March 3, 2023

Lower Colorado River Authority
LCRA
P.O. Box 220
Austin, Texas 78767

Attn: Tom Hegemier; LCRA Completeness Check Review

Subject: Response to Completeness Check Comments
HLDO – Kingsland II Sand and Gravel Tier III
Collier Materials
Application No. APP-5830

Dear Mr. Hegemier,

This letter is in response to the completeness check comments dated February 3, 2023. The comment letter states that the application is deficient in the following manner:

1. HLDO 6.1(b)(ii)(3)(b), The anticipated duration of the proposed Dredge and Fill activity, please provide a better-defined duration of the proposed project. The application states that the “Operation are expected to continue for years.”

A HDLO Tier III Permit may be issued for a term of up to three years (HLDO 6.2(2)).

Response: The operation time is dependent on various factors, mostly due to market demand and variations in cost of operation. However, it is anticipated that the operation will extend beyond the permit period and that Collier Materials will reapply as required. The application statement has been modified to say, “Operations are expected to continue past the permit period, and Collier will reapply for their permit prior to expiration, should they choose to continue operating.” See Attachment A.


An email from the General Land Office dated December 18, 2020 is provided, however, the email does not specifically note that the proposed project is on General Land Office (GLO) property nor does the ownership map identify the GLO as the lakebed property owner. Please clarify land ownership specific to this site and provide the necessary information on the Parcel Map (page 22).

Response: To determine the ownership of the lakebed we reviewed the Llano Central Appraisal District website (https://llanocad.net/interactive-map/), and their mapping tool does not indicate a private owner. It appears that based on our discussions, the LCRA does not own the land. The ownership would defer to the state of Texas General Land Office (GLO). The land has been noted on the Parcel Map to reflect GLO ownership in the Lakebed.
It should be noted, from the email correspondence from Mr. David Land of the GLO, that GLO does not have the mechanism for approving or allowing activities on their land other than through specific easements mainly for utilities. This appears to be consistent with the concept that the public already has a right to use state lands for various purposes. State law does require that a person removing sediment from state lands that are defined as navigable obtain authorization from Texas Parks and Wildlife prior to such activity. However, certain projects are granted an exception in 31 TAC 69.120 (see response to Comment 5).

3. HLDO 6.1(b)(ii)(3)(e). *A description of the type and quantity (in cubic yards) of Dredged Material or Fill to be removed from or added to the Project Limits.*

On page 5, the application notes that “Collier plans to remove over 1,000 cubic yards of dredged material.” Please provide a more specific dredging estimate as the proposed dredge area (140 acres) and operations indicate that a larger dredging activity is anticipated.

Response: Dredging depths may vary, however an estimated average of 6 feet within proposed dredge area would yield an approximate volume of 1,355,200 cubic yards.

4. HLDO 6.1(b)(ii)(4). *A list of all other required permits, authorization, or approvals required for the Project including copies of any final permits, authorizations, or approvals and a summary of the status and anticipated date of any required permit, authorization, or approval that has not yet been secured.*

On sheet 10, a list of other required permits is provided, however, it lacks the identification of a Texas Parks and Wildlife Sand and Marl Permit and TCEQ Chapter 311, Subchapter F authorization.

Response: In accordance with 31 TAC 69.120:

*The commission finds that the state will not be deprived of significant revenue and there will be no significant adverse effects on navigation, the coastal sediment budget, riverine hydrology, erosion, or fish and wildlife resources or their habitat, and the following activities are therefore exempt from any permit requirement of the department or payment to the department for sedimentary material removed from the public waters of this state:*

(1) projects to restore or maintain the storage capacity of existing public water supplies;
(2) maintenance projects carried out by public utilities for noncommercial purposes;
(3) public road projects of the Texas Department of Transportation; and
(4) projects resulting in insignificant takings or disturbances of marl, sand, grave, shell or mudshell as defined in Parks and Wildlife Code, §86.021(b-1).

