

# **PROGRAMMATIC GENERAL PERMIT-2** **(SWF-2021-00166 for 2021-2026)**

## **ACTIVITIES AUTHORIZED BY LOWER COLORADO RIVER AUTHORITY** **LAKEWIDE PERMITS**

Work authorized by this PGP is limited to discharges of dredged and fill material into waters of the United States, excluding wetlands, associated with activities specifically authorized by the Lower Colorado River Authority (LCRA) in a lakewide permit during planned lake drawdowns and other events that result in lake levels 5 feet or more below the when-full elevation of the lake.

### **SCOPE OF WORK**

Lakewide permitted-activities eligible for authorization are:

1. **Dredging** of up to 2,000 cubic yards of material below the when-full elevation of the lake (currently 681 feet National Geodetic Vertical Datum (NGVD) at Lake Travis, 738 feet NGVD at Lake Marble Falls, 825 feet NGVD at Lake Lyndon B. Johnson, 888.22 feet NGVD at Inks Lake, and 1020.35 feet NGVD at Lake Buchanan) to maintain access, use, and navigability of lake waters provided:

- No dredged material is placed permanently into a water of the United States other than as necessary to meet the terms and conditions of this permit;
- Dredged areas are gradually sloped downward from the shoreline so as to blend the newly dredged area into the existing channel bottom contour and dredged areas must be smoothed to prevent any irregular surfaces or cuts that might collapse or erode;
- Dredged areas are maintained so as not to allow water to become isolated from the remainder of the lake;
- Dredged material obtained from areas near marine service stations, boat refinishing or repair operations must be disposed of at approved disposal sites for this type of material in accordance with all applicable local, state, and federal laws and regulations.
- If dredged material is placed on land that drains into any water of the United States, temporary erosion controls, such as silt fences, must be used around the material until the material is stabilized by permanent vegetation.
- No dredging is authorized that is either more than 10 feet below the normal or conservation pool elevation of the lake or below the original or previously dredged bottom elevations.

**Note:** If the dredging activity does not result in the discharge of dredged or fill material into waters of the US there is no cubic yardage limitation since such activities are not regulated by the U.S. Army Corps of Engineers.

2. **Clearing of debris**, such as tree trunks and limbs and trash, from around boat docks or retaining walls provided:
  - No material removed is placed permanently in a water of the United States.

3. **Repair** of existing retaining walls and bulkheads, including the placement of up to 2 cubic yards of 6- to 12- inch diameter rock riprap per linear (running) foot at the base of the structure provided:

- The work otherwise complies with the requirements of USACE nationwide permit 3 for maintenance, USACE Nationwide permit 13 for bank stabilization, or USACE, Fort Worth District Regional General Permit (RGP) 8 (CESWF-20-RGP-8) for boat ramps and minor facilities. (For copies of the nationwide permits or RGP 8, see <http://www.swf.usace.army.mil/Missions/Regulatory.aspx> or contact Highland Lakes Watershed Ordinance, Lower Colorado River Authority, P.O. Box 220, Austin, Texas 78767-0220 or telephone (800) 776-5272, extension 3597.)

### **CONDITIONS OF THE PGP**

In addition to limitations discussed in the scope of work, projects authorized by this PGP are subject to the general conditions contained in Appendix A. References in the general conditions to "completion of construction" refer to completion of work within the permit area for the Department of the Army work in, and adjacent to, waters of the United States.

### **LOCATION OF WORK**

This PGP shall be applicable to work in areas regulated by LCRA at Lakes Travis, Marble Falls, Lyndon B. Johnson, Inks, and Buchanan in Travis, Burnet, Llano, and San Saba Counties in the State of Texas (see Appendix B).

### **WATER QUALITY CERTIFICATION**

State water quality certification under Section 401 of the Clean Water Act for the PGP from the Texas Commission on Environmental Quality (TCEQ) was waived.

