

Board of Directors

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Serving the Region Since 1926

This packet contains information and applications needed to do dredging on Lake Brownwood. In order for an application to be considered, it must contain all the required information and the site must be properly marked. If an application is not complete, it will not be considered.

After an application has been approved, the applicant must notify the District of the start date of dredging and arrange for an inspection of the project at the end of dredging.

For questions regarding a permit application, to schedule an inspection of the improvement or obtain more information contact:

Brown County Water Improvement District #1
501 E. Baker
Brownwood, Texas 76801
(325) 643-2609

<or>

Lake Patrol Office
550 Spillway Road
Troy Henderson, Chief
(325) 784-5532

A dredging permit is valid for a period to be determined by the District, with a minimum of 30 days and a maximum of 90 days. A construction extension permit may be granted at the sole discretion of the District. The extension permit fee is valid for a period to be determined by the District, with a maximum of 90 days. No more than one extension permit shall be granted. For an additional permit, the fee may be waived at the discretion of the District.

BCWID No.1 Rules and Regulations, ARTICLE XXI: VIOLATIONS OF THESE RULES AND REGULATIONS:
The violation of any Rules or Regulations of this District is a Class C Misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500.00). These penalties shall be in addition to any other penalty provided by the laws of the State of Texas and may be enforced by complaints filed in the appropriate court or jurisdiction in the County of Brown, State of Texas, and county in which the District's principle office is located. Each twenty-four (24) hour period of any violation constitutes a separate offense

It is unlawful to dredge, construct, place or operate any improvement or facility of any type on land or water below spillway elevation 1425 feet mean sea level on Lake Brownwood, or any land regulated or controlled by the District, unless an application has been submitted to the District and a written permit has been granted by the District. Permits are required for any additions and/or modifications.

Please allow ten (10) working days for the processing of all permit applications.

The following items must be submitted with any permit request:

1. A plat of the property showing the shore front dimensions, any existing improvements and location of the improvement;
2. Proof of ownership of the property by applicant (Copy of Deed or current property tax statement);
3. Plans, specifications, construction details and a detailed list of equipment to be used; a drawing or overhead map of the project with dimensions and adjoining docks;
4. Outside corners of the lot at elevation 1425' mean sea level MUST be clearly marked at the time of inspection for a permit to be issued;
5. Location of disposal site for material excavated from below 1425';
6. The completion and signing of application along with a \$50.00 non-refundable application fee.

*Owner and Contractor agree to accomplish the construction in strict compliance with the plans and specifications and construction must be completed prior to the expiration of the permit. Owner or Contractor must notify the District on the date construction commences and arrange for a general inspection upon completion.

Owner represents that he/she owns and/or controls the above referenced property and that he will comply with all applicable laws and all applicable rules and regulations of governmental agencies concerning this construction, specifically including but not limited to the Rules and Regulations of the District, and the rules and regulations of the United States Army Corps of Engineers, United States Environmental Protection Agency, and the Texas Commission on Environmental Quality. The Owner further represents that he will not be in violation of any regulations or restrictions imposed by Brown County or by any deed restrictions which may be attached to the property and that any required variance has been secured. The District assumes no responsibility for, and the Owner will hold the District harmless from, disputes of title, rights, or liability for damages to persons or property arising from the construction, maintenance or existence of such improvements. At any time the condition or presence of this improvement interferes with the operation of the reservoir or the safety of the persons or property using the surface thereof, the Owner agrees to immediately make any and all changes or corrections necessary to make the improvement compliant with the Rules and Regulations of the District or remove the improvement from District property at Owner's expense.

Agreed to by the undersigned this _____ day of _____, _____.

PROPERTY OWNER

CONTRACTOR

PROPERTY OWNER

RECEIPT #

FOR DISTRICT USE ONLY: PERMIT # _____ DATE ISSUED _____

EXPIRATION DATE: _____ EXTENTION DATE: _____

TYPE OF IMPROVEMENT: _____

SPECIAL CONDITIONS: _____

APPROVED BY: _____

Construction Permit Application
Dry Dredging
Lake Brownwood

Applicant: _____ Date: _____

Mailing Address: _____

Address of Project: _____

Dock Number: _____

Home Phone #: _____ Cell Phone # _____

Email Address: _____ Fax #: _____

Contractor: _____ Phone #: _____

Contractor Address: _____

Description of Project: _____

Location of Dredge Disposal Site: _____

Method and Equipment to be used: _____

Length of Project: _____ feet.

Width of Project: _____ feet.

Depth of Project: _____ feet.

Completed application should have attached an overhead map of project site with shoreline, all docks surrounding project site and area to be excavated. This can be produced easily from Google Earth on the internet or hand drawn plan would be sufficient. Applicant will be restricted to only the area and work specified in application for dredging.

In addition to Brown County Water Improvement District Guidelines for Dredging the applicant is responsible for any other permits, rules or regulations that may be required by Federal, State or County entities and that may be required for this project.

