

From: [Josh Mower](#)
To: [FOIA-SPK](#)
Subject: [Non-DoD Source] Freedom of Information Act Request
Date: Monday, April 11, 2022 12:12:12 PM

Freedom of Information Act Officer
CESPK-OC
1325 J St
Sacramento, CA 95814-2922

Re: Freedom of Information Act Request

Dear FOIA Officer:

This is a request under the Freedom of Information Act (5 U.S.C. § 552).

I request that a copy of the following documents be provided to me: A wetland delineation report completed in conjunction with the June 25, 1996, permit issued by the Department of the Army, U.S. Army Engineering District, Sacramento Corps of Engineers. Permit Number: (NW-26) 199450129. Original permittee: Savage Industries/Diversified Habitats 1, LLC. I have the original permit in my possession and will only require the wetland delineation report that is associated with this permit I have described.

Project Location: The project is located on the northwest corner of Parrish Lane and 1250 West in Centerville, within Section 12, Township 2 North, Range 1 West, Davis County, Utah.

In order to help to determine my status to assess fees, you should know that I am affiliated with a private corporation and am seeking information for use in the company's business.

I am willing to pay fees for all the applicable fees associated with this request. Thank you for your consideration.

Sincerely,

--



Josh Mower
Project Manager
Wright Development Group
1178 W Legacy Crossing Blvd, Suite 100
Centerville, Utah 84014
Office +1 383 364 2722
joshn@wrightdevelopment.com



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922
April 26, 2022

Office of Counsel

SUBJECT: Freedom of Information Act Request No. FA-22-0094; Copies of Wetland Delineation Report Used for Permit Issued by USACE Regarding SPK-199450129 (NW Permit) for Savage Industries/Diversified Habitats 1, LLC

Mr. John Mower
Wright Development Group
1178 W Legacy Crossing Blvd,
Suite 100
Centerville, Utah 84014

Dear Mr. Mower:

On April 11, 2022, our office received your Freedom of Information Act (FOIA) request for copies of wetland delineation report used for permit issued by USACE regarding SPK-199450129 (NW Permit) for Savage Industries/Diversified Habitats 1, LLC.

For the purpose of assessing fees, I have classified you as a commercial requester under 32 C.F.R. § 518.85(b)(2)(i). The charge for providing the requested information is as follows:

Professional Search and Review; .1 hr. @ \$44 per hour \$44.00

Ms. Andrea Vaiasicca emailed you a payment request on April 26, 2022 and suspended further processing until we received confirmation of your payment. We received confirmation of your payment through <https://pay.gov> on April 26, 2022. Thank you.

As requested, a redacted copies of wetland delineation report used for permit issued by USACE regarding SPK-199450129 (NW Permit) for Savage Industries/Diversified Habitats 1, LLC is enclosed.

Although the bulk of the requested information has been provided, names of Department of Defense (DoD) employees contained in the headers of e-mails and other similar lists of names within the records have been redacted pursuant to 5 U.S.C. § 552 (b)(6) of the Freedom of Information Act. In response to the terrorist attacks on the United States in the fall of 2001, DoD revised its policies which implement the Freedom of Information Act. At that time, the decision was made to withhold lists of names of all DoD employees. The court upheld this policy decision stating, "The privacy interest protected by exemption six of the Freedom of Information Act encompasses not only the addresses, but also the names of federal employees." See Judicial Watch, Inc. v. United States, 84 Fed. Appx. 335 (4th Cir. (2004)).

Because your request has been partially denied, you are advised of your right to appeal this determination through this office to the Secretary of the Army (ATTN: General Counsel). Your appeal must be postmarked or electronically transmitted within 90 days of the date of this letter. The envelope containing the appeal should bear the notation "Freedom of Information Act Appeal" and should be sent to U.S. Army Corps of Engineers, Sacramento District, ATTN: CESPCK-OC, 1325 J Street, Room 1440, Sacramento, California 95814.

For any further assistance or to discuss any aspect of your request, you have the right to contact the U.S. Army Corps of Engineers FOIA Public Liaison. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about FOIA mediation services they offer. Contact Information:

U.S. Army Corps of Engineers
FOIA Public Liaison
441 G. Street, NW
ATTN: CECC-L (Emily Green)
Washington, DC 20314-1000
Email: foia-liaison@usace.army.mil
Phone: 202-761-4791

Office of Government Information Services
National Archives and records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
E-Mail: ogis@nara.gov
Phone: 202-741-5770 or
Toll Free: 877-684-6448

If you have any questions regarding the provided information, please contact Ms. Andrea Vaiasicca, FOIA Specialist, at the above letterhead address or by calling (916) 557-7204.

