PROGRAMMATIC GENERAL PERMIT 10

MINIMAL IMPACT ACTIVITIES AUTHORIZED IN CONJUNCTION WITH THE STATE OF UTAH'S STREAM ALTERATION PROGRAM

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U.S. ARMY

US Army Corps of Engineers®

PERMITTING AUTHORITY

- Section 10 Rivers and Harbors Act 1899
  - Requires authorization for the construction of any structure in, over or under any navigable water of the United States.
- Section 404 Clean Water Act 1972
  - Requires that a permit be obtained from the Corps prior to discharging dredged or fill material into “Waters of the United States, including wetlands”

PGP 10: OVERVIEW

- **Minimal impact** activities authorized in conjunction with the State of Utah's Stream Alteration Program, administered by the Utah Division of Water Rights (UDWR);
- Purpose: eliminate regulatory duplication, **streamline permitting** for activities that must also be authorized through a state stream alteration permit.
- Originally issued in 1987 (as PGP 40);
- Current PGP 10 was re-issued February 22, 2021, valid until **February 22, 2026**.

PGP 10: APPLICABILITY

- PGP 10 applies only to **stream channels**.
- **Minimal impact** activities.
- Examples of potentially covered activities include:

  - culvert installation/extension
  - bridge abutments
  - utility crossings
  - bank stabilization*
  - linear transportation projects
  - intake/outfall structures
  - boat ramps and docks
  - commercial and residential construction
  - flood control facilities
  - restoration projects

ACTIVITIES NOT INCLUDED

PGP 10 does not authorize the following:

- **discharges** of material **into** special aquatic sites (**wetlands**, springs, fens, **riffle/pool complexes**, etc.)
  - Note: restoration activities in riffle/pool complexes are authorized
- relocation, channelization, or realignment of natural channels (unless a functional increase can be demonstrated)
- activities in stream channels on **Tribal land**
- after the fact permitting or **unauthorized activities**
- impacts that are **more than minimal** or **require compensatory mitigation**
- activities that may adversely affect federally **listed species***
- activities that may adversely affect **historic properties***
- **emergency actions** (use RGP 8)

PGP10: LIMITATIONS

- Activity must be a single and complete project
- No more than **300 linear feet** may be impacted permanently or temporarily.
- Stream **restoration/enhancement** activities are also limited to **300 linear feet**.
- PGP-10 authorizations **cannot be modified**.

PGP 10 AND CWA SECTION 401

Category 1 and 2 Waters

- Compliance with the Antidegradation Policy requiring that pollution to Category 1 and Category 2 waters be temporary and limited.
- DWQ must review all projects with the potential to discharge to those waters.
- Primarily on **Forest Service** lands.
- If DWQ determines a project would degrade the quality of a Category 1 or 2 Water, the project is excluded from a PGP-10 permit.

DEFINITIONS

Category 1 Waters

– *“Waters which have been determined by the Board to be of exceptional recreational or ecological significance or have been determined to be a State or National resource requiring protection, shall be maintained at existing high quality through designation, by the Board after public hearing, as Category 1 Waters.”*

Category 2 Waters

– *“are designated surface water segments which are treated as Category 1 Waters except that a point source discharge may be permitted provided that the discharge does not degrade existing water quality.”*

LOCATION OF CAT 1 AND 2 WATERS

PGP10: RESOURCES

Where to find the PGP10 permit document?

- https://www.spk.usace.army.mil/Portals/12/documents/regulatory/gp/PGP-10/PGP10andWQC.pdf?ver=cIKfw27lD931nB_pJn3Sag%3d%3d
- Where to find the PGP 10 application form?
- https://waterrights.utah.gov/strmalt/JointPermitApplication.pdf

PGP10 applications should be submitted to the Utah Division of Water Rights (UDWR) (filing instructions included on the Joint Application Form)

PGP10: CORPS REVIEW PROCESS

- UDWR Transmits PGP10 application for agency review and comment.
- The Corps will generally notify the UDWR of its determination within 20 days of receipt of application.
- Corps review will generally result in 1 of 4 possible outcomes:
  - Activity authorized under PGP10
  - Activity not authorized under PGP10
  - Activity does not require Corps' authorization (no discharge associated)
  - Activity *may be* authorized under PGP10, but additional information is needed to complete the application or determine PGP 10 eligibility.

