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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

JOEL FERRY  
Executive Director

### Division of Water Rights

TERESA WILHELMSEN  
State Engineer/Division Director

## ORDER OF THE STATE ENGINEER

FOR STREAM ALTERATION APPLICATION NUMBER **22-92-01SA**  
IN THE NAME OF QUESTAR GAS COMPANY DBA DOMINION ENERGY UTAH  
FOR ALTERATION TO BROWNS WASH AND TRIBUTARIES  
IN GRAND COUNTY, UTAH

Stream Alteration Application No. **22-92-01SA**, submitted in the name of Questar Gas Company dba Dominion Energy Utah, applicant, in order to install pipeline crossing associated with Browns Wash and tributaries, a natural stream located in Grand County, Utah, is hereby **APPROVED**, contingent upon the conditions outlined in this **ORDER**. This approval also constitutes compliance with Section 404 (e) of the Clean Water Act (33 USC 1344) pursuant to Programmatic General Permit 10 issued to the State of Utah by the U.S. Army Corps of Engineers on February 22, 2021, and is subject to all conditions therein. Full text of Programmatic General Permit 10 can be found at the following link:

[http://www.waterrights.utah.gov/strmalt/whitepapers/20210222\\_PGP10.pdf](http://www.waterrights.utah.gov/strmalt/whitepapers/20210222_PGP10.pdf). The applicant is hereby authorized to conduct the work detailed in the application and supporting documentation, as described in this **ORDER**. Any modification or addition to the work may require additional authorization and/or application resubmittal.

1. The expiration date of this **ORDER** is **January 5, 2025**. Work affecting the bed and/or banks of the stream may not be conducted after this date. Extension of the **ORDER** is subject to review by the Division. A request for extension must be submitted in writing to the Division and include an explanation for project delay.
2. A copy of this **ORDER** must be kept onsite at any time the work authorized under this order is in progress.
3. Bedding and backfill material, placed around the pipe, may not be more free draining than existing soils in stream channels, banks, and riparian zones. Loosely compacted material may act to violate this condition. Bedding and backfill materials must be either fine-grained or constructed in such a manner that it does not act as a drain. This shall include placing clay cutoff collars, or utilizing compaction techniques.
4. Excavated material and construction debris may not be wasted in any stream channel or placed in flowing waters, this will include material such as grease, oil, joint coating, or any other possible pollutant. Excess materials must be wasted at an upland site well away from any channel. Construction materials, bedding material, excavated material, etc. may not be stockpiled in riparian or channel areas.



Page 2  
22-92-01SA  
January 5, 2023

5. Best Management Practices should be implemented and maintained during any streamside or instream work to minimize sedimentation, temporary erosion of stream banks, and needless damage or alteration to the streambed.
6. Within 30 days after the completion of this project, the attached compliance certification form must be completed and returned to the U.S. Army Corps of Engineers. Failure to return this compliance certification form would invalidate U.S. Army Corps of Engineers Programmatic General Permit 10, thereby placing the applicant in violation of Section 404 of the Clean Water Act. Form can be found at:  
<https://www.waterrights.utah.gov/strmalt/ComplianceCertification.pdf>

The statutory process and criteria for evaluation of this application are described at Utah Code Ann. § 73-3-29 and Administrative Rule R655-13. The State Engineer has determined that this application does meet the necessary legal criteria for approval based upon the following Findings of Fact and reasoning set forth in the Discussion.

### **FINDINGS OF FACT**

1. The application was received by the Division of Water Rights (“Division”) on October 12, 2022, and made available for comment on the Division’s webpage, provided to pertinent governmental agencies, and to other entities as warranted, for a period of 20 calendar days, said period concluding prior to November 1, 2022. Verification under PGP-10 received from the Corps January 4, 2023.
2. The application contains the following information:
  - The stated description of the proposed project is: To install pipeline crossing associated with Browns Wash and tributaries in Grand County.
  - The stated purpose of the proposed project is: To deliver natural gas.
3. The following comments or objections on the proposed project were received from:
  - State of Utah - Floodplain Manager - Tracie Harrison
  - USACE - U.S. Army Corps of Engineers (Corps) - Trevon Stephens

The comments or objections received are summarized as follows:

- Tracie Harrison, State Floodplain Manager, Division of Emergency Management (DEM), has indicated that the Applicant needs to make sure they get a floodplain development permit from the local Floodplain Administrator (FPA) in the community they are doing the work in. They need to make sure they are in compliance with the National Flood Insurance Program (NFIP) and with the local floodplain regulations by contacting the community FPA. Even state and federal agencies need to obtain the local floodplain development permits as per the federal regulations 44 CFR 60.3.



Page 3  
22-92-01SA  
January 5, 2023

This may include obtaining a Letter of Map Change (LOMC) from FEMA. As well as any other federal or local permits required to develop in Special Flood Hazard Areas (SFHA). The Community FPA should know what is required in these areas. If there are questions as to what is needed individuals can call or email Tracie Harrison at 385-499-2007 or [tjharrison@utah.gov](mailto:tjharrison@utah.gov).

- The Corps has indicated that this project qualifies under PGP10.

### DISCUSSION

1. Based on a review of the Division's water rights records and/or a review of the application by personnel of the Division's regional office, it is the opinion of the State Engineer that the project will not impair vested water rights.
2. It is the opinion of the State Engineer that the project will not unreasonably or unnecessarily affect recreational use or the natural stream environment.
3. It is the opinion of the State Engineer that the project will not unreasonably or unnecessarily endanger aquatic wildlife.
4. It is the opinion of the State Engineer that the project will not unreasonably or unnecessarily diminish the natural channel's ability to conduct high flows.
5. Other comments or concerns submitted by interested persons or parties are not believed to be within the purview of the State Engineer in evaluating an Application to Alter a Natural Stream.

Documents associated with this **ORDER** and the submitted application are included in the stream alteration file and available for viewing on the Division of Water Rights website.

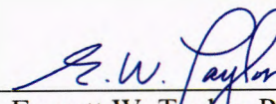
This **ORDER** does not authorize trespass, easements, rights-of-way, or any other access and land use permits. It is the responsibility of the applicant to obtain any such authorizations as may be necessary for this proposal. It is recommended that the applicant coordinate with potentially impacted landowners prior to initiating stream alteration activities.

This **ORDER** is subject to the provisions of UTAH ADMIN. CODE R. 655-6-17 of the Division of Water Rights and to UTAH CODE ANN. §§ 63G-4-302 and 73-3-14, which provide for persons or parties with legal standing to file either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this **ORDER**. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this **ORDER**, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken within 20 days after the Request is filed.

Page 4  
22-92-01SA  
January 5, 2023

Your contact with the Division is Daren Rasmussen, who can be reached at telephone number 801-538-7377 or email [darenrasmussen@utah.gov](mailto:darenrasmussen@utah.gov).

Dated this 5<sup>th</sup> day of January, 2023.



Everett W. Taylor, P.E.  
Assistant State Engineer

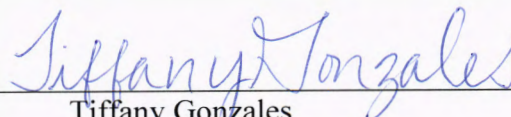
Enclosure

Mailed a copy of the foregoing Order this 5<sup>th</sup> day of January, 2023, to:

QUESTAR GAS COMPANY DBA DOMINION ENERGY UTAH  
MICHAEL GILL  
P.O. BOX 45360  
SALT LAKE CITY, UT 84145-0360

Trevon Stephens - U.S. Army Corps of Engineers, [Trevon.W.Stephens@usace.army.mil](mailto:Trevon.W.Stephens@usace.army.mil)  
Marc Stilson - Regional Engineer, [marcstilson@utah.gov](mailto:marcstilson@utah.gov)  
Nolan Hahn - EPA, [Hahn.Nolan@epa.gov](mailto:Hahn.Nolan@epa.gov)  
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By:



Tiffany Gonzales  
Executive Secretary