



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CA 95814-2905

408 Permission Section

PUBLIC NOTICE

ESTABLISHMENT OF A PROGRAMMATIC AGREEMENT TO GOVERN U.S. ARMY CORPS OF ENGINEERS SECTION 408 PERMISSION REQUESTS FOR ALTERATIONS TO THE JORDAN SURPLUS CANAL, SALT LAKE COUNTY, UTAH

PUBLIC NOTICE COMMENT PERIOD:

Begins: April 10, 2026

Ends: May 11, 2026

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District (USACE), proposes to develop a programmatic agreement (PA) as a program alternative for compliance with Section 106 of the National Historic Preservation Act. The PA would address 408 Permission requests to alter the Jordan River Project Salt Lake County, Utah, Flood Control Project (hereafter "Jordan River Project"), authorized by the Flood Control Act of 24 July 1946, Public law 526, Seventy-ninth Congress, Second Session. This notice is to inform interested parties of the proposed PA development and to solicit comments.

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation, or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 U.S.C. 408 ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration, occupation, or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of Army's authority under Section 408 has been delegated to the USACE, Chief of Engineers. The USACE Chief of Engineers has further delegated the authority to the USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (Section 106) (codified at 54 U.S.C. § 306108), and all applicable regulations, and consistent with 36 CFR § 800.14(b), USACE is seeking to develop a PA as an alternative procedure for satisfying Section 106 compliance pursuant to issuance of such 408 Permissions.

LOCATION: The proposed PA would apply to alterations of the Jordan River Project in Salt Lake County, Utah.

ADDITIONAL INFORMATION: The Jordan River Project, to include the Jordan Surplus Canal, its levees, diversion structure, and channels, diverts water from the Jordan River near 2100 S in Salt Lake City, UT, to the Great Salt Lake. The canal was originally built by local interests and subsequently expanded and improved in cooperation with USACE. It provides additional capacity within the downstream channel of the Jordan River, reducing the risk of flooding during high water events and protecting valuable infrastructure in the Salt Lake metropolitan area. USACE is responsible for ensuring that proposed alterations to the project will not impair its usefulness or be injurious to the public interest.

Owing to the project's location within a heavily urbanized area, USACE receives multiple alteration requests each year. These requests require USACE to consult with the Utah State Historic Preservation Officer (SHPO) and other interested parties to avoid, minimize, or mitigate adverse effects to historic properties. To ensure Section 106 compliance, increase efficiency and consistency, and reduce agency and state workload, USACE seeks to develop a program-level PA with the Utah SHPO and Advisory Council on Historic Properties (ACHP) to reduce permit application review times when a Section 408 Permission is required.

The Jordan Surplus Canal has been determined ineligible for listing on the National Register of Historic Places (NRHP) with SHPO consensus and does not represent a historic property. The entirety of the canal has also been examined, and ten properties eligible or potentially eligible for listing on the NRHP found to intersect it (seven railroad bridges, one rail line, one ditch, and one site containing historic refuse and prehistoric lithics). Given these facts, USACE has proposed the following basic framework for the proposed PA:

1. USACE will establish the Area of Potential Effects (APE) for each proposed undertaking requiring a 408 Permission.
2. If this APE intersects one of the ten known properties just mentioned, USACE will consult with SHPO and other interested parties following the procedures outlined in 36 CFR § 800.
3. If the APE does not intersect one of the ten known properties, USACE will reach a finding of "No Historic Properties Affected", with no additional consultation.
4. Each year, USACE will provide SHPO a report summarizing 408 Permissions addressed under the PA where SHPO was not consulted.

A draft of the proposed PA is provided as Attachment 1.

PUBLIC INVOLVEMENT: USACE is soliciting comments and recommendations from the public; Federal, State, and local agencies and officials; Native American tribes; and other interested parties regarding the proposed PA. Any comments received will be considered by USACE during its development.

SUBMITTING COMMENTS: The Sacramento District will receive written comments on the proposed work until **May 11, 2026**. Comments, questions, or requests for additional information should be submitted electronically to Dr. Andrew Ugan's at Email: Andrew.S.Ugan@usace.army.mil.

Attn: Dr. Andrew Ugan, Senior Archaeologist
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Please note that all comment letters received are subject to release to the public through the Freedom of Information Act.

Attachments:

1) Draft Programmatic Agreement