

PUBLIC MEETING

Update on LCRA Public Meeting regarding
the Reserves' 249 slip commercial marina across from Cody Park.

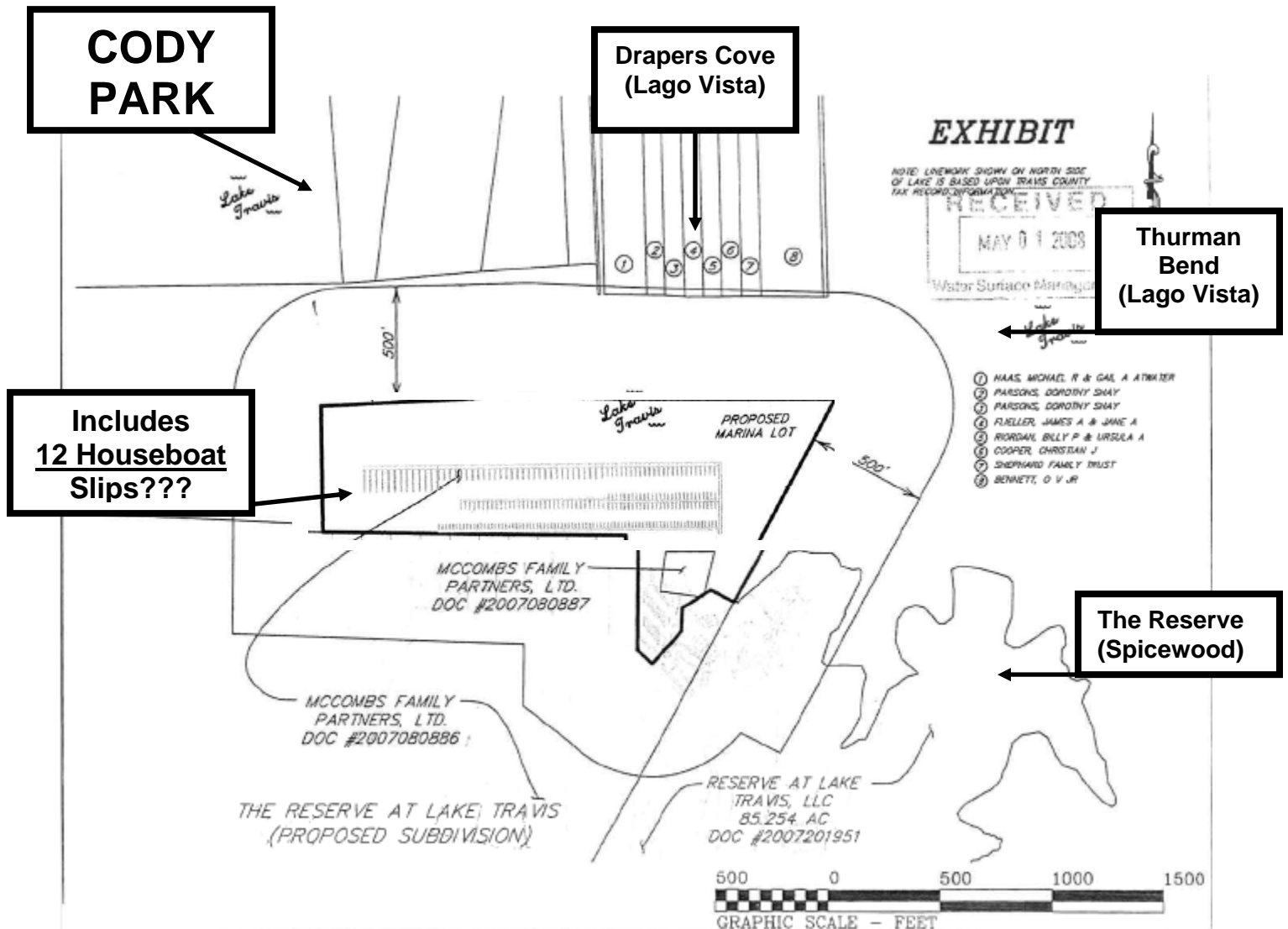
Lago Vista Public Meeting
Tuesday, July 29th, 2008 – 6:00 - 9:00 p.m.
6:00 - 7:30 p.m. Overview/Results of LCRA Public Meeting
7:30 - 9:00 p.m. Q & A
Viking Hall, Lago Vista Middle School, 20801 FM 1431

Purpose/Goals of Meeting: 1) Update concerned citizens; 2) Inform people of actions taken to date; 3) Steps to take to preserve important rights before LCRA's August 6, 2008 comment deadline.

