SRA-LA grants the permittee the right to establish, operate, and maintain a recreational land use operation in accordance with the permitted use. SRA-LA prohibits any use of the premises inconsistent with permittee's permitted use.

2.0 CONSTRUCTION GUIDELINES FOR PRIVATE LIMITED USE PERMITS

2.1 General

The construction guidelines that follow are not comprehensive, but are intended as an aid to permittees. Because every PLUP site is unique and may present different environmental, safety, structural, and other issues, these guidelines may be modified by SRA-LA based on site-specific conditions. SRA-LA specifically reserves ~~to~~the right to impose additional restrictions as may be necessary to protect the interest of the public and/or the electric generating, water supply, recreational, historical, and environmental values at the Toledo Bend Project.

PLUP applicants are encouraged to contact SRA-LA with any questions related to these construction guidelines, prior to preparing their applications.

2.2 Storage Buildings

The following conditions and restrictions apply to storage buildings within the FERC Project Boundary and subject to a PLUP issued by SRA-LA:

- Shall be a single-level structure not exceeding 720 square feet supported by a concrete slab or wooden structure.

- Shall be constructed in conformance with all national, state, and local building codes and requirements.
- Siding must be metal, wood, cement fiberboard, or brick and the roof must be metal or composition shingles.
- No portion of a storage building shall be used as a habitable structure.
- Potable water plumbing is authorized only for the use of sinks or hose bibs.
- The storage building shall not be used for storage of recreational vehicles.

2.3 Boathouses/Docks/Piers

The following conditions and restrictions apply to boathouses, docks, and piers within the FERC Project Boundary and subject to a PLUP issued by SRA-LA:

- The physical dimensions of any facility shall be the lesser of the following limitations at the conservation pool elevation of 172 feet msl:
  - Any boathouse and/or dock/pier combination shall not exceed a total length of 300 linear feet from conservation pool elevation.
  - Subject to the other length limitations in this section, boathouses, docks, and piers will be the minimum length needed to~~: (1)~~ accommodate a single watercraft~~, and (2) reach~~ in its entirety beyond the 160-foot msl contour.
  - Any boathouse and/or dock/pier combination length shall not exceed 33 percent of the cove width at the conservation pool elevation, as determined solely by the SRA-LA.
  - For coves narrower than 60 feet, there must be a 20-foot clear area for navigation in the center of the cove, or 20-foot area at the deepest area of the cove.
  - Boathouses/docks/piers shall not be built closer than 10 feet from the side property boundary lines.
- Boathouses shall be a single level structure not exceeding 2,500 square feet.
- Boathouses shall not be used as a habitable structure.
- Potable water plumbing is authorized only for the use of sinks or hose bibs.
- ~~Siding must be factory-coated, double-sided metal, cement fiberboard, or wood and the roof must be metal or composition shingles.~~
- All building materials must be generally accepted and conventional
- Any material touching water shall be pressure treated wood or other approved material.

- Should a floating boathouse and/or dock be desired, it is recommended that they be supported by encapsulated closed cell foam for buoyancy. ~~Barrels~~Steel barrels/drums cannot be used for floatation.

- Lighting/reflectors will adhere to applicable federal, state, and local requirements.

- Should a permittee elect to have electricity on a pier/boathouse/dock, it shall be in conformance with national, state, and local electrical codes and requirements.

- All structures must be constructed in conformance with all national, state, and local building codes and requirements.

2.4 Gazebos/Pavilions

The following conditions and restrictions apply to open air gazebos and pavilions within the FERC Project Boundary and subject to a PLUP issued by SRA-LA:

- Shall not exceed 720 square feet without prior approval by SRA-LA.

- ~~Framing shall be completely open and capable of being viewed at all times.~~

- ~~Roofing~~All building materials must be ~~factory coated metal or composition shingles~~generally accepted and conventional.

2.5 Excavation/Dredging

All dredging, filling, and excavation activities within the leased or permitted premises must comply with all applicable local, state, and federal requirements, and must be completed in accordance with any required permit from U.S. Army Corps of Engineers (USACE). In addition, the following conditions and restrictions apply to any excavation, dredging, and filling activities within the FERC Project Boundary and subject to a PLUP issued by SRA-LA:

- Some proposed dredging, filling, or excavation activities may be eligible for approval under ~~a Programmatic~~ the Fort Worth District USACE Regional General Permit ~~between SRA-LA and USACE.~~8 (RGP-8).

- SRA-LA reserves the right at its sole discretion to modify, limit, or deny any proposed dredging, filling, or excavation activities within the FERC Project Boundary for the Toledo Bend Project, as necessary to protect the interest of the public and/or the electric generating, water supply, recreational, historical, and environmental values at the Toledo Bend Project. Copies of dredging requirements can be obtained at the SRA-LA office.

2.6 Shoreline Stabilization

All shoreline stabilization activities within the leased or permitted premises must comply with all applicable local, state, and federal requirements, and must be completed in accordance with any required permit from the USACE. In addition, the following conditions and restrictions apply to any shoreline stabilization activities within the FERC Project Boundary and subject to a PLUP issued by SRA-LA:

- Some proposed shoreline stabilization activities may be eligible for approval under ~~a Programmatic General Permit between SRA-LA~~ and the Fort Worth District USACE RGP-8.

- SRA-LA reserves the right at its sole discretion to modify, limit, or deny any proposed shoreline stabilization activities within the FERC Project Boundary for the Toledo Bend Project, as necessary to protect the interest of the public and/or the electric generating, water supply, recreational, historical, and environmental values at the Toledo Bend Project.

- Generally, SRA-LA will approve shoreline stabilization measures only to control soil erosion in high-energy areas.

- Lessees and permittees are encouraged to use bioengineering techniques and landscape plantings before seeking authorization from SRA-LA for more invasive and expensive shoreline stabilization measures, such as rip-rap.

2.7 Water Withdrawal Facilities

All proposed water withdrawal facilities must comply with all applicable local, state, and federal requirements. In addition, the following conditions and restrictions apply to water withdrawal facilities within the FERC Project Boundary and subject to a PLUP issued by SRA-LA:

- On lands subject to a PLUP, SRA-LA will authorize water withdrawal facilities only for private, residential use.

- Water withdrawal pumps must be electric.

- SRA-LA will approve only one pump per leased or PLUP permit, and each permitted pump will serve only a single lessee or permittee.

- Discharge piping from the pump is limited to a 1-1/2-inch nominal diameter restriction.

3.0 CONSTRUCTION GUIDELINES FOR COMMERCIAL LIMITED USE PERMITS

3.1 General

The construction guidelines that follow are not comprehensive, but are intended as an aid to permittees. Because every CLUP site is different and may present different environmental, safety, structural, and other issues, these guidelines may be modified by SRA-LA based on site-specific conditions. SRA-LA specifically reserves the right to impose additional restrictions as may be necessary to protect the interest of the public and/or the electric generating, water supply, recreational, historical, and environmental values at the Toledo Bend Project.

CLUP applicants are encouraged to contact SRA-LA with any questions related to these construction guidelines, prior to preparing their applications.

3.2 Recreational Vehicle/Travel Trailer

Recreational vehicles must be on wheels and readily moveable in a "drive-away" condition at all times. No structure may be constructed around any recreational vehicle or travel trailer that will, in the sole discretion of SRA-LA, limit its ability to be mobile. All utilities must be installed to meet all federal, state, and local codes and requirements.

3.3 Gazebos/Pavilions

Gazebos/pavilions will be allowed on CLUP land, with length and numbers regulated by SRA-LA on a case-by-case basis to fit specific situations.

3.4 Carports

Permanent, metal carports or approved equivalent structures are allowed within CLUP land ~~if factory constructed~~with size and ~~professionally installed.~~ numbers regulated by SRA-LA on a case-by-case basis.

3.5 Excavation/Dredging

All dredging, filling, and excavation activities within the leased or permitted premises must comply with all applicable local, state, and federal requirements, and must be completed in accordance with any required permit from USACE. In addition, the following conditions and restrictions apply to any excavation, dredging, and filling activities within the FERC Project Boundary and subject to a CLUP issued by SRA-LA:

- Some proposed dredging, filling, or excavation activities may be eligible for approval under ~~a Programmatic General Permit between SRA-LA~~ and the Fort Worth District USACE RGP-8.

- SRA-LA reserves the right at its sole discretion to modify, limit, or deny any proposed dredging, filling, or excavation activities within the FERC Project Boundary for the Toledo Bend Project, as necessary to protect the interest of the public and/or the electric generating, water supply, recreational, historical, and environmental values at the Toledo Bend Project. Copies of dredging requirements can be obtained at the SRA-LA office.

3.6 Docks/Piers/ Boathouses

SRA-LA will allow permittee to construct a boathouse/dock/pier on CLUP land under the following conditions. The restrictions listed below are subject to additional limitations based on a site-by-site evaluation as determined solely by the SRA-LA.

- Docks/piers/boathouses length and numbers may be regulated at the discretion of SRA-LA to fit specific situations.

- The physical dimensions of any facility shall be the lesser of the following limitations:
  - Any boathouse and/or dock/pier combination shall not exceed a total length of 300 linear feet from conservation pool elevation (172 msl).
  - Subject to the other length limitations in this section, boathouses, docks, and piers will be the minimum length needed to~~: (1)~~ accommodate a single watercraft~~, and (2) reach~~ in its entirety beyond the 160-foot-msl contour.
  - Any boathouse and/or dock/pier combination length shall not exceed 33 percent of the cove width as determined solely by the SRA-LA.
  - For coves narrower than 60 feet, there must be a 20-foot clear area for navigation in the center of the cove or 20-foot at the deepest area of the cove.

- Boathouses shall be a single level structure.

- Boathouses shall not be used as a habitable structure.

- Potable water plumbing may be authorized on a case-by-case basis.

- Siding must be metal, cement fiberboard, or wood and the roof must be factory-coated, double-sided metal or composition shingles~~.~~ or approved equivalent, conventional materials.

- Any material touching water shall be pressure treated wood or other approved material.

- Should a floating boathouse and/or dock be desired, they must be supported by encapsulated closed cell foam for buoyancy. ~~Barrels~~Steel barrels cannot be used for floatation.

- Lighting/reflectors will adhere to USACE requirements.
- Should a permittee elect to have electricity on a boathouse/dock, it shall be in strict conformance with national, state, and local electrical codes and requirements.
- All structures will be built to conform to all national, state, and local codes, laws, and regulations.

3.7 Water Withdrawal Facilities

Commercial water withdrawal permits will be issued on a case-by-case basis and all SRA-LA and federal, state, and local laws, codes, and requirements must be met.

APPENDIX C

SABINE RIVER AUTHORITY OF TEXAS
PRIVATE USE AND COMMERCIAL USE FACILITY
POLICIES AND GUIDELINES

SABINE RIVER AUTHORITY OF TEXAS

PRIVATE USE AND COMMERCIAL USE FACILITY POLICIES AND GUIDELINES

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1.0 SHORELINE MANAGEMENT POLICIES FOR TOLEDO BEND PROJECT SHORELINE LANDS

1.1 Permitting Policies

1.1.1 Permit Required for Construction Activities

Except as provided in Section 1.2.2 of these Policies and Guidelines, all improvements, construction, and other ground-breaking activities at Toledo Bend Reservoir (or "Reservoir") owned by the Sabine River Authority of Texas (SRA-TX) must be conducted under and in accordance with a Private Limited Use Permit (PLUP) or Commercial Limited Use Permit (CLUP) issued by SRA-TX. Any use of SRA-TX lands inconsistent with the PLUP or CLUP is strictly prohibited.

1.1.2 Adjacent Owners; First Option

It is the general policy of the SRA-TX that property owners, on the shoreline area of Toledo Bend Reservoir immediately adjacent to SRA-TX property and within the Federal Energy Regulatory Commission (FERC) Project Boundary for the Toledo Bend Project (or "Project"), possess the first option to seek a PLUP or CLUP for proposed structures or activities requiring a SRA-issued permit, as set forth in Section 4.0 of the FERC-approved Shoreline Management Plan (SMP); *provided, however*, that the adjacent owner agrees to, in writing, and follows all rules and regulations, prescribed fees, restrictions, and reservations, including waiver of any claims against the SRA-TX for damages.

1.1.3 Process and Requirements for Obtaining Permit

All PLUP and CLUP applicants must adhere to the process requirements for obtaining a permit, as set forth in Section 4.0 of the SMP for the Toledo Bend Project. SRA-TX permits on a recurring interval CLUP and PLUP lands within the FERC Project Boundary on CLUP or PLUP lands. An approved PLUP or CLUP does not grant a permittee approval to construct improvements within the FERC Project Boundary. Refer to Section 1.1.4 for discussion on requirements to construct improvements within the FERC Project Boundary. In addition to the requirements set forth in the SMP for the Toledo Bend Project, all applicants must include proof of ownership of land adjoining SRA-TX's lands within the FERC Project Boundary. ~~Upon initial issuance of a PLUP and CLUP, SRA-TX will furnish a permit plate to the permittee, which must be posted in a conspicuous location that is easily identifiable from the Reservoir~~SRA-TX is implementing a modern GIS/spatial tracking database to manage PLUPs and CLUP permits.

1.1.4 Process and Requirement for Constructing Improvements

An approved PLUP or CLUP does not grant a permittee approval to construct improvements within the FERC Project Boundary. To construct improvements within the FERC Project Boundary, a permittee must first have a PLUP or CLUP and then submit a construction application to SRA-TX for approval. Once an application is submitted to SRA-TX, the following procedures will be followed:

(a) Pre-Construction Improvement Inspection: Prior to issuance of construction approval, SRA-TX will perform a pre-construction inspection to ensure the proposed improvements are in accordance with these Policies and Guidelines.

(b) Construction Application Available for Inspection: Once issued, a copy of the approved construction application must be available at the construction site during construction, for review and inspection by SRA-TX.

(c) Post Construction Improvement Inspection: Upon completion of construction, permittee shall notify SRA-TX, and SRA-TX will conduct a post construction inspection to ensure the improvements were constructed as approved.

(d) Commencement of Construction: No construction, development, or other ground disturbing activities may commence until SRA-TX issues approval of a construction application for the proposed improvements.

1.1.5 Revocable Privilege

When issuing PLUPs or CLUPs for limited use and occupancy of its lands, SRA-TX expressly retains fee ownership and all rights to enter, occupy, control, and possess all lands associated with the PLUP or CLUP. Issuance of a PLUP or CLUP is a revocable privilege and does not convey any right of ownership or control of the permitted lands. In exchange for this privilege, permittees must comply with permit conditions and regulations developed by the SRA-TX, as well as applicable local, state, and federal regulations, including any requirements to protect and enhance the scenic, cultural, environmental, public safety, and public recreational values of the Toledo Bend Project as required by FERC.

1.1.6 Water Level Fluctuation; No Right to Extend Facilities

In general, the permitted use of the Toledo Bend Reservoir shoreline within the FERC Project Boundary may provide some access to the Reservoir at the conservation pool stage elevation. **However, the water level in the Toledo Bend Reservoir is subject to fluctuation and PLUP and CLUP lands are subject to flowage and inundation as a result of normal operations of the Reservoir.** Unless approved by SRA-TX in accordance with the procedures set forth in the SMP, permittees are not authorized to extend any facility beyond the permit-approved specifications for any reason, including efforts to provide access to the Reservoir during periods of lower water levels at Toledo Bend Reservoir.

1.1.7 Construction and Maintenance

Construction activities under PLUPs and CLUPs shall comply with all applicable federal, state, and local laws, regulations, codes, and ordinances, as well as FERC license requirements. All permitted structures must be maintained in good repair and in a sightly manner. All structures not adhering to these requirements are subject to removal at the permittee's expense.

1.1.8 Electrical Standards

All electrical wiring shall be installed in accordance with national, state, and local electrical codes and requirements. Electrical wiring cannot be attached to trees, and all electrical service is to be installed underground in electrical conduit unless otherwise approved.

1.1.9 Limitations on Lands Eligible for Permit

Notwithstanding any other provision in these Policies and Guidelines, in certain areas of the Toledo Bend Reservoir shoreline, such as at the backs of coves, PLUPs and CLUPs will be issued only where reasonable and practical as determined by the SRA-TX.

1.1.10 Contractors Insured

Contractors retained by permittees to undertake work within the FERC Project Boundary for the Toledo Bend Project must be insured and must adhere to the statutory insurance requirements in accordance with the laws of the State of Texas and undertake all construction activities in accordance with a permit issued by SRA-TX.

1.2 Land Management Policies

1.2.1 General

The following land management policies apply to all premises subject to permits issued by SRA-TX for use and occupancy of lands within the FERC Project Boundary for the Toledo Bend Project, including PLUPs and CLUPs.

1.2.2 Landscaping

Permittees are authorized under these Policies and Guidelines to undertake the following landscaping activities without specific prior approval of SRA-TX. Permittees must keep their permitted premises clear of garbage, refuse, debris, and other unsightly objects and materials that detract from the aesthetic qualities of the Toledo Bend Project. Permittees are authorized to engage in reasonable landscaping activities to beautify the permitted premises; such activities, however, must be conducted in a manner that recognizes the importance of natural, native vegetation for

maintenance of shoreline and bank stability, fish and wildlife habitat, aesthetics, and water quality at the Toledo Bend Project. For these reasons, landscaping activities on permitted premises are subject to the following restrictions and requirements:

- Underbrush Clearing: Permittees are authorized to clear underbrush on the permitted premises.

- Tree Removal: With the exception of non-native invasive species discussed below, permittees are strictly prohibited from removing: (1) any tree below the conservation pool elevation of 172 feet mean sea level (msl); and (2) any tree greater than 3 inches in diameter on the permitted premises above the conservation pool elevation of 172 feet msl, except as permitted by SRA-TX.

- Grasses and Other Plantings: SRA-TX encourages permittees to plant native grasses and other plantings that do not require intensive watering, fertilizer, and pesticide treatments. SRA-TX reserves the right to require permittees to remove any landscape plantings that detract from the natural beauty and aesthetics of the Toledo Bend Project.

- Chinese Tallow and Other Invasives. Permittees are strictly prohibited from planting or maintaining any invasive terrestrial or aquatic species on the permitted premises. In particular, permittees must immediately remove any Chinese tallow trees from the permitted premises, regardless of the diameter.

1.2.3 SRA-TX Access to Premises

All permitted premises are subject to entry and periodic inspection by SRA-TX. As a condition of any permit issued, SRA-TX requires all permittees to provide access at all times to all permitted sites, through private property if necessary, for the purpose of inspection or monitoring the premises. The purposes for SRA-TX entry and inspection on permitted premises include, but are not limited to, the following:

- Monitoring water withdrawal activities and compliance.

- Pre-construction and post-construction inspection.

- Response to complaints from regulators and/or members of the public.

- Periodic inspection at the sole discretion of SRA-TX.