### **EVALUATION, VERIFICATION, AND COMPLIANCE PROCEDURES**

Permit applicants must possess a valid lakewide permit from LCRA prior to the start of work. LCRA will provide a copy of this PGP with each lakewide permit issued. It is the applicant's responsibility to ensure that the construction is in compliance with all terms and conditions set forth herein. Please pay particular attention to general conditions 12, 14 and 16, which require approval from the USACE before work begins in certain cases involving potential effects to cultural resources and endangered species, respectively. Failure to abide by these conditions invalidates the authorization and constitutes a violation of the Clean Water Act. Provided all terms and conditions are met, work may begin without additional administrative procedures from the USACE except in those special situations discussed below. Projects beyond the scope of this PGP may be considered for authorization by individual permit. In order for this PGP to remain in effect, LCRA must:

1. Provide an annual report 10 working days after October 1 of the number of activities authorized under this PGP for the period October 1-September 30 for the preceding year. Annual reports must also address such matters as: who has been authorized to do work; the scope of the work accomplished; when work was accomplished; and compliance with the scope and conditions of this PGP, including particularly compliance with conditions on cultural resources and endangered species.

Address requests for, and inquiries concerning information about, LCRA lakewide permits to:

**Highland Lakes Watershed Ordinance, Lower Colorado River Authority, P. O. Box 220, Austin, Texas 78767-0220 or telephone (800) 776-5272, extension 3597.**

Address inquiries about this PGP to: **Regulatory Division, U.S. Army Corps of Engineers, Fort Worth District, ATTN: CESWF-DE-RD, P.O. Box 17300, Fort Worth, TX 76102-0300, or telephone (817) 886-1731.**

It is the permit applicant's responsibility to ensure that all authorized structures and activities continue to meet the terms and conditions set forth herein; failure to abide by them will constitute a violation of the Clean Water Act. Projects outside the scope of this PGP can be considered for authorization by individual permit.

This PGP shall become effective on the date of the signature of the District Engineer, or his authorized representative, and will automatically expire five years from that date unless the permit is modified, revoked, or extended before that date. Activities that have commenced, i.e. are under construction, or are under contract to commence in reliance upon this permit will remain authorized provided the activity is completed within twelve months of the date of this PGP's expiration, modification, or revocation, unless discretionary authority is exercised on a case-by-case basis to modify, suspend, or revoke the authorization.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:  
FOR THE DISTRICT ENGINEER:

*Brandon Mobley* 07 Oct 2021

---

Jonathan S. Stover                      DATE  
Colonel, Corps of Engineers  
District Engineer  
Fort Worth District

**APPENDIX A  
GENERAL CONDITIONS  
PROGRAMMATIC GENERAL PERMIT SWF-2021-00166 - PGP-2**

1. In verifying authorization under this PGP, the Department of the Army has relied in part on the information provided by the permittee. If, subsequent to verifying authorization, such information proves to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part.
2. Structures and activities authorized by this PGP shall comply with all terms and conditions herein. Failure to abide by such conditions invalidates the authorization and may result in a violation of the law, requiring restoration of the site or other remedial action.
3. This PGP is not an approval of the design features of any authorized project or an implication that such project is adequate for the intended purpose: a Department of the Army permit merely expresses the consent of the Federal Government to conduct the proposed work insofar as public rights are concerned. This PGP does not grant any property rights or exclusive privileges; does not authorize any injury to the property or rights of others; and does not authorize any damage to private property, invasion of private rights, or any infringement of federal, state or local laws or regulations. This PGP does not relieve the permittee from the requirement to obtain a local permit from the jurisdiction within which the project is located.
4. This PGP may be modified or suspended in whole or in part if it is determined that the individual or cumulative impacts of work that would be authorized using this procedure are contrary to the public interest. The authorization for individual projects may also be summarily modified, suspended, or revoked, in whole or in part, upon a finding by the District Engineer that such action would not be contrary to the public interest.
5. Modification, suspension or revocation of the District Engineer's authorization shall not be the basis for any claim for damages against the United States.
6. This PGP does not authorize interference with any existing or proposed Federal project and does not entitle the permittee to compensation for damage or injury to the structures or activities authorized herein that may result from existing or future operations undertaken by the United States in the public interest.
7. No attempt shall be made by permittees to prevent the full and free public use of any navigable water of the United States.
8. Permittees shall not cause any unreasonable interference with navigation.
9. Permittees shall conduct the activities in a manner that will minimize any adverse impact of the work on water quality, fish and wildlife, and the natural environment, including adverse impacts to migratory waterfowl breeding areas, spawning areas, and trees, particularly hard-mast-producing trees such as oaks and hickories. Permittees shall seek to maintain existing buffers around waters of the United States, including primarily streams and wetlands and create and/or expand buffers around waters of the United States when practicable.
10. All fills and structures above the existing ground elevation in waters of the United States shall minimize adverse impacts to local hydrology. Projects shall not promote the drainage of waters of the United States or cause unnecessary impoundment of water.