Written Comment to be received no later than August 5th, 2008, to LCRA:

Lower Colorado River Authority
Water Surface Management (Marina Permitting)
Mail Stop M107, P.O. Box 220, Austin, TX 78767

Any citizen concerned about impact on POA parks and Lake Travis should attend!



P E T I T I O N

Date: _____

To: LCRA

We, the undersigned owners of property affected by the proposed 249 boat-slip, 85,628 sq. ft. Reserve Marina at The Reserve at Lake Travis Development, described in the referenced file, do hereby protest against this construction and/or development by Hal Jones Development, LLC.

Our formal Objections:

- 1.) Water Quality Concerns
- 2.) Future Anticipated Lower Lake Levels
- 3.) Submission failure to recognize the shallower contours of the lake on the Lago Vista Side and the impact that has on boat traffic and congestions.
- 4.) FEMA Flood Management maps show The City of Lago Vista has jurisdiction out into the waterways where the Dock could be located.
- 5.) Severe drought conditions and demand could see the lake levels even lower than 2006 – (640)

Signature

Printed Name

Address

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Please returned signed copies to 8015 Bronco Lane no later than 12:00pm Friday.

**Filing a series of Formal Objections to construction of a
Marina at the Reserve 07/16/08**

1) Water Quality Concerns

Water Quality Responsibilities are the responsibilities of the LCRA. All residents in the Thurman Bend area and Drapers Cove area rely on Well water systems in the Trinity Aquifer recharged in part by Lake Travis. The age of the wells has not allowed for protective casing and allows for potential seepage as well. Water contamination by structures, boats, sewage in addition to commercial restaurants and associated traffic is a danger to the communities.

2) Future Anticipated - Lower Lake Levels

The last 24 months and anticipated near future has seen increased tapping of Lake Travis by more and more water demand. New sources to name a few: a) tapped at new 620 location for City of Austin, b) Brushy Creek, c) increased demand Volente, d) increased demand by Northshore – Jonestown, and new support for Round Rock, Cedar Park and Leander communities – will result in the lake being managed at consistently lower lake levels. Dock Construction requirements at 643 feet underestimate the consistently lower lake levels of Lake Travis for the foreseeable future. Current 2008 projections of levels at 660 this summer are under estimated and are currently being reevaluated by the LCRA due to lower than normal inflows.

3) Submission fail to recognize the shallower contours on the Lago Vista side of the lake and its impact to boat traffic and congestion

Current submissions focusing on the contours and management of the structures limiting consideration to just the depth of the water on the Reserve side fail to recognize the more shallow depths of water on the Lago Vista side of the lake. Boat traffic will be more limited than anticipated. Commercial plans (restaurants) severely increase dangers. Current public swimming areas currently maintained by Lago Vista POA cannot survive these conflicts. This also impacts Drapers Cove Communities/Property owners. LCRA minimum mandates of 50 foot clearance by all boat traffic forcing traffic onto narrow and shallow waters consistently.

4) FEMA Flood Management maps show The City of Lago Vista has jurisdiction out into the waterways where the Dock could be located

The community is not in favor of construction of such a commercial facility.

5) Severe Drought Conditions and demand could see lake levels even lower than 2006 (640).

Future predictions show lake levels could drop into the high 500's and passage along the Cody Park narrows of the lake would be virtually impossible for boat traffic. Commercial Marinas have found themselves having to move structures into deeper water alternatives as recently as 2006 and there are no alternatives in the area of the Reserve for this potential.