1.2.4 Stump Removal

Permittees are prohibited from removing any tree stumps from the Toledo Bend Reservoir below the conservation pool elevation of 172 feet msl, except as approved in advance of such removal by SRA-TX.

1.2.5 Aquatic Herbicides

Permittees must adhere to all federal, state, and local laws and regulations applicable to the handling, storage, disposal, and application of aquatic herbicides within the FERC Project Boundary for the Toledo Bend Project. Prior to applying any aquatic herbicides within the FERC Project Boundary for the Toledo Bend Project, permittees, and their contractors or service providers, must be in compliance with Texas Department of Licensing and Regulations and Texas Parks and Wildlife requirements for herbicide applications.

1.2.6 Abandoned or Non-Conforming Property

SRA-TX is authorized to seize any structures, fixtures, or personal property located on permitted premises, or in the adjoining Reservoir area of the Toledo Bend Project, which is unauthorized, abandoned, unattended for unreasonably lengthy periods, non-conforming with these Policies and Guidelines, or where the permittee fails to timely submit payment for any fee or charge issued by SRA-TX.

1.2.7 Vehicles on Permitted Premises

Unused or inoperable motor vehicles, including but not limited to watercraft, may not be stored on any lands subject to any permit issued by SRA-TX.

No recreational vehicles of any type may be stored on SRA-TX lands subject to a PLUP. Recreational vehicles may be parked on lands subject to a CLUP, provided that: (1) recreational vehicle use is consistent with the commercial activity authorized under the CLUP, and (2) the recreational vehicle is not used for permanent habitation.

1.2.8 Encroachments

Permittees are responsible to ensure that their use and occupancy of SRA-TX lands do not encroach beyond the permitted premises. In addition, adjoining landowners are responsible to ensure that dwellings, buildings, and other structures and uses do not encroach on SRA-TX lands. Any encroachment issues must be resolved prior to SRA-TX issuing any permit for a proposed structure or activity. SRA-TX reserves the right to require, at the sole expense of the permittee or landowner, removal of any and all encroachments. Costs and expenses, including but not limited to surveys and/or removal of structures, associated with reconciliation of an encroachment are the responsibility of the permittee or landowner of the encroaching structure or activity.

1.2.9 Encroachments within FERC Project Boundary

Permits issued by SRA-TX do not authorize the permittee to construct any dwelling or other habitable structure within the FERC Project Boundary for Toledo Bend Project. In addition, any structure or groundbreaking activity, except as provided in Section 1.2.2 of these Policies and Guidelines, must be approved and permitted by SRA-TX. For these reasons, it is the policy of

SRA-TX to cure any encroachments within the Project Boundary in a manner that balances the expense and challenge of removing encroachments against SRA-TX's FERC license obligations to ensure public access and protect the electric generating, water supply, recreational, historical, and environmental values at the Toledo Bend Project. The following procedures apply to the resolution of encroachments on SRA-TX's lands within the Project Boundary.

1.2.9.1 Removal of Encroachment

As a general rule, SRA-TX requires removal of all encroachments on its lands within the FERC Project Boundary for the Toledo Bend Project. Upon discovery of an encroachment, SRA-TX will notify the owner of the encroachment, in writing, directing the owner to remove the encroachment within a reasonable period, not to exceed 90 days. If the owner of the encroachment believes additional time for removal is warranted, it may seek an extension of time to remove the encroachment, which SRA-TX may grant at its sole discretion, upon a showing of good cause.

1.2.9.2 Authorization of limited Encroachments

If the owner of an encroachment believes that removal of the encroachment is unreasonable or impractical, it may seek authorization and accompanying appropriate interests from SRA-TX for the encroachment, as follows:

(a) Improvement Survey Required: The owner of the encroachment must prepare an improvement survey and submit it to SRA-TX with its request for authorization and accompanying interests from SRA-TX. At a minimum, the improvement survey must depict the location of: (1) the encroaching structure or use, (2) the FERC Project Boundary for the Toledo Bend Project and SRA-TX property line, and (3) the 172-foot msl and 175-foot msl contour lines.

(b) Unilateral Authorization by SRA-TX: Upon receipt of a request to authorize an encroachment with accompanying improvement survey, the SRA-TX will determine whether authorizing the encroachment would: (1) be consistent with FERC license requirements; (2) preserve public access and use at the Toledo Bend Project; and (3) meet the electric generating, water supply, recreational, historical, and environmental values at the Toledo Bend Project. If the requested encroachment approval meets each of these criteria, SRA-TX will approve limited encroachments, without prior resource agency consultation or FERC review and/or approval, so long as:

(1) The encroachment existed during the original term of the Toledo Bend Project license, i.e., on or before ~~September 30, 2013~~July 31, 2014; and
(2) The majority of the encroachment is located above the 175-foot msl contour and at least 50 feet (measured horizontally) from the Toledo Bend conservation pool level of 172 feet msl: and
(3) The encroachment, including lands used for purposes of ingress and egress, must not occupy any federal lands administered by the U.S. Forest Service (USFS).

(c) Authorization Following Consultation and/or FERC Approval: All encroachments not within the scope of Section 1.2.9.2(b) must be approved in accordance with Section 4.0 of the SMP and SRA-TX's accompanying Policies and Guidelines.

(d) Authorization and Rights: Upon approval, SRA-TX will authorize the encroachment and grant appropriate rights for the encroaching structure. Any instrument of conveyance will: (1) require the owner to indemnify SRA-TX and hold it harmless; (2) require the owner to maintain appropriate insurance for the structure and personal property therein; (3) retain sufficient flowage rights to SRA-TX, as well as rights to operate the Toledo Bend Project for all Project purposes; and (4) include any other provisions deemed necessary or appropriate by SRA-TX.

(e) Denial of Encroachment Authorization: In the event SRA-TX or FERC denies a request to authorize an encroachment, SRA-TX will notify the owner of the encroachment, in writing, directing the owner to remove the encroachment within a reasonable period, not to exceed 90 days. If the owner of the encroachment believes additional time for removal is warranted, it may seek an extension of time to remove the encroachment, which SRA-TX may grant at its sole discretion, upon a showing of good cause.

1.2.10 Permit Boundary Line Disputes

Disputes regarding a common PLUP and CLUP boundary lines that cannot be agreed to by all concerned parties will be resolved by the SRA-TX, at its sole discretion. Costs and expenses associated with the resolution of permit boundary line disputes, including but not limited to surveys, are the sole responsibility of the disputing parties, and not SRA-TX.

1.2.11 Habitation

Permitted lands owned by SRA-TX and within the FERC Project Boundary may not be used for permanent habitation by any person(s).

1.2.12 Best Management Practices

Permittees shall use and follow Best Management Practices in accordance with the State of Texas to construct, maintain, and operate facilities within the FERC Project Boundary.

1.2.13 CLUP Approved Uses

Upon issuance of a CLUP, SRA-TX grants the permittee the right to establish, operate, and maintain a recreational land use operation in accordance with the permitted use. SRA-TX prohibits any use of the premises inconsistent with permittee's permitted use.

2.0 CONSTRUCTION GUIDELINES FOR PRIVATE LIMITED USE PERMITS

2.1 General

The construction guidelines that follow are not comprehensive, but are intended as an aid to permittees. Because every PLUP site is unique and may present different environmental, safety, structural, and other issues, SRA-TX specifically reserves the right to impose additional restrictions as may be necessary to protect the interest of the public and/or the electric generating, water supply, recreational, historical, and environmental values at the Toledo Bend Project.

PLUP applicants should contact SRA-TX with any questions related to these construction guidelines, prior to preparing their applications.

2.2 Storage Buildings

The following conditions and restrictions apply to storage buildings within the FERC Project Boundary and are subject to a PLUP issued by SRA-TX:

- Prior to any construction permittee shall provide SRA-TX with construction plans and/or sufficient details regarding the proposed facilities.
- Shall be a single level structure not exceeding 720 square feet supported by a concrete slab or wooden structure with a minimum of 2x6 pressure treated floor joist.
- Siding must be factory coated metal, wood, cement fiberboard, or brick and the roof must be factory coated metal or composition shingles.
- No portion of a storage building shall be used as a habitable structure.
- Potable water plumbing attached to conventional household fixtures including, but not limited to, sinks, showers, bathtubs and toilets is prohibited.
- The storage building shall not be used for storage of recreational vehicles.

2.3 Boathouses and Docks

The following conditions and restrictions apply to boathouses and docks within the FERC Project Boundary and are subject to a PLUP issued by SRA-TX. The restrictions listed below are subject to additional limitations based on a site-by-site evaluation as determined solely by the SRA-TX.

- Prior to any construction, permittee shall provide SRA-TX with construction plans and/or details regarding the proposed facility.

- The physical dimensions of any facility shall meet the following limitations:
  - Any boathouse and/or dock combination shall not exceed a total length of 150 linear feet from conservation pool elevation unless specific site conditions will allow.
  - Any boathouse and/or dock combination length shall not exceed 25 percent of the cove width as determined solely by the SRA-TX.

- Boathouses shall be a single level structure not exceeding 1,500 square feet.

- Boathouses shall not be used as a habitable structure.

- Potable water plumbing attached to conventional household fixtures including, but not limited to, sinks, showers, bathtubs, and toilets is prohibited.

- Siding must be factory coated metal, cement fiberboard, or painted wood and the roof must be factory coated metal or composition shingles.

- Any material touching water and structural framing shall be painted steel or pressure treated wood or other approved material.

- Should a floating boathouse and/or dock be desired, it is recommended that they be supported by encapsulated closed cell foam for buoyancy. Other methods may be approved on a case-by-case basis.

- Should a permittee elect to have electricity on a boathouse/dock, it shall be in conformance with all federal, state, and local codes and ordinances.

2.4 Piers

SRA-TX will allow permittee to construct a pier with or without a T-head or un-walled boat shelter on PLUP land under the following conditions. The restrictions listed below are subject to additional limitations based on a site-by-site evaluation as determined solely by the SRA-TX.

- Prior to any construction, permittee shall provide SRA-TX with construction plans and/or details regarding the proposed facility.

- The physical dimensions of any facility shall meet the following limitations:
  - Any pier or un-walled boat shelter with or without a T-head shall not exceed a total length of 150 linear feet from conservation pool elevation unless specific site conditions will allow.
  - Any pier or un-walled boat shelter with or without a T-head shall not exceed 25 percent of the cove width as determined solely by the SRA-TX.

- Any material touching water and structural framing shall be painted steel or pressure treated wood or other approved material.

- Should a floating pier or un-walled boat shelter be desired, it is recommended that they be supported by encapsulated closed cell foam for buoyancy. Other methods may be approved on a case-by-case basis.

- Should a permittee elect to have electricity on a pier or un-walled boat shelter, it shall be in conformance with all federal, state, and local codes and ordinances.

2.5 Gazebos and Pavilions

The following conditions and restrictions apply to gazebos and pavilions within the FERC Project Boundary and subject to a PLUP issued by SRA-TX:

- Prior to any construction, permittee shall provide SRA-TX with construction plans and/or details regarding the proposed facility

- Shall not exceed 720 square feet.

- Framing shall be completely open and capable of being viewed at all times.

- Roofing must be factory coated metal or composition shingles.

2.6 Excavation and Dredging

All dredging, filling, and excavation activities within the permitted premises must comply with all applicable local, state, and federal requirements, and must be completed in accordance with any required permit from U.S. Army Corps of Engineers (USACE). In addition, the following conditions and restrictions apply to any excavation, dredging, and filling activities within the FERC Project Boundary and subject to a PLUP issued by SRA-TX:

- Some proposed dredging, filling, or excavation activities may be eligible for approval under a ~~Programmatic General Permit between SRA-TX~~ and the Fort Worth District USACE RGP-8.

- SRA-TX reserves the right at its sole discretion to modify, limit, or deny any proposed dredging, filling or excavation activities within the FERC Project Boundary for Toledo Bend Project, as necessary to protect the interest of the public and/or the electric generating, water supply, recreational, historical, and environmental values at the Toledo Bend Project. Copies of dredging requirements can be obtained at the SRA-TX office.

2.7 Shoreline Stabilization

All shoreline stabilization activities within the permitted premises must comply with all applicable local, state, and federal requirements, and must be completed in accordance with any required permit from the USACE. In addition, the following conditions and restrictions apply to

any shoreline stabilization activities within the FERC Project Boundary and subject to a PLUP issued by SRA-TX:

- Some proposed shoreline stabilization activities may be eligible for approval under ~~a Programmatic General Permit between SRA-TX and USACE~~the Fort Worth District USACE RGP-8.

- SRA-TX reserves the right at its sole discretion to modify, limit, or deny any proposed shoreline stabilization activities within the FERC Project Boundary for the Toledo Bend Project, as necessary to protect the interest of the public and/or the electric generating, water supply, recreational, historical, and environmental values at the Toledo Bend Project.

2.8 Water Withdrawal Facilities

The following conditions and restrictions apply to water withdrawal facilities within the FERC Project Boundary and subject to a PLUP issued by SRA-TX:

- On lands subject to a PLUP, SRA-TX will authorize water withdrawal and discharge facilities only for private, residential use.

- Water withdrawal pumps must be electric (i.e., no internal combustion units).

- SRA-TX will approve only one pump per PLUP premises.

- Discharge piping from the pump is limited to a 1-inch nominal diameter restriction.

2.9 Fences

Permittees are authorized to construct and maintain fencing on the permitted land, so long as the fencing meets the following specifications:

- Fencing material must be pre-approved by SRA-TX.

- Privacy, hog-wire, and barbwire fences are prohibited.

- Fencing may not extend beyond the conservation pool elevation of 172-feet msl.

- It is the ~~permittees~~permittee's responsibility to identify the permit boundary and fencing shall be constructed along said permit boundary.

If it is determined a fence needs to be removed or relocated for any reason, the permittee shall do so at no cost to the SRA-TX.

3.0 CONSTRUCTION GUIDELINES FOR COMMERCIAL LIMITED USE PERMITS

3.1 General

The construction guidelines that follow are not comprehensive, but are intended as an aid to permittees. Because every CLUP site is different and may present different environmental, safety, structural, and other issues, SRA-TX specifically reserves the right to impose additional restrictions as may be necessary to protect the interest of the public and/or the electric generating, water supply, recreational, historical, and environmental values at the Toledo Bend Project.

CLUP applicants are encouraged to contact SRA-TX with any questions related to these construction guidelines, prior to preparing their applications.

3.2 Recreational Vehicle/Travel Trailer

Recreational vehicles cannot exceed 40 feet in length (not including hitches or bumpers) and must be on wheels and readily moveable in a "drive-away" condition at all times. No structure may be constructed around any recreational vehicle or travel trailer that will, in the sole discretion of SRA-TX, limit its ability to be mobile. Freestanding or attached roofs are prohibited from extending over recreational vehicles and porches/decks may not be attached to recreational vehicles or travel trailers.

3.3 Porches and Decks

Free standing, detached porches/decks will be allowed on CLUP land but are restricted to a maximum of 400 square feet. Only factory coated metal roofing or composition shingles are allowed for porches or decks. Structural framing for porches or decks must be a minimum of pressure treated 2x6 and flooring is restricted to a ground level concrete slab, pressure treated 2x6, 1-inch thick beveled edge pressure treated deck boards or synthetic deck boards.

3.4 Carports

Portable metal carports are allowed within CLUP land if factory constructed and professionally installed. The total footprint for the carport shall not exceed 576 square feet (24x24).

3.5 Excavation and Dredging

All dredging, filling, and excavation activities within the permitted premises must comply with all applicable local, state, and federal requirements, and must be completed in accordance with any required permit from USACE. In addition, the following conditions and restrictions

apply to any excavation, dredging, and filling activities within the FERC Project Boundary and subject to a PLUP issued by SRA-TX:

- Some proposed dredging, filling, or excavation activities may be eligible for approval under ~~a Programmatic General Permit between SRA-TX~~ and the Fort Worth District USACE RGP-8.

- SRA-TX reserves the right at its sole discretion to modify, limit, or deny any proposed dredging, filling, or excavation activities within the FERC Project Boundary for the Toledo Bend Project, as necessary to protect the interest of the public and/or the electric generating, water supply, recreational, historical, and environmental values at the Toledo Bend Project. Copies of dredging requirements can be obtained at the SRA-TX office.

3.6 Docks, Boathouses, and Piers

Dock length and numbers may be regulated at the discretion of SRA-TX to fit specific situations and to avoid overcrowding. All other specifications are subject to additional restrictions on a case-by-case basis.

3.7 Water Withdrawal Facilities

The following conditions and restrictions apply to irrigation water withdrawal facilities within the FERC Project Boundary and subject to a CLUP issued by SRA-TX:

- On lands subject to a CLUP, SRA-TX will authorize water withdrawal and discharge facilities only for private irrigation use.

- Water withdrawal pumps must be electric (i.e., no internal combustion units).

- Only one pump per recreational vehicle will be permitted.

- Discharge piping from the pump is limited to a 1-inch nominal diameter restriction.

3.8 Fences

Permittees are authorized to construct and maintain fencing on the permitted land, so long as the fencing meets the following specifications:

- Fencing material must be pre-approved by SRA-TX.

- Privacy, hog-wire, and barbwire fences are prohibited.

- Fencing may not extend beyond the conservation pool elevation of 172-feet msl.

- It is the ~~permitteespermittee's~~ responsibility to identify the permit boundary and fencing shall be constructed along said permit boundary.

If it is determined a fence needs to be removed or relocated for any reason, the permittee shall do so at no cost to the SRA-TX.

