



Life's better outside.®

September 18, 2024

Matthew Hannon
Friends of Lake McQueeney
PO Box 781
McQueeney, TX 78123

Re: Dredging in Lake McQueeney

Commissioners

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Chairman
Houston

Oliver J. Bell
Vice-Chairman
Cleveland

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Kilgore

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Houston

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Fort Worth

Travis B. "Blake" Rowling
Dallas

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Wimberley

Lee M. Bass
Chairman-Emeritus
Fort Worth

T. Dan Friedkin
Chairman-Emeritus
Houston

David Yoskowitz, Ph.D.
Executive Director

Dear Mr. Hannon,

Under Parks and Wildlife Code Chapter 86, a person may not disturb or take the sand, shell, gravel, marl, and mudshell under the Texas Parks and Wildlife Department's (TPWD) jurisdiction without first obtaining a Sand and Gravel Permit. Under Parks and Wildlife Code section 86.0021(b)(2), projects to restore or maintain the storage capacity of existing public water supplies are exempt from TPWD Sand and Gravel permit requirements. Based on correspondence from the Guadalupe-Blanco River Authority, and based on the information you have provided, the project permitted by the U.S. Army Corps of Engineers SWF-2024-00186 may be exempt under this provision.

The aggregation of several smaller projects creates an overall benefit to the water storage capacity of Lake McQueeney that would otherwise be negligible for each individual project. The group nature of this effort is essential to this exemption; therefore, all work must be completed on or before August 31, 2025.

This exemption is limited to the removal of unconsolidated sedimentary material and does not encompass projects to build structures below the gradient boundary or projects that disturb the banks. Projects that are not for the purpose of restoring or maintaining the storage capacity of a public water supply may require a Sand and Gravel permit. Disturbances that create or maintain swimming holes are not for the purpose of restoring or maintaining the storage capacity of a public water supply. TPWD recommends individuals consult with staff prior to beginning any work to ensure that any required permits have been obtained. Individuals with questions may also look to TPWD's Sand and Gravel Permitting FAQs, located at the following link: https://tpwd.texas.gov/faq/landwater/sand_gravel/.

Additionally, this exemption only applies to the requirements for a TPWD Sand and Gravel Permit. Other permits may be required for the proposed projects. Any work done in wet or areas where fish or wildlife are located may require an Aquatic Resource Relocation Plan (ARRP). If any work will be done in such an area, the person responsible for the work must contact TPWD Kills and Spills Team Regional Coordinator Travis Tidwell at Travis.Tidwell2@tpwd.texas.gov to

discuss whether an ARRP is needed. Failure to do so may result in civil and criminal penalties.

This exemption does not permit work to be done on properties subject to a Notice of Violation. Any prior violations must be fully resolved with TPWD before additional work may be done at the property or by the Responsible Party.

Work done outside of the parameters of this exemption may result in civil and criminal penalties. Individuals who have questions should reach out to TPWD staff at sand.gravel@tpwd.texas.gov or 512-389-8521 for clarification before beginning any work.

Sincerely,

A handwritten signature in blue ink that reads "Beth Bendis". The signature is written in a cursive style.

Aquatic Resources Permitting and Consultation Program Leader