



Public Notice

U.S. ARMY CORPS OF ENGINEERS

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Subject: Public Notice for the Re-issuance of Programmatic General Permit 10 for Minimal Impact Activities to Streams within Utah in Cooperation with the State of Utah Stream Alteration Permit Program.

Action ID: SPK-2002-50464

Date: February 22, 2026 – February 22, 2031

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) has re-issued Programmatic General Permit (PGP) 10 for Minimal Impact Activities to streams within Utah in cooperation with the State of Utah Stream Alteration Permit Program.

This PGP can also be viewed at

<https://www.spk.usace.army.mil/Missions/Regulatory/Permitting/Regional-and-Programmatic-General-Permits/>

Attachments: Final PGP 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) 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 and/or Section 10 RHA.

EXCLUSIONS:

This PGP cannot be used for activities:

1. on tribal lands;
2. requiring compensatory mitigation;
3. conducted under emergency situations;
4. that have already occurred (after-the-fact authorizations);

5. involving the relocation of streams, including channelization, straightening, except for purposes of restoration;
6. involving piping of a natural stream;
7. that create stream impoundments;
8. involving the discharge of dredged or fill material into wetlands, including springs, peatlands, and bioherms, unless it is for restoration and will result in a net benefit to the aquatic ecosystem;
9. that require authorization under 33 USC 408 (Section 408) to alter or temporarily or permanently occupy or use a Corps' federally authorized Civil Works project, including work in the Surplus Canal in Salt Lake County and in Kays Creek in Davis County;
10. near a public water supply intake, unless it is for maintenance of the intake structure;
11. in a National Wild and Scenic River System or a designated "study river," unless another federal agency has completed the process to demonstrate compliance with the Wild and Scenic River Act;
12. with the potential to affect federally listed endangered species or their critical habitat in sections of the Green River, Virgin River, Provo River, and Colorado River, unless another federal agency has completed the process to demonstrate compliance with Section 7 of the Endangered Species Act (ESA); and
13. with the potential to affect historic properties, unless another federal agency has completed the process to demonstrate compliance with Section 106 of the National Historic Preservation Act (NHPA).

TERMS:

1. Manipulation and physical impacts to streams are limited to no more than 300 linear feet.
2. 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.
3. Stream restoration activities that would result in a discharge of fill material in wetlands are authorized under this general permit, provided the activities do not involve physical bank manipulation (e.g., grading, reshaping, recontouring, altering bank slope or alignment, or bank armoring) and result in a measurable increase in aquatic resource functions and services. Each individual restoration structure within an overall project must constitute a single and complete project, may not exceed 300 linear feet in length, and must involve only minimal discharges of fill material that result in 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.

4. Stream restoration activities that do not involve physical bank manipulation or earthwork, including the use of engineered stream restoration techniques such as 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 and does not exceed 300 linear feet in length. Project-specific information must be provided for each individual BDA. Generic plans for the overall project will not be accepted.

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. You must comply with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act by contacting your local U.S. Fish and Wildlife Service office to determine what protective measures, if any, are necessary, including whether you need a permit for the "incidental take" (unintentional harm or killing) of these birds.

3. 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.

4. You must comply with all applicable FEMA-approved state or local floodplain management requirements.

5. You are prohibited from impairing reserved tribal rights, including water, fishing, and hunting rights. You must not begin work in waters of the United States until this office completes all required tribal consultation(s) and confirms in writing that your project will not impair these rights.

6. You shall avoid disrupting the necessary life-cycle movements (like migration) of native aquatic species. You must design and build all waterbody crossings using bottomless arch culverts or bridges so that aquatic species can continue to move through the water. If a bottomless arch culvert or bridge cannot be used, then the crossing shall be designed and constructed to minimize adverse effects to aquatic species to the maximum extent practicable.

7. You shall avoid working in fish spawning areas during spawning seasons whenever possible and are prohibited from physically destroying important spawning areas by excavating, filling, or smothering them with sediment.

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 be not practicable.

10. If you discover any historic, cultural, or archeological remains or artifacts during construction of the authorized work, you shall immediately stop all work that may affect the discovery and notify this office of your findings. You must not resume work in the affected area until this office completes all required Federal, Tribal, and State coordination and gives you written authorization to proceed.

11. You must comply with all terms and conditions listed on the attached Section 401 Water Quality Certification, issued by the Department of Environmental Quality, Division of Water Quality on February 4, 2026.

12. You are responsible for all work authorized by this permit and must ensure all contractors and workers understand and follow these permit conditions. You should keep a copy of this permit and the project drawings visible on-site until all work is complete.

13. Only clean fill material, free of contaminants and toxic pollutants, must be used. Fresh concrete must be placed in sealed forms and not allowed to touch the water. Note: Unsuitable materials include, but are not limited to, trash, yard waste, vehicles, appliances, or other machinery/metal objects, and pollutants such as asphalt, tires, concrete with exposed rebar, or biodegradable construction waste.

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

15. 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.