APPENDIX D

TOLEDO BEND PROJECT SHORELINE USE CLASSIFICATION MAPS

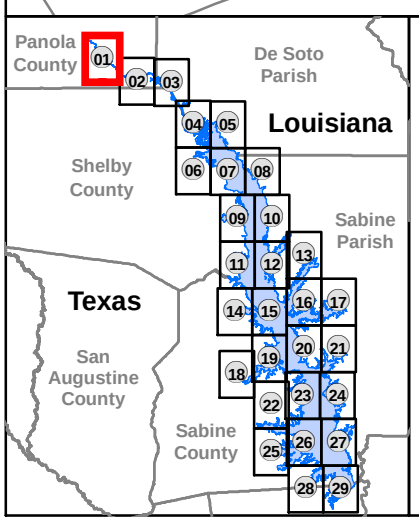
N

Panola County

Sabine River

699

Panola County



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 1 of 29

2,500 0 2,500 Feet

1:30,000

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

09/16/2011

N

31

Panola County

Yellow Dog County Park

Sabine River

Panola County

84

Joaquin

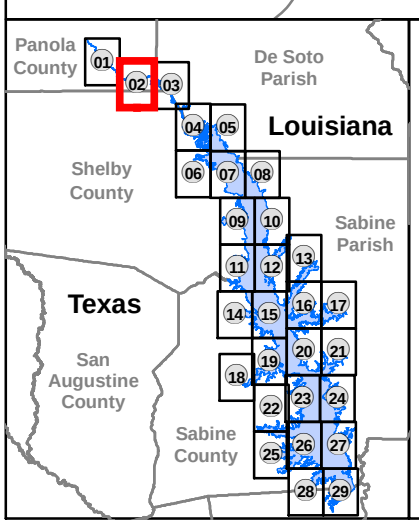
84

3343

Shelby County

2428

7



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir, Land Use Classifications

Sheet 2 of 29

2,500 0 2,500 Feet

1:30,000

09/16/2011

N

764

765

De Soto Parish

Panola County

764

5

Garrett Park

Sabine River

Joaquin Public Boat Ramp

84

84

84

Logansport

3174

84

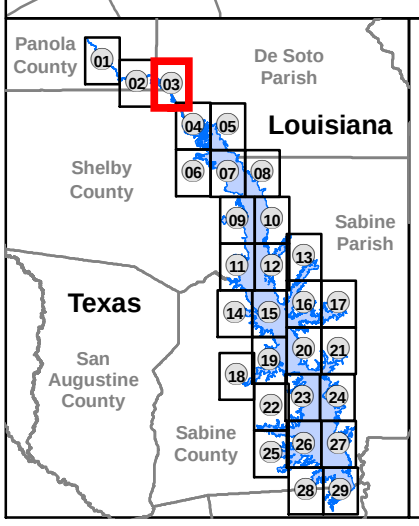
7

Shelby County

2787

De Soto Parish

139



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 3 of 29

2,500 0 2,500 Feet

1:30,000

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

09/16/2011

N

191

De Soto Parish

Sabine River

2572

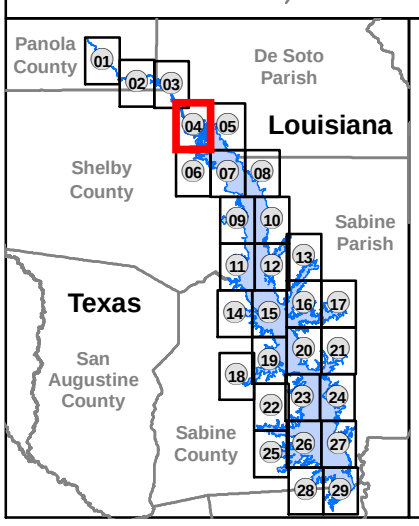
Swede Johnson
Recreation Area, SRA #1

139

Shelby County

Toledo Bend
Reservoir

139



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 4 of 29

2,500 0 2,500 Feet

1:30,000

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

09/16/2011

N

763

191

De Soto Parish

Oak Ridge Park, SRA LA #2

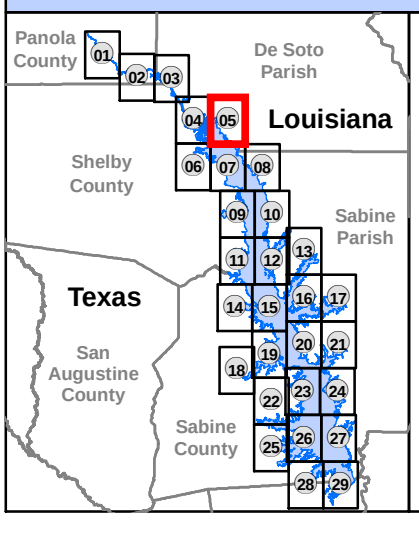
191

539

191

Toledo Bend Reservoir

Shelby County



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir, Land Use Classifications

Sheet 5 of 29

2,500 0 2,500 Feet

1:30,000

09/16/2011

N

Bubba Cowser, SRA TX Rec Site #2

Toledo Bend Reservoir

Shelby County

139

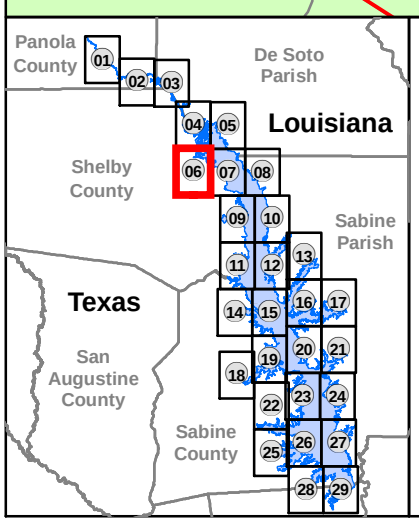
417

139

2694

2694

3471



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SMPClass

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- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 6 of 29

2,500 0 2,500 Feet

1:30,000

09/16/2011

De Soto Parish

Cow Bayou Park, SRA LA #3/3A

Sabine Parish

Toledo Bend Reservoir

3172

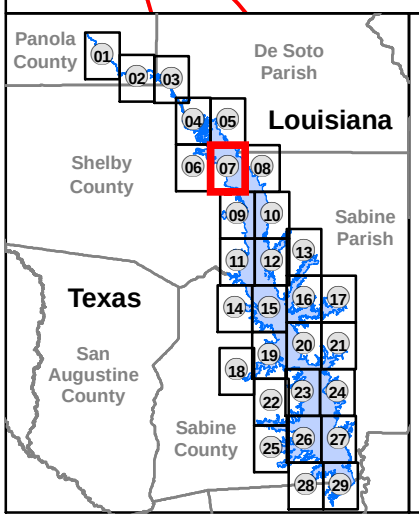
Shelby County

139

2694

2694

3172



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SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 7 of 29

2,500 0 2,500 Feet

1:30,000

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

09/16/2011

N

De Soto Parish

191

481

191

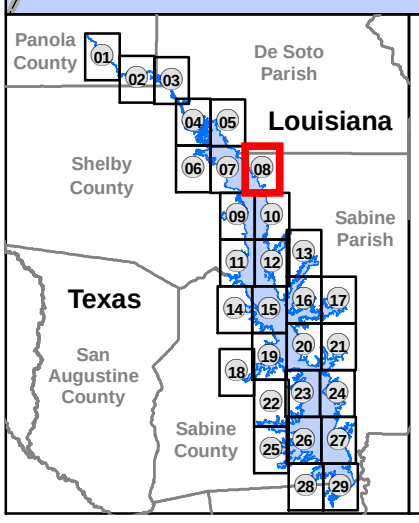
Sabine Parish

Toledo Bend Reservoir

Converse Bay Park, SRA LA #4

174

191



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

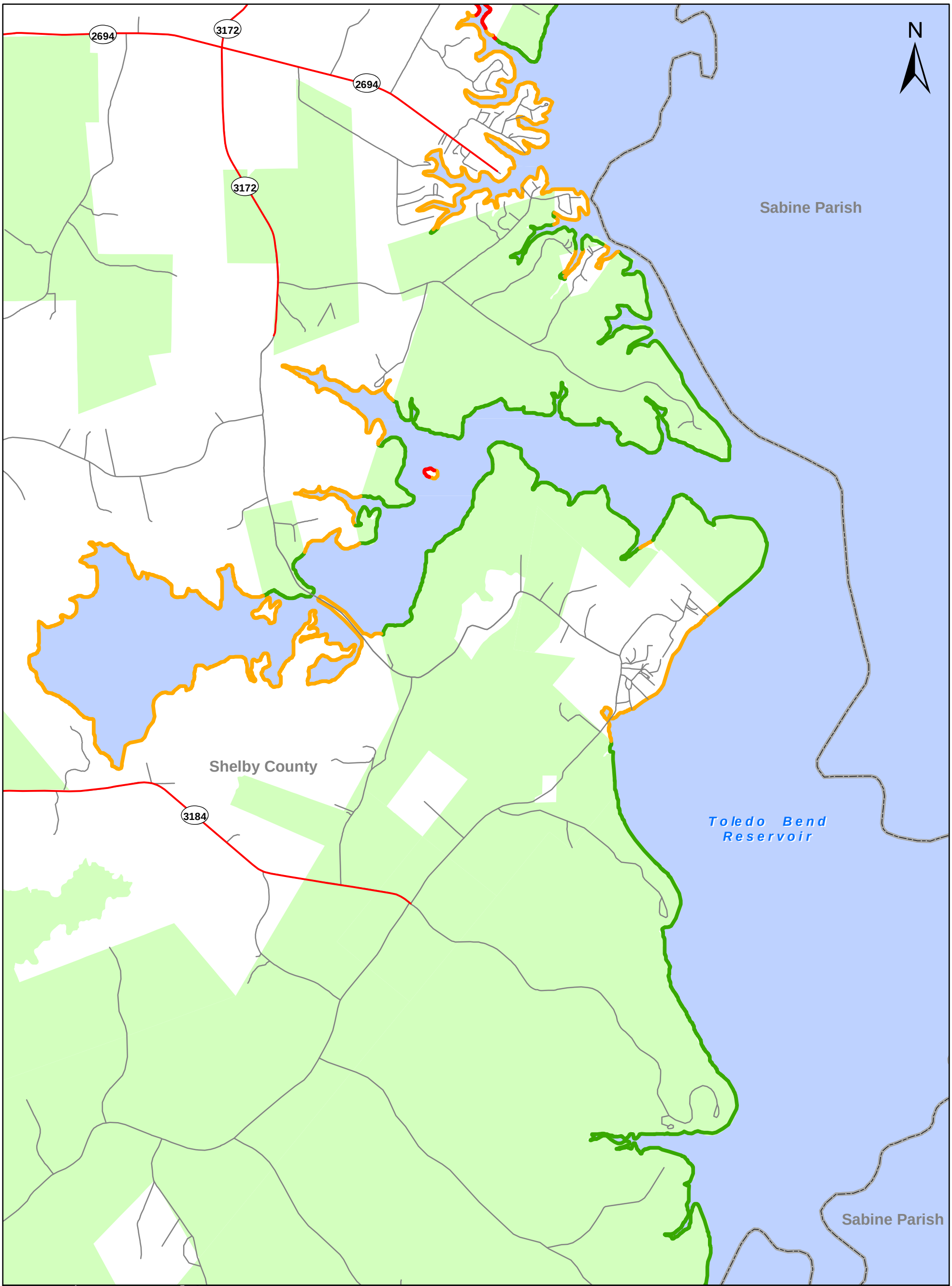
Sheet 8 of 29

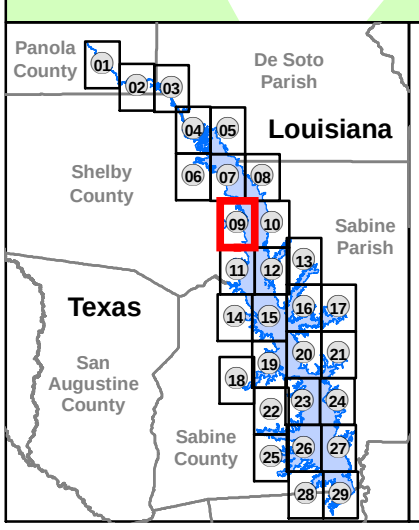
2,500 0 2,500 Feet

1:30,000

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

09/16/2011





Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 9 of 29

2,500 0 2,500 Feet

1:30,000

09/16/2011

Converse Bay Park, SRA LA #4

N

191

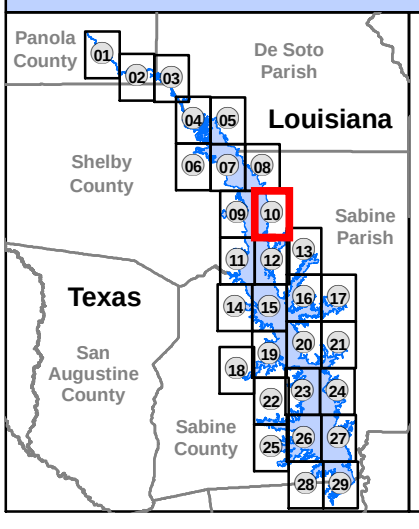
Toledo Bend Reservoir

Sabine Parish

Shelby County

191

San Patricio Overlook (Hot Wells)



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 10 of 29

2,500 0 2,500 Feet

1:30,000

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

09/16/2011

N

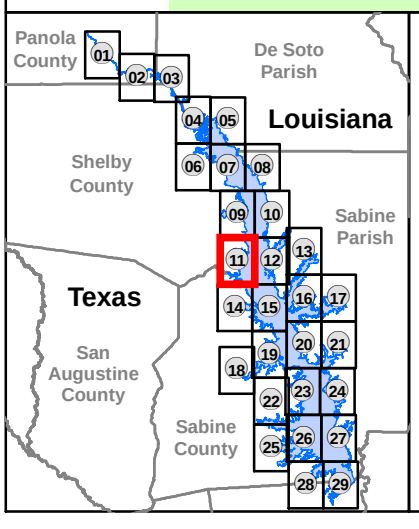
Shelby County

Sabine Parish

2261

East Hamilton Park

Sabine County



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 11 of 29

2,500 0 2,500 Feet

1:30,000

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

09/16/2011

Sabine Parish

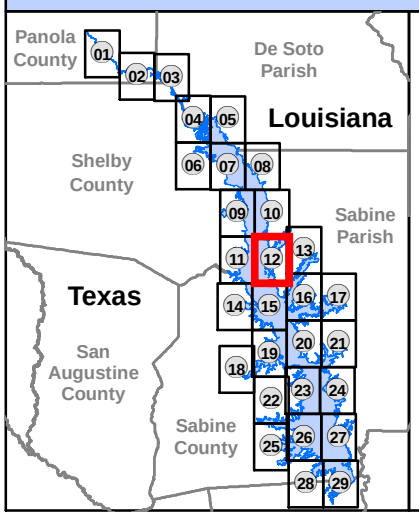
N

Toledo Bend Reservoir

482

Sabine Parish

3229



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SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 12 of 29

2,500 0 2,500
Feet
1:30,000

09/16/2011

N

1218

San Patricio Overlook (Hot Wells)

191

171

Sabine Parish

Clyde's Crossing

482

191

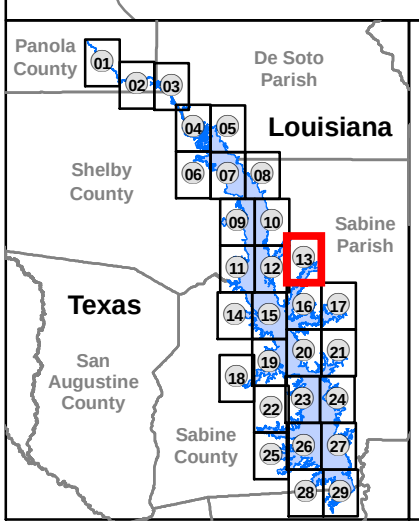
482

475

3229

Toledo Bend Reservoir

191



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SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 13 of 29

2,500 0 2,500 Feet

1:30,000

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

09/16/2011

N

Sabine County

87

276

87

Panola County
De Soto Parish
Louisiana
Shelby County
Sabine Parish
Texas
San Augustine County
Sabine County
01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29

Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 14 of 29

2,500 0 2,500 Feet

1:30,000

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

09/16/2011

N

Sabine Parish

North Toledo Bend State Park

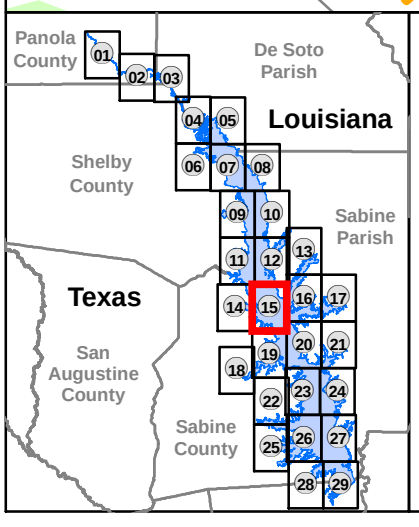
Toledo Bend Reservoir

276

276

Sabine County

Sabine Parish



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 15 of 29

2,500 0 2,500
Feet
1:30,000

09/16/2011

N

191

San Miguel Park, SRA LA #7A

Sabine Parish

Toledo Bend Reservoir

North Toledo Bend State Park

191

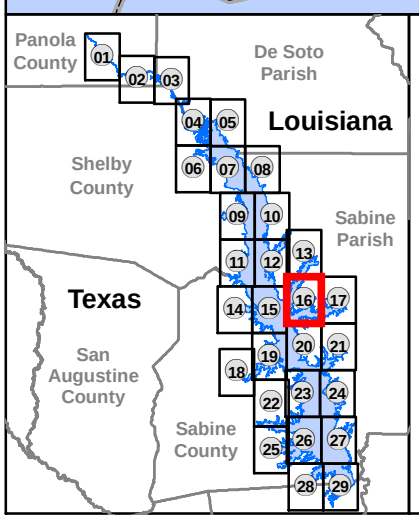
1215

Toledo Bend Reservoir

Sabine County

191

Sabine Parish



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 16 of 29

2,500 0 2,500 Feet

1:30,000

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

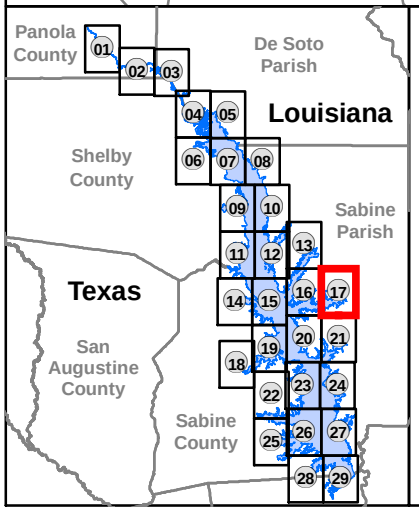
09/16/2011

N

Sabine Parish

Toledo Bend
Reservoir

6



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 17 of 29

2,500 0 2,500 Feet

1:30,000

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas;
US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

