

**LOWER COLORADO RIVER AUTHORITY
RESOLUTION RELATING TO DREDGE AND FILL APPLICATIONS FOR
COMMERCIAL DREDGE MINING ACTIVITIES**

Feb. 24, 2021

WHEREAS, the protection of water quality within the lower Colorado River basin, including the waters of the Highland Lakes, is paramount in LCRA's responsibility to manage the Highland Lakes; and

WHEREAS, pursuant to authority granted to LCRA in Chapter 8503 of the Texas Special District Local Laws Code and other legal authority, the LCRA Board of Directors has adopted rules and ordinances designed to protect and maintain the quality of the water in the Highland Lakes, including LCRA's Highland Lakes Watershed Ordinance; and

WHEREAS, LCRA's Highland Lakes Watershed Ordinance provides regulations related to, among other things, certain dredge and fill activities within the Highland Lakes, ensuring appropriate measures are taken to mitigate the negative effects on water quality when these activities are undertaken; and

WHEREAS, the Highland Lakes Watershed Ordinance regulates dredge and fill activities related to such things as retaining walls, shore stabilization, and boat docks and marinas related to residences, condominiums, office complexes, golf courses and retail businesses (noncommercial dredge and fill activities); and

WHEREAS, neither the Highland Lakes Watershed Ordinance nor any other LCRA regulations or guidance specifically regulate commercial dredge and fill mining projects on the lakebed of any of the Highland Lakes; and

WHEREAS, the Highland Lakes are known for their excellent water quality and clarity, serving as a primary drinking water source for over a million people as well as supplying water to various industries and agriculture; and

WHEREAS, the Board recognizes that commercial dredge and fill mining projects can negatively affect water quality and aquatic life in the Highland Lakes; and

WHEREAS, the Board has determined that LCRA does not have an ordinance or regulation that was intended to address commercial dredge mining activities and to ensure the appropriate water quality measures and controls are in place for those activities; and

WHEREAS, there was no opportunity for public input in the adoption of LCRA's existing ordinances and regulations related to the regulation, permitting and water quality protection measures for commercial dredge mining activities; and

WHEREAS, the Board seeks a reasonable approach to allow staff time to (i) obtain clarification from the Texas Commission on Environmental Quality on the applicability of its discharge ban to commercial dredge and fill mining projects; () review the potential impacts to water quality from commercial dredge and fill mining projects; (iii) coordinate with other entities with jurisdiction over commercial dredge and fill mining projects; (iv) obtain stakeholder input; and (v) provide recommendations for this Board to consider regarding the regulation of commercial dredge and fill mining projects in the Highland Lakes as described above;

NOW, THEREFORE, BE IT RESOLVED that, effective immediately upon adoption of this resolution through Feb. 24, 2022, or until further resolution of this matter by this Board, whichever occurs first, and, in order to fulfill its obligations to protect the quality of the water in the Colorado River and the Highland Lakes; to prohibit or restrict a condition that may constitute a public or private nuisance; to prevent a grave and immediate threat to life or property; and in response to a real and substantial threat to public health and safety and to significantly advance its health and safety purpose without imposing a greater burden than is necessary to achieve the health and safety purpose, the LCRA Board of Directors hereby:

(1) prohibits commercial dredge and fill mining projects and activities on or from the lakebed of any of the Highland Lakes, whether the lakebed is submerged or not; and

(2) directs the general manager to cease all activities related to permitting of commercial dredge and fill mining operations, including accepting new applications, reviewing or processing existing applications, and issuing permits, and to immediately return any applications previously received; and

(3) directs the general manager to conduct a stakeholder input process, consult with other appropriate entities and make a recommendation to this Board to consider regarding the regulation of commercial dredge and fill mining projects in the Highland Lakes.

FURTHERMORE, it is the intention of the LCRA Board of Directors that the actions described herein shall not apply to noncommercial dredge and fill activities.

BE IT FURTHER RESOLVED that the general manager is authorized to do all things necessary and proper to carry out the terms and purposes of this resolution.