STREAMLINE PERMITTING PROCESS

- Get Corps involved early
  - don’t wait until the last minute
- Avoid impacts where possible
  - no permit required if no impact within Corps’ jurisdiction
- Minimize, minimize, minimize (and demonstrate minimization in application)
- Ensure application is fully filled out and complete!

PGP10: JOINT APPLICATION FORM

Rec. by _____
Fee Rec. _____
Receipt # _____

JOINT PERMIT APPLICATION FORM

U.S ARMY CORPS OF ENGINEERS – FOR SECTIONS 404 AND 10
UTAH STATE ENGINEER'S OFFICE – FOR SECTION 73-3-29 OF THE UTAH CODE

Application Number (assigned by): _____ / _____ (Corps / State Engineer)

APPLICANT INFORMATION

Applicant name (Last, Middle, M.I)	Applicant telephone number	Applicant email

Applicant address (street, RFD, box, number, city, state, zip)

AUTHORIZED AGENT INFORMATION (if any)

Authorized agent name	Authorized agent telephone number	Authorized agent email

Authorized agent address (street, RFD, box, number, city, state, zip)

PROJECT LOCATION AND STREAM INFORMATION

Name of stream to be altered	Latitude (in decimal degrees) Longitude (in decimal degrees)	County

Project location or address

Characteristic water flow of stream to be altered

- ☐ Water flow year-round (perennial)
- ☐ Water flow during part of the year (intermittent)
- ☐ Water flow only during/immediately following rain (ephemeral)

PROJECT INFORMATION

Final scope of work. Brief description of project including construction methods, equipment, etc. to be employed to complete the work.

Will the work result in the relocation, straightening, piping or a rearranging a natural stream channel? ☐ Yes ☐ No

Purpose (justification) of project.

Is this a single and complete project* or is part of a larger project, continuing project, or other related activities? ☐ Yes ☐ No
If so, please describe the larger project or other related activities?

* A single and complete is the total project proposed or accomplished by the applicant. Single and complete projects may not be "piecemealed" to avoid the limits in this PGP authorization.

PLACEMENT OF FILL MATERIAL IN WATERS OF THE U.S.

Will fill* material be placed in the stream for the construction of the project? ☐ Yes ☐ No

Linear feet of stream that will be impacted below ordinary high mark water** elevation.	
Acreage or square footage of stream affected by the project.	
Source and type of fill material	

* Examples of fill material include, but are not limited to: rock, sand, soil, clay, plastics, construction debris, wood chips, and materials used to create any structure or infrastructure in the waters of the U.S.
** The ordinary high water mark is the line on the bank established by fluctuations of water and indicated by physical characteristics such as shelving, destruction of terrestrial vegetation, presence of litter or debris, or changes in the character of soil. (see Figure 2 on page 2 for clarification).

ADDITIONAL PROJECT INFORMATION

What steps were taken to avoid and minimize impacts (i.e. avoid unnecessary impacts, minimize unavoidable impacts) to the stream? Indicate best management practices (ex. silt fencing) to be utilized during construction activities to avoid and minimize impacts to the stream.

Describe any proposed mitigation to offset impacts to the stream channel.

Describe dewatering method if working in wetted channel/live water (provide drawing/sketch if necessary).

Alternatives (other ways to accomplish project purpose).

Cultural resource impacts

Are you aware of any cultural resources or any historic properties that will be impacted by the proposed project? ☐ Yes ☐ No
If Yes, please explain.

Has a cultural resource survey been conducted on the property where the proposed project is to occur? ☐ Yes ☐ No
If Yes, please briefly explain the survey results.