Sincerely,



A. L. Faustino
Initial Denial Authority
District Counsel

Enclosures

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

(33 CFR 325)

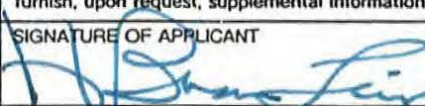
OMB APPROVAL NO. 0702-0036

Expires 30 June 1992

Public reporting burden for this collection of information is estimated to average 5 hours per response for the majority of cases, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Applications for larger or more complex projects, or those in ecologically sensitive areas, will take longer. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act and Section 103 of the Marine, Protection, Research and Sanctuaries Act. These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Information provided on this form will be used in evaluating the application for a permit. Information in this application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary; however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see *sample drawings and instructions*) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

<p>1. APPLICATION NUMBER (To be assigned by Corps)</p> <p style="font-size: 24px; text-align: center;">199450129</p>	<p>3. NAME, ADDRESS, AND TITLE OF AUTHORIZED AGENT</p> <p style="text-align: center;">Jim Paraskeva 4137 South 500 West SLC, UT 84123 Telephone no. during business hours</p> <p>A/C () _____ (Residence) A/C () <u>266-0720</u> (Office)</p>
<p>2. NAME AND ADDRESS OF APPLICANT</p> <p>Benson Lewis Savage Industries 5250 South Commerce Drive Suite 200 SLC, UT 84107 Telephone no. during business hours</p> <p>A/C () _____ (Residence) A/C () <u>263-9400</u> (Office)</p>	<p>Statement of Authorization: I hereby designate and authorize _____ to act in my behalf as my agent in the processing of this permit application and to furnish, upon request, supplemental information in support of the application.</p> <p>SIGNATURE OF APPLICANT: </p> <p>DATE: <u>4/26/96</u></p>

4. DETAILED DESCRIPTION OF PROPOSED ACTIVITY

4a. ACTIVITY

SEE ATTACHMENT A

RECEIVED

APR 30 1996

Ans'd.....

4b. PURPOSE

SEE ATTACHMENT A

4c. DISCHARGE OF DREDGED OR FILL MATERIAL

SEE ATTACHMENT A

5. NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, ETC., WHOSE PROPERTY ALSO ADJOINS THE WATERWAY

6. WATERBODY AND LOCATION ON WATERBODY WHERE ACTIVITY EXISTS OR IS PROPOSED

SEE FIGURE 2 Wetland Delineation

7. LOCATION ON LAND WHERE ACTIVITY EXISTS OR IS PROPOSED

ADDRESS:

1250 West Parrish Lane Centerville
STREET, ROAD, ROUTE OR OTHER DESCRIPTIVE LOCATION

Davis UT
COUNTY STATE ZIP CODE

Centerville City
LOCAL GOVERNING BODY WITH JURISDICTION OVERSITE

8. Is any portion of the activity for which authorization is sought now complete? YES NO
If answer is "yes" give reasons, month and year the activity was completed. Indicate the existing work on the drawings.

9. List all approvals or certifications and denials received from other federal, interstate, state or local agencies for any structures, construction, discharges or other activities described in this application.

ISSUING AGENCY	TYPE APPROVAL	IDENTIFICATION NO.	DATE OF APPLICATION	DATE OF APPROVAL	DATE OF DENIAL
Centerville City	Building		8-96		

10. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.


SIGNATURE OF APPLICANT

4/26/96
DATE


SIGNATURE OF AGENT

4-24-96
DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 3 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Attachment A

Savage Industrial Park

Block 4a. Activity

The proposed project includes the placement of fill material in an area containing existing U.S. Army Corps Of Engineers(COE) jurisdictional wetlands. The site vicinity is shown in Figure 1. The jurisdictional wetlands on this site are shown in Figure 2. These wetlands were delineated by COE and a map of site wetlands was provided by Ms. Lesley McWhirter of the U.S. Army Corps of Engineers. The proposed project involves the placement of fill material on approximately 2.14 acres of wetlands for the development of a commercial business park. The Savage Industries site consists of seven acres. The wetland delineation provided by COE delineated 2.14 acres of wetlands on the site, however the western two acres of the site were not included in the delineation. Prior to 1990, the western two acres of the site was filled with four to six feet of concrete (see Figure 3-1990 aerial photo). It is estimated that approximately three-quarters to one additional acres of wetlands existed on the western portion of the site prior to filling.

The wetland area consists of seasonal wet meadows and a shallow pond that are wetted by surface runoff, stormwater drainage and groundwater table fluctuation. Centerville City has a storm drain that discharges through a ditch that crosses the site from southeast to northwest (see Figure 4-Site and Surrounding Area). This area is typically wet during the spring months and dry during the remainder of the year. Surface water is provided by stormwater runoff and rainfall. The soils are very slowly permeable and the groundwater table fluctuates to within two to three feet of the surface during the spring and is generally three feet or deeper during the rest of the year. Vegetation consists of hydrophytic grasses and herbs, primarily red fescue, Nuttall's Alkali grass and juncus balticus in the wetland areas.

