

Application and Permitting Process for Tier III (Commercial) Activities Under the Highland Lakes Dredge and Fill Ordinance

A Tier III permit under the Highland Lakes Dredge and Fill Ordinance is required for commercial activity that has a primary purpose of resale of dredged activity; removes 500 or more cubic yards of material, will occur over more than 3 surface acres, or occurs along more than 1,500 feet of linear shoreline; and will occur more than 30 days per year or over the course of several years.

- LCRA welcomes public comments on applications throughout the review process.

The first step in the review process is administrative review. Upon receiving an application, LCRA conducts an administrative review to determine if all required information has been submitted.

- The administrative review is not a technical or substantive review of the application, and instead is strictly a determination that all documentation has been submitted.
- If LCRA determines the application is administratively complete, LCRA notifies the applicant, posts the application on www.lcra.org/hldo and begins accepting public comments on the application.
 - Once an application is determined to be administratively complete, the applicant is required to publish notice of the application in a local newspaper, mail notices to property owners with 500 feet of the project and post the notice at a location and in a fashion approved by LCRA. Applicants for a Tier III permit also must notify each mayor and/or city manager, county judge and county commissioner of the municipalities and county (or counties) where the proposed project is located, and notify the Texas Commission on Environmental Quality, Army Corps of Engineers, Texas Parks and Wildlife Department and any other regulatory entity, as determined by LCRA.
- If an application is determined to be administratively incomplete, LCRA staff will notify the applicant in writing within 10 days. The applicant then has 30 days to submit additional information.
 - If the applicant does not submit the required additional information within 30 days, the application may be returned to the applicant and will be considered withdrawn.

If an application is determined to be administratively complete, the application moves to a technical review that may not exceed 60 days.

- During this time, LCRA continues to welcome comments from the public at www.lcra.org/hldo.
- LCRA requires the applicant to submit proof that required permits or permissions from other entities have been secured. The technical review process may be abated by LCRA staff or at the applicant's request based on delays resulting from processing of the applicant's other permits.

- If the technical review process is postponed for this reason, the abatement must be requested or re-evaluated every six months, but may not exceed three years, unless supported by a good case as determined by the LCRA general manager.
 - If an extension or abatement expires without action, the application is considered withdrawn.
- If an applicant provides additional information, requests a variance or revises the application within the technical review period, the technical review will be extended for 30 additional days.
- If more information is needed to complete the technical review or if LCRA determines the application does not meet the standards in the ordinance, an applicant has 30 days to submit additional information.
 - If the applicant provides additional information, the technical review will be extended up to 30 days. If the applicant does not provide the additional information within the 30-day period, the application is considered withdrawn.

Notice of Draft Permit

- If LCRA completes the technical review and determines an application meets the requirements of the ordinance, it will issue a Notice of a Draft Permit. Please note: this is not the final step in the process, and LCRA will continue to accept public comments.
- If a Notice of Draft Permit issued, LCRA will post the proposed draft permit and the deadline for public comments on www.lcra.org/hldo.
- Applicants are required to publish a Notice of Draft Permit and the deadline for public comments in a newspaper of general circulation in each county or counties where the dredge and fill activity will occur.
 - The applicant also must mail the Notice of Draft Permit to the same recipients who received the notice of the administratively complete application. This notice also must include the deadline for public comments.

Public Comments

- LCRA greatly values input from the public on all applications.
- Comments on a Tier III application must identify the specific standard(s) the proposed project will or will not meet.

Public Meetings

- LCRA may hold a formal public meeting on a Tier III application and draft permit after expiration of the public comment period upon the request of the applicant or if LCRA determines that there is substantial public interest.
 - “Substantial public interest” is demonstrated if a request for a public meeting is filed by a local governmental entity with jurisdiction where the proposed project would occur or by a substantial percentage of property owners or businesses with an affected interest.
- The request must be made in writing and received by LCRA within 10 days after the close of the public comment period.

- If LCRA decides to hold a public meeting, LCRA will notify everyone who submitted timely written comments or a written request for a public meeting.
 - The public meeting will be within 60 days, subject to meeting location availability.
- If a public meeting is held, the comment period will be extended until the public meeting is concluded.

Permit Decision

After thorough review of the application and all public comments, LCRA will determine whether the application meets the requirements of the ordinance, and whether to grant or deny the requested permit.

- LCRA will not issue a permit until after receiving documentation demonstrating the applicant has all other necessary approvals, authorizations or permits for the project from other applicable entities.
- If a permit is granted, LCRA will provide a copy of the permit to people who submitted written comments during the review process.

*All references to days in this document refer to calendar days, not business days.