Threatened and Endangered Species impacts

Are there Federally-listed Threatened and/or Endangered Species in the project area? ☐ Yes ☐ No
Have surveys for Threatened and/or Endangered Species been conducted on the property where the proposed project is to occur? ☐ Yes ☐ No

List other authorizations required by Federal, state, or local governments (i.e. National Flood Insurance Program), and the status of those authorizations.

Federal Involvement: Is there a federal agency involved in this project (lease, right-of-way, funding, additional authorizations)? ☐ Yes ☐ No

Estimated starting date of project	Estimated completion date of project

PGP10: JOINT APPLICATION FORM

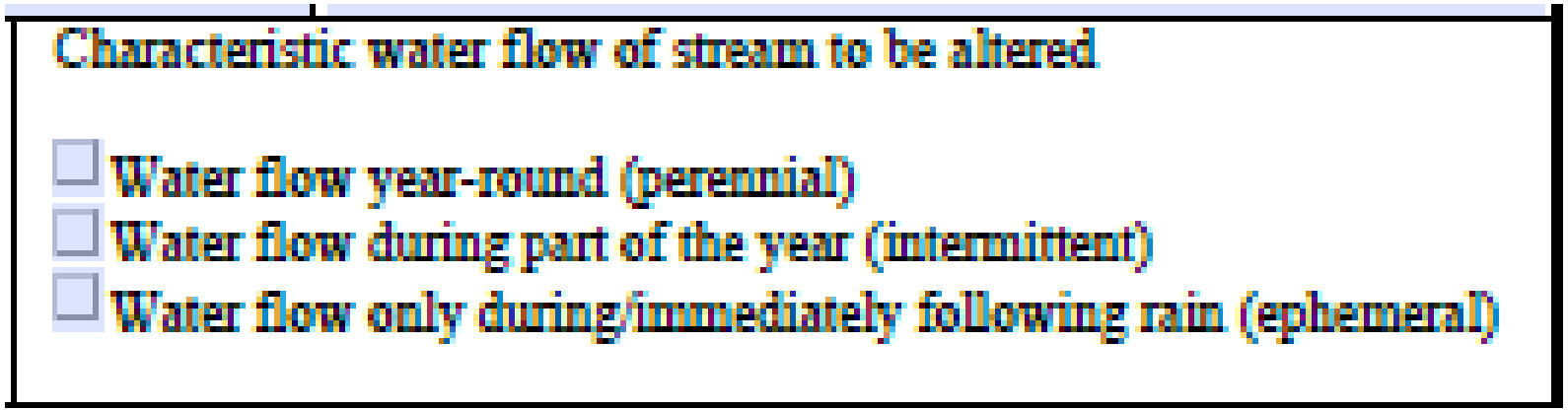
- Applicant contact information, including email
- Project location
- Project description (be specific and be thorough)
- Project purpose
- Single and complete project? - Independent Utility – Can the project be done without other components?

PGP10: JOINT APPLICATION FORM

PLACEMENT OF FILL MATERIAL IN WATERS OF THE U.S.	
Will fill* material be placed in the stream for the construction of the project? ☐ Yes ☐ No	
Linear feet of stream that will be impacted below ordinary high mark water** elevation.	
Acreage or square footage of stream affected by the project.	
Source and type of fill material	
* Examples of fill material include, but are not limited to: rock, sand, soil, clay, plastics, construction debris, wood chips, and materials used to create any structure or infrastructure in the waters of the U.S. ** The ordinary high water mark is the line on the bank established by fluctuations of water and indicated by physical characteristics such as shelving, destruction of terrestrial vegetation, presence of litter or debris, or changes in the character of soil. (see Figure 2 on page 2 for clarification).	