09/16/2011

N

87

21

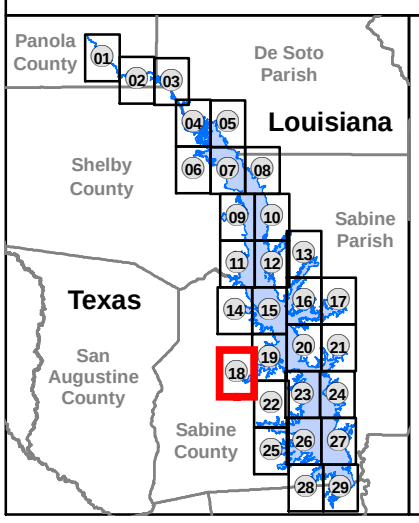
21

87

Sabine County

87

83



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 18 of 29

2,500 0 2,500 Feet

1:30,000

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

09/16/2011

N

Sabine Parish

21

Frontier Park

Toledo Bend Reservoir

Sabine County

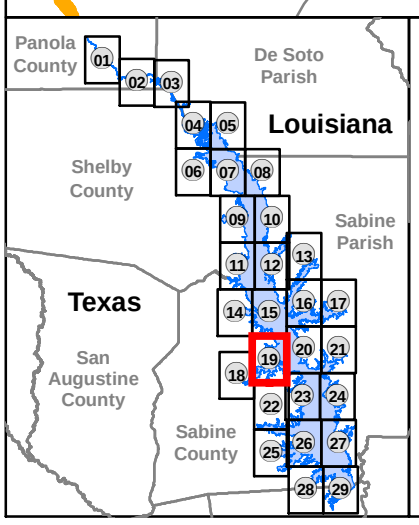
21

3121

242

3121

Sabine County



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 19 of 29

2,500 0 2,500 Feet

1:30,000

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

09/16/2011

N

191

6

6

Toledo Bend Tourist Center, SRA LA #10

Sabine Parish

191

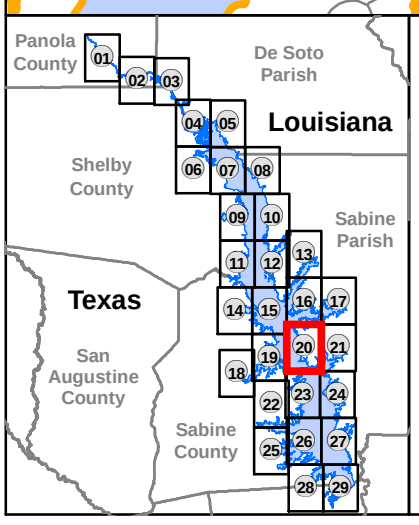
Toledo Bend Reservoir

Sabine Parish

Sabine County

Cypress Bend Golf Resort

Cypress Bend Park, SRA LA #11



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 20 of 29

2,500 0 2,500 Feet

1:30,000

09/16/2011

N

6

Sabine Parish

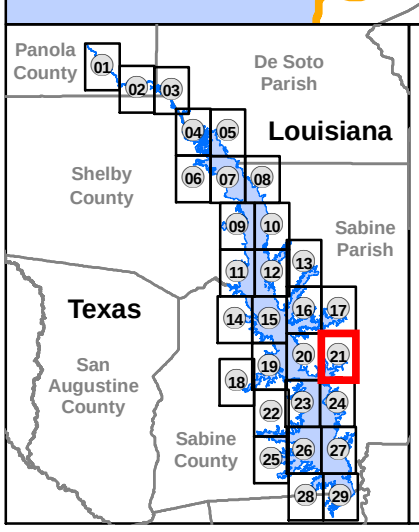
476

191

474

191

Sabine Parish



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SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 21 of 29

2,500 0 2,500 Feet

1:30,000

09/16/2011

N

3121

83

83

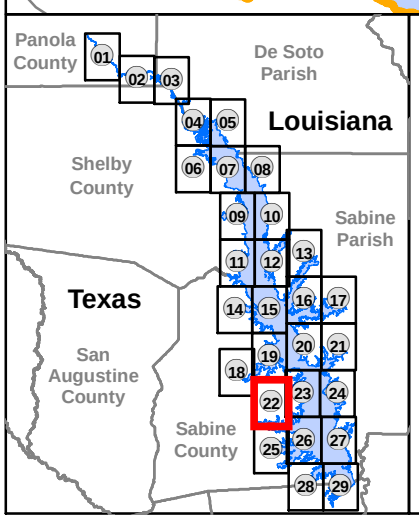
83

3382

Sabine County

944

Toledo Bend Reservoir



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 22 of 29

2,500 0 2,500 Feet

1:30,000

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

09/16/2011

N

3382

83

3382

3520

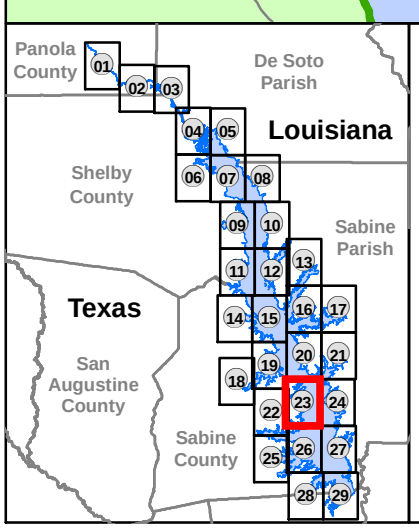
3382

Sabine Parish

Toledo Bend Reservoir

Sabine County

Sabine Parish



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 23 of 29

2,500 0 2,500 Feet

1:30,000

09/16/2011

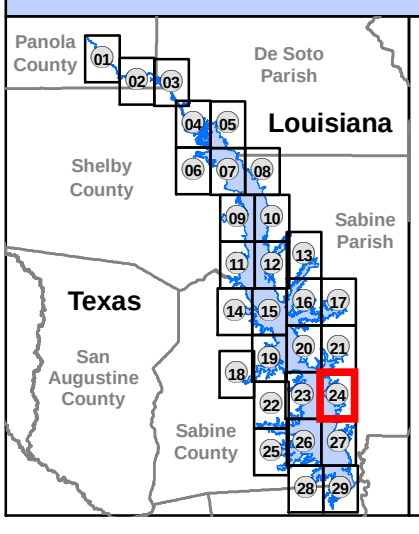
N

191

191

Sabine Parish

Toledo Bend Reservoir



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 24 of 29

2,500 0 2,500 Feet

1:30,000

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

09/16/2011

Toledo Bend Reservoir

N

Sabine County

2928

87

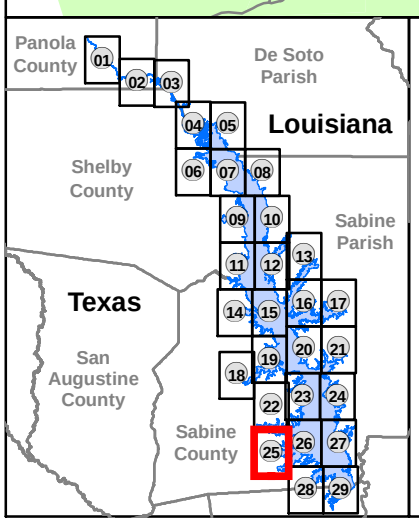
3449

Toledo Bend Reservoir

Sabine County

87

3315



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 25 of 29

2,500 0 2,500 Feet

1:30,000

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

09/16/2011

N

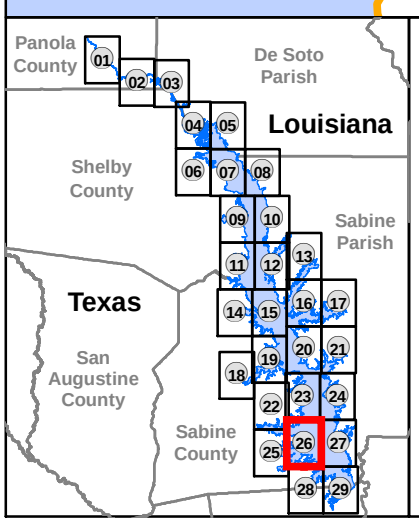
2928

Sabine County

Toledo Bend Reservoir

Sabine County

3315



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 26 of 29

2,500 0 2,500 Feet

1:30,000

09/16/2011

N

Sabine Parish

Toledo Bend Reservoir

Sabine County

Sabine Parish

Pleasure Point Park, SRA LA #15

191

D

Panola County
De Soto Parish
Louisiana
Shelby County
Sabine Parish
Texas
San Augustine County
Sabine County
01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29

Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

Toledo Bend Joint Operation
FERC #2305

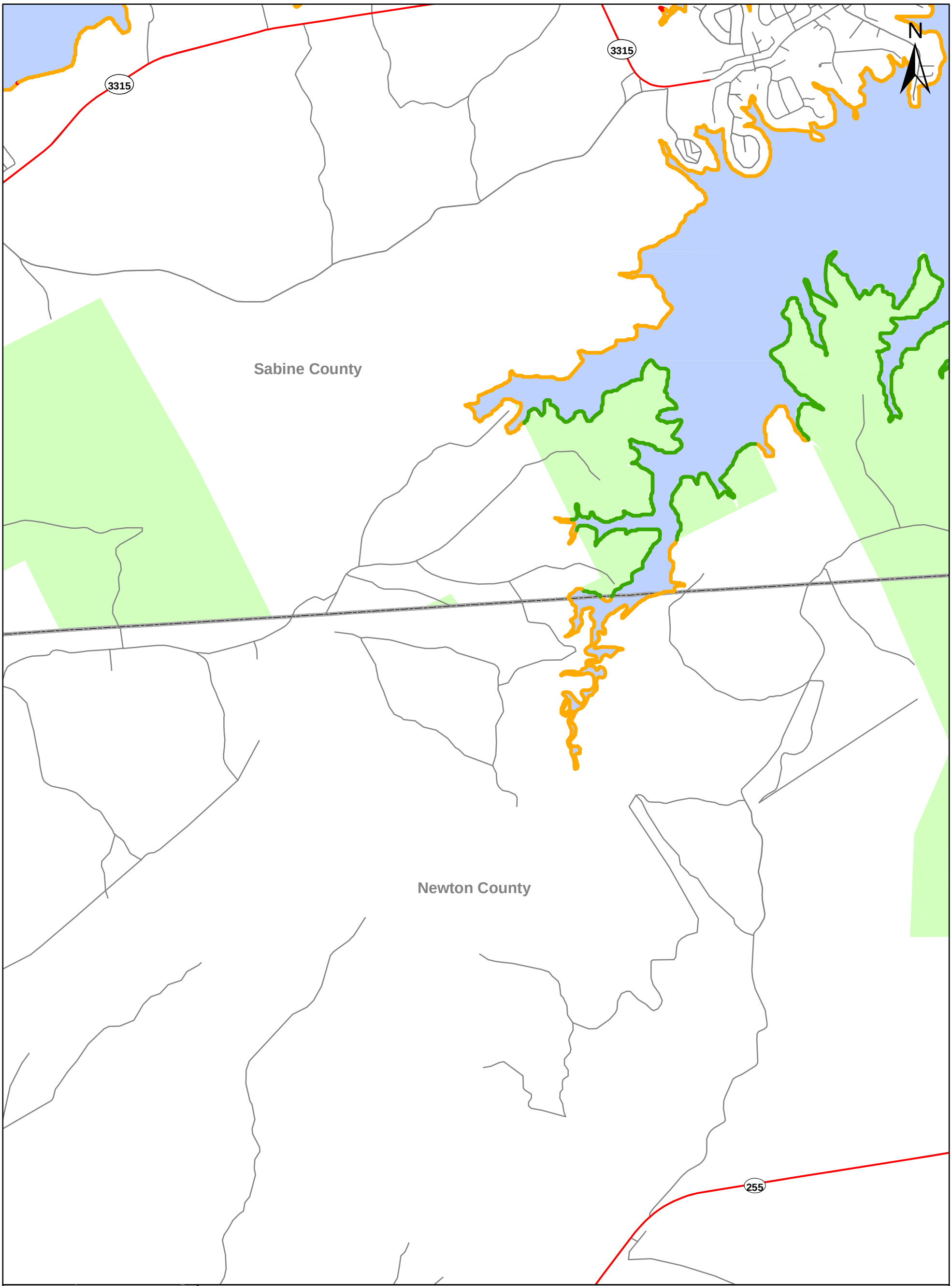
Toledo Bend Reservoir, Land Use Classifications

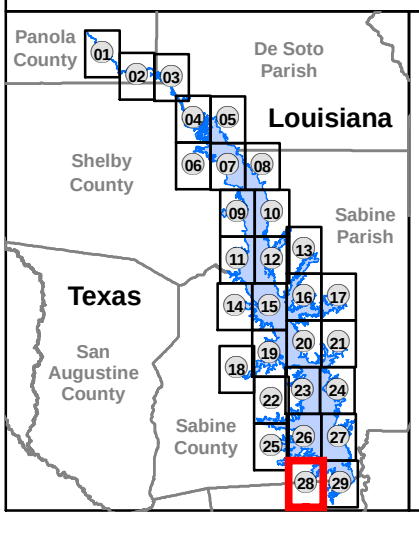
Sheet 27 of 29

2,500 0 2,500 Feet

1:30,000

09/16/2011





Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 28 of 29

2,500 0 2,500
Feet
1:30,000

09/16/2011

N

South Toledo Bend State Park

Sabine Parish

Toledo Bend Dam

Toledo Bend Reservoir

Sabine County

Toledo Bend Dam Observation Area

Sam Forse Collins
Recreation Area, SRA TX #7

Newton County

191

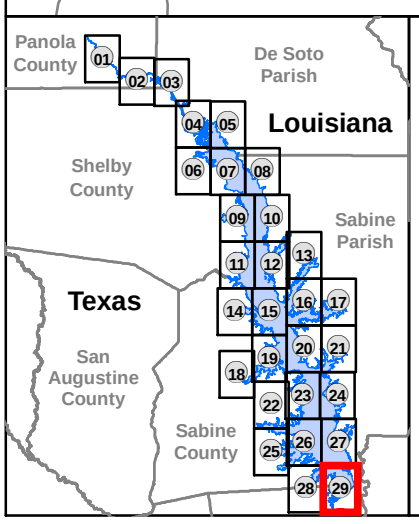
392

191

692

692

255



Legend

SMPClass

- Conservation Lands
- General Use Lands
- USFS Lands
- Public Access Area
- County Boundary
- USDA Forest Service

Source: Sabine River Authority Survey Data; USDA US Forest Service Texas; US Census Bureau 2010 TIGER data; & Texas Department of Transportation.

Toledo Bend Joint Operation
FERC #2305

Toledo Bend Reservoir,
Land Use Classifications

Sheet 29 of 29

2,500 0 2,500 Feet

1:30,000

09/16/2011

APPENDIX E

U.S. FISH AND WILDLIFE SERVICE LETTER DATED JANUARY 6, 2012

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Division of Ecological Services
17629 El Camino Real, Suite 211
Houston, TX 77058
281/286-8282 / (FAX) 281/488-5882

In Reply Refer To:
FWS/R2/CLES/

January 6, 2012

Jack W. Tatum
Sabine River Authority of Texas
P.O. Box 579
Orange, Texas 77632

Dear Mr. Tatum,

Thank you for requesting our review of the Sabine River Authorities' (SRA) draft Shoreline Management Plan (SMP) for the Toledo Bend Project (FERC No. 2305). The U.S. Fish and Wildlife Service's (Service) Clear Lake and Lafayette Ecological Services Field Offices have reviewed the SMP. We note that the SRA proposes to require shoreline permit applicants who wish to conduct certain shoreline development and use activities to coordinate with the Service regarding fish and wildlife impacts. Herein, we provide you with information and comments regarding the Service's trust resources, which include, but are not limited to federally listed species, bald eagles, and migratory birds. We recommend that the SRA provide this information to shoreline permit applicants directly and in lieu of mandatory coordination with the Service as proposed in the SMP. After review of this information, applicants are encouraged to contact the Service should they have any questions.

Our comments are provided in accordance with the provisions of the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.), the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668 et seq.), the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.), the Fish and Wildlife Coordination Act (16 U.S.C. 661-667(e)), and the Federal Power Act (16 U.S.C. 791 et seq.).

Threatened and Endangered Species

Section 9(a)(1) of the ESA prohibits "take" of endangered species of fish and wildlife within the United States or its territorial waters by any person. "Take" is defined to mean "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." A county-by-county listing of federally listed threatened and endangered species that occur within the project area can be found at http://www.fws.gov/southwest/es/EndangeredSpecies/EndangeredSpecies_Lists/EndangeredSpecies_Lists_Main.cfm.

Section 7(a)(2) of the ESA requires Federal agencies to consult with the Service if it appears that any action they are proposing "may affect" a listed species. Please see the enclosed Section 7 form letter that describes the consultation process and associated responsibilities.

Freshwater Mussels

The Service is currently reviewing the status of several species of freshwater mussels for potential listing under the ESA. It is known that sedimentation smothers and suffocates mussels and is one of the main contributors to mussel die offs. Therefore, the Service recommends that applicants use silt fences, filter fabric, and other best management practices to reduce sedimentation within streams crossed by or adjacent to any shoreline development and/or use projects. Shoreline permit applicants are encouraged to review the best management practices within the enclosed document entitled *Best Management Practices for Projects Affecting, Rivers, Streams and Tributaries* for further information.

Bald Eagles

The bald eagle *Haliaeetus leucocephalus* was removed from the Federal List of Endangered and Threatened Wildlife on August 8, 2007 (72 FR 37346) yet still remains protected by the BGEPA and the MBTA. Accordingly, the Service recommends that shoreline permit applicants review and use the *National Bald Eagle Management Guidelines* to avoid harm or disturbance of bald eagles. These guidelines can be found at: http://www.fws.gov/migratorybirds/baldeagle.htm. Eagles are particularly vulnerable to disturbance throughout the nesting season, which in Texas is generally from October 1 to May 30.

Migratory Birds

Please be advised that the MBTA protects all native migratory birds and does not permit take, unless permitted by regulation. "Take" is defined to mean "pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt any of the above" and may occur when land clearing activities destroy active nests (eggs or young present) or kills birds. To reduce the chances of take, the Service recommends that applicants review and implement the conservation actions for migratory birds outlined in the enclosed document entitled *Suggested Priority for Migratory Bird Conservation Actions for Projects*. A list of birds protected under the MBTA can be found in 50 CFR 10 of the MBTA and at:http://www.fws.gov/migratorybirds/RegulationsPolicies /mbta/mbtandx.html#a.

Colonial Waterbirds

We recommend that applicants avoid the removal of colonial waterbird rookeries to the maximum extent practicable. Disturbance can also adversely affect colonial waterbird use of nesting sites and can result in nest abandonment and loss of reproduction[i]. Therefore, the Service recommends that applicants prohibit all project activities within 1,000 feet of active bird rookery areas during the nesting season from early February to late August.

Section 404 of the Clean Water Act

Section 404 of the Clean Water Act establishes a program administered by the U.S. Army Corps of Engineers that regulates the discharge of fill material into waters of the United States (e.g., wetlands, streams, reservoirs, etc.). We recommend that applicants consult the U.S. Army Corps of Engineers to ensure that project activities comply with the Clean Water Act.

Thank you for the opportunity to provide comments on your draft SMP. If you need any additional information, please contact project biologist A.J Vale at 281/286-8282 ext. 223.