16. You shall install and maintain effective soil erosion and sediment controls throughout the entire construction period and permanently stabilize all exposed soil and fills as soon as possible. Note: Performing work during low-flow, no-flow, or low-tide periods is strongly encouraged.

17. You shall minimize adverse effects to the aquatic environment to the maximum extent practicable, in particular, adverse effects resulting from impoundments of water, accelerated passage of water, or restricted passage of flow.

18. 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.

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

- a. The permittee's name, address, telephone number and email address.
- b. The Corps permit identification number (e.g. SPK-XXXX-XXXXX) and Stream Alteration Permit number.
- c. A statement that the authorized work was done in accordance with the Stream Alteration Permit and PGP-10, and
- d. The signature of the permittee certifying the completion of the work.

20. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that the activity is being, or has been, accomplished in compliance with the terms and conditions of this permit.

21. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity or sell the property associated with this permit. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

22. You must comply with Section 404 of the Clean Water Act for all maintenance activities involving work in or affecting navigable waters of the United States. All maintenance activities associated with the authorized structure or fill must be specifically approved, in writing, by this office. Note: Maintenance activities, including the discharge of dredged or fill material in navigable waters (Section 10 RHA) are not exempt under Section 404(4)(f).

23. You must comply with Section 10 of the Rivers and Harbors Act of 1899 and shall remove, relocate, or alter your project at your own expense if, upon due notice from the Corps of Engineers, determines it obstructs free navigation. You agree not to make any claim against the U.S. government for such a removal or alteration. You must also install and maintain any safety lights and signals required by the U.S. Coast Guard at your own expense.

24. If you sell the property, you shall transfer this permit verification letter, including all terms and conditions, to the new owner by sending a letter to this office that includes the name and address of the new owner, and the following statement, signed and dated by the new owner:

"As the new owner, I acknowledge that the terms and conditions of this permit will continue to be binding on me. I accept all liabilities associated with compliance with its terms and conditions."

_____ (New Owner Signature) _____ (Date)

PRE-CONSTRUCTION NOTIFICATION PROCEDURES:

Applicants must submit a joint permit checklist developed by the Utah 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 is located at <https://waterrights.utah.gov/strmalt/forms.asp>.
2. A description of the existing site conditions, including 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).
3. 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.
4. 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).
5. 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.
6. 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.

7. 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?

8. Once a complete joint application has been received, the Utah 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 Utah State Engineer will allow at least **20 days** for review and comment. The Utah State Engineer will notify the Corps of any checklist that generates considerable public interest or opposition.

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

- a. The Corps must also ensure compliance with related laws including Section 7 of the ESA. For an activity to be authorized under this permit, the Corps must find that 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, 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 instructions 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. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and/or Section 404 of the Clean Water Act (33 U.S.C. 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization:

- a. This PGP does not obviate the need to obtain other federal, state, or local authorizations required by law.
- b. This PGP does not grant any property rights or exclusive privileges.
- c. This PGP does not authorize any injury to the property or rights of others.
- d. This PGP does not authorize interference with any existing or proposed federal projects.

3. Limits of Federal Liability. In issuing this PGP, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this PGP.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this PGP.

4. Reliance on Applicant's Data. The determination of this office that this PGP authorization is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of PGP Decision. This office may reevaluate its decision on this PGP at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this PGP.
- b. The information provided by you in support of your PGP application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your PGP authorization and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

Single and complete Project: The activity must be a single and complete project as defined in the January 18, 2026, 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>

Discretionary Authority: This office reserves the right (i.e., discretion), to modify, suspend, or revoke this PGP, or any authorization thereof, whenever this office determines sufficient concerns for the environment or any other public interest factor. When this office determines that a proposed specific activity covered by the PGP would have more than minimal individual or cumulative adverse effects on the environment or otherwise may be contrary to the public interest, this office must either modify the PGP authorization to reduce or eliminate the adverse impacts, or notify the prospective permittee that the proposed activity is not authorized by the PGP and provide instructions on how to seek authorization under a General or Individual Permit. This office will follow the procedures of 33 CFR 325.7 and 33 CFR 330.5(d) when deciding whether to exercise discretionary authority to modify, suspend, or revoke a case specific activity's authorization under this PGP.

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 or Letter of Permission. The Corps will determine on a case-by-case basis 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 include additional special conditions with this permit verification to ensure the activity has minimal impact.

Permit Duration: This PGP is valid for **5 years** from the date of issuance and will expire on February 22, 2031. We may re-evaluate the terms and conditions of this PGP at any time deemed necessary to protect the public interest. For activities verified, the verification will be valid for **2 years** from the date of the Corps' written verification. The two-year verification is

commensurate with the timelines associated with the authorization issued under the State of Utah's Stream Alteration Program. All authorized work must be completed within the two-year verification period.

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
SPKRegulatoryMailbox@usace.army.mil

Utah Division of Water Rights, Stream Alteration Program
1594 West North Temple, Suite 220
P.O. Box 146300
Salt Lake City, Utah 84114-6300
(801) 538-7240
waterrights@utah.gov

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

12 February 2026

Date