Since the plan is to remove sediment in a lake that is a public water supply, which will result in maintaining and restoring pool volume, in accordance with (1). This makes the project exempt, as well as all dredging projects within the highland lake no matter the tier since,
there is no minimum amount of sediment disturbance or removal that would require a permit. This is consistent with previous conversations with the TPWD. There is no authorization or notification associated with this exemption. Note, this exemption would apply to all activity within the gradient boundary regardless of the underlying survey records, which may indicate private lands extends into the lakes.

Similarly, allowable stormwater runoff and certain non-storm water discharges for Chapter 311.56 read:

(a) The following discharges of storm water runoff into or adjacent to water in the state may be authorized by a Texas pollutant discharge elimination system (TPDES) permit or a national pollutant discharge elimination system (NPDES) permit:
   (1) storm water runoff from industrial facilities;
   (2) storm water runoff from municipal separate storm sewer systems; and
   (3) storm water runoff from construction activities.
(b) The following non-storm water discharges into or adjacent to water in the state may be authorized by a TPDES permit or a NPDES permit:
   (1) discharges from fire fighting activities;
   (2) discharges from fire hydrant flushings;
   (3) discharges from potable water sources, including drinking fountain water and water line flushings;
   (4) discharges from uncontaminated air conditioning or compressor condensate;
   (5) discharges from lawn watering and similar irrigation drainage;
   (6) discharges from pavement wash down without the use of detergents or other chemicals and where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed);
   (7) discharges from a routine external building wash down that do not use detergents or other compounds;
   (8) discharges from uncontaminated groundwater or spring water;
   (9) discharges from foundation or footing drains where flows are not contaminated with process materials such as solvents;
   (10) discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray down waters and no chemicals are applied to the wood during storage; and
   (11) discharges of storm water or groundwater seepage from mine dewatering activities at construction sand and gravel, industrial sand, or crushed stone mining facilities.
(c) Nothing in this subchapter is intended to restrict the powers of the commission or any other governmental entity to prevent, correct, or curtail activities that result or may result in pollution in the water quality area. In addition to the rules of the commission, a TPDES permit applicant may also be required to comply with local pollution control ordinances and regulations.

This project will be permitted under a TPDES General Permit and TXR15, and under this permit will be allowed to discharge stormwater or non-stormwater as listed on this rule.
5. **HLDO 5.3(d)** Develop and implement an LCRA-approved Public Safety Plan that will describe how the Dredge and Fill activity will achieve compliance with Section 5.1(d)(i) and otherwise ensure public safety, including plans for placement of buoys, signage, lighting, hours of operation, and other measures as determined on a case-by-case basis in consultation with LCRA.

The plans must include the types and locations of buoys and signage. A map is the best way to illustrate the location of the buoys and signage. The plan needs to include information about the lighting on the barge, signage, docks, and other aspects of the project.

We need more information about how the barge will be anchored in place and how barge and where the barge will be moored when not in use. We also need information about whether the pipeline from the barge will be floating or submerged, diameter of the pipeline and type of material.

**Response:** The dredge map has been updated to illustrate the approximate location of the buoys and signage. Buoys and markers will follow guidance as provided by TPWD. See Attachment B.

6. **HLDO 5.1(d)(i)** Work must not interfere with others reasonable access to or use of the lake.

The plan needs to demonstrate how work will not impact other’s reasonable access and use of the lake. What will the dredged area and work site look like when the dredging is and is not occurring? How wide will the boating access area be with the barge in place? How will boaters know which areas they can and cannot access during when the dredging is and is not occurring?

The emergency response plan needs to include specific measures that will be taken in the event a flood occurs. Plans should include what equipment will be relocated, where the equipment will be relocated, and the amount of time needed to accomplish the tasks. Include any other necessary steps and precautions that will be taken to minimize impacts from flood events.

We need more information about the type of construction and specific use of the maintenance docks to determine if a permit is needed under the Highland Lakes Marina Ordinance. Here is more information about this permit requirement [https://www.lcra.org/download/highland-lakes-marina-ordinance-pdf/?wpdmdl+11793](https://www.lcra.org/download/highland-lakes-marina-ordinance-pdf/?wpdmdl+11793). Note: If maintenance dock will be a concrete bulkhead at the shoreline, then no marina permit may be needed.