Sincerely,

Edith Erfling

Edith Erfling
Field Supervisor

Enclosures

cc: Federal Energy Regulatory Commission, Attn: Alan Mitchnick, Washington D.C. 20426
USFWS, Region 4, Ecological Services, Attn: Seth Bordelon, Lafayette, LA, 70506

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[i] Mueller, A.J. and P.O. Glass. 1988. Disturbance tolerance in a Texas waterbird colony. Colonial Waterbirds 11:119-122

BEST MANAGEMENT PRACTICES FOR PROJECTS AFFECTING RIVERS, STREAMS AND TRIBUTARIES

The project crosses or potentially affects river, stream or tributary aquatic habitat. Therefore the Service recommends implementing the following applicable Best Management Practices:

1. Construct stream crossings during a period of low streamflow (e.g., July - September);
2. Cross streams, stream banks and riparian zones at right angles and at gentle slopes;
3. When feasible, directionally bore under stream channels;
4. Disturb riparian and floodplain vegetation only when necessary;
5. Construction equipment should cross the stream at one confined location over an existing bridge, equipment pads, clean temporary native rock fill, or over a temporary portable bridge;
6. Limit in-stream equipment use to that needed to construct crossings;
7. Place trench spoil at least 25 feet away landward from streambanks;
8. Use sediment filter devices to prevent movement of spoil off right-of-way when standing or flowing water is present;
9. Trench de-watering, as necessary, should be conducted to prevent discharge of silt laden water into the stream channel;
10. Maintain the current contours of the bank and channel bottom;
11. Do not store hazardous materials, chemicals, fuels, lubricating oils, and other such substances within 100 feet of streambanks;
12. Refuel construction equipment at least 100 feet from streambanks;
13. Revegetate all disturbed areas as soon as possible after construction to prevent unnecessary soil erosion. Use only native riparian plants to help prevent the spread of exotics;
14. Maintain sediment filters at the base of all slopes located adjacent to the streams until right-of-way vegetation becomes established;
15. Maintain a vegetative filtration strip adjacent to streams and wetlands. The width of a filter strip is based on the slope of the banks and the width of the stream. Guidance to determine the appropriate filter strip (stream management zone, SMZ) width is provided below; and
16. Direct water runoff into vegetated areas.

BEST MANAGEMENT PRACTICES FOR PROJECTS AFFECTINGRIVERS, STREAMS AND TRIBUTARIES. Document prepared by the U.S. Fish and Wildlife Service, Oklahoma Ecological Services Field Office, 9014 East 21st Street, Tulsa, Oklahoma 74129-1428. For the most recent information visit our website, http://www.fws.gov/southwest/es/oklahoma/default.htm, write, or call (918) 581-7458. 1/24/2007

SMZ widths should consider watershed characteristics, risk of erosion, soil type, and stream width. SMZ widths are measured from the top of each bank and established on each side of the stream. Erosion risk is increased with sandy soil, steep slopes, large watersheds and increasing stream widths. Recommended primary and secondary SMZ widths are provided in the table below.

Stream Width (Feet)	Slope (Percent)	Primary SMZ (Feet)	Secondary SMZ (Feet)
<20	<7	35	0
<20	7-20	35	50
<20	>20	Top of slope or 150	75
20-50	<7	50	0
20-50	7-20	50	50
20-50	>20	Top of slope or 150	75
>50	<7	Width of stream or 100 max.	0
>50	7-20	Width of stream or 100 max.	50
>50	>20	Top of slope or 150	75

Reference

Arkansas Forestry Commission. 2001. Draft Arkansas Forestry Best Management Practices for Water Quality Protection.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Division of Ecological Services
17629 El Camino Real, Suite 211
Houston, Texas 77058-3051
281/286-8282 / (FAX) 281/488-5882

May 2011

Thank you for your request for threatened and endangered species information in the Clear Lake Ecological Services Field Office's area of responsibility. According to Section 7(a)(2) of the Endangered Species Act and the implementing regulations, it is the responsibility of each Federal agency to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any federally listed species.

Please note that while a Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment, the Federal agency must notify the U.S. Fish and Wildlife Service (Service) in writing of such designation. The Federal agency shall also independently review and evaluate the scope and contents of a biological assessment prepared by their designated non-Federal representative before that document is submitted to the Service.

A county-by-county listing of federally-listed threatened and endangered species that occur within this office's work area can be found at http://www.fws.gov/southwest /es/Endangered Species/lists/default.cfm. You should use the county-by-county listing and other current species information to determine whether suitable habitat for a listed species is present at your project site. If suitable habitat is present, a qualified individual should conduct surveys to determine whether a listed species is present.

After completing a habitat evaluation and/or any necessary surveys, you should evaluate the project for potential effects to the listed species and make one of the following determinations:

No effect – the proposed action will not affect federally listed species or critical habitat (i.e., suitable habitat for the species occurring in the project county is not present in, or adjacent to, the action area). No coordination or contact with the Service is necessary. However, if the project changes or additional information on the distribution of listed or proposed species becomes available, the project should be reanalyzed for effects not previously considered.

Is not likely to adversely affect – the project may affect listed species and/or critical habitat; however, the effects are expected to be discountable, insignificant, or completely beneficial. Certain avoidance and minimization measures may need to be implemented in order to reach this level of effects. The Federal agency or the designated non-Federal representative should seek written concurrence from the Service that adverse effects have been eliminated. Be sure to include all the information and documentation used to reach your decision with your request for concurrence. The Service must have this documentation before issuing a concurrence.

Is likely to adversely affect – adverse effect to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable, insignificant, or beneficial. If the overall effect of the proposed action is beneficial to the listed species but also likely to cause some adverse effect to individuals or that species, then the proposed action "is likely to adversely affect" the listed species. An "is likely to adversely affect" determination requires the Federal action agency to initiate formal Section 7 consultation with this office.

Regardless of your determination, the Service recommends that you maintain a complete record of the evaluation, including steps leading to the determination of affect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related articles. The Service's Consultation Handbook is available online to assist you with further information on definitions, process, and fulfilling Endangered Species Act requirements for your projects at http://endangered.fws.gov/ consultations /s7hndbk/s7 hndbk.htm.

If we can further assist you in understanding a federal agency's obligations under the Endangered Species Act, please contact Donna Anderson, Moni Belton, Kelsey Gocke, Jeff Hill, Charrish Stevens, or Arturo Vale at 281-286-8282.

Sincerely,

Edith Erfling

Edith Erfling
Field Supervisor

Suggested Priority of Migratory Bird Conservation Actions for Projects
U.S. Fish and Wildlife Service (USFWS), Migratory Bird Management

March 9, 2010

1. Avoid any take of migratory birds and/or minimize the loss, destruction, or degradation of migratory bird habitat while completing the proposed project or action.

2. Determine if the proposed project or action will involve below- and/or above-ground construction activities since recommended practices and timing of surveys and clearances could differ accordingly.

3. If the proposed project or action includes a reasonable likelihood that take of migratory birds will occur, then complete actions that could take migratory birds outside of their nesting season. This includes clearing or cutting of vegetation, grubbing, etc. The primary nesting season for migratory birds varies greatly between species and geographic location, but generally extends from early April to mid-July. However, the maximum time period for the migratory bird nesting season can extend from early February through late August. Also, eagles may initiate nesting as early as late December or January depending on the geographic area. Due to this variability, project proponents should consult with the appropriate Regional Migratory Bird Program (USFWS) for specific nesting seasons. Strive to complete all disruptive activities outside the peak of migratory bird nesting season to the greatest extent possible. Always avoid any habitat alteration, removal, or destruction during the primary nesting season for migratory birds. Additionally, clearing of vegetation in the year prior to construction (but not within the nesting season) may discourage birds from attempting to nest in the proposed construction area, thereby decreasing chance of take during construction activities.

4. If a proposed project or action includes the potential for take of migratory birds and/or the loss or degradation of migratory bird habitat and work cannot occur outside the migratory bird nesting season (either the primary or maximum nesting season), project proponents will need to provide the USFWS with an explanation for why work has to occur during the migratory bird nesting season. Further, in these cases, project proponents also need to demonstrate that all efforts to complete work outside the migratory bird nesting season were attempted, and that the reasons work needs to be completed during the nesting season were beyond the proponent's control.

   Also, where project work cannot occur outside the migratory bird nesting season, project proponents must survey those portions of the project area during the nesting season prior to construction occurring to determine if migratory birds are present and nesting in those areas. In addition to conducting surveys during the

nesting season/construction phase, companies may also benefit from conducting surveys during the prior nesting season Such surveys will assist the company in any decisions about the likely presence of nesting migratory birds or sensitive species in the proposed project or work area. While individual migratory birds will not necessarily return to nest at the exact site as in previous years, a survey in the nesting season in the year before construction allows the company to become familiar with species and numbers present in the project area well before the nesting season in the year of construction. Bird surveys should be completed during the nesting season in the best biological timeframe for detecting the presence of nesting migratory birds, using accepted bird survey protocols. USFWS Offices can be contacted for recommendations on appropriate survey guidance. Project proponents should also be aware that results of migratory bird surveys are subject to spatial and temporal variability. Finally, project proponents will need to conduct migratory bird surveys during the actual year of construction, if they cannot avoid work during the primary nesting season (see above) and if construction will impact habitats suitable for supporting nesting birds.

5. If no migratory birds are found nesting in proposed project or action areas immediately prior to the time when construction and associated activities are to occur, then the project activity may proceed as planned.

6. If migratory birds are present and nesting in the proposed project or action area, contact your nearest USFWS Ecological Services Field Office and USFWS Region Migratory Birds Program for guidance as to appropriate next steps to take to minimize impacts to migratory birds associated with the proposed project or action.

* Note: these proposed conservation measures assume that there are no Endangered or Threatened migratory bird species present in the project/action area, or any other Endangered or Threatened animal or plant species present in this area. If Endangered or Threatened species are present, or they could potentially be present, and the project/action may affect these species, then consult with your nearest USFWS Ecological Services Office before proceeding with any project/action.

** The Migratory Bird Treaty Act prohibits the taking, killing, possession, and transportation, (among other actions) of migratory birds, their eggs, parts, and nests, except when specifically permitted by regulations. While the Act has no provision for allowing unauthorized take, the USFWS realizes that some birds may be killed during construction and operation of energy infrastructure, even if all known reasonable and effective measures to protect birds are used. The USFWS Office of Law Enforcement carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and industries that have taken effective steps to avoid take of migratory birds, and by encouraging others to implement measures to avoid take of migratory birds. It is not possible to absolve

individuals, companies, or agencies from liability even if they implement bird mortality avoidance or other similar protective measures. However, the Office of Law Enforcement focuses its resources on investigating and prosecuting individuals and companies that take migratory birds without identifying and implementing all reasonable, prudent and effective measures to avoid that take. Companies are encouraged to work closely with Service biologists to identify available protective measures when developing project plans and/or avian protection plans, and to implement those measures prior to/during construction or similar activities.

*** Also note that Bald and Golden Eagles receive additional protection under the Bald and Golden Eagle Protection Act (BGEPA). BGEPA prohibits the take, possession, sale, purchase, barter, offer to sell, purchase, or barter, transport, export or import, of any Bald or Golden Eagle, alive or dead, including any part, nest, or egg, unless allowed by permit. Further, activities that would disturb Bald or Golden Eagles are prohibited under BGEPA. "Disturb" means to agitate or bother a Bald or Golden Eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an Eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior. If a proposed project or action would occur in areas where nesting, feeding, or roosting eagles occur, then project proponents may need to take additional conservation measures to achieve compliance with BGEPA. New regulations (50 CFR § 22.26 and § 22.27) allow the take of bald and golden eagles and their nests, respectively, to protect interests in a particular locality. However, consultation with the Migratory Bird, Ecological Services, and Law Enforcement programs of the Service will be required before a permit may be issued.

APPENDIX F

STATE AND FEDERAL CONSULTATION AND PERMITTING GUIDELINES

STATE AND FEDERAL CONSULTATION AND PERMITTING GUIDELINES

Federal Agencies, Bureaus, and Other Entities

U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (USACE) is a federal agency that serves as the chief federal steward of wetlands (e.g., marshes, tidelands, and vernal pools) and the USACE's regulatory division is responsible for regulating and enforcing federal environmental standards while balancing appropriate development. The permitting process is the USACE's official means of balancing societal needs while protecting the environment. In cases where an impact on aquatic resources is unavoidable, organizations and individuals must obtain a permit from the USACE.

When seeking a permit from the Sabine River Authority ("SRA"), State of Louisiana, and the Sabine River Authority of Texas (together, "the Authorities"; individually "SRA-LA" and "SRA-TX," respectively) under this Shoreline Management Plan (SMP), a permit applicant may be required to consult with, or obtain a permit from, the USACE.

Mailing Address:

U.S. Army Corps of Engineers
Fort Worth District
P.O. Box 17300
Fort Worth, TX 76102

Regulatory Program Phone Number: (817) 886-1731

U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service (USFWS) is a federal government agency within the U.S. Department of the Interior. The USFWS is dedicated to the management of fish, wildlife, and their associated habitats. The mission of the agency is to work with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats. The USFWS has authority under multiple federal laws including, but not limited to the Bald and Golden Eagle Protection Act, Endangered Species Act, Marine Mammal Protection Act, and the Migratory Bird Treaty Act (USFWS 2002). When seeking a permit from the Authorities under this SMP (other than a Type 5 activity), applicants may be provided information on USFWS's trust resources, which include, but are not limited to, federally listed species, bald eagles, and migratory birds. Applicants will be required to adhere to the USFWS recommendations and instructions provided by the Authorities. USFWS consultation will be required for a Type 5 activity, and may be required in conjunction with any required USACE permit.

Texas USFWS	**Louisiana USFWS**
Mailing Address: U.S. Fish & Wildlife Service 17629 El Camino Real, #211 Houston, TX 77058-3051 Office Phone Number: (281) 286-8282	Mailing Address: U.S. Fish & Wildlife Service 646 Cajundome Blvd., Suite 400 Lafayette, LA 70506 Office Phone Number: (337) 291-3100

State Resource Agencies - Texas

Texas Commission on Environmental Quality

The Texas Commission on Environmental Quality (TCEQ) is the environmental agency for the State of Texas. TCEQ's mission is to protect the State's human and natural resources while remaining consistent with sustainable economic development. TCEQ's goals are clean air, clean water, and the safe management of waste (TCEQ 2011).

The TCEQ is the grantor of water quality state certifications under Section 401 of the Clean Water Act, 33 U.S.C. § 1341. With respect to this SMP, a Section 401 Water Quality Certification may be required in conjunction with a USACE permit.

Sabine, Shelby, and Newton Counties	Panola County
Mailing Address: Texas Commission on Environmental Quality, Region 10 3870 Eastex Fwy. Beaumont, TX 77703-1830 Office Phone Number: (409) 898-3838	Mailing Address: Texas Commission on Environmental Quality, Region 5 2916 Teague Dr. Tyler, TX 75701-3734 Office Phone Number: (903) 535-5100

Texas Parks and Wildlife Department

The Texas Parks and Wildlife Department (TPWD) Wildlife Permitting Section is responsible for the issuance of permits for the handling of state-listed threatened or endangered species. With regard to this SMP, permit applicants for proposed activities within the Federal Energy Regulatory Commission (FERC) Toledo Bend Project (or "Project") Boundary in Texas may be required to consult with TPWD, as well as in any required USACE permitting process associated with the proposed activity.

Mailing Address:

Texas Parks and Wildlife Department
Wildlife Division: Wildlife Habitat Assessment Program
4200 Smith School Road
Austin, TX 78744-3291

Main Phone: (512) 389-4800
Online Wildlife Habitat Assessment Program Project Review Requests:
https://tpwd.texas.gov/huntwild/wild/wildlife_diversity/habitat_assessment/review.phtml
(referenced October 10, 2019).

Texas Historic Commission

The Texas Historical Commission (THC) is the state agency for historic preservation. Under the Historical Properties Management Plan for the Toledo Bend Project, THC must be consulted with regard to proposed land-disturbing activities that may affect historic properties within the Project Boundary in Texas.

Mailing Address:

Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

Main Phone: (512) 463-6100

The Railroad Commission of Texas

The Railroad Commission (RRC) of Texas is a state agency that is charged with regulating the oil and gas industry, gas utilities, safety for the liquefied petroleum gas industry, pipeline safety, and uranium and surface coal mining. The RRC issues permits pertaining to mining, oil and gas (drilling, environmental, and injection/storage permits), and pipelines (construction and operation permits). Should a permittee desire to drill or extract oil and/or natural gas on lands within the FERC Project Boundary owned by SRA-TX, the permittee must obtain any necessary permit or authorization from the RRC prior filing its permit application with the Authorities.

Mailing Address:

Texas Railroad Commission
P.O. Box 12967
Austin, TX 78711-2967

Main Phone: (877) 228-5740

State Permitting Requirements - Louisiana

Louisiana Department on Environmental Quality

The Louisiana Department on Environmental Quality is responsible for implementing and issuing the State's water quality certification program under Section 401 of the Clean Water Act. With respect to this SMP, a Section 401 Water Quality Certification may be required in conjunction with a USACE permit.

De Soto and Sabine Parishes	Vernon Parish
Mailing Address: Louisiana Department on Environmental Quality 1525 Fairfield, Room 520 Shreveport, LA 71101-4388 Main Phone: (318) 676-7227	Mailing Address: Louisiana Department on Environmental Quality 1301 Gadwall Street Lake Charles, LA 70615 Main Phone: (337) 491-2667

Louisiana Department of Wildlife and Fisheries

The Louisiana Department of Wildlife and Fisheries (LDWF) is a fish and game regulatory state agency responsible for management of the State's renewable natural resources including all wildlife and all aquatic life. LDWF partners with various state and federal agencies and private land owners on wetland management and restoration projects. With regard to this SMP, permit applicants for proposed activities within the FERC Project Boundary in Louisiana may be required

to consult with LDWF, as well as in any required USACE permitting process associated with the proposed activity.

Louisiana Department of Wildlife and Fisheries
P.O. Box 98000
Baton Rouge, LA 70898

Main Phone: (225) 765-2800

Louisiana Department of Natural Resources

The purpose of the Louisiana Department of Natural Resources (LDNR) is to preserve and enhance the nonrenewable natural resources of the State. These resources consist of land, water, oil, gas, and other minerals, and preservation and enhancement are achieved through conservation, regulation, management, and development. The LDNR performs regulatory and permitting functions through the Office of Coastal Management and the Office of Conservation.

The Offices of Conservation and Mineral Resources are vital to the exploration and production activity occurring in the state. The Office of Conservation's responsibilities include the declaration of properties as units for oil and gas drilling and production purposes, the permitting and inspection of wells, and audits of well production. The Office of Conservation is responsible for issuing air, water, and waste permits. Water permits include biosolids, industrial water, and municipal and general water permits.

Should a permittee desire to drill or extract oil and/or natural gas on lands within the FERC Project Boundary owned by SRA-LA, the permittee must obtain any necessary permit from the LDNR prior to engaging in the intended ground disturbing activity.

Mailing Address:

Louisiana Dept of Natural Resources
P.O. Box 94396
Baton Rouge, LA 70804-9396

Main Phone: (225) 342-4500

Louisiana Office of Cultural Development

The Louisiana Office of Cultural Development (LOCD) performs the role of the Louisiana State Historic Preservation Office. Under the Historical Properties Management Plan for the Toledo Bend Project, LOCD must be consulted with regard to proposed land-disturbing activities that may affect historic properties within the Project Boundary in Louisiana.