Date: July 16, 2008

To: James Dunnam

Fr: Pamela Hanley

Re: Supplemental Summary Information on Formal Objections from Thurman Bend (Poole Place), Property Owners in Drapers Cove, and Property Owners in Lago Vista

Objections that the marina violates multiple provisions under the LCRA Highland Lakes Marina Ordinance:

Section 6.02 Pollution Control –

B. Nonpoint Source Pollution Control – Marina offers comprehensive maintenance

C. Water Quality Analysis Statement – No Water Quality Analysis has been submitted

Boat Sewage – See the formal objection package – this area of the lake is an unusually sensitive area of the lake due to the highest concentration of private water well systems than any other location on Lake Travis. Swimming areas in Lago Vista will also be impacted

Solid Waste collection and disposal

Impact to freshwater exchange and flushing action of a Cove – See the formal objection package – Coves at the boat marina and opposing the boat marina will be affected

Hazardous or toxic material storage and Pollution prevention – See formal objection package – again the presence of unsophisticated water treatments systems on the highest concentration area of private wells on Lake Travis

Marine Service Station operations and Pollution prevention

Boat Cleaning

Fuel Spills – *Special Note* – the current regulations allow for up to 24 hours to respond to fuel spills – this is an intolerable requirement given the potential for petroleum poisoning of the largest concentrations of private wells in the Lake Travis area – rendering private residents completely without any source of water or nearby fall back supply systems.

Section 6.03 Location and Configuration

- (1) **Maximum Distance from Shore** – the marina has a 630 contour line falling under the facility and will exceed the 400 foot distance requirement per regulatory low water calculations
- (2) **Locations 1000 Feet or Less in Width** – the width at “low water” calculations will be less than 1000 feet on portions of the marina and the marina exceeds the 10 % distance extension limits
- (3) **Locations greater than 1000 Feet in Width** – the width at “low water”

calculations even at widths slightly over 1000 feet will exceed the 20% extension limits

- (4) **Fairways** – the Fairway width of 1.75 times the longest boat will intrude and cause displacement of boat traffic and impact recreation on the Lago Vista and Drapers Cove side of the lake
- (5) **Displacement of boating traffic in area** – See for formal objection package. LCRA Bathymetry Data shows contours that reveal sand bars beyond low water points in a complex series of contours on the Lago Vista and Drapers Cove side of the lake that will interfere with the displaced boat traffic in the area and will essentially eliminate the recreational usage of the current parks.
- (6) **Prevailing winds** – the management of the docks in the prevailing storm fronts frequent to this area of the lake, extreme white capping and 70 + mile per hour wind sheer down this corridor of the lake in seasonal storms will make it impossible to manage fuels lines, sewage lines and restaurant grease trap systems without the possibility of breakage or leaks and cause irreparable harm to the largest concentration of private wells serving private homes than any other location on Lake Travis.

B. **Property Ownership** – The Marina Facilities is required to be located over a Lot that is owned by The Reserve. It will not be over owned property. It is assumed that The Reserve has negotiated a lease of lane from the LCRA and the LCRA has a conflict of interest in the permitting process associated with this project. Applicant is required to provide the name and address of the owner of the Lot – including that portion under the water, an affidavit from the LCRA, and other required documentation per the regulation

C. **Setback Requirements**- the Structure does not meet the set back requirements and may actually conflict with property owners across the lake

D. **Public Water Supply** – See for formal Objection package. This project will introduce a never-before present pathogen load in a portion of the lake with direct recharge zones to the Trinity Aquifer and the largest concentration of water wells supporting private homes than any other area of Lake Travis. Computer systems cannot be relied on for information on wells and locations and tedious search of paper records and historic records will support the presence of these conditions.

E. **River Channels** – Construction falls within the 200 foot ban in relation to the edge of the edge of the main channel of the Colorado River located nearest to the Shoreline where the Marina Facility is to be located.

Public Notice requirements – The applicant failed to provide proper public notice per the regulations

This is not an all inclusive series of objections and other regulations may also apply - but this should serve as a brief summary and overview on why this project should not be approved.