**Response:** A navigable passage of a minimum width of 75 feet at a minimum depth of 8 feet will be provided at all times for each direction. Buoys (and the turbidity curtains) will be placed around the active dredge zone and signage will be placed to direct traffic in compliance with TPWD recommendations. Please see Attachment B.

The emergency plan has been updated to include specific measures taken during the event of a flood, including equipment relocation and estimated timelines. Please see Attachment C.

It is understood that a Marina Permit may not be required at this time and will be clarified in the technical review.
WESTWARD will continue to serve as the technical contact for Collier Materials on this project. Please ensure that WESTWARD is copied on all correspondence, including the final approval. If you have any other questions, or require further information, please contact our office at 830-249-8284.

Respectfully submitted,

WESTWARD ENVIRONMENTAL, INC.

Curt G. Campbell, P.E.
VP - Engineering & Natural Resources
TX License No. 106851 | TX Firm No. 4524

List of Attachments:

Attachment A: Project Description
Attachment B: Dredge Maps
Attachment C: Emergency Operations Plan

Distribution: Addressee
WEI 10553.106-001A File
Attachment A
Collier Materials, Inc.

Project Description

Collier Materials, Inc. (Collier) plans to dredge unconsolidated material from Lyndon B. Johnson Lake (LCRA Zone C) operating from a leased site adjacent to the lake in Kingsland Texas. Collier intends to construct and use a dock and boat ramp, settling ponds and an aggregate plant complex. Sand and gravel will be extracted from the sediment pulled from the lake bottom bed and sold commercially, thus Collier is applying for a Tier III permit. No fill is proposed for the lakebed.

The Project Limits for dredging are proposed to remain within the lake full volume and no material will be removed from the bank areas of Zone C, except in areas where private parcels (not leased by Collier) extend into the lake; in which case those areas will not be dredge. The expected surface area is about 140 acres and shoreline is approximately 11,900 feet. Dredging operation will be conducted in phases with the first phase starting at the island in the middle of Zone C and progressing southwest to the shoreline of the adjacent leased parcel. This phase will focus on removing the “island” of built-up sediment by dredging to a depth of 4 to 5 feet below the water level. Boat traffic will be directed to traverse along the shoreline opposite of the adjacent property, which Collier will operate from. Two dredge barges with two pump sizes (3,500 gpm and 5,000 gpm) will be operating either separately or at the same time within their designated zone. Phase 2 will commence once the “island” has been removed and will start at the northeastern edge of Zone C, while maintaining access parallel to the northeastern bank for boat traffic. The dredge will remove unconsolidated material until the natural bottom is reached and will progress across Zone C from northeast to southwest.

Material will be removed from the lakebed by pulling slurry through a floating pump into a dewatering bucket wheel on land. The operation will begin in the middle of the lake near a sandbar and away from the shore. The shorelines will be monitored to ensure no erosion is caused by the operation, and stabilization will be included if dredging proceeds in close proximity to the shore. At this time, it is not proposed.

The intake pipe will be in a cove on the west side of the lake and east most side of the land Site. Solids, primarily sand and gravel, will be removed from the waters through the bucket wheel then conveyed to the plant for processing. Water from the bucket wheel will run through a series of sedimentation ponds before being returned to the lake in order to meet effluent criteria. The floating pump will be navigated on a barge and attached to an intake hose. The intake hose will dredge the excess sediment at a controlled suction head that will minimize turbidity. Turbidity will be monitored and BMPs (i.e. turbidity curtain) will be implemented, if they reach unacceptable levels. The Dredge will also constantly be monitored to ensure the underlying natural lakebed is not disturbed. A GPS monitor system will be in place that will document the depth and horizontal location of the dredge at all times.

Dredge depths may vary however an estimated average of 6 feet within the proposed dredge area would yield an approximate volume of 1,355,200 cu. yds. Any waste material that cannot be returned to the lake will be properly disposed of. No fill is proposed for the area once sediment has been extracted.
Collier Materials, Inc.

Operations are expected to continue past the permit period, and Collier will reapply for their permit prior to expiration, should they choose to continue operating. Normal operation hours will run from 8:00 am to 5:00 pm on week workdays and are expected to be rare on weekends.
Attachment B
Attachment C
Emergency Operations Plan

I. Introduction
   a. Collier Materials, Inc. in planning to operate a commercial dredge operation at and adjacent to their leased site located in Kingsland, Texas. The operation will include equipment located on and below the water surface, along the lake banks and on land.