A permit from Brown County Flood Plain Administrator will be required if any material dredged from below 1425' is placed in the Flood Plain between elevations 1425' and 1435'. Contact number 325-643-1985

Regulations and Guidelines for Dredging Below 1425 Elevation of Lake Brownwood

1. All dredging or work to be done below the elevation of 1425 msl in Lake Brownwood must follow the Rules and Regulations of the U.S. Army Corps of Engineers for dredging in a lakebed or streambed.
2. It is the responsibility of any lakefront property owner or contractor that is requesting to dredge or work below 1425 to familiarize themselves with the USACE regulations pertaining to the work they are requesting to do and to obtain any permits required by USACE.
3. A permit from Brown County Water Improvement District will be required before any work can begin on District property which is all land lying below 1425 msl of Lake Brownwood.
4. All dredging must be done on the exposed lake bed.
5. There are 2 methods that may be used to dredge on a lakebed, one requires a USACE permit and the second method does not require a USACE permit. Both require a permit from BCWID.
 - A. A permit is required by USACE to dredge if material is pushed or moved around the lakebed with a bulldozer or other like equipment.
 - B. A permit is not required if material is scooped or picked up with a bucket such as track hoe bucket or backhoe bucket and placed above 1425 elevation or loaded on a truck to be moved above the 1425 elevation.
6. All material coming from below the elevation of 1425 must be removed from the lakebed to an area above 1425 and secured so that if a rain occurs it will not wash back below 1425.
7. Material from lakebed cannot be placed at 1425 elevation unless a retaining wall or seawall is in place to stop encroachment upon lakebed.
8. Dredging must be confined within the extended property lines of the water front property.
9. Sloped sides of dredged area must be at a 45 degree slope or less.
10. Dredged areas should be continued horizontally toward waterline with a 1 % slope to avoid having confined potholes that would trap water and fish.
11. Adjoining property owners may join together on 1 permit as long as the same contractor is used and both property owners sign application.

Retaining Walls and Boat Ramps:

1. Anyone desiring to build a retaining wall on their property, adjacent to Lake Brownwood or within the floodplain surrounding the lake shall comply with the District's requirements as well as the permitting and construction standards set forth by Brown County. The construction standards and County permit are obtained from the Brown County Floodplain Administrator located in the Brown County Courthouse.
2. No footing or any part of the retaining wall shall be placed below 1425 feet mean sea level.
3. The following information is required prior to any retaining wall being constructed:
 1. Shoreline corners must be staked before a permit is issued.
 2. The proposed wall location must be clearly staked.
 3. The origin of any/all backfill material must be stated on the permit application and must be permitted by Brown County if the wall is located in the floodplain.
 4. Retaining wall design/specifications.
 - a. List of all materials and description of how they will be utilized.
 - b. State total length of wall.
 - c. State height of wall above 1425 feet mean sea level.
 - d. State distance between dead men.
 - e. If a cap is used, state width.
4. Anyone desiring to build a private boat ramp on their property and have that ramp extend into the lake shall comply with the District's requirements as well as the permitting and construction standards set forth by Brown County and administrated by the Brown County Floodplain Administrator.
 1. Shoreline corners must be staked before a permit is issued.
 2. The proposed ramp location must be clearly staked.
 3. The origin of any/all backfill material must be stated on the permit application and must be permitted by Brown County.
 4. Ramp design/specifications.
 - a. List of all materials and description of how they will be utilized.
 - b. State total length and width of ramp.
 - c. State how the ramp will be secured.



Excerpt and contact information from email recieved from David Madden USACOE

Dennis, great talking with you about the possibility of dredging at Lake Brownwood, this is a great time to do this work as it usually is cheaper in the dry and does not result in turbidity issues. Thanks for your interest regarding dredging and permitting through the Corps of Engineers and the Clean Water Act. As we have discussed, the “trigger” for a Clean Water Act permit is the discharge of dredged or fill material into a water of the United States. A water of the U.S. would include any stream, river, lake, reservoir or wetland, including anything below the conservation level of Lake Brownwood. The discharge of dredged or fill material would include the placement of any fill below the “conservation level” of the lake, or into a stream, even a dry creek bed.

Regarding dredging operations, placement of a drag-line, track hoe, or back-hoe on the shoreline or on the dry lakebed and swinging out onto the lakebed, scooping and dumping the material on the upland (or in a dump truck) would not require a permit as there is no “discharge of fill” occurring. Using a bulldozer, bobcat or tractor out in the lake bed, even in the dry would require a permit as the pushing of the pile of sediment in front of the blade is deemed a discharge of fill which would require a permit. I have attached LOP-2 for excavation activities for your use.

Other activities that may require permitting from the Corps includes construction of a boat ramp into the water while the construction of piers and pier supported boat houses do not require a permit. I have attached a copy of nationwide permit (nwp) 36 for boat ramps as well as Regional General Permit (RGP) 8 for boat ramps and associated facilities for your use. You will see that unless the project needs a preconstruction notification (pcn), homeowners may not need to send in a request for a permit as they are already covered by the permit if they follow the scope of work covered by the permit.

I am also providing information regarding bank stabilization projects like retaining walls. Most work at Lake Brownwood would be covered by this nationwide permit (nwp)13 for bank stabilization activities (nwp and application also attached). Again, as long as the work is less than 500 linear feet and less than 1 CY/running foot of discharge below the conservation level, and meets the scope of work of the permit, your landowner is covered by the permit and there is no need to send in the application.

Hopefully this answers some of your questions. If you have any other questions, give me a call and we can discuss them. Perhaps we could meet with you at the lake and discuss some of these issues with you.



**US Army Corps
of Engineers**
Fort Worth District

David

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