

Highland Lakes Dredge and Fill Ordinance

**Summary of Proposed Ordinance
Water Operations Committee Meeting
Nov. 16, 2021**



Project Tiers and Standards

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

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 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

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 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

- During the Nov. 17 Board meeting:
 - 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