Description of proposed fill (including length of stream to be impacted **below OHWM**, acreage of stream affected, source and type of fill material)

PGP10: JOINT APPLICATION FORM


Characteristic water flow of stream to be altered

- ☐ Water flow year-round (perennial)
- ☐ Water flow during part of the year (intermittent)
- ☐ Water flow only during/immediately following rain (ephemeral)

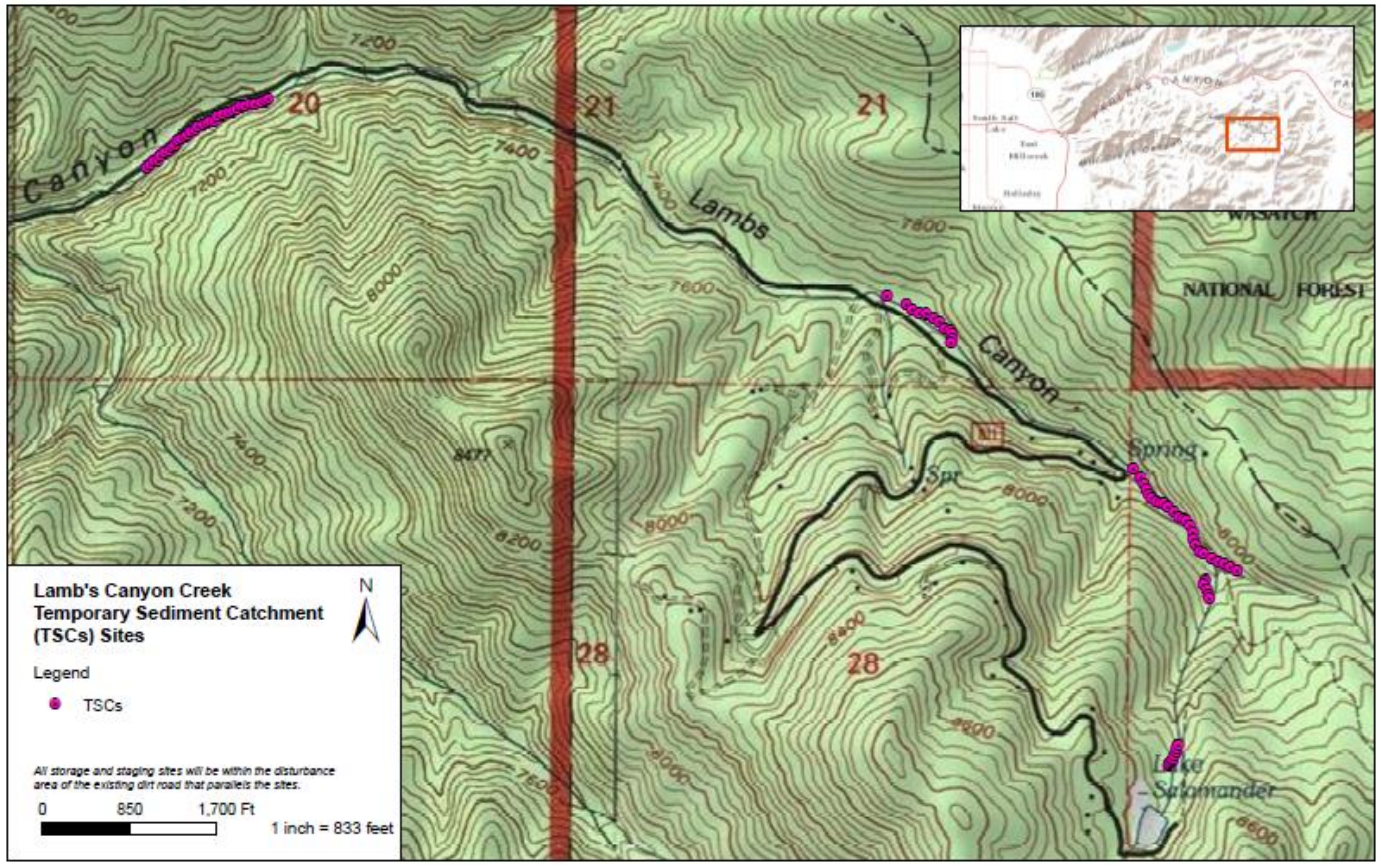
Must determine the type of stream (perennial, intermittent, ephemeral)