Attachments – drawings at 640

07/16/08 – Sent via email

To: Gregg Evans " <Gregg@lvpoa.org>

CC: angie@lvpoa.org, djfreeman@austin.rr.com, dshafford@austin.rr.com, ggatesr@yahoo.com, lagomgr@lago-vista.org, mrmrshooter@austin.rr.com, rick@lvpoa.org, terry@lvpoa.org, vhalsted@sbcglobal.net

Update Sent to the LVPOA and The City of Lago Vista after the Public Meeting
Follow-up on the Marina Proposed by The Reserve

- 1) Wanted to follow-up on Greg's previous memo
- 2) Give an update on the meeting
- 3) Continue to communicate on actions going forward

I appreciate your time in advance. I am a current private property owner in Lago Vista - owning land on the Highland Lakes Golf Course and owning two large commercial tracks here in Lago Vista with our active building on Bronco Lane and our new office building under construction near city hall. I have owned and renovated a number of homes in the community over the years and been active in the area since the late 1980's. We employ close to 40 people and have quality jobs in the community that allow for home ownership by our staff in the community. Both these property owners and ourselves, along with other property owners in the community the Drapers Cover Communities and Thurman Bend Communities - are active on this issue and will remain active on this issue.

- 1) Follow-up on Greg's previous email after my diagram of the proposed facility at lakes levels of 640 per the regulations.

Yes there are suspensions of some rules below 640 and Lago Vista marina (constructed before the marina ordinances) has enjoyed some of those exceptions. As I read the 2004 regulations - new marinas must be approved with the rule that construction will not require movement at lake levels of 640 and they can sustain themselves at that level without movement. That is why the regulations require calculation of the width of passageways at this lower level - assuming that the docks will move as they progress down from 681 to 640 - but must demonstrate that they have a home at 640 without movement. This is a critical issue in the package we submitted. The Bathymetry line on LCRA software across the lake shows 630 under the currently drawn location on The Reserve submission packet which acknowledges the contour exists - but shows it as reflecting "610". This would mean - as in the drawing I submitted that the dock would move farther out into the channel and exceed the requirements under the rules. The debate will be over what is the reading of this contour. Again Greg is right - if the contour is at 630 as we suspect - then they can re-engineer and re-submit. However - I remind you that this all takes place after August 6th - the closure date for public comment and to even interact as an entity after this date - some written comment must be submitted by the LVPOA to maintain that right - regardless of the outcome. They will not begin any of the engineering evaluations until after the comment period and I explain further below. Waiting until after this process - means the LVPOA and the City cannot participate in any way.

- 2) The meeting was attended by property owners from Lago Vista, Drapers Cove and the Thurman Bend Community.

The Reserve made a commitment to no fuel and no restaurant on the marina in the overview. They will have public boat slips for those who wish to attend the restaurant site on the cliff by accessing the marina. They will have sewage evacuation facilities for all the boats.

The Reserve has stated that while they may not construct all of the proposed 249 slips immediately - they will construct the full 300 foot deep and 1500 foot long breakwater - creating a permanent structure in the water. This will be the first activity. They have 24 months to complete all the boat slips.

They had no idea that people on this side of the lake would in any way be upset. They advertised in the Statesman and in news papers on the south side of the lake to meet the ordinance.

There was a request that the LCRA and The Reserve hold a meeting on this side of the lake to eliminate the 1.5 hour drive and allow for more participation. The LCRA indicated that this public meeting does start the time clock and technically there is no further need for a meeting - but they would consider it.

The cut off per the LCRA for Written comment is August 6th and only those that have made written comment can participate in the process on a go forward basis. This mere comment and listing of an address requires the LCRA to interact and to give information and feedback to the participant.

The Reserve has chosen to enter into a water intake sharing agreement with another community on the south side of the lake. There are strict regulations on the construction (bans) of commercial and private docks within 1000 feet or more (I am researching this regulation) of any public water intake. They want to maximize the total shoreline of The Reserve because most of the home owners intend to build private boat docks of their own on the water. Any public water intake at the Reserve would severely limit the construction of boat docks. The REserve will also see private docks on the cliff site adjacent to the marina in addition to the marina.

There are 118 home sites. There will be 249 boat slips. They have agreed to share these boat slips and rent them out to adjacent communities on that side of the lake.

The Reserve recently purchased land in the water under the proposed marina from the LCRA. It is not reflected on the software maintained by the LCRA as of yet but is supposedly evidenced in the submission packet and we have requested this information.

Lago Vista residents asked why they could not downsize the facility to the number of home owners that will not be building private docks - meaning 50 or so slips. No - is the response without question

Drapers Cove Residents asked that they redesign the structure so that it was not 300 feet out into the lake and cut back on the number of slips - No - is the response without question.