Mailing Address:

Office of Historic Preservation
P.O. Box 44247
Baton Rouge, LA 70804

Main Phone: (225) 342-8160

APPENDIX G

FORT WORTH DISTRICT USACE REGIONAL GENERAL PERMIT 8

US Army Corps of Engineers
Fort Worth District

Joint Public Notice

Number: CESWF-15-RGP-8

Activity: Boat Ramps and Minor Facilities

Date: January 27, 2015

REGIONAL GENERAL PERMIT

BOAT RAMPS AND MINOR FACILITIES

Interested parties are hereby notified that, in accordance with 33 CFR 322.2(f), 323.2(h), and 325.2(e)(2) published in the Federal Register November 13, 1986, the Fort Worth and Albuquerque districts of the U.S. Army Corps of Engineers (USACE) are issuing this regional general permit (RGP) to authorize the work described herein pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

The purpose of this RGP is to expedite authorization of recurring work that would have minimal adverse impact on the aquatic environment. This RGP contains provisions intended to protect the environment, including natural and cultural resources. Work that does not comply with these provisions may require an individual permit. However, compliance with the conditions contained in this RGP does not guarantee authorization of the work under this RGP. Work or structures that would have unacceptable impacts on the public interest are not authorized. Activities requiring Department of the Army authorization that are not specifically covered by this permit are prohibited unless authorized by a separate permit.

The proposed RGP was referenced in the public notice issued August 6, 2014, as CESWF-14-RGP-8 for the Forth Worth District (SWF) and SPA-2014-00355-LCO for the Albuquerque District (SPA). A second revised notice was issued October 14, 2014 proposing to add a portion of the Galveston District's area of responsibility on Toledo Bend Reservoir. The changes proposed in the revised public notice were not adopted. The RGP is valid for undertaking actions under its provisions until January 27, 2020.

This version includes revised Appendix F provided by Chandler Peter, USACE, on 7/8/2015.

REGIONAL GENERAL PERMIT (RGP) - 8

BOAT RAMPS AND MINOR FACILITIES

AUTHORIZED ACTIVITIES, LIMITATIONS AND CRITERIA

Work authorized by this Regional General Permit 8 is limited to the discharge of dredged and/or fill material into waters of the United States (U.S.), including wetlands, and work in, or affecting navigable waters of the U.S., associated with the construction, operation, modification and/or maintenance of boat ramps, water-related minor structures and facilities, and associated dredging. Expansion of existing facilities is included provided they were not previously approved under this general permit and exceed overall limits. Activities that may be authorized by this RGP include, but are not limited to:

SCOPE OF WORK

1. **Boat Ramps:** Work authorized for boat ramps by this RGP is limited to the construction and maintenance of hard surfaced inclined plane ramps for the purpose of launching boats for public, private, and commercial use.

   Limitations associated with Boat Ramps include:
   - No more than a total of 500 cubic yards of dredge and/or fill material may be placed below the ordinary high water mark in the construction of a boat ramp.
   - Dredge material is restricted to native soils obtained at the work site. Fill material may be imported from an upland source and consist of dirt, concrete, sand, gravel, rock, and/or other coarse aggregate.
   - Use of asphalt below the ordinary high water mark is not authorized.
   - This RGP does not authorize construction storage and staging areas in waters of the US for undertaking authorized work within waters of the United States.

2. **Minor Structures and Facilities:** Work authorized for minor structures and facilities by this RGP is limited to the construction and maintenance of boat docks, boathouses, fishing piers, walkways, boat stalls, boat slips, ski jumps, swimming platforms, mooring devices and similar features for public, private, and commercial use. Appurtenant structures to docks, piers, walkways and boat stalls, such as bulkheads and stairways, are also authorized by this RGP.

   Limitations for Minor Structures and Facilities include:

   - Boat docks, boathouses, fishing piers, walkways, boat stalls, boat slips, ski jumps, swimming platforms, and mooring devices must be pile-supported or floating structures.
   - Ski jumps, swimming platforms and similar features must be marked so as to be clearly visible to boat traffic, including reflective markers for night visibility. They must also be constructed and anchored to prevent their dislocation or submergence by wave or wind action as well as water level fluctuations.

- Navigable clearance must be maintained around the jump or platform.
- Structures built in waterways shall not unreasonably interfere with navigation or disrupt visibility in a channel.
- No structure can extend into the waterway more than 1/5 of the total width of the waterway or exceed 300 feet, whichever is less, measured perpendicular to the bank. For Toledo Bend Reservoir, Lake Tawakoni and Lake Fork, in conjunction with Shoreline Management Plans, structures in coves cannot exceed 1/3 the cove width, or 300 feet, whichever is less measured perpendicular to the bank.
- This RGP does not authorize construction storage and staging areas in waters of the US for undertaking authorized work within waters of the United States.

3. **Dredging:** Work authorized for dredging associated with the construction, operation, modification or maintenance of boat ramps, minor structures and facilities, as well as boat access, is authorized by this RGP. Maintenance of previously dredged areas to pre-existing lines and grades is also included.

   Limitations associated with Dredging include:

   - Dredging for boat slips and/or stalls may not exceed 50 feet in width including top of the side slope.
   - Dredging for boat lanes to access boat slips, docks, and other minor structures may not exceed 20 feet in width including top of the side slope and may not exceed 300 feet in length. Lanes must be located to avoid and minimize impacts to wetlands.
   - Dredging for boat lanes to access boat ramps may not exceed 50 feet in width including top of the side slope and may not exceed 300 feet in length.
   - No more than 500 cubic yards may be dredged in open waters (including rivers) or wetlands in the wet.
   - No more than 1500 cubic yards may be dredged in reservoirs and lakes below the ordinary high water mark when the area is dry due to water variation/fluctuation.
   - Dredge material excavated with actions authorized under this RGP may be discharged below the ordinary high water mark in reservoirs and lakes provided it is not within wetlands or a shallow littoral zone (OHW to a depth of 3 feet).
   - Dredge material discharged below the ordinary high water mark must be placed in such a manner that it does not result in land reclamation and/or interfere with navigation in navigable waterways.
   - Dredged areas must result in positive and connected drainage to the main waterbody to avoid trapping of aquatic species but also must not be designed to eliminate waters of the U.S.
   - This RGP does not authorize construction storage and staging areas in waters of the US for undertaking authorized work within waters of the United States.

4. **Temporary Fills and Structures:** Temporary fills, including features such as cofferdams, platforms, and structures associated with constructing features authorized by this permit are included in this RGP. Material may be temporarily placed for construction into waters of the United States for up to 90 days provided that the material is placed in a manner that will not allow it to be dispersed by currents or other forces.

Limitations associated with Temporary Fills and Structures include:

- Permittees shall remove all excess material, including dredge material not to be left in the water body, and temporary fill and structures placed in waters of the United States, including wetlands, to upland areas and stabilize all exposed slopes and stream banks immediately upon completion of construction.
- Areas affected by temporary fill and/or structures shall be returned to preconstruction conditions or better, including revegetation with native vegetation.
- All material removed must be placed at least 50 feet from any water of the United States, including wetlands, and adequately contained to prevent the return to any water of the United States, including wetlands.
- This RGP does not authorize construction storage and staging areas in waters of the US for undertaking authorized work within waters of the United States.

CRITERIA APPLICABLE TO ALL ACTIONS

1. The discharges and work shall not cause the loss of greater than one (1) acre of waters of the United States for each single and complete project. “Loss of waters of the United States" is defined as “waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity.”

2. Adverse impacts to waters of the United States, including wetlands, shall be avoided and minimized to the extent practicable.

3. All fills and structures authorized by this RGP must comply with the General Conditions contained in Appendix A.

4. Compensatory mitigation shall be provided for unavoidable loss and impacts/adverse effects to waters of the United States, including wetlands, when in excess of 0.1 acres and appropriate and practicable. Conversion of wetlands to open water due to dredging shall be mitigated. See Appendix D for details concerning compensatory mitigation and restoration plans.

5. Preconstruction Notification: Prior to construction, a prospective permittee must notify the USACE of the proposed work, in accordance with the requirements of the "Preconstruction Notification" as detailed in Appendix F.

It is the permit applicant's responsibility to ensure that all authorized structures and activities continue to meet the terms and conditions set forth herein; failure to abide by them will constitute a violation of the Clean Water Act and/or the Rivers and Harbors Act of 1899. Projects outside the scope of this RGP may be considered for authorization by individual permit or other permits as applicable.

This RGP shall become effective on the date of the signature of the District Engineers, or their authorized representative(s), and will automatically expire five years from that date unless the permit is modified, revoked, or extended before that date. Verifications by the USACE that an activity is authorized by this RGP are valid until the expiration date of this RGP unless this RGP is modified, revoked, or extended before that date. Activities that have been verified by the USACE as authorized under this RGP, and have commenced (i.e. are under construction, or are under contract to commence), by the verification expiration date, will remain authorized provided the activity is completed within twelve months of the date of expiration, modification, or revocation of the RGP, or by another date determined by the USACE for the specific case, whichever is later, unless discretionary authority is exercised on a case-by-case basis to modify, suspend, or revoke the authorization.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:
FOR THE DISTRICT ENGINEERS: _____Signed_____1/27/15___
Date

W. Neil Craig III, P.E.
Lieutenant Colonel, U.S. Army
Acting District Commander
Fort Worth District

Patrick J. Dagon
Lieutenant Colonel, U.S. Army
District Commander
Albuquerque District

Attachments:

Appendix A – General Conditions
Appendix B – Corps Districts in Texas
Appendix C – Navigable Waters of the U.S. in Fort Worth and Albuquerque Districts RGP 8 is Applicable To
Appendix D – Compensatory Mitigation and Restoration Plans
Appendix E – Potential Authorizations from Other Agencies
Appendix F – Preconstruction Notification Requirement and Review Procedures
Appendix G – Water Quality Certifications from Texas Commission on Environmental Quality and Louisiana Department of Environmental Protection

APPENDIX A

GENERAL CONDITIONS

REGIONAL GENERAL PERMIT CESWF-14-RGP-8

1. In verifying authorization under this regional general permit (RGP), the Department of the Army has relied in part on the information provided by the permittee. If, subsequent to verifying authorization, such information proves to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part.

2. Structures and activities authorized by this RGP shall comply with all terms and conditions herein. Failure to abide by such conditions invalidates the authorization and may result in a violation of the law, requiring restoration of the site or other remedial action.

3. This RGP is not an approval of the design features of any authorized project or an implication that such project is adequate for the intended purpose: a Department of the Army permit merely expresses the consent of the Federal Government to conduct the proposed work insofar as public rights are concerned. This RGP does not grant any property rights or exclusive privileges; does not authorize any injury to the property or rights of others; and does not authorize any damage to private property, invasion of private rights, or any infringement of federal, state or local laws or regulations. This RGP does not relieve the permittee from the requirement to obtain a local permit from the jurisdiction within which the project is located.

4. This RGP may be modified or suspended in whole or in part if it is determined that the individual or cumulative impacts of work that would be authorized using this procedure are contrary to the public interest. The authorization for individual projects may also be summarily modified, suspended, or revoked, in whole or in part, upon a finding by the District Engineer that such action would be in the public interest.

5. Modification, suspension or revocation of the District Engineer's authorization shall not be the basis for any claim for damages against the United States.

6. This RGP does not authorize interference with any existing or proposed Federal project, and does not entitle the permittee to compensation for damage or injury to the structures or activities authorized herein that may result from existing or future operations undertaken by the United States in the public interest.

7. No attempt shall be made by permittees to prevent the full and free public use of any navigable water of the United States.

8. Permittees shall not cause any unreasonable interference with navigation.

9. Permittees shall conduct the activities in a manner that will minimize any adverse impact of the work on water quality, fish and wildlife, and the natural environment, including adverse

impacts to migratory waterfowl breeding areas, spawning areas, and trees, particularly hard-mast-producing trees such as oaks and hickories. Permittees shall seek to maintain existing buffers around waters of the United States, including primarily streams and wetlands and create and/or expand buffers around waters of the United States when practicable.

10. All fills and structures above the existing ground elevation in waters of the United States shall minimize adverse impacts to local hydrology. Projects shall not promote the drainage of waters of the United States or cause unnecessary impoundment of water.

11. Permittees shall allow the District Engineer and his authorized representative(s) to make periodic inspections at any time deemed necessary to ensure that the activity is being performed in accordance with the terms and conditions of this RGP.

12. Permittees must evaluate the effect that the proposed work would have on historic and prehistoric properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) prior to the initiation of work. If a known historic property would be affected, the permittee shall notify the USACE and shall not conduct any work in the permit area that would affect the property until the requirements of 33 CFR Part 325, Appendix C, have been satisfied. If a previously unknown historic property is encountered during work authorized by this RGP, the permittee shall immediately notify the USACE and avoid further impact to the site until the USACE has verified that the requirements of 33 CFR Part 325, Appendix C, have been satisfied.

13. Materials to be placed into waters of the United States are restricted to clean native soils and concrete, sand, gravel, rock, other coarse aggregate, and other suitable material. All material used shall be free of toxic pollutants in toxic quantities.

14. Permittees shall coordinate all construction activities in federally maintained channels and/or waterways for required setback distances with the USACE prior to application for a permit.

15. Permittees shall place all heavy equipment working in wetlands on mats, or take other appropriate measures to minimize soil disturbance.

16. Activities that are likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act, or that are likely to destroy or adversely modify the critical habitat of such species are not authorized. Permittees shall notify the District Engineer if any listed species or critical habitat might be affected by, or is in the vicinity of, the project and shall not begin work until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

17. Permittees shall not significantly disrupt the movement of those species of aquatic life indigenous to the water body or those species that normally migrate through the project area.

18. The permittee shall implement best management practices to reduce the risk of transferring invasive plant and animal species to or from project sites. Information concerning state specific lists and threats can be found at: http://www.invasivespeciesinfo.gov/unitedstates/tx.shtml. Best

management practices can be found at: http://www.invasivespeciesinfo.gov/toolkit/prevention.shtml. Known zebra mussel waters can be found at: http://nas.er.usgs.gov/queries/zmbyst.asp.

19. Permittees shall not permanently restrict or impede the passage of normal or expected high flows unless the primary purpose of the activity is to temporarily impound water.

20. Permittees shall properly maintain all structures and fills to ensure public safety.

21. Permittees shall insure that projects have no more than minimal adverse impacts, including on public water supply intakes.

22. Stream realignment is not authorized by this RGP.

23. Permittees shall design facilities to be stable against the forces of flowing water, wave action, and the wake of passing vessels.

24. All soil-disturbing activities shall be conducted in a manner that will minimize the extent and duration of exposure of unprotected soils. Appropriate erosion and siltation controls shall be used and maintained in effective operating condition during and after construction until all exposed soil is permanently stabilized. Measures to control erosion and run-off, such as berms, silt screens, sedimentation basins, revegetation, mulching, and similar means, shall be implemented. All damage resulting from erosion and/or sedimentation shall be repaired.

25. Permittees are not authorized to discharge dredged or fill material into waters of the United States for purposes of disposal into, or reclamation of, an aquatic area, such as a wetland.

26. Permittees shall not use a jet barge or similar equipment for excavation.

27. Permittees shall mark structures or fills in navigable waters, when appropriate, so that their presence will be known to boaters.

28. This permit does not authorize work in a park, wildlife management area, refuge, sanctuary, or similar area administered by a federal, state or local agency without that agency's approval.

29. Permittees are responsible for compliance with all terms and conditions of this RGP for all activities within the Department of the Army permit area of a project authorized by this RGP, including those taken on behalf of the permittee by other entities such as contractors and subcontractors. Permittees assume all liabilities associated with fills and impacts that are incurred by individuals and/or organizations working on contracts with the permittee. Before beginning work or directing a contractor to perform such work, permittees shall ensure that all parties read, understand and comply with the terms and conditions of this permit.

30. Permittees shall conduct dredging and excavation activities with land-based equipment rather than from the water body whenever practicable.

31. Permittees shall not construct facilities designed or used for human habitation nor those that include sewage or fuel handling facilities.

32. Permittees must comply with Federal Emergency Management Agency (FEMA), or FEMA-approved local floodplain development requirements in the placement of any permanent above-grade fills in waters of the United States, including wetlands, within the 100-year floodplain. The 100-year floodplain will be identified through FEMA's Flood Insurance Rate Maps or FEMA-approved local floodplain maps. A permanent above-grade fill is a discharge of dredged or fill material into waters of the United States, including wetlands, that results in a substantial increase in ground elevation and permanently converts part or all of the waterbody to dry land.

33. For all discharges proposed for authorization in Dallas, Denton, and Tarrant Counties that are within the study area of the "Final Regional Environmental Impact Statement (EIS), Trinity River and Tributaries" (May 1986), permittees shall meet the criteria and follow the guidelines specified in Section III of the Record of Decision for the Regional EIS, including the hydraulic impact requirements. A copy of these guidelines is available upon request from the Fort Worth District and at the District website www.swf.usace.army.mil/regulatory/.

34. To satisfy Texas Commission on Environmental Quality (TCEQ) water quality certification requirements for all projects to which Section 401 water quality certification by the TCEQ applies, the permittee must use at least one best management practice (BMP) from each of the first three categories of on-site water quality management and comply with item d. concerning contaminated dredged material below to satisfy TCEQ water quality certification requirements. Descriptions of the BMPs may be obtained from the TCEQ Standards Implementation Team by calling (512) 239-4671, by calling one of the Corps district regulatory offices identified in the "PRECONSTRUCTION NOTIFICATIONS" section of this RGP, or from the USACE, Fort Worth District, web site at http://www.swf.usace.army.mil/regulatory/ . The TCEQ-required BMPs are as follows:

a. Erosion Control

Disturbed areas must be stabilized to prevent the introduction of sediment to adjacent wetlands or water bodies during wet weather conditions (erosion). *At least one* of the following best management practices (BMPs) must be maintained and remain in place until the area has been stabilized.

- Temporary Vegetation
- Blankets/Matting
- Mulch
- Sod

b. Post-Construction TSS Control

After construction has been completed and the site is stabilized, total suspended solids (TSS) loadings shall be controlled by *at least one* of the following BMPs.

- Retention/Irrigation

- o Extended Detention Basin
- o Vegetative Filter Strips
- o Constructed Wetlands
- o Wet Basins

c. Sedimentation Control

The project area must be isolated from adjacent wetlands and water bodies by the use of BMPs to confine sediment. *At least one* of the following BMPs must be maintained and remain in place until project completion.

- o Sand Bag Berm
- o Silt Fence
- o Triangular Filter Dike
- o Rock Berm
- o Hay Bale Dike

Dredged material shall be placed in such a manner that prevents sediment runoff into water in the state, including wetlands. Water bodies can be isolated by the use of one or more of the required BMPs identified for sedimentation control. These BMPs must be maintained and remain in place until the dredged material is stabilized.