11. Permittees shall allow the District Engineer and his authorized representative(s) to make periodic inspections at any time deemed necessary to ensure that the activity is being performed in accordance with the terms and conditions of this PGP.

12. Permittees must evaluate the potential effects that the proposed work may have on historic and prehistoric properties listed, eligible, or potentially eligible for listing in the National Register of Historic Places (NRHP), including previously unidentified properties, prior to the initiation of work. If a known historic property would be affected, the permittee shall notify the USACE and shall not conduct any work in the permit area that would affect the property until the requirements of 33 CFR Part 325, Appendix C, have been satisfied. If a previously unknown historic property is encountered during work authorized by this PGP, the permittee shall immediately notify the USACE and avoid further impact to the site until the USACE has verified that the requirements of 33 CFR Part 325, Appendix C, have been satisfied.

13. Materials to be placed into waters of the United States are restricted to clean native soils and concrete, sand, gravel, rock, other coarse aggregate, and other suitable material. All material used shall be free of toxic pollutants in toxic quantities.

14. Permittees shall coordinate all construction activities in federally maintained channels and/or waterways for required setback distances with the USACE prior to application for a permit.

15. Permittees shall place all heavy equipment working in wetlands on mats or take other appropriate measures to minimize soil disturbance.

16. Activities that are likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act, or that are likely to destroy or adversely modify the critical habitat of such species are not authorized. Permittees shall notify the District Engineer if any listed species or critical habitat might be affected by, or is in the vicinity of, the project and shall not begin work until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

17. Permittees shall not significantly disrupt the movement of those species of aquatic life indigenous to the water body or those species that normally migrate through the project area.

18. The permittee shall implement best management practices to reduce the risk of transferring invasive plant and animal species to or from project sites. Information concerning state specific lists and threats can be found at: <http://www.invasivespeciesinfo.gov/unitedstates/tx.shtml>. Best management practices can be found at: <http://www.invasivespeciesinfo.gov/toolkit/prevention.shtml>. Known zebra mussel waters can be found at: <http://nas.er.usgs.gov/queries/zmbyst.asp>.

19. Permittees shall not permanently restrict or impede the passage of normal or expected high flows unless the primary purpose of the activity is to temporarily impound water.

20. Permittees shall properly maintain all fills to ensure public safety.

21. Permittees shall insure that projects have no more than minimal adverse impacts, including on public water supply intakes.

22. Stream realignment is not authorized by this PGP.

23. Permittees shall design facilities to be stable against the forces of flowing water, wave action, and the wake of passing vessels.

24. All soil-disturbing activities shall be conducted in a manner that will minimize the extent and duration of exposure of unprotected soils. Appropriate erosion and siltation controls shall be used and maintained in effective operating condition during and after construction until all exposed soil is permanently stabilized. Measures to control erosion and run-off, such as berms, silt screens, sedimentation basins, revegetation, mulching, and similar means, shall be implemented. All damage resulting from erosion and/or sedimentation shall be repaired.

25. Permittees are not authorized to discharge dredged or fill material into waters of the United States for purposes of reclamation of an aquatic area.

26. Permittees shall not use a jet barge or similar equipment for excavation.

27. Permittees shall mark structures or fills in navigable waters, when appropriate, so that their presence will be known to boaters.