Lago Vista residents asked if they would consider eliminating the 100 foot boat slip features - No is the response without question.

Questioning them about the anchor systems on the structure. This is an area that is still undecided. At some point in the next two weeks - there will be drilling samples taken from the slopes under the lake on The Reserve side to see if this marina can be managed on an up and down adjustment system anchored into the shoreline below. "If they find it is 'muck' and cannot support the anchoring system - then they will simply have to throw 10,000 weights over into the River Channel (Lago Vista Property) to anchor the system. There is a tremendous focus on the requirement to stay 200 feet back from the original river channel per regulation. This appears to be a real hot button and potentially changes the configuration of the dock - if they cannot meet this requirement. (LVPOA and City of Lago Vista should be aware - In previous litigation on dock placement issues up the lake over the past 24 months, residents successfully won the battle to reduce a 260 slip dock to 70 slips by virtue of where the anchor system fell and LCRA imposed this reduction.)

The issues of Water Quality - its impact to the highest concentration of private water wells and community wells and the same issues and concerns applied to "free pathogen and chemical" contamination of 30 year old, long standing property owner's parks - they were completely out of their element. This was a

new issue and the Docks and Marina's department is not comfortable with this. There is some talk of immediate involvement of the TNRCC (TCEQ) and this is an issue that they are taking a strong look at.

With regard to our objections on the Bathymetry data and the convoluted sand bar and boat traffic pattern issues - the Reserve had not pointed this out and this was new news to the LCRA. The LCRA does say that they will be in the water in August - after the close of public comment period reviewing this data. The current issues are that our submission packet says that these 630 contour lines exist on The Reserve side and they are very convoluted on the Lago Vista Side and the dock engineer on The Reserve Side say they simply do not exist.

The meeting was held in the outside pavilion at The Reserve. It required RV's to attend by land - since the roads are not paved. Some attended by boating across and walking to the pavilion. Residents of all three communities attended. The meeting was interactive and cordial. The Reserve is not open to compromise and is proceeding. The communities participating are likewise not compromising and proceeding.

3) Actions to date:

- A number of property owners from the Lago Vista Community, the Draper's Cove Community and the Thurman Bend (Poole place) community attended
- A large package of information was submitted on behalf of these three communities (I have given a copy of the full package with attachments to the LVPOA for review and to the City of Lago Vista). I am attaching the cover report to this email citing our concerns and objections.
- The residents have submitted a series of objections - including dimensions, waterway measurements, how we feel that it exceeds the marina regulations, along with intense water quality concerns.
- The residents of Lago Vista, Drapers Cove and Thurman Bend all signed a series of petitions with summarized objections on top of the information package. These petitions consisted of our summary issues, names and addresses - forcing individual response and information to each participant on the petition and preserving the rights to participate in the process on a go forward basis.
- Communities continue to circulate these petitions and gain additional signatures and will submit these as "written comment" each week until the cut off date
- Residents feel the need for a follow-up meeting. It is not known whether The Reserve or the LCRA will participate - but participants will probably go forward with some form of meeting in follow-up.
- When asked of the LCRA how seriously our individual voices would be heard - the response was "they would certainly take notice if the City of Lago Vista and or the LVPOA" submitted any level of concern.
- Our thoughts are that while matter of engineering and whether this structure meets the regulations will ultimately be matter of what takes place in the water during the evaluation period after the public commentary period takes place - it was important to specify objections on all aspects of the project to remain a part of the dialogue. The LCRA said that these comments (including those on engineering, contours, placement, occupancy of the river channel, request for focus of contours on the LAgo Vista side in addition to The Reserve side etc...) became part of the action items that they were mandated to check and respond to when the public makes comment. In the absence of these comments - they are free to evaluate as they see fit. Whether or not it meets requirements - comments in these areas force inspection of these issues and response.
- We are proceeding on the matters of water quality that will impact the enormous concentration of water wells and swimming in the area. This has direct application to all three communities.