Hydraulically dredged material shall be disposed of in contained disposal areas. Effluent from contained disposal areas shall not exceed a TSS concentration of 300 mg/l.

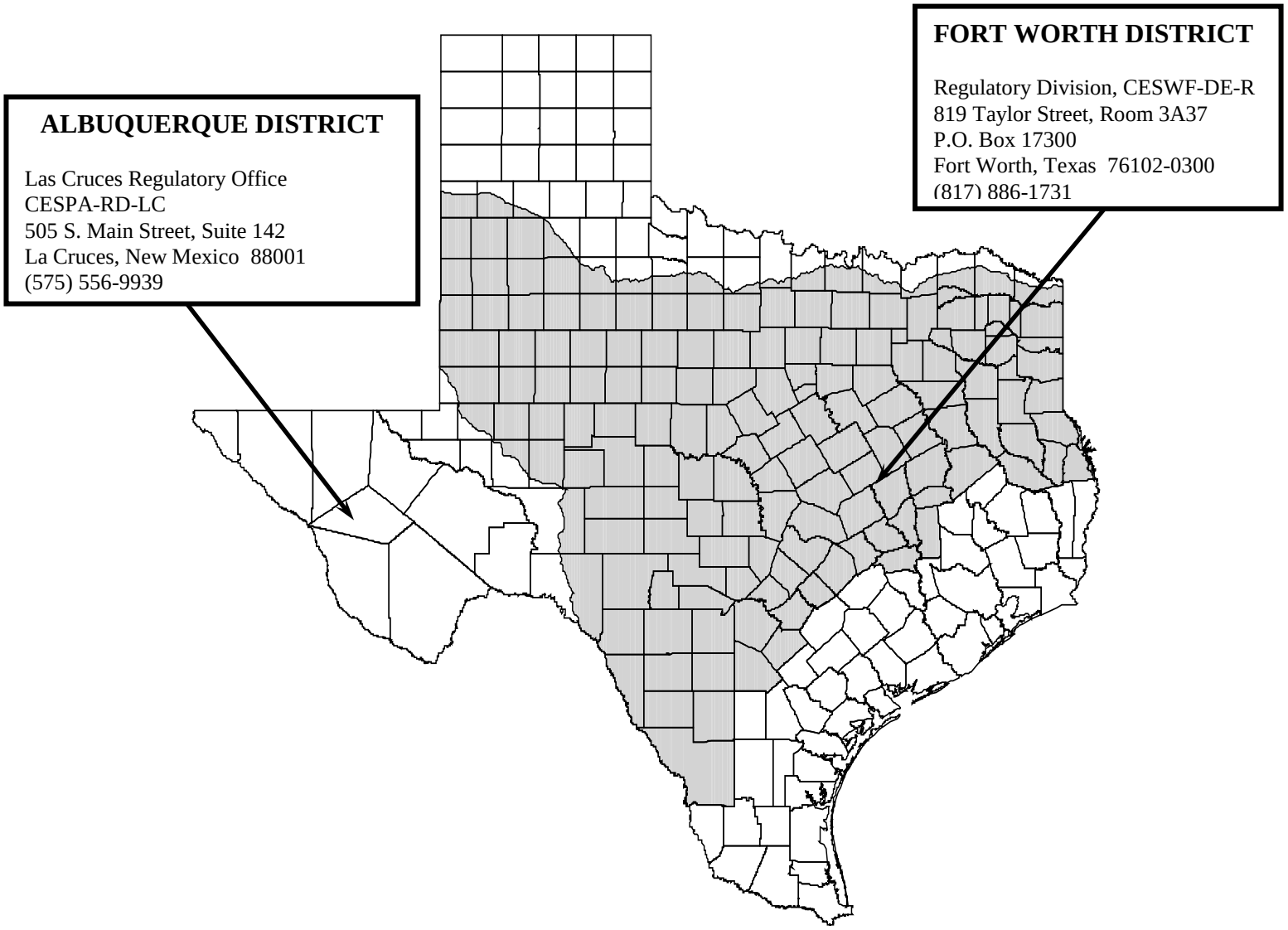
d. Contaminated Dredged Material

If contaminated dredge material that was not anticipated or provided for in the permit application is encountered during dredging, operations shall cease immediately. Pursuant to 26.039 (b) of the Texas Water Code, the individual operating or responsible for the dredging operations shall notify the commission's emergency response team at (512) 463-7727 as soon as possible, and not later than 24 hours after the discovery of the material. The applicant shall also notify the Corps that activities have been temporarily halted. Contaminated dredge material shall be remediated or disposed of in accordance with TCEQ rules. Dredging activities shall not be resumed until authorized in writing by the Commission.

Contaminated dredge material is defined as dredge material which has been chemically, physically, or biologically altered by man-made or man-induced contaminants which include, but are not limited to solid waste, hazardous waste and hazardous waste constituent as those terms are defined by 30 TAC Chapter 335, Pollutants as defined by Texas Water Code 26.001 and Hazardous Substances as defined in the Texas Health and Safety Code, 361.003.

APPENDIX B

CORPS DISTRICTS IN TEXAS
WHERE RGP 8 IS APPLICABLE



December, 2014

APPENDIX C

NAVIGABLE WATERS OF THE U.S.

For purposes of Section 10 of the Rivers and Harbors Act of 1899, the following sections of rivers, including their lakes and other impoundments, are considered to be navigable waters of the U.S. that fall within the jurisdiction of the Fort Worth and Albuquerque Districts of the U.S. Army Corps of Engineers in the states of Texas and Louisiana.

ANGELINA RIVER: From the Sam Rayburn Dam in Jasper County upstream to U. S. Highway 59 in Nacogdoches and Angelina counties and all U. S. Army Corps of Engineers lands associated with B. A. Steinhagen Lake in Tyler and Jasper counties, Texas.

BIG CYPRESS BAYOU: From the Texas-Louisiana state line in Marion County, Texas, upstream to Ellison Creek Reservoir in Morris County, Texas.

BRAZOS RIVER: From the point of intersection of Grimes, Washington, and Waller counties upstream to Whitney Dam in Hill and Bosque counties, Texas.

COLORADO RIVER: From the Bastrop-Fayette county line upstream to Longhorn Dam in Travis County, Texas.

NECHES RIVER: U. S. Army Corps of Engineers lands associated with B. A. Steinhagen Lake in Jasper and Tyler counties, Texas.

RED RIVER: From Denison Dam on Lake Texoma upstream to Warrens Bend which is 7.25 miles northeast of Marysville, Texas, and from the U. S. Highway 71 bridge north of Texarkana, Texas, to the Oklahoma-Arkansas Border.

RIO GRANDE: From the Zapata-Webb county line upstream to the point of intersection of the Texas-New Mexico state line and Mexico.

SABINE RIVER: From the point of intersection of the Sabine-Vernon parish line in Louisiana with Newton County, Texas upstream to the Sabine River-Big Sandy Creek confluence in Upshur County, Texas.

SULPHUR RIVER: From the Texas-Arkansas state line upstream to Wright Patman Dam in Cass and Bowie counties, Texas.

TRINITY RIVER: From the point of intersection of Houston, Madison, and Walker counties upstream to Riverside Drive in Fort Worth, Tarrant County, Texas.

APPENDIX D
COMPENSATORY MITIGATION
FOR LOSSES OF WATERS OF THE U.S.
AND RESTORATION PLANS FOR TEMPORARY IMPACTS

U.S. Army Corps of Engineers (USACE) evaluation of a project proposal submitted for authorization under this permit includes a determination of whether the applicant has taken sufficient measures to **mitigate** the project's likely adverse effects to the aquatic ecosystem (See USACE Compensatory Mitigation for Losses of Aquatic Resources; Final Rule: Federal Register, Vol. 73, No. 70, Thursday, April 10, 2008, and USACE district website for more detailed information). Applicants should employ the following three-step sequence in mitigating likely adverse project impacts: 1) take appropriate and practicable measures to **avoid** potential adverse impacts to the aquatic ecosystem; 2) employ appropriate and practicable measures to **minimize** unavoidable adverse impacts to the aquatic ecosystem; and 3) undertake appropriate and practicable measures to **compensate** for adverse impacts to the aquatic ecosystem that cannot be reasonably avoided or minimized. **Compensatory mitigation**, then, is the restoration, enhancement, creation, or preservation of wetlands and other waters of the U.S. to compensate for adverse impacts to the aquatic ecosystem that cannot reasonably be avoided or minimized.

COMPENSATORY MITIGATION PLANS

Compensatory mitigation should replace those aquatic system functions that would be lost or impacted because of the proposed activity. The appropriate type and amount of compensatory mitigation depends on the nature and extent of the project's likely adverse impact on those functions performed by the aquatic area(s) that would be impacted. These functions include, but are not limited to, flood storage and conveyance; providing habitat for fish, aquatic organisms, and other wildlife, including endangered species; sediment and erosion control; groundwater recharge; nutrient removal; water supply; production of food, fiber, and timber; and recreation. Compensatory mitigation should also be commensurate with the scope and degree of the anticipated impacts and be practicable in terms of cost, existing technology, and logistics, in light of the overall project purpose.

In general, preference is given to the use of mitigation banks due to reduced risk and uncertainty commonly associated with permittee-responsible compensatory mitigation. For Permittee Responsible Mitigation (PRM), in-kind compensatory mitigation is preferable to out-of-kind and should occur as close to the location of the adverse impacts as practicable, generally in the same watershed. However, environmentally preferable out-of-kind and/or off-site compensatory mitigation may be acceptable. In some cases, it is appropriate to provide partial compensation at one location, such as the impact site, with the remainder occurring at an off-site location.

Normally, restoration or enhancement of wetland functions is preferable to wetland creation because the probability of successfully restoring or enhancing wetlands is greater than the probability of successfully creating new wetlands, and restoration and enhancement activities are less likely to impact upland and open water habitats. The preservation of existing wetlands is appropriate as compensatory mitigation only in exceptional situations.

PRM plans submitted with PCNs must include, but not be limited to:

a) a thorough description of the proposed mitigation area including baseline data documenting ecological condition;
b) a description of all proposed work and structures such as grading, fills, excavation, plantings, and water level control structures;
c) plan and cross-section drawings of pertinent work and structures;
d) a statement explaining how adverse impacts to local hydrology will be minimized; and
e) a proposal for monitoring the success of the proposed mitigation plan. Generally, monitoring should continue for at least five years after mitigation activities are completed, providing planting survival and ecological success requirements have been achieved.

To achieve long-term success of a mitigation plan, an appropriate real estate arrangement, such as a conservation easement, may be required. More information may be found at 33 CFR 332.4(c)(1-14).

RESTORATION PLANS

Restoration plans submitted with PCNs must include restoration plans for impacts to waters of the U.S. as close to pre-existing conditions as practicable. Restoration plans must include, but not be limited to, the following:

a) a detailed description of the impacts and areas of waters of the U.S. that will be addressed by the restoration plan;
b) a map showing the proposed configuration of waters of the U.S., including wetlands, to be restored;
c) a detailed description of the waters of the U.S. to be restored, including wetlands. This includes the restored hydrology, soils, and vegetation; information such as removal of placed dredged and/or fill material and its disposal; planting of woody vegetation locations and species; channel cross sections, alignment, plan, profile and dimension; soil erosion and sediment control features; other actions or features to achieve restoration.

Notification of Completed Restoration Work: Permittees are required to notify USACE within 120 days of completing implementation of the waters of the U.S. restoration plan. Notifications must include, but not limited to, the following:

a) a detailed description of restored waters of the U.S.;
b) a map showing the configuration of the restored waters of the U.S., if different than what is contained in the approved restoration plan;
c) discussion of how the restoration has been accomplished;
d) a comparison of the post-construction conditions of the restoration area to the pre-construction conditions of the area;

e) details of the restoration of waters of the U.S., including wetlands, after drilling termination, addressing hydrology, soils, and vegetation;
f) a discussion about whether disturbed areas, such as borrow areas, road embankments, stream banks, road crossings, and temporary impact areas are revegetating adequately and not suffering erosion damage;
g) photographs, as appropriate, to illustrate the information presented.

The permittee shall submit annual monitoring reports of the restored area for a period of 5 years or until the performance standards for the restoration plan have been met, whichever is shorter. Restoration of temporarily impacted areas are not subject to protective measures (e.g., conservation easements).

APPENDIX E

POTENTIAL AUTHORIZATIONS FROM OTHER AGENCIES

This RGP does not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law. The permittee is responsible for obtaining any additional federal, state, or local permits or approvals that may be required, including, but not limited to:

1. Any work that would be conducted on lands or in waters under the jurisdiction of any municipal, state, or federal entity, including special purpose districts, such as river authorities, created under the state constitution, may require a permit, lease or other enabling instrument from that agency.

2. Projects involving government property at USACE reservoirs require submission of detailed design information to the reservoir manager and USACE approval for the proposed activity to occur on government property, including a real estate consent to easement.

3. Activities within a 100-year floodplain may require a floodplain development permit from the local floodplain administrator or, in Texas, the TCEQ Flood Management Unit, (512) 239-4771 (see Appendix A, general condition 32). In addition, evidence that the project meets non-encroachment restrictions in regulatory floodways may be required.

4. Activities outside the USACE action area that may affect a federally-listed endangered or threatened species or its critical habitat could require permits from the U.S. Fish and Wildlife Service (FWS) to prevent a violation of the Endangered Species Act under Section 9. For further information, contact:

USFWS - Arlington: 2005 NE Green Oaks Blvd., Suite 140, Arlington, Texas 76006, (817) 277-1100, http://www.fws.gov/southwest/es/arlingtontexas/ ;
USFWS -Austin: Compass Bank Building, 10711 Burnet Road, Suite 200, Austin, Texas 78758, (512) 490-0057, http://www.fws.gov/southwest/es/austintexas/;
USFWS - Corpus Christi: TAMU-CC, Campus Box 338, 6300 Ocean Drive, Corpus Christi, Texas 78412, (512) 994-9005, http://www.fws.gov/southwest/es/corpuschristitexas/;
USFWS-Houston: 17629 El Camino Real, Suite 211, Houston, Texas 77058, (281) 286-8282, http://www.fws.gov/southwest/clearlakees/ ;
USFWS - Lafayette: 646 Cajundome Boulevard, Suite 400, Lafayette, Louisiana 70506, (337) 291-3100, http://www.fws.gov/lafayette .

5. When streambed materials such as sand, shell, gravel and marl would be disturbed or removed from state-navigable waters in Texas, the permittee may be required to obtain a permit from the Texas Parks and Wildlife Department (TPWD), 4200 Smith School Road, Austin, Texas 78744. All activities occurring on lands owned or managed by the TPWD require a signed agreement from that agency prior to commencing operations.

6. All activities in Texas located on lands under the jurisdiction of the Texas General Land Office (GLO), 1700 North Congress Avenue, Austin, Texas 78701-1495, must have prior approval from that office. The placement of structures onto state-owned streambeds, state-owned uplands, or coastal state-owned lands in Texas may require the issuance of a lease or easement from the GLO.

7. In accordance with the federal Clean Water Act and Texas statute, a point source discharge of pollutants from an outfall structure associated with oil and gas exploration, development, and production must be authorized, conditionally authorized, or specifically exempted from regulation by the U. S.

Environmental Protection Agency (EPA), Region 6, Water Quality Protection Division (6WQ), 1445 Ross Avenue, Dallas, Texas 75202, and the Railroad Commission of Texas, Oil and Gas Division, 1701 North Congress Avenue, P. O. Box 12967, Austin, Texas 78711-2967, respectively. In accordance with the federal Clean Water Act and Texas statute, a point source discharge of pollutants from an outfall structure associated with activities other than oil and gas exploration, development, and production must be authorized, conditionally authorized, or specifically exempted from regulation under the terms of the Texas Pollutant Discharge Elimination System (TPDES) program through the TCEQ, Water Quality Division (MC-150), P. O. Box 13087, Austin, Texas 78711-3087.

8. Storm water runoff from construction activities other than those associated with oil and gas exploration, development, and production that result in a disturbance of one or more acres, or are a part of a common plan of development that will result in a disturbance of one or more acres, must be controlled and authorized under Texas Pollutant Discharge Elimination System (TPDES) general permit TXR150000. A copy of the general permit, application (notice of intent), and additional information is available at: http://www.tceq.state.tx.us/permitting/waterperm/wwperm/construct.html or by contacting the TCEQ Storm Water & Pretreatment Team at (512) 239-4433. Section 323 of the Energy Policy Act of 2005 clarified that under Section 402(l)(2) of the Clean Water Act most stormwater discharges from construction activities associated with oil and gas field operations are exempt from the requirement to obtain an NPDES permit for stormwater discharges. Section 323 also prohibited EPA from requiring – or requiring a state to require – an NPDES permit for stormwater discharges from construction activity associated with oil and gas field operations, except in situations when the construction-related activity results in the discharge of a hazardous substance or oil in "reportable" quantities, or in situations when the discharge of a pollutant other than sediment contributes to a violation of an applicable water quality standard.

9. The use of scrap tires for bank stabilization and erosion control requires notification of the TCEQ Waste Tire Recycling Program, P. O. Box 13087, Austin, Texas 78711-3087.

10. The construction, operation, maintenance, or connection of facilities at the borders of the U.S. are subject to Executive control and must be authorized by the President, Secretary of State, or other delegated official. Activities that would require such authorization and would affect an international water in Texas, including the Rio Grande, Amistad Reservoir, Falcon Lake, and all tributaries of the Rio Grande, may require authorization from the International Boundary and Water Commission, The Commons, Building C, Suite 310, 4171 North Mesa Street, El Paso, Texas 79902.

11. Activities that may affect state-listed rare, threatened, or endangered species. For a rare, threatened, and endangered species review in the State of Texas, submit projects to: Wildlife Habitat Assessment, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744.

12. Activities in the recharge zone of the Edwards Aquifer and activities in the contributing zone of the Edwards Aquifer that disturb more than 5 acres of land under Edwards Aquifer rules require a Water Pollution Abatement Plan. For further information contact the Edwards Aquifer Authority, 1615 North St. Mary's Street, San Antonio, Texas 78215.

APPENDIX F
(Revised 7/7/2015 – Bolded Language for Toledo Bend)
PRE-CONSTRUCTION NOTIFICATION (PCN) REQUIREMENT AND REVIEW PROCEDURES

For activities requiring a PCN, the prospective permittee shall not begin any activity requiring preconstruction notification until notified in writing by the USACE that the activity is authorized under this RGP with any special conditions imposed by the USACE. The USACE will respond as promptly as practicable to all PCNs. **For activities not requiring a PCN**, the prospective permittee may commence construction when it can ensure that all terms and conditions of this RGP can be met. For all submittals, the USACE will notify the permit applicant whether the proposed project meets or does not meet the terms and conditions of this RGP. The USACE will respond as promptly as practicable to all PCNs.