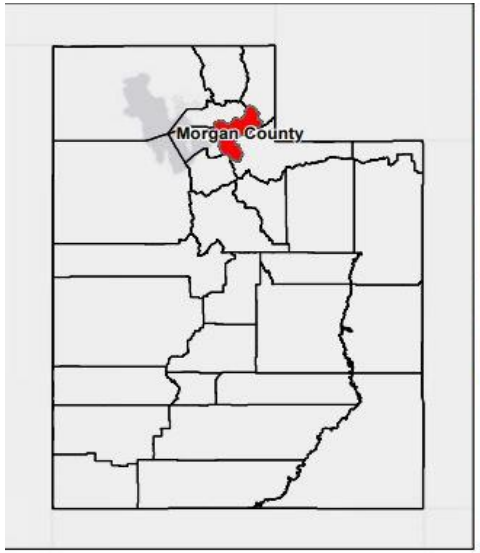
PGP10: JOINT APPLICATION FORM

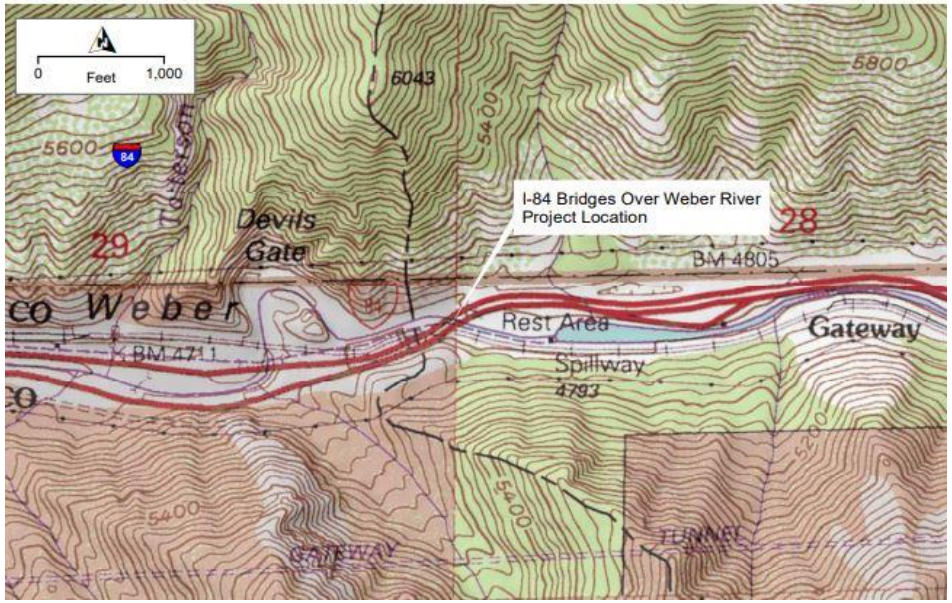
- Alternatives considered
- Proposed mitigation
- Cultural resources information
- Other government authorizations required
- Project schedule

PGP10: JOINT APPLICATION FORM

- Clear site location map with enough detail to easily find the site.