Individual citizens of all three communities are continuing to make comments and create evidence of written objections on this matter and will be submitting this paperwork through our working relationships with the LCRA administrative teams. I ask once again that the City of Lago Vista and the LVPOA add its voice through a simple written objection to the project to preserve the rights of city residents and members of the LVPOA expressing concerns with regard to the project. The information package submitted to date is structured to be inclusive of all three communities and the concerns. The LCRA feels that this may take a number of months and all of our goals include meeting the administrative guidelines

in creating a written input for records purposes so that we can continue to interact throughout the course of the process.

Regards,

Pamela Ritz

Pamela Hanley

pritz@icgcorp.com

Date 07/19/08

To: Residents of Thurman Bend, Drapers Cove, and Lago Vista

Re: Update - Commercial Marina at The Reserve – Across from Cody Park

As you are aware – the beginning of the “Public Comment” time period began this past week on Wednesday July 16th, with the first step in ‘marina permitting’ by the holding of a public meeting at The Reserve.

What have we done to date:

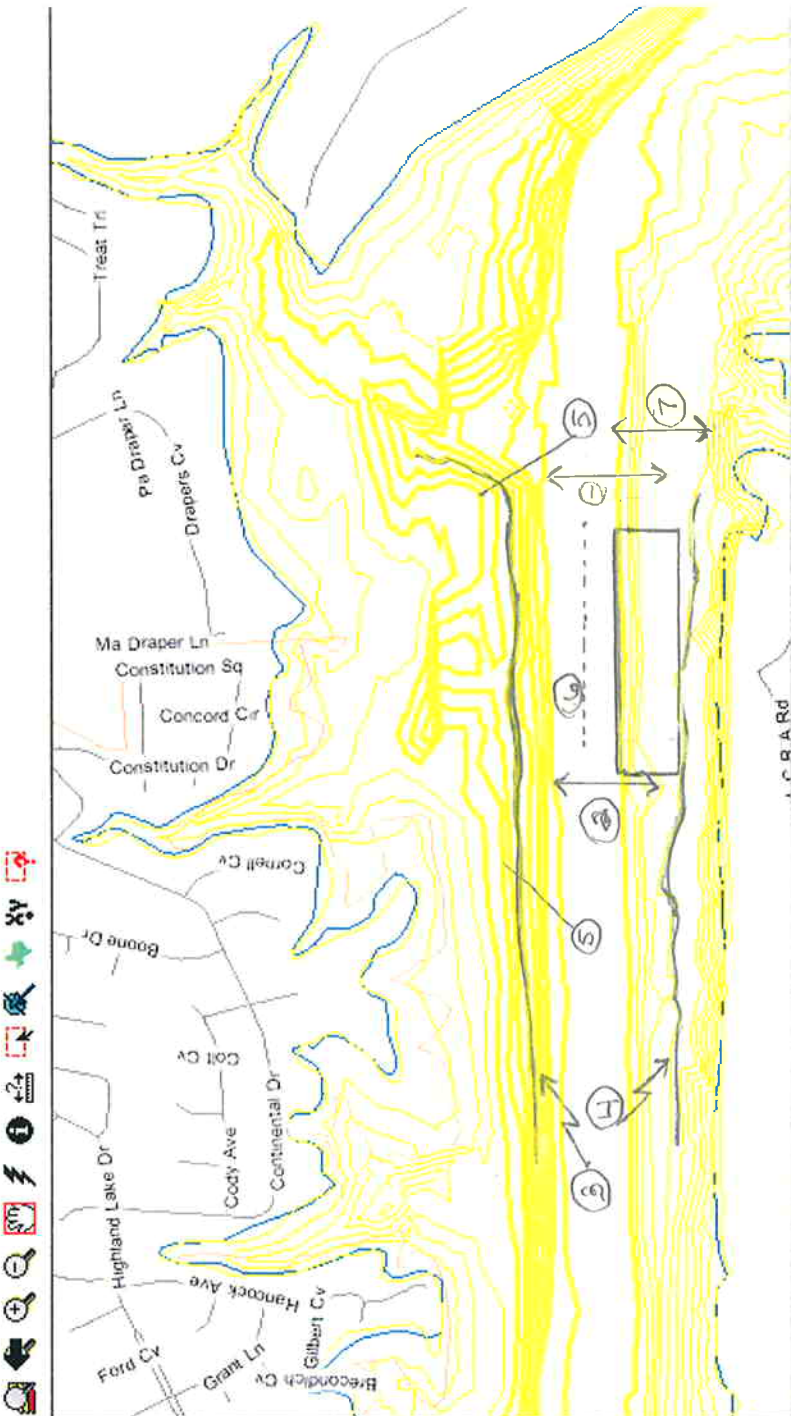
- I have an attached email sent to LVPOA and City of Lago with the minutes of the meeting – this is the best way to get an update on what was learned at the meeting. I also attached our objections on Lake contour data.
- We turned in a thick package listing our objections and concerns complete with attachments. Additional copies of these packages have been given to a few of the residents in each of the communities if you would like to review the full package
- We turned in the signed petitions from each of the neighborhoods. We were told by LCRA that names and addresses in writing of people expressing concerns would result in the LCRA having to respond to each of us. Petition Signers (who put addresses) - You should receive a letter of acknowledgment from the LCRA. This also indicates by receipt – that you have preserved your rights of appeal as this process goes forward. We have received ours and let’s make sure that you too have responses coming from the LCRA. **If you are not “acknowledged” – Please see the attached comment form provided by the LCRA at the meeting. It must be completed and received by the LCRA no later than August 6, 2008.**