Prior to construction, a prospective permittee must notify the USACE in accordance with the requirements of the PCN Submittal section below if the discharge or work would:

1. involves a Section 10 water **(except for Toledo Bend Reservoir provided actions are authorized by the Sabine River Authority of Texas and/or Louisiana in accordance with their Shoreline Management Plan)**;

2. cause the loss of greater than 1/10 acre of waters of the U.S. "Loss of waters of the U.S." is defined as waters of the U.S. that are permanently adversely affected by filling, flooding, excavation, or drainage as a result of the regulated activity;

3. result in the loss of wetlands or littoral zone;

4. result in temporary adverse effects to forested wetlands (e.g., clearing of trees in forested wetland);

5. have the potential to affect, or be in the vicinity of, or be in designated critical habitat of, a species listed, or proposed for listing, as threatened or endangered in the Endangered Species Act **(except for Toledo Bend Reservoir provided actions are authorized by the Sabine River Authority of Texas and/or Louisiana in accordance with their Shoreline Management Plan)**;

6. have the potential to affect any historic property listed, or eligible for listing in, the National Register of Historic Places **(except for Toledo Bend Reservoir provided actions are authorized by the Sabine River Authority of Texas and/or Louisiana in accordance with their Shoreline Management Plan)**.

7. occur within any of the following habitat types or specific areas:

    a) wetlands, typically referred to as pitcher plant bogs, that are characterized by an organic surface soil layer and include vegetation such as pitcher plants (*Sarracenia spp.*), sundews (*Drosera spp.*), and sphagnum moss (*Sphagnum spp.*);

b) baldcypress-tupelo swamps: wetlands comprised predominantly of baldcypress trees (*Taxodium distichum*), and water tupelo trees (*Nyssa aquatica*), that are occasionally or regularly flooded by fresh water. Common associates include red maple (*Acer rubrum*), swamp privet (*Forestiera acuminata*), green ash (*Fraxinus pennsylvanica*) and water elm (*Planera aquatica*). Associated herbaceous species include lizard's tail (*Saururus cernuus*), water mermaid weed (*Proserpinaca spp.*), buttonbush (*Cephalanthus occidentalis*) and smartweed (*Polygonum spp.*). (Eyre, F. H. Forest Cover Types of the United States and Canada. 1980. Society of American Foresters, 5400 Grosvenor Lane, Washington, D.C. 20014. Library of Congress Catalog Card No. 80-54185);

c) the area of Caddo Lake within Texas that is designated as a "Wetland of International Importance" under the Ramsar Convention;

d) the Comal River, the San Marcos River, the Pecos River, the Canadian River, and Lake Casa Blanca; or

e) critical habitat for the Houston toad (*Bufo houstonensis*); Devils River minnow (*Dionda diabolis*) – the Devils River and San Felipe Creek Watersheds in Val Verde County, Texas; and or Leon Springs pupfish (*Cyprinodon bovines*) – Leon Creek from the Diamond Y Spring to a point one mile northeast of the Texas Highway 18 crossing approximately 10 miles north of Fort Stockton, in Pecos County.

8. for any regulated activity where the applicant is proposing work that would result in the modification or alteration of any completed Corps of Engineer Federal project(s) that are either locally or federally maintained and for work that would occur within the conservation pool or flowage easement of any Corps of Engineers lake project. PCN's cannot be deemed complete until such time as the Corps has made a determination relative to 33 USC Section 408, 33 CFR Part 208, Section 208.10.

PCN SUBMITTALS

PCNs submitted to the USACE for verification of authorization under this RGP must be in writing and include a description of the project, proposed construction schedule, and the name, address and telephone number of a point of contact who can be reached during normal business hours. The information may be assembled and submitted in a format convenient to the applicant. All pages, including maps, drawings, figures, sheets, etc., must be on 8 ½ by 11-inch paper or fold easily to 8 ½ x 11-inch dimensions. The detail of the information should be commensurate with the size and environmental impact of the project. The description of the project must include at least the following information:

1. The purpose of the project.

2. A delineation, determination, and characterization of waters of the U.S., including wetlands, in the area that would be affected by the proposed work, and a description of the project's likely impact on the aquatic environment, including a distinction between loss and/or temporary

impact/adverse effect to waters of the U.S. Delineations of wetlands must be conducted using the "Corps of Engineers Wetland Delineation Manual", USACE Waterways Experiment Station Wetlands Research Program Technical Report Y-87-1, dated January 1987 (on-line edition available at (http://www.swf.usace.army.mil/pubdata/environ/regulatory/jurisdiction/wlman87.pdf), including all supplemental guidance. The supplemental guidance is included in the on-line version and may also be obtained from your USACE district office. Determinations of waters of the U.S. must be conducted using regulations and guidance applicable at the time of the preconstruction notification (currently "U. S. Army Corps of Engineers Jurisdictional Determination Form Instructional Guidebook," dated June 5, 2007). Include the width and depth of the water body and the waterward distance of any structures from the existing shoreline.

3. A vicinity map, or maps, on copies of 7.5-minute U. S. Geological Survey (USGS) quadrangle maps, county maps, scaled aerial photographs, or other suitable maps, clearly showing the location of all temporary and permanent elements of the project including coffer dam(s), equipment ramp(s), borrow pit(s), disposal area(s), staging area(s), etc. The map(s) must show the project area in relation to nearby access roads, highways and other roads, and other pertinent features. A ground survey is not required to obtain this map information. Identify all base maps, e.g. Fort Worth, Texas 7.5-minute USGS quadrangle, etc.

4. Plan, profile, and cross-section views of all work (fills, excavations, structures, etc.), both permanent and temporary, in, or adjacent to, waters of the U.S., including wetlands, and a description of the proposed activities and structures including coffer dam(s), equipment ramp(s), borrow pit(s), disposal area(s), staging area(s), and other project related areas within the USACE permit area(s). This is to include the acreage of wetlands and/or linear feet of stream to be adversely impacted by all project features. The permit area(s) includes all waters of the U.S. affected by activities associated with the project, as well as any additional area of non-waters of the U.S. in the immediate vicinity of, directly associated with, and/or affected by, activities in waters of the U.S. The USACE permit area(s) includes associated coffer dams, equipment ramps, borrow pits, disposal areas, staging areas, etc. in most cases where they are proposed associated with the development of water-related recreational features.

5. The volume of material proposed to be discharged into, and excavated from, waters of the U.S. and the proposed type and source of the material.

6. Documentation that the amount of area impacted is the minimum necessary to accomplish the project and, in cases where the activity would result in a change to pre-construction elevations and/or contours and/or drainage patterns, a description of the anticipated impacts of the changes, the reason(s) that the changes are necessary, and documentation that the changes would not result in more than minimal adverse impact on the aquatic environment.

7. A detailed mitigation plan presenting appropriate and practicable measures planned: a) to avoid and minimize adverse impacts to the aquatic environment, particularly associated with temporary elements of the proposed project, and b) to compensate for the remaining unavoidable adverse impacts to the aquatic environment. If compensatory mitigation for unavoidable adverse impacts to the aquatic environment is not proposed, the application must include documentation

that the proposed work would have minimal adverse impact on the aquatic environment without compensatory mitigation, why compensatory mitigation would be inappropriate and/or impracticable, and that compensatory mitigation should not be required. The mitigation plan must include a description of proposed appropriate and practicable actions that would restore, enhance, protect, and/or replace the functions and values of the aquatic environment unavoidably lost in the permit area because of the proposed work. See Appendix D for more information.

8. A restoration plan for any temporary impacts to waters of the U.S. This plan may be included as part of the detailed mitigation plan (See Appendix D) but need to be notated as restoration.

9. An assessment documenting whether any species listed as endangered or threatened under the Endangered Species Act might be affected by, or found in the vicinity of, the USACE permit area(s) for the proposed project. Coordination with the FWS concerning the potential impact of the entire project on endangered and threatened species is encouraged. (See contact information, including website addresses, for FWS offices in Appendix E, "POTENTIAL AUTHORIZATION FROM OTHER AGENCIES" section. (Also see Appendix A, General Condition 16).

10. An assessment documenting whether any cultural resources, particularly those historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP), would be affected by, or are in the vicinity of, the USACE permit area(s) for the proposed project (See Appendix A, General Condition 12).

11. The applicant should include any other relevant information, including information on hydrology and hydraulics, as needed.

Early coordination with the USACE, well before a final PCN is submitted, is beneficial in many cases. Address PCNs and inquiries concerning proposed activities to the appropriate district office (see Appendix B for boundaries of district offices):

Fort Worth District: Regulatory Division, U.S. Army Corps of Engineers, Fort Worth District, ATTN: CESWF-PER-R, P.O. Box 17300, Fort Worth, TX 76102-0300, telephone: (817) 886-1731, website: http://www.swf.usace.army.mil/missions/regulatory.aspx

Albuquerque District: Las Cruces Regulatory Field Office, U.S. Army Corps of Engineers, Albuquerque District, ATTN: CESPA-RD-LC, 505 S. Main Street. Suite 142, Las Cruces, NM, 88001, telephone: (575) 556-9939, website: http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx

EVALUATION AND VERIFICATION PROCEDURES FOR PCNs

For all discharges within the habitat types or areas listed in this Appendix, Section 7 a-e above, the USACE will coordinate with the resource agencies as specified in the Nationwide Permit (NWP) general condition on notification (currently General Condition 31(d), Federal Register, Vol. 77, No. 34, Tuesday February 21, 2012).

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 14, 2015

Mr. Stephen Brooks, Division Chief
U.S. Army Corps of Engineers
Regulatory Division CESWF-EV-R
P.O. Box 17300
Fort Worth, Texas 76102-0300

Attention: Mr. Chandler Peter

Re: USACE Permit Application No. SWF-2014-00296; SPA-2014-00355-LCO; and SWG-2014-00821

Dear Mr. Brooks:

This letter is in response to the Statement of Findings (SOF) received January 5, 2015 for the U.S. Army Corps of Engineers proposed reissuance of Regional General Permit (RGP) 8 for the construction, operation, modification, and/or maintenance of boat ramps, minor water-related recreation structures and facilities, and associated dredging. The RGP is applicable to all waters of the U.S. and navigable waters within the Fort Worth District's area of responsibility (AOR) within the state of Texas, the Albuquerque District's AOR within the state of Texas, and the Galveston District's AOR within the limits of Toledo Bend Reservoir.

The Texas Commission on Environmental Quality (TCEQ) has reviewed the public notice and related application information along with the SOF. On behalf of the Executive Director and based on our evaluation of the information contained in these documents, the TCEQ certifies that there is reasonable assurance that the project will be conducted in a way that will not violate water quality standards. General information regarding this water quality certification, including standard provisions of the certification, is included as an attachment to this letter.

RGP 8 authorizes the construction, operation, modification, and/or maintenance of boat ramps, minor water-related recreation structures and facilities, and associated dredging. The RGP provides authorization for recurring work that causes no more than minimal individual and cumulative adverse environmental impacts.

The RGP contains limitations and conditions to offset impacts to waters of the U.S., and all impacts to waters of the U.S. in excess of 0.1 acres must be mitigated through the purchase of mitigation bank credits, in-lieu fee, or permittee-responsible mitigation actions.

No review of property rights, location of property lines, nor the distinction between public and private ownership has been made, and this certification may not be used in any way with regard to questions of ownership.

If you require additional information or further assistance, please contact Mr. Brad Caston, Water Quality Assessment Section, Water Quality Division (MC-150), at (512) 239-4711 or by email at Charles.Caston@tceq.texas.gov.

Sincerely,

David W. Galindo
Water Quality Division Director
Texas Commission on Environmental Quality

Sarah Zymara-Ponebshek, PE
for

DWG/CBC/tc

Attachment

cc: Mr. Dwayne Johnson, Regulatory Division, CESWG-RD-P, U.S. Army Corps of Engineers, P.O. Box 1229, Galveston, Texas 77553-1229

WORK DESCRIPTION: As described in the public notice dated October 14, 2014, and the Environmental Assessment and Statement of Findings received January 5, 2015.

SPECIAL CONDITIONS: None

GENERAL: This certification, issued pursuant to the requirements of Title 30, Texas Administrative Code, Chapter 279, is restricted to the work described in the January 5, 2015, Environmental Assessment and Statement of Findings and shall be concurrent with the Corps of Engineers (COE) permit. This certification may be extended to any minor revision of the COE permit when such change(s) would not result in an impact on water quality. The Texas Commission on Environmental Quality (TCEQ) reserves the right to require full joint public notice on a request for minor revision. If this application is a modification of an original permit or any modification thereof for which a special condition was cited by the Commission or a predecessor agency, such conditions shall remain valid. The applicant is hereby placed on notice that any activity conducted pursuant to the COE permit which results in a violation of the state's surface water quality standards may result in an enforcement proceeding being initiated by the TCEQ or a successor agency.

STANDARD PROVISIONS: These following provisions attach to any permit issued by the COE and shall be followed by the permittee or any employee, agent, contractor, or subcontractor of the permittee during any phase of work authorized by a COE permit.

1. The water quality of wetlands shall be maintained in accordance with all applicable provisions of the Texas Surface Water Quality Standards including the General, Narrative, and Numerical Criteria.

2. The applicant shall not engage in any activity which will cause surface waters to be toxic to man, aquatic life, or terrestrial life.

3. Permittee shall employ measures to control spills of fuels, lubricants, or any other materials to prevent them from entering a watercourse. All spills shall be promptly reported to the TCEQ by calling the State of Texas Environmental Hotline at 1-800-832-8224.

4. Sanitary wastes shall be retained for disposal in some legal manner. Marinas and similar operations which harbor boats equipped with marine sanitation devices shall provide state/federal permitted treatment facilities or pump out facilities for ultimate transfer to a permitted treatment facility. Additionally, marinas shall display signs in

appropriate locations advising boat owners that the discharge of sewage from a marine sanitation device to waters in the state is a violation of state and federal law.

5. Materials resulting from the destruction of existing structures shall be removed from the water or areas adjacent to the water and disposed of in some legal manner.

6. A discharge shall not cause substantial and persistent changes from ambient conditions of turbidity or color. The use of silt screens or other appropriate methods is encouraged to confine suspended particulates.

7. The placement of any material in a watercourse or wetlands shall be avoided and placed there only with the approval of the Corps when no other reasonable alternative is available. If work within a wetland is unavoidable, gouging or rutting of the substrate is prohibited. Heavy equipment shall be placed on mats to protect the substrate from gouging and rutting if necessary.

8. Dredged Material Placement: Dredged sediments shall be placed in such a manner as to prevent any sediment runoff onto any adjacent property not owned by the applicant. Liquid runoff from the disposal area shall be retained on-site or shall be filtered and returned to the watercourse from which the dredged materials were removed. Except for material placement authorized by this permit, sediments from the project shall be placed in such a manner as to prevent any sediment runoff into waters in the state, including wetlands.

9. If contaminated spoil that was not anticipated or provided for in the permit application is encountered during dredging, dredging operations shall be immediately terminated and the TCEQ shall be contacted by calling the State of Texas Environmental Hotline at 1-800-832-8224. Dredging activities shall not be resumed until authorized by the Commission.

10. Contaminated water, soil, or any other material shall not be allowed to enter a watercourse. Noncontaminated storm water from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.

11. Storm water runoff from construction activities that result in a disturbance of one or more acres, or are a part of a common plan of development that will result in the disturbance of one or more acres, must be controlled and authorized under Texas Pollutant Discharge Elimination System (TPDES) general permit TXR150000. A copy of the general permit, application (notice of intent), and additional information is available at:

http://www.tceq.texas.gov/permitting/stormwater/wq_construction.html or by contacting the TCEQ Storm Water & Pretreatment Team at (512) 239-4671.

12. Upon completion of earthwork operations, all temporary fills shall be removed from the watercourse/wetland, and areas disturbed during construction shall be seeded, riprapped, or given some other type of protection to minimize subsequent soil erosion. Any fill material shall be clean and of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters.

13. Disturbance to vegetation will be limited to only what is absolutely necessary. After construction, all disturbed areas will be revegetated to approximate the pre-disturbance native plant assemblage.

14. Where the control of weeds, insects, and other undesirable species is deemed necessary by the permittee, control methods which are nontoxic to aquatic life or human health shall be employed when the activity is located in or in close proximity to water, including wetlands.

15. Concentrations of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the water, or otherwise interfere with reasonable use of the water in the state.

16. Surface water shall be essentially free of floating debris and suspended solids that are conducive to producing adverse responses in aquatic organisms, putrescible sludge deposits, or sediment layers which adversely affect benthic biota or any lawful uses.

17. Surface waters shall be essentially free of settleable solids conducive to changes in flow characteristics of stream channels or the untimely filling of reservoirs, lakes, and bays.

18. The work of the applicant shall be conducted such that surface waters are maintained in an aesthetically attractive condition and foaming or frothing of a persistent nature is avoided. Surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse.

19. This certification shall not be deemed as fulfilling the applicant's/permittee's responsibility to obtain additional authorization/approval from other local, state, or federal regulatory agencies having special/specific authority to preserve and/or protect resources within the area where the work will occur.

BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

November 21, 2014

Mr. Chandler Peter
Regulatory Branch, CESWF-DE-R
U.S. Army Corps of Engineers
Post Office Box 17300
Fort Worth, Texas 76102

AI No.: 101926
Activity No.: CER20140001

RE: Water Quality Certification WQC 141118-01
Fort Worth District Permit CESWF-14-RGP-8
Galveston District Permit SWG-2014-00821
Sabine, Desoto and Vernon Parishes

Dear Mr. Peter:

The Louisiana Department of Environmental Quality, Water Permits Division (LDEQ), has reviewed the public notice and permit to conduct activities associated with the construction, operation, modification and/or maintenance of boat ramps, minor water-related recreation structures and facilities, and associated dredging located in the Toledo Bend Reservoir in Sabine, Desoto and Vernon Parishes.

The information provided in the public notice and permit has been reviewed in terms of compliance with State Water Quality Standards, the approved Water Quality Management Plan and applicable state water laws, rules and regulations. LDEQ has determined that the requirements for a Water Quality Certification have been met. LDEQ concludes placement of dredged material will not violate water quality standards as provided for in LAC 33:IX.Chapter 11. Therefore, LDEQ hereby issues the U.S. Army Corps of Engineers Water Quality Certification, WQC 141118-01.

Should you have any questions concerning any part of this certification, please contact Elizabeth Johnson at (225) 219-3225, or by email at elizabeth.johnson@la.gov. To ensure all correspondence regarding this certification is properly filed into the Department's Electronic Document Management System, please reference your Agency Interest (AI) number 101926 on all future correspondence to this Department.

Sincerely,

Scott Guilliams
Administrator
Water Permits Division

c: IO-W