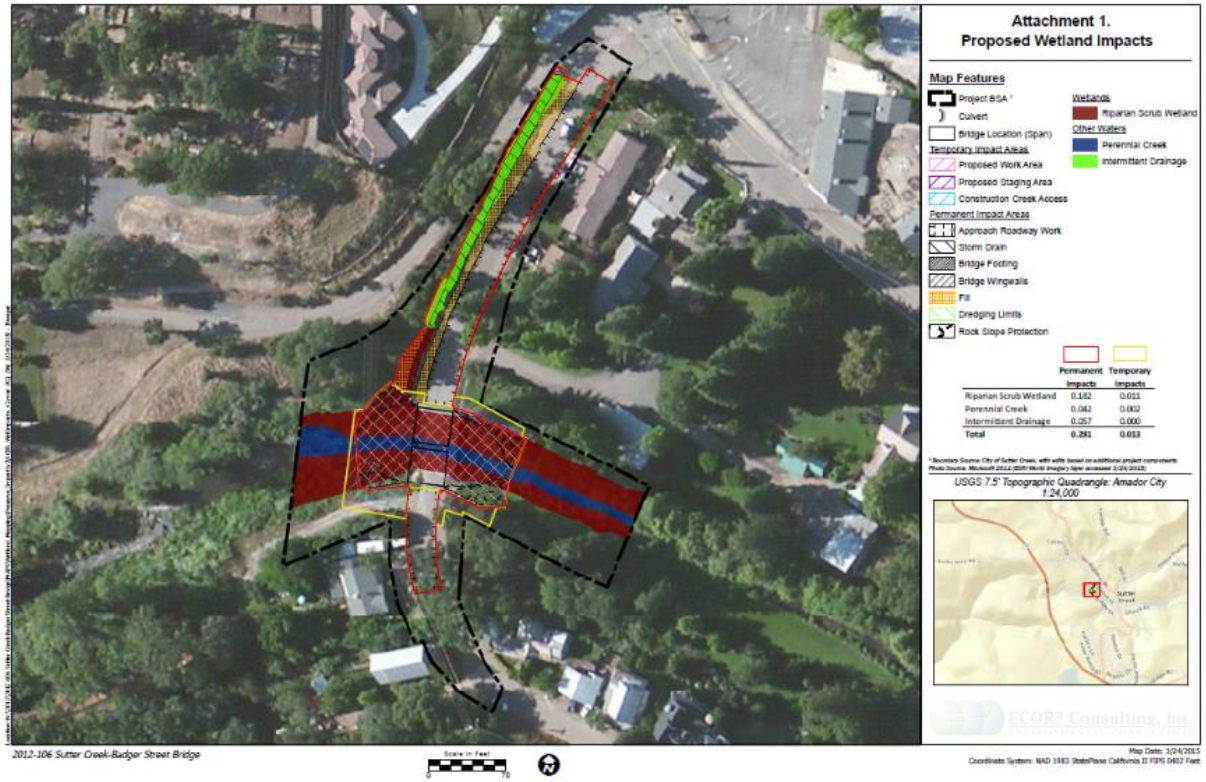


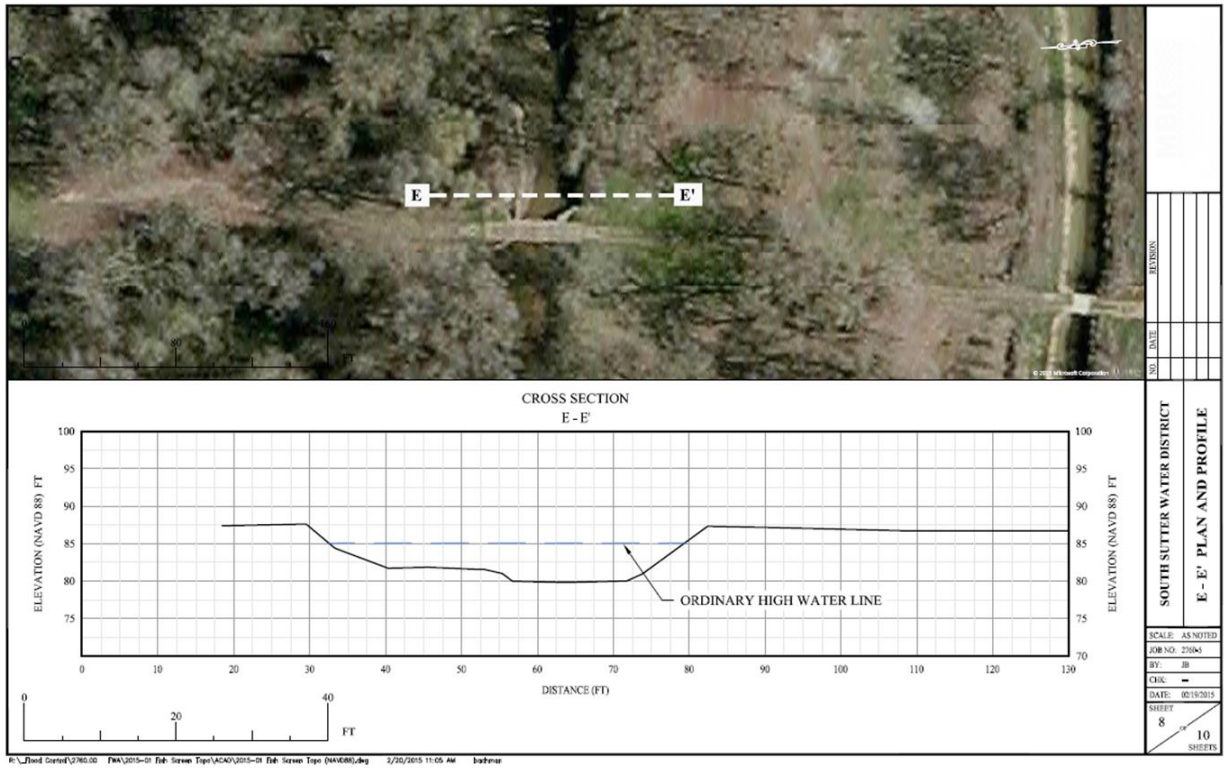




PGP10: JOINT APPLICATION FORM

- Plan view and cross-sectional drawings showing all work requiring a permit – must include the Ordinary High-Water Mark (OHWM).





PGP10: JOINT APPLICATION FORM

"The term ordinary high-water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas."

- Staining or rack lines on bank
- Change in channel slope
- Destruction/ absence of vegetation
- Drift debris

PGP10: JOINT APPLICATION FORM

- Ground photographs taken from various locations of proposed disturbance area (needed to verify site conditions, OHWM indicators, presence of potential wetlands, etc.);
- Restoration plan for any areas temporarily disturbed during work.
- Bank stabilization or protection info (if applicable).

ITEMS MOST COMMONLY MISSING

- Ground photos – not submitted or snow-covered photos.
- Area/volume of fill below the OHWM or length of stream to be impacted.
- **Cross-section** drawing(s) showing dimensions, existing **OHWM**, and proposed activity.
- **Plan view** drawing(s) showing existing **OHWM** and proposed activity.
- Site dewatering methods (if applicable) and best management practices.
- Bioengineering techniques (or rationale for why not practicable).

PGP10: PERMIT CONDITIONS

- Upon authorization, permittees are responsible for adherence to the 22 PGP10 general conditions.
- General conditions are on pages 3-6 of the PGP10
- Read the permit and understand and adhere to all conditions!

- Some examples…..

PGP10: PERMIT CONDITIONS OVERVIEW

GC2: Avoid destruction of riparian vegetation, if riparian clearing is unavoidable, then timing of clearing shall be outside of critical breeding/nesting season;
GC3: No activity may substantially disrupt the movements of indigenous aquatic life, including species that normally migrate through the area;
GC5: Destruction of riparian vegetation to be avoided. Disturbed areas replanted at a minimum 1:1 ratio;
GC6: Bank stabilization activities need to use bio-engineering techniques, unless the Corps determines it not practicable.
GC8: Need to satisfy all conditions of the Section 401 water quality certification issued for this permit by the Utah Division of Water Quality.

PGP10: PERMIT CONDITIONS OVERVIEW

GC10: Fill material must be clean and free of contaminants;
GC12: Machinery must be kept out of stream channel, except where the Corps determines it is necessary;
GC14: Fill must not impair flows into/ or out of adjacent wetlands;
GC15: Timing requirements to work in low flow/no flow conditions;
GC18: Compliance certification to the Corps is required;
GC20: Permittee is responsible for maintaining the activity in good condition.

Questions?

THANK YOU!

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