What is still being done:

- **Planned Public Meeting Scheduled:**
 - o Tuesday, July 29, 2008 at 6:00 at Viking Hall (Lago Middle School)
 - o To keep the community informed and give an update
 - o To make sure that people understand how to file written concerns and maintain the rights of appeal throughout the process.
- **Actions Planned –**
 - o **Boat traffic analysis** through Thurman Bend over weekends – Video
 - o **Water Quality Analysis** – The construction company has encouraged us to visit other projects on the lake and residents have expressed interest in a water sampling project with similar boat loads, sewage facilities, and restrooms.
 - o **Reinforcement in writing** of our requests to have an independent and careful study of the actual lake contour data on both sides of

the lake during the 'LCRA engineering period' following the public comment period.

- **Continued written objections** – for all those who have not yet filed concerns – we attach the actual LCRA commentary form from the meeting and there are active citizens continuing to circulate the previous petition format with concerns attached for submission. These will continue to be sent weekly to the LCRA. As any new concerns or objections or new people arise – the LCRA will continue to take written input until **August 6th, 2008**. You can file more than one time if there are additional thoughts not expressed initially. Only those filing written concerns will preserve any right to appeal and participate after that date.
- Continue to interact with the LVPOA and Lago Vista and hopefully get them to file some written concerns or comments by August 6th to preserve the rights of the Property owners association and the City of Lago Vista. Individual property owners are participating on petitions of concern and individual complaint forms – in the meantime.



- Set Active Layer:
 Bathymetry (Highland Lakes) 1'
- LAYERS**
- Map Changes
 - LCR A HARN Points
 - Colorado River (EPA)
 - Lakes (EPA)
 - LCR A Stream Network
 - Bathymetry (Highland Lake)
 - Lady Bird Lake Contours
 - Highwater Marks Pedernales
 - Floodplains
 - Riverfront Data
 - Hydrology
 - County Parcel Data
 - Roads and Railroads
 - Cities and Counties
 - Imagery
 - LCR A Parks

Refresh Map

Auto Refresh

Click for
 Table of Contents Help

Click in the toolbar above
 to view the Legend

Bathymetry (Highland Lakes) 1995

Rec	OBJECTID	ELEVATION	#SHAPE#	#ID#
1	1991	610	[line]	1991
2	2004	640	[line]	2004
3	2013	610	[line]	2013
4	2017	630	[line]	2017
5	2026	580	[line]	2026
6	2028	620	[line]	2028
7	2036	600	[line]	2036
8	2052	570	[line]	2052
9	2099	590	[line]	2099

Calculations at
 630 contour of lowing
 water depths under
 dock

- ① 1125'
- ② 1009'
- ③ 630 CONTOUR
- ④ 630 CONTOUR
- ⑤ 640 CONTOUR
- ⑥ 1.75 NAVIGATION PASSAGE
- ⑦ 520 FEET FROM 630
 40% of channel
 46% of channel left