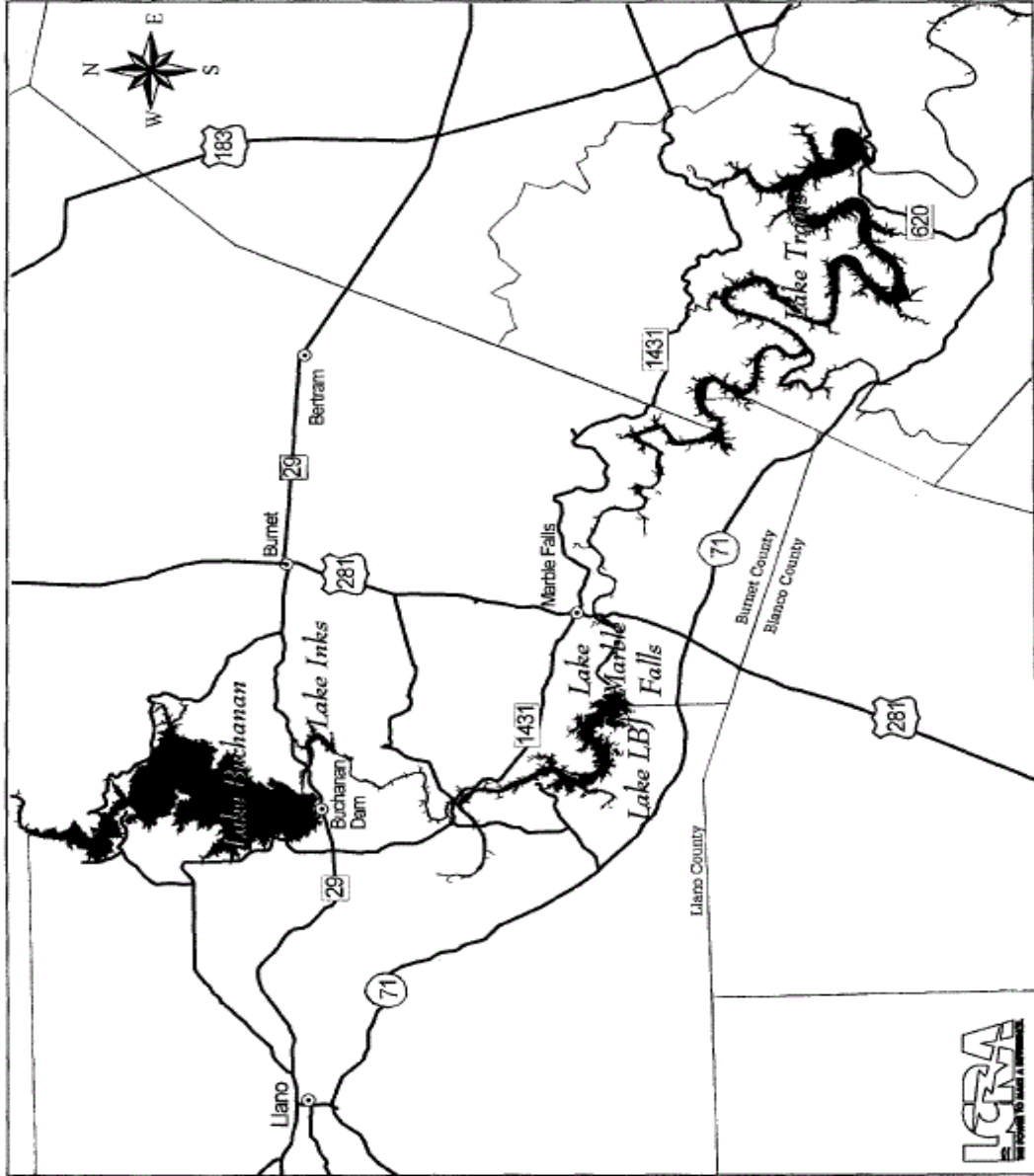
28. This permit does not authorize work in a park, wildlife management area, refuge, sanctuary, or similar area administered by a federal, state or local agency without that agency's approval.

29. Permittees are responsible for compliance with all terms and conditions of this PGP for all activities within the Department of the Army permit area of a project authorized by this PGP, including those taken on behalf of the permittee by other entities such as contractors and subcontractors. Permittees assume all liabilities associated with fills and impacts that are incurred by individuals and/or organizations working on contracts with the permittee. Before beginning the work authorized herein or directing a contractor to perform such work, permittees shall ensure that all parties read, understand and comply with the terms and conditions of this permit.

30. Permittees shall conduct dredging and excavation activities with land-based equipment rather than from the water body whenever practicable.

31. Permittees must comply with Federal Emergency Management Agency (FEMA), or FEMA-approved local floodplain development requirements in the placement of any permanent above-grade fills in waters of the United States, including wetlands, within the 100-year floodplain. The 100-year floodplain will be identified through FEMA's Flood Insurance Rate Maps or FEMA-approved local floodplain maps. A permanent above-grade fill is a discharge of dredged or fill material into waters of the United States, including wetlands, that results in a substantial increase in ground elevation and permanently converts part or all of the waterbody to dry land.

APPENDIX B  
LOCATION OF WORK



B-1