The values of this wetland area are for wildlife, primarily migratory waterfowl habitat during the seasons that water may stand on the wetland areas, aesthetics and stormwater infiltration. The area has been used in the past primarily as pasture for horse and cattle grazing. The value for this site is estimated to be low due to extensive surrounding commercial developments and limited seasonal wildlife uses.

The site and surrounding area is currently used for commercial, highway and residential development as shown in Figure 4. Expanded commercial uses are proposed for the area. Centerville City intends to reroute the storm drain system through this area by piping the drain across the southern portion of the property along Parrish Lane (personal conversation, Mr. David Hales, City Manager). Surface runoff from the project would be routed to this drain. The surrounding area has been developed for concrete batch plant (west), light industrial/commercial (north and south) and commercial purposes (east) and the area has been designated by Centerville City as an industrial/commercial park area. The site is in the heart of the commercial district located on the northwest corner of Parrish Lane and 1250 West Street.

A site plan for the proposed activity is included as Figure 5.

4b. Purpose

The purpose of the proposed project is to provide expanded commercial facilities in accordance with the Centerville City Master Plan. Centerville City has designated the vicinity for the types of developments included in this project. The area is located away from primary residential areas and is the only area within Centerville City designated for this type of use.

4c. Discharge of Dredged or Fill Material

The proposed project would involve the placement of fill material in COE jurisdictional wetlands located on the site. Wetlands located on the site would be filled to accommodate the proposed development.

Replacement of the filled wetlands would be accomplished by off-site mitigation at the Diversified Habitats Mitigation site located west of Syracuse in Davis County as shown in Attachment B.

Fill material will consist of clean native soils and imported gravel and clean fill material. Development of the site will involve the placement of approximately 25000 cubic yards of clean gravel and fill material in the wetland areas as structural fills for the development.

Stormwater from the site will be piped across the southern portion of the site along Parrish Lane to the west in accordance with Centerville's storm drain plans for the area.

5. Names and Addresses of Adjoining Property Owners

Roger's Marine-1175 West 500 North, Centerville, Utah 84014

Hogan and Tingey Construction-304 South Main Street, Centerville, Utah 84014

RnM Diesel-1393 West Parrish Lane, Centerville, Utah 84014

Salmon and Alder Associates-625 North 1250 West, Centerville, Utah 84014

Appendix A

Alternatives Considered

1.0 INTRODUCTION

The proposed project involves the placement of fill material on approximately 2.14 acres of U.S. Army Corps of Engineers Jurisdictional wetlands. The exact amount of wetlands on the site could not be accurately determined due to fill having been placed on the western two acres of the site. This fill was placed prior to 1990. A total of 2.14 acres of wetlands were delineated by COE in the unfilled areas of the site. Wetlands in the filled area are estimated to be between three quarters to one full acre. Should this project be approved, the wetlands lost by the project will be replaced through the purchase of three mitigation credits at the Diversified Habtiats site as described in Appendix B Mitigation.

2.0 EXISTING WETLANDS

There are a total of approximately 2.14 acres of wetlands that have been delineated on the Savage Industries site. The wetlands on the site were delineated by COE. A portion of the wetlands on the west of the site were interpolated by aerial photography due to fill having been placed in this area. The wetland cover types are seasonal wet meadow and emergent marsh. These wetlands provide values for flood control and limited wildlife use by shore birds.

The alkali wet meadow type occurs on approximately 1.2 acres of the Savage site and emergent marsh or ponded area on less than one acre of the site. Vegetation is predominantly Nuttall's Alkali grass, red fescue and juncus balticus.

3.0 WETLAND VALUES

The primary values of the wetlands identified on the site are for groundwater recharge, stormwater retention, and wildlife habitat. Water sources for the wetland areas are from the municipal stormwater system and groundwater fluctuation. The wet meadow areas may be ponded at shallow depths for short durations. These flat water surfaces provide seed sources, limited nesting habitat and rest areas for migratory waterfowl and water sources for wildlife. The wetlands also act as natural filters for pollutants contained in stormwater. The wetlands at the site have been used in the past as pasture for horses and cattle. A small ponded area collects water from the stormwater system and stores it on the site. Developments in the area have installed drainage systems and stormwater management systems that have resulted in additional water being delivered to site. Surrounding sites have been developed for commercial purposes.

3.1 Wildlife

The ephemeral water on the site may be used opportunistically by shorebirds and waterfowl during wet periods. Use of the site by wildlife would be expected to be limited due to a lack of nesting habitat on the site and encroaching developments. Habitat on the site is not expected to be suitable for Threatened and Endangered Species that might be expected to be located in the site vicinity.

4.0 ALTERNATIVES ANALYSIS

4.1 Introduction

Three alternatives were evaluated in the development of plans for the site. These alternatives were:

1. Proceeding with the development and avoiding the wetland areas and minimizing the disