



**US Army Corps
of Engineers®**

PUBLIC NOTICE

SPK-2002-50464, Public Notice
of Proposed Modification and
Reissuance of Programmatic
General Permit 10, Minimal
Impact Activities under State of
Utah Stream Alteration Program

Published: July 30, 2025
Expires: August 29, 2025

TO WHOM IT MAY CONCERN: The U.S. Army Corps of Engineers, Sacramento District (Corps) is proposing to reissue Programmatic General Permit (PGP) 10 with modifications for work or structures within navigable waters of the U.S. and/or the permanent or temporary discharge of dredged or fill material into waters of the U.S. that are also authorized by the State of Utah under its Stream Alteration Permit Program. This notice may also be viewed at the Corps web site: www.spk.usace.army.mil/Media/RegulatoryPublicNotices.aspx.

AUTHORITY: Section 404 of the Clean Water Act (CWA) for the discharge of dredged or fill material in waters of the United States and/or Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States.

LOCATION: This PGP applies to all streams in the State of Utah that are part of a surface tributary system over which the State Engineer has regulatory authority under the State's Stream Alteration Permit Program (Section 73-3-29, Utah Code Annotated). This general permit does not apply to activities undertaken on Tribal lands due to the lack of the State's authority over these lands.

BACKGROUND: General Permits are a form of Department of Army authorization that are issued for structures, work, or discharges that will result in only minimal individual and cumulative adverse effects. General permits are issued on a nationwide, regional, or state basis for particular categories of activities. This Programmatic General Permit was first issued by the Corps on November 2, 1987. It authorized activities with minimal adverse effects on the aquatic environment that fall under the Corps' Regulatory Program and that had also been authorized through a Utah Stream Alteration Permit. After 1987, PGP 10 has been reissued every five years.

This PGP was last reissued on February 22, 2021, and will expire on **February 22, 2026**. The process for modifying and reissuing this PGP for the next five-year cycle starts with the publication of the public notice which has a **30-day** comment period.

STATUS OF EXISTING PERMITS: Since its reissuance in 2021, the Corps has received 1,309 applications to use this PGP, of which 665 projects have been verified. Of the remaining applications, 17 were processed under a Standard Permit, 298 under a Nationwide Permit, 12 were withdrawn as part of enforcement actions, 179 were withdrawn after being determined that no permit was required, and 138 were withdrawn due to lack of applicant response. None of the 665 actions authorized within the last five years resulted in a loss of waters of the U.S. or required compensatory mitigation due to the restrictions imposed by this PGP.

Activities authorized by this PGP currently remain authorized until February 21, 2026. In the event that this PGP expires when the project is under construction or under contract to begin construction, the applicant will have up to one year after the permit expiration to complete the work. If work has not commenced or is not under contract at the time of expiration, a new application must be submitted under the revised terms and conditions of this PGP.

PROJECT DESCRIPTION: The proposed PGP would authorize the permanent or temporary discharge of dredged or fill material into waters of the U.S. and/or work or structures within navigable waters of the U.S. associated with activities that have minimal adverse effects on the aquatic environment that fall under the Corps' Regulatory Program and are also authorized through a Utah Stream Alteration Permit.

Typical activities to be authorized under this PGP include, but are not limited to, culvert installation and extension, bridges, low water crossings, utility crossings, bank stabilization, linear transportation projects, diversion structures, outfall structures, boat ramps, docks, commercial and residential construction, flood control facilities, and maintenance of previously permitted activities.

SUMMARY OF PROPOSAL: To ensure this PGP continues to authorize no more than minimal direct, indirect, and cumulative adverse effects to the aquatic environment for a variety of activities that had also been authorized through a Utah Stream Alteration Permit, the Corps proposes to reauthorize this PGP with the following modifications:

Expansion of Authorized Activities:

1. Authorize aquatic habitat restoration and enhancement activities in wetlands, provided the restoration is limited to 300 linear feet, the discharge of fill material is minimal, there is no net loss of aquatic resource functions and services, and there is no conversion of wetlands to open water, uplands, or another aquatic habitat type. Specific information must be provided demonstrating that the proposed restoration would result in a measurable improvement in functions and services.

2. Minor discharges of fill into riparian wetlands for construction of Beaver Dam Analog Structures (BDA) would be allowed under these criteria. Allows placement of BDAs without a total linear foot limitation if each BDA constitutes a single and complete project not exceeding 300 linear feet. Project-specific design details for each BDA must be provided; generic plans for the overall project will not be accepted.

Modification of Terms:

Term 1: Clarifies that physical streambank manipulation during restoration counts toward the 300-foot threshold.

Term 2: Expanded to address temporary construction impacts (e.g., staging, access roads) and require avoidance of special aquatic sites.

Term 3: Stream relocation (channelization, realignment, piping) is not authorized except for restoration as described in Term 5.

Term 4: Discharges into special aquatic sites are prohibited unless explicitly authorized as described in Terms 5 and 6.

Term 5: Restoration in riffle/pool complexes is allowed, provided the activity is limited to 300 linear feet, results in a measurable improvement in aquatic resource functions and services, involves only minimal discharge of fill material, and does not lead to the conversion of the riffle/pool complex to another habitat type.

Term 6: Restoration in wetlands is allowed, provided the activity is limited to 300 linear feet, results in a measurable improvement in aquatic resource functions and services, involves only a minimal discharge of fill material, and does not result in the conversion of wetlands to open water, uplands, or another habitat type.

Term 7: Allows BDAs without a linear foot limit for the entire project if each unit is under 300 feet and specific information is provided for each BDA.

Term 10: Split into two standalone terms (Tribal Lands and Emergency Activities).

Term 11: Added to clarify emergency work must be processed under other DA permits.

Term 14: Expanded to clarify treatment of "study rivers" and official study status.

Modifications to General Conditions:

General Condition No. 1: Written Authorization Required: Adds condition requiring written verification before work can proceed.

General Condition No. 4: Federal Emergency Management Agency Compliance: New general condition added for 2026.

General Condition No. 5: Tribal Rights Protection: New condition ensuring consideration of tribal rights and consultation where appropriate.

General Condition No. 8: Vegetation Restoration: Broadened requirements for protection of riparian vegetation and re-vegetation post-construction.

General Condition No. 17: Best Management Practices (BMPs) and Sediment Control: More detailed guidance on BMPs for erosion and sediment control.

General Condition No. 18: In-Water Work and Dewatering: Simplified to eliminate redundancy.

General Condition No. 20: Fish Passage and Connectivity: Reworded for clarity regarding maintenance of aquatic connectivity.

Additional Alternatives:

We are requesting comments on two additional alternatives related to the authorization of this PGP.

1. Keep this PGP as is. Under this scenario, deficiencies with the permit would not be corrected, and information needed to consistently evaluate stream impacts would not be provided. It may also increase processing times by generating requests for additional information, causing unnecessary delays for the general public and a higher workload for Corps and State staff.
2. Not re-issuing PGP 10. Under this scenario, this PGP would not be reauthorized and would expire on **February 21, 2026**. All actions would be required to be processed under a Nationwide Permit or other form of Department of the Army authorization. Not re-issuing the PGP would increase the amount of information applicants are required to submit for a complete application and increase processing times for permit decisions, in addition to duplicating the applicants' efforts in applying for authorization for the same proposed project.

We are soliciting comments on the proposed changes to this PGP as outlined above. These modifications are intended to simplify and clarify the permit instrument, reduce regulatory burden on the public, and ensure continued compliance with the statutory requirement that this PGP authorize only those activities with no more than minimal individual and cumulative adverse environmental effects.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification (WQC), or a waiver, is required under Section 401 of the CWA for all activities authorized under Section 404 CWA. The Corps will request WQC for this PGP from the Utah Division of Water Quality upon issuance of this public notice.

HISTORIC PROPERTIES: The reissuance of this PGP will have no potential to affect historic properties. However, the construction of projects under the authority of PGP 10 may affect historic properties. Following receipt of a completed application, the Corps will determine if the specific activity proposed for authorization under this PGP would affect historic properties listed on or eligible for listing on the National Register of Historic Places and will initiate consultation with the Utah State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

ENDANGERED SPECIES: The reissuance of this PGP will have no effect on Federally listed threatened or endangered species. However, the construction of projects under the authority of PGP 10 may affect Federally listed threatened or endangered species. Following receipt of a completed application, the Corps will determine if the specific activity proposed for authorization under this PGP would affect Federally listed species and will initiate consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: There is no essential fish habitat in Utah. The reissuance of this PGP will have no effect on Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

EVALUATION FACTORS: The decision whether to reissue this PGP will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to reissue with modifications or not to reissue this PGP.

To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: The Sacramento District will receive written comments on the proposed re-issuance of this PGP, as outlined above, until **August 29, 2025**

Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Nicole Fresard at Nicole.D.Fresard@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Sacramento District, Attention: Nicole Fresard, the Utah Regulatory Field Office, 533 West 2600 South, Suite 150, Bountiful, Utah 84010-7744. Please refer to the permit application number (SPK-2002-50464) in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information, please contact Nicole D. Fresard, at (801) 295-8380 Extension 8321, or Nicole.D.Fresard@usace.army.mil.

Attachments: Draft Programmatic General Permit 10



Programmatic General Permit 10

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

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

EFFECTIVE: February 22, 2026

EXPIRES: February 22, 2031

The U.S. Army Corps of Engineers (Corps), Sacramento District, hereby issues Programmatic General Permit (PGP) 10 authorizing certain activities in waters of the United States that have been authorized under the State of Utah's Stream Alteration Program. An activity is verified under this PGP when the Utah State Engineer issues a Stream Alteration Permit in compliance with state law and the Corps has determined it meets the terms and conditions of this general permit.

ISSUING OFFICE: U.S. Army Corps of Engineers, Sacramento District

ACTION ID: SPK-2002-50464

AUTHORITIES: Section 404 of the Clean Water Act (CWA) for the discharge of dredged or fill material in waters of the United States and/or Section 10 of the Rivers and Harbors Act (RHA) of 1899 for structures or work in or affecting navigable waters of the United States.

LOCATION: This PGP authorizes activities in streams that are part of the surface tributary system over which the Utah State Engineer has regulatory authority under the Utah Division of Water Rights' Stream Alteration Program. Limits of the State of Utah's jurisdiction are defined in Administrative Rule R655-13.

ACTIVITIES COVERED: This PGP authorizes structures or work in navigable waters and/or the discharge of dredged or fill material into waters for activities that have been authorized by the Utah State Engineer through a Stream Alteration Permit. These activities include, but are not limited to, culvert installation and extension, bridges, low water crossings, utility line crossings, bank stabilization, linear transportation projects, diversion structures, outfall structures, boat ramps, docks, commercial and residential construction, flood control facilities, stream restoration activities and maintenance of previously permitted activities that are located in waters subject to jurisdiction under Section 404 CWA waters and/or Section 10 RHA.

TERMS:

1. The discharge of dredged and/or fill material into streams is limited to no more than 300 linear feet below the ordinary high-water mark of a stream, including restoration projects resulting in physical manipulation of the stream bank.

2. Impacts to waters of the U.S. shall be avoided and minimized to the maximum extent practicable. Temporary construction related impacts, such as access roads, staging areas, etc., must be sited to avoid and minimize impacts to special aquatic resources to the maximum extent practicable.

3. Except for stream restoration activities as identified in Term 5, this permit does not authorize the relocation of streams, including channelization, straightening, realignment, or piping of natural channels.

4. Except for stream restoration activities described in Terms 5 and 6 below, this permit does not authorize the discharge of dredged or fill material into special aquatic sites, including wetlands, springs, and riffle/pool complexes. Activities involving discharges of fill material into these areas, other than as specifically described in Terms 5 and 6 below, will require an alternative form of Department of the Army (DA) authorization.

5. Stream restoration activities located in riffle/pool complexes are authorized under this general permit, provided that the activity results in an increase in functions and services to the riverine ecosystem, is limited to 300 linear feet in length, and any discharge of fill material is minimal and causes no net loss of aquatic resource functions and services. This permit does not authorize the conversion or loss of riffle/pool complexes to open water, uplands, or another aquatic habitat type.

6. Stream restoration activities located in wetlands are authorized under this general permit, provided that the activity results in an increase in functions and services, is limited to 300 linear feet in length, and any discharge of fill material is minimal and causes no net loss of aquatic resource functions and services. This permit does not authorize the conversion or loss of wetlands to open water, uplands, or another aquatic habitat type. Specific information must be provided demonstrating that the proposed restoration would result in a measurable improvement in functions and services.

7. Stream restoration activities that do not involve physical bank manipulation or earthwork, such as the placement of beaver dam analogs (BDAs), are not subject to linear foot limitations, provided that each individual restoration structure within the overall project constitutes a single and complete project whose scope does not exceed 300 linear feet in length. Specific information must be provided for each individual BDA. Project-specific design details for each BDA must be provided; generic plans for the overall project will not be accepted.

8. Projects requiring compensatory mitigation to offset the adverse impacts are not authorized under this PGP.

9. Projects proposed in the proximity of a public water supply intake, are not authorized under this PGP, except where the activity is for the maintenance, repair, or replacement of the intake structure, or for bank stabilization adjacent to the intake structure.

10. This permit does not authorize any activities in waters of the U.S. undertaken on tribal lands. These activities require an alternate form of DA authorization, such as a Nationwide or other General Permit.

11. This permit does not authorize any activities in waters of the U.S. conducted under emergency situations. These activities require an alternate form of DA authorization, such as a Nationwide or other General Permit.

12. Section 7 of the Endangered Species Act of 1973 (ESA): Unless another federal agency has completed the process to demonstrate compliance with Section 7 of the ESA for impacts related to the project, this PGP may not be used to authorize activities that have the potential to affect federally-listed species or for projects in sections of the Green River, Virgin River, Provo River, and Colorado River that have been designated as critical habitat under the ESA.

13. Section 106 of the National Historic Preservation Act of 1966 (NHPA): Unless another federal agency has completed the process to demonstrate compliance with Section 106 of the NHPA for impacts related to the project, this PGP may not be used to authorize activities that have the potential to affect historic properties.

14. Authorizations subject to reviews under the Wild and Scenic Rivers Act: Unless another federal agency has completed the process to demonstrate compliance with the Wild and Scenic Rivers Act for impacts related to the project, this PGP may not be used to authorize activities located in a component of a National Wild and Scenic River System or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status. This includes work in sections of the Green River and Virgin River.

15. Authorizations subject to Corps Civil Works Section 408 projects: This PGP may not be used to authorize activities that require authorization under 33 USC 408 (Section 408) to alter or temporarily or permanently occupy or use a Corps' federally-authorized Civil Works projects. This includes work in the Surplus Canal in Salt Lake County and in Kays Creek in Davis County.

16. After-the-fact authorizations: This PGP may not be used to authorize activities for any work that has already occurred in waters of the U.S.

17. Modifications: Once a permit is verified under this PGP, it cannot be modified. Any changes or revisions to the approved scope of work require a new Joint Permit application.

18. Single and Complete: The activity must be a single and complete project as defined in Section F of the January 13, 2021, Federal Register Notice for Reissuance and Modification of Nationwide Permits; Final Rule (86 FR 2744), which can be found at <https://www.govinfo.gov/content/pkg/FR-2021-01-13/pdf/2021-00102.pdf>

19. Discretionary Authority: The Corps has the discretion to suspend, modify, or revoke authorizations under this PGP. This discretionary authority may be used by the Corps to further condition or restrict the applicability of the PGP for cases in which it has concerns associated with the CWA 404(b)(1) Guidelines, or regarding any factor of the public interest. Should the Corps determine that a proposed activity may have more than minimal individual or cumulative adverse impacts to waters or otherwise be contrary to the public interest, the Corps will modify the authorization to reduce or eliminate those adverse effects, or notify the project applicant that the proposed activity is not authorized by the PGP, and provide instructions on how to apply for authorization under another type of DA permit. Activities not meeting the terms and conditions of this permit may be authorized through another type of permit from the Corps, such as a Nationwide Permit, Regional General Permit, Letter of Permission or Standard Permit. The Corps will determine on a case-by-case basis, as needed, whether an activity has a more than minimal impact, individually or cumulatively, on the aquatic environment or may be contrary to the public interest. The Corps may restore authorization under the PGP at any time if it determines the reason for asserting discretionary authority has been resolved or satisfied by a condition, project modification, or new information. The Corps may also use its discretionary authority to modify, suspend, or revoke the PGP at any time.

GENERAL CONDITIONS:

1. Activities may not proceed under the authority of this PGP until you have been notified, in writing, that the activity is authorized.
2. The permittee must avoid activities in waters of the U.S. that serve as breeding areas for migratory birds to the maximum extent practicable.
3. The permittee may not engage in activities in waters of the U.S. that may result in the take, possession, sale, purchase, barter or transport of any bald or golden eagle, alive or dead, or any part, nest, or egg thereof. The permittee shall avoid the destruction of riparian vegetation, especially mature cottonwoods, to the maximum extent practicable. Unavoidable vegetation clearing and surface disturbance shall be conducted outside critical breeding, nesting, and fledging seasons. Locations of existing bald and golden eagle nests should be identified prior to the initiation of activities. Appropriate spatial buffer zones of inactivity should be established during crucial breeding and nesting periods relative to eagle nest sites or territories. Arrival at nesting sites can occur as early as December. Nesting and fledging can continue through August.

4. The activity must comply with applicable Federal Emergency Management Agency (FEMA)-approved state or local floodplain management requirements.

5. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights. You are not authorized to initiate any activities in waters of the U.S. that have the potential to impair tribal rights under this PGP.

6. The project shall not substantially disrupt the movements of those species of aquatic life indigenous to the water body, including those species that normally migrate through the area.

7. The permittee shall avoid activities in spawning areas during the spawning season to the maximum extent practicable. Activities that would result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

8. The permittee shall avoid destruction of riparian or riverine vegetation especially mature native trees, to the maximum extent practicable and all disturbed areas must be restored to pre-disturbance levels. When work authorized by this permit causes damage to riparian vegetation that is not directly covered by a permanent feature, these scarred areas shall be replanted with a mixture of native trees, shrubs, forbs and grasses, as appropriate. At a minimum, replanting an area at a 1:1 ratio will be required. The permittee is ultimately responsible for re-vegetation success.

9. The permittee shall design all bank stabilization activities using bio-engineering techniques to the maximum extent practicable, unless the Corps determines it to not be practicable.

10. The permittee must stop all work if any previously unknown historic properties, archaeological artifacts, or remains are identified during the completion of the authorized work, and immediately notify the Corps. The Corps will initiate the federal coordination procedures required to determine if the remains or cultural resources warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. Work may not resume until the Corps has completed the process to comply with the appropriate laws and regulations.

11. The permittee shall ensure all activities satisfy all conditions of the Section 401 water quality certification issued for this permit by the Utah Division of Water Quality.

12. The permittee is responsible for all authorized work and ensuring that all contractors and workers are made aware of and adhere to the terms and conditions of the permit authorization. The permittee shall ensure that a copy of the permit authorization and associated drawings are available and visible for quick reference at the site until all installation activities are completed.

13. Fill material must be clean and free of contaminants and noxious plants. Fresh cement or concrete is not allowed in waters unless it is placed in sealed forms. Unsuitable fill material includes vehicle bodies, farm machinery, appliances and other metal objects, asphalt, biodegradable construction debris and tires.

14. The permittee must ensure that material is not placed in any location or manner which would impair surface water flows into or out of any adjacent wetlands, except when necessary for restoration purposes.

15. The permittee shall not use heavy equipment within the stream channel, except where the Corps determines it is necessary.

16. The permittee is responsible for ensuring all construction equipment be cleaned to remove noxious weeds/seeds and petroleum products prior to moving on site. Machinery shall be fueled outside of aquatic resources to prevent spillage into waterways.

17. The permittee is responsible for implementing and maintaining best management practices (BMPs) to minimize sedimentation and protect the riverine ecosystem. Excavated material must be stored outside the stream channel, and effective erosion and sediment controls must be in place during construction. All exposed soils, fills, and in-channel work must be permanently stabilized as soon as practicable. BMPs must also prevent construction-related byproducts from entering the waterway and harming aquatic organisms.

18. Work in waters shall only be conducted during periods of low or no flow, unless the permittee demonstrates the proposed work during higher flows is necessary and would not result in more than minimal impacts, or that this condition is otherwise not appropriate or practicable. If work in live water is necessary, a dewatering plan is required as part of a complete application.

19. To the maximum extent practicable, the preconstruction course, condition, capacity, and location of streams shall be maintained for each activity. The activity must be designed and constructed to withstand expected high flows and must not restrict or impede the passage of normal or high-water flows unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course, condition, capacity, and location of streams if it benefits the aquatic environment.

20. Culverts installed in streams must be designed to maintain low-flow conditions and allow for fish passage during periods when flows support stream connectivity and facilitate upstream and downstream movement.

21. All temporary fills must be removed in their entirety within 30 days after completion of the permitted action and the affected areas returned to their pre-existing elevations.

22. Within 30 days of completion of the permitted work, the permittee must submit the following information to the Corps and State Engineer:

- a. The permittee's name, address, telephone number and email address.
- b. A statement that the authorized work was done in accordance with the Stream Alteration Permit and PGP 10, and
- c. The signature of the permittee certifying the completion of the work.

23. Work authorized under this permit may be inspected by the Corps at any reasonable time to assure that it is being or has been completed in compliance with the terms and conditions of this permit.

24. Any activity authorized by this permit must be maintained in good condition and in conformance with the terms and conditions of this permit.

25. For activities authorized through this permit under Section 10 of the RHA, the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

26. If the permittee sells the property associated with this PGP verification, the permittee may transfer the permit verification to the new owner by submitting a letter to the Corps office to validate the transfer. A copy of the PGP verification and new landowner information must be attached to the letter requesting transfer.

PRE-CONSTRUCTION NOTIFICATION PROCEDURES:

Applicants must submit a joint permit checklist developed by the State Engineer and the Corps when applying for a Stream Alteration Permit and verification under this PGP. The joint permit checklist and instructions may be obtained from either agency. To be determined complete for processing, the application must include the following:

1. Completed Joint Permit Checklist located at <https://waterrights.utah.gov/stmalt/forms.asp>.
2. A vicinity map that clearly identifies the location of the proposed project site on a United States Geological Service topographic map (7.5-minute quadrangle map is recommended) with enough detail to easily locate the site and a recent aerial/satellite image of the site.

3. A description of the existing site conditions, including existing structures, vegetation, wildlife use, any signs of disturbance (such as erosion or invasive species), and any nearby land uses or watershed factors that may be affecting the site (like runoff, pollution, or altered water flow).
 4. Provide a narrative description of the proposed activity, including construction methods and materials. Indicate whether dewatering is proposed, and if so, include a dewatering or diversion plan. Identify the locations and dimensions of any temporary access routes or staging areas on a map. If temporary fills are required or areas will be otherwise temporarily disturbed, include a restoration plan addressing fill removal, re-contouring, and re-vegetation with appropriate native plants
 5. Plan and cross-sectional view drawings showing all work requiring a permit, including permanent and temporary fills, structures, borrow sites, staging areas and storage areas. The drawings must clearly demarcate the ordinary high-water mark of the waters to be impacted and clearly illustrate where fill will be placed below the ordinary high-water mark. Professional drawings are not required; however, drawings must be scaled or indicate dimensions of the features and work to be completed. 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 Figures 4, 5, and 6 in the permit application instructions).
 6. Provide clear ground-level photos of the stream impact area, as well as any disturbance areas (e.g., borrow sites, staging and storage areas). Photos must show existing vegetation and riverbanks to help assess wetland presence. Snow-covered photos are not acceptable.
 7. For activities involving bank stabilization, provide: (a) a description of the erosion problem and the threat it poses to structures or public safety; (b) an explanation of why the proposed method is the least damaging, prioritizing bioengineering or natural materials, and justification if only rock is used; and (c) a planting plan using native riparian vegetation, unless shown to be impractical or inappropriate.
- Note: Activities which would harden and/or narrow the channel beyond what would be required for bank stabilization in natural channels are not authorized if the activity would have the potential to result in more than minimal impacts.
8. An assessment of the likely impact the work would have on upstream, downstream and cross-stream properties. Specifically, discuss the following:
 - a. Would the work speed up accumulation (deposition) or result in the loss (erosion) of sediments?
 - b. Would the activity result in the amount of water flowing in the stream and/or a change in the way water moves within the stream?

9. Once a complete joint application has been received, the State Engineer will circulate copies to federal and state agencies as a public notice of the proposed work. Copies will be sent to the Corps, US Fish and Wildlife Service (FWS), U.S. Environmental Protection Agency (EPA), Utah Division of Wildlife Resources, Utah Division of Water Quality, and local agencies. The State Engineer will allow at least 20 days for review and comment. The State Engineer will notify the Corps of any checklist that generates considerable public interest or opposition.

10. The Corps will review each checklist to determine whether the activity complies with the terms and conditions of this permit.

- a. The Corps must ensure compliance with related laws including Section 7 of the ESA. For an activity to be authorized under this permit, the Corps must find the activity has no effect on federally-listed species or would not modify critical habitat. If the activity may affect listed species or modify critical habitat then the activity will require an alternate form of DA authorization, such as a Nationwide Permit, unless another federal agency has previously demonstrated compliance with Section 7 of the ESA.
- b. The Corps must ensure compliance with Section 106 of the NHPA for each activity to be authorized under this permit. Activities that may result in potential effects to sites listed, or sites eligible for listing, on the National Register of Historic Places would not be authorized under this permit. Should any such impacts be identified, the Corps will request, after any necessary coordination with the State Historic Preservation Office, to suspend processing of the application while the applicant considers ways of modifying the proposal to address the identified concerns, unless another federal agency has previously demonstrated compliance with Section 106 of the NHPA.
- c. Should a specific activity be found to not meet the terms and conditions of this permit or have impacts that are more than minimal, the Corps will notify the State and the applicant of one of the following:
 - I. The activity does not qualify for authorization under this PGP, with instruction on the procedures to seek authorization under a different type of permit; or
 - II. The activity might be authorized under this PGP with certain modifications. In such cases, a revised application would need to be submitted.

Further Information:

1. This permit does not obviate the need to obtain any other required federal, state, or local authorizations.

2. This permit does not grant any property rights or exclusive privileges, nor do they authorize injury to the property or the rights of others.

3. This permit does not convey the right to interfere with any existing or future federal project.

4. In issuing authorizations under this permit, the Federal Government does not assume any liability for the following: damages to authorized projects, or uses thereof, as a result of other permitted or un-permitted activities or natural events; damages to persons or property caused by authorized activity; damages to authorized projects, or uses thereof, as a result of current or future activities undertaken by or on behalf of the United States in the public interest; design or construction deficiencies associated with the authorized work; damage claims associated with any modification, suspension or revocation of individual authorizations.

5. In issuing authorizations under this permit, the Corps must rely on information supplied by the applicant. Should it be determined that any authorization was based on false, incomplete, or inaccurate data, the Corps reserves the right to re-evaluate the case and to suspend, modify or revoke the authorization. Failure to comply with the terms and conditions of an authorization is also grounds for suspension, modification, or revocation, as is the discovery of relevant information not considered in the initial application review.

Permit Duration: This General Permit expires 5 years from the date of issuance. The Corps may re-evaluate the terms and conditions of this permit at any time deemed necessary to protect the public interest. Activities verified by the Corps under this permit are valid until the date this General Permit expires. If this General Permit expires when the project is under construction or under contract to begin construction, the permittee will have up to one year after the permit expiration to complete the work. In such case, the permittee must notify the Corps and submit sufficient evidence such as photos of work or proof of contract.

CONTACTS AND ADDITIONAL INFORMATION:

For additional information or questions regarding this PGP, please contact:

U.S. Army Corps of Engineers, Sacramento District
Utah Regulatory Office
533 West 2600 South, Suite 150
Bountiful, Utah 84010-7744
(801) 295-8380

This permit becomes effective when the federal official, designated to act for the Secretary of the Army has signed below.

Michael S. Jewell
Chief, Regulatory Division

Date