II. Purpose
   a. The purpose of this plan is to ensure that Collier Materials, Inc. may be able to quickly identify and react to any emergency conditions should they arise and provide safety to their employees and the public.

III. Scope
   a. This plan applies to all Collier Materials, Inc. employees and subcontractors located on this project site.
   b. This plan will cover weather and flood monitoring resources and response sequences.

IV. Weather Broadcasts and Monitoring Resources
   a. VHF-FM radio broadcasts by NOAA’s National Weather Service.
   c. River Gages to Monitor
      i. LCRA Inks Lake near Kingsland
         https://waterdata.usgs.gov/nwis/inventory/?site_no=08148100
      ii. LCRA Lake Buchanan near Burnet, Texas
          https://waterdata.usgs.gov/nwis/inventory/?site_no=08148000
      iii. Llano River at Llano, Texas
           https://waterdata.usgs.gov/nwis/inventory/?site_no=08151500
   d. “Wireless emergency alerts” on mobile phones

V. Responsible Persons
   a. Responsible person is an employee charged with monitoring weather/flood conditions and coordinating evacuation plan.
      i. Name: __________________________________________________________
         1. Phone: _______________________________________________________
         2. Email: ________________________________________________________
      ii. Name: _________________________________________________________
          1. Phone: _______________________________________________________
          2. Email: _______________________________________________________

VI. Assembly Points
   a. Area chosen where on-site persons will assemble during emergency. An assembly point must be established above the 100-year flood event elevation. For this plan, the assembly point will be established at the plant scale house.
First Aid
b. Have a first aid kit on-site to have the ability to give first response.
c. Mark clearly on site for employees and visitors to easily identify.

VII. Emergency Alarms
a. Responsible persons to set alarm on phone to severe weather notifications and floodgate operations notifications
b. Depth marker shall be installed in the lake to monitor rising waters
   i. A hazard level will be marked on the depth marker rod
c. Distinct audible siren
   i. Train employees to recognize this distinct siren.
   ii. Alarm will be triggered by responsible person.

VIII. Sequence of events
a. Alarm triggered by responsible person
b. Dredging equipment secured
   i. If no immediate risk, equipment will be removed from the lake via the boat ramp and moved to high grade
   ii. If there is not time to remove equipment from the water, the equipment shall be secured prior to staff departure
   iii. If possible the dredge equipment shall be sturdy secured to maintenance dock or other fixed structure within the lake
c. Crew to meet at assembly points

Severe Weather and Natural Disasters
a. Flood
   i. If possible, haul the equipment (dredge barge and hosing) to the plant area or anywhere above the 100-year floodplain. If not possible, secure dredge barge and hosing to the dock.
   ii. Protect the barge and equipment doing the following:
      1. Remove as much loose boating gear onboard as possible, especially electronics and important documents. Any gear that will remain on the barge should be secured to help prevent it from clogging scuppers and deck drains.
      2. Turn off and disconnect shore power cords, water supply hoses and propane or other gas valves, if any.
      3. Secure and lock all hatches and port holes. Check for leaks, and seal them as necessary.
      4. Avoid staying aboard the barge during a significant storm.
      5. Check with the marina for any additional safety measures.
   iii. Climb to high ground (i.e., the plant area or anywhere above the 100-year floodplain) and stay there.
   iv. Avoid walking or driving through flood water.
v. If equipment stalls, abandon it immediately and climb to higher ground (i.e., the plant area or anywhere above the 100-year floodplain).

b. Tornado
   vi. Secure dredge barge and hosing to the dock.
   vii. When a warning is issued by sirens or other means, seek inside shelter.
   viii. Stay away from outside wall and windows.
   ix. Use arms to protect head and neck.
   x. Remain sheltered until the tornado threat is announced to be over.

c. Lighting
   xi. Seek inside shelter.
   xii. Avoid contact with exposed metals and other conductive materials.

d. Hale
   xiii. Seek inside shelter.
   xiv. Stay away from outside windows.