

# Highland Lakes Dredge and Fill Ordinance

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Summary of Proposed Ordinance  
LCRA Board of Directors Meeting  
Nov. 17, 2021



# Project Tiers and Standards

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Standards	Tier I	Tier II	Tier III
Property Ownership or Control	●	●	●
Water Quality Protection	●	●	●
Land Reclamation & Limits on New Structures	●	●	●
Navigability, Water Flow & Safety	●	●	●
Shoreline Stabilization & Slope Stability	●	●	●
Invasive Species*	●	●	●
Other Requirements*	●	●	●
Turbidity Management & Monitoring*		●	●
Emergency Operations Plan*		●	●
Setback Requirements*			●
Public Safety Plan*			●
Additional Turbidity Management*			●
Contaminant Release*			●
Removal of Native Materials*			●
Authorized Storage*			●
Spill Prevention Plan*			●
Discharges*			●
Unforeseen or Cumulative Impacts*			●

\*Standard not previously included in HLWO regulation

# Tier I Projects and Standards

- Activity authorized and implemented in accordance with LCRA's Army Corps of Engineers Lakewide Permit
- Project will dredge less than 500 cubic yards of material or disturb less than 500 linear feet of shoreline (except for Commercial Dredge and Fill Activity)
- Project is conducted by a utility to make an emergency repair of utility infrastructure

\*Standard not previously included in HLWO regulation

Standards	Tier I	Tier II	Tier III
Property Ownership or Control	●	●	●
Water Quality Protection	●	●	●
Land Reclamation & Limits on New Structures	●	●	●
Navigability, Water Flow & Safety	●	●	●
Shoreline Stabilization & Slope Stability	●	●	●
Invasive Species*	●	●	●
Other Requirements*	●	●	●
Turbidity Management & Monitoring*		●	●
Emergency Operations Plan*		●	●
Setback Requirements*			●
Public Safety Plan*			●
Additional Turbidity Management*			●
Contaminant Release*			●
Removal of Native Materials*			●
Authorized Storage*			●
Spill Prevention Plan*			●
Discharges*			●
Unforeseen or Cumulative Impacts*			●

# Tier II Projects and Standards

- Project will dredge 500 or more cubic yards of material or disturb 500 or more linear feet of shoreline (except for Commercial Dredge and Fill Activity)
- Dredge or Fill activity related to the construction and maintenance or repair of critical infrastructure or a utility's facilities or equipment that will dredge 500 or more cubic yards of material or disturb 500 or more linear feet of shoreline, regardless of duration or surface area

\*Standard not previously included in HLWO regulation

Standards	Tier I	Tier II	Tier III
Property Ownership or Control	●	●	●
Water Quality Protection	●	●	●
Land Reclamation & Limits on New Structures	●	●	●
Navigability, Water Flow & Safety	●	●	●
Shoreline Stabilization & Slope Stability	●	●	●
Invasive Species*	●	●	●
Other Requirements*	●	●	●
Turbidity Management & Monitoring*		●	●
Emergency Operations Plan*		●	●
Setback Requirements*			●
Public Safety Plan*			●
Additional Turbidity Management*			●
Contaminant Release*			●
Removal of Native Materials*			●
Authorized Storage*			●
Spill Prevention Plan*			●
Discharges*			●
Unforeseen or Cumulative Impacts*			●

# Tier III Projects and Standards

Dredge or fill activity that:

1. Has as its primary purpose the resale of dredged material; or
2. Involves any Dredging or Fill:
  - a) that will:
    - i. Remove 500 or more cubic yards of material, or
    - ii. Occur over more than 3 surface acres, or
    - iii. Occur along more than 1,500 feet of linear shoreline, and
  - b) will occur more than 30 days per year or over the course of several years

Standards	Tier I	Tier II	Tier III
Property Ownership or Control	●	●	●
Water Quality Protection	●	●	●
Land Reclamation & Limits on New Structures	●	●	●
Navigability, Water Flow & Safety	●	●	●
Shoreline Stabilization & Slope Stability	●	●	●
Invasive Species*	●	●	●
Other Requirements*	●	●	●
Turbidity Management & Monitoring*		●	●
Emergency Operations Plan*		●	●
Setback Requirements*			●
Public Safety Plan*			●
Additional Turbidity Management*			●
Contaminant Release*			●
Removal of Native Materials*			●
Authorized Storage*			●
Spill Prevention Plan*			●
Discharges*			●
Unforeseen or Cumulative Impacts*			●

\*Standard not previously included in HLWO regulation

# Permitting Timeline

## Administrative Review

- 10 days for LCRA to determine if application complete
- 30 days for applicant to submit additional required information
- First public notice posted after application administratively complete

## Technical Review

- 30 days for LCRA to review Tier II applications
- 60 days for LCRA to review Tier III applications

## Subsequent Technical Review/Extension

- 30 days for applicant to submit additional information requested by LCRA
- 30 days for LCRA to review new information
- Review may be abated for six months at a time, not to exceed three years, due to applicant delays in obtaining all other permits

## Public Input

- LCRA issues draft permit
- Second public notice posted
- LCRA accepts public comments until date stated in the notice
- Request for public meeting must be received within 10 days after end of comment period
- Hold public meeting within 60 days, if necessary

## Permit Decision

- LCRA to issue or deny permit
- An applicant or affected person must file a request for appeal within 15 days after the date of the action on the permit

Applicant step  
LCRA step

All timelines are calendar days

# Public Notice

## Notice of Administratively Complete Application and Intent to Obtain a Permit

Notice Type	Tier II (Utility)	Tier II	Tier III
LCRA website	●	●	●
Posted notice at location approved by LCRA		●	●
Mailed notice – to property owners within 500 feet of project limits		●	●
Mailed notice – to local officials where project is located (mayor and/or city manager, county judge, county commissioners), Texas Commission on Environmental Quality, Army Corps of Engineers, Texas Parks & Wildlife Department, and any other regulatory entity determined by LCRA			●
Newspaper notice – each county where dredge and fill activity will occur			●

# Public Notice (Continued)

## Notice of Draft Permit

Notice Type	Tier II (Utility)	Tier II	Tier III
LCRA website	●	●	●
Mailed notice – to property owners within 500 feet of project limits			●
Mailed notice – to local officials where project is located (mayor and/or city manager, county judge, county commissioners), TCEQ, Army Corps of Engineers, TPWD, and any other regulatory entity determined by LCRA			●
Newspaper notice – each county where dredge and fill activity will occur			●



# Appeals Process

- An applicant or affected person may file an appeal within 15 calendar days of a decision on a permit
- Once appeal is filed, all activities regulated by the Ordinance must cease until appeal is resolved
- Staff reviews the appeal to make sure it meets filing requirements and sends to the general manager for determination of validity or invalidity
- If valid appeal, matter is forwarded to the Water Operations chair and Water Operations Committee
- Water Operations chair/Committee recommendation forwarded to LCRA Board for affirmation, rejection or modification

# Permit Terms

- Tier I Authorizations and Tier II permits have a term of one year
- Tier II permits for utility dredge and fill activities have a term of up to three years
- Tier III permits may be issued for a term of up to three years

# Permit Renewal

- Permittee may file application for permit renewal if in substantial compliance with the permit and the permittee does not seek any major amendments to the permit
  - Tier II permits may be renewed annually
  - Tier III permits may be renewed for no more than two years (for maximum term of five total years)

# Proposed Fee Schedule

## Permit Application Fee

- Tier II Permit: \$500
- Tier III Permit: \$5,000 + the greater of \$20 per water surface acre or \$20 per 500 feet of linear shoreline

## Annual Fees for Inspection and Administration

- Tier III Permit: \$5,000 + the greater of \$100 per water surface acre or \$100 per 500 feet of linear shoreline

## Major Permit Amendment

- Tier II Permit: \$150
- Tier III Permit: \$3,000

## Permit Renewal

- Tier II Permit: \$100
- Tier III Permit: \$2,000

## Reinspection Fee

- Tier II Permit: \$100

# Public Comments

- Public comment period from Aug. 27 through Sept. 24
  - Received 104 written comments
- Held a public meeting to receive verbal comments on Sept. 15
  - Six individuals provided comments at the public meeting
- Responses to comments provided to the Board and posted on LCRA's website

# Highland Lakes Watershed Ordinance

- Proposed conforming edits to existing HLWO
  - Removal of dredge and fill components
  - Other conforming edits
- HLWO fee schedule revision
  - Removal of dredge and fill fees
- Received no public comments specifically related to proposed HLWO revisions
- A comprehensive revision of the HLWO is scheduled for 2022

# Next Steps

- Consider adoption of the Highland Lakes Dredge and Fill Ordinance and fee schedule, effective Jan. 1, 2022
- Consider repeal of moratorium on dredging activities, effective Jan. 1, 2022
- Consider adoption of revisions to the Highland Lakes Watershed Ordinance and fee schedule, effective Jan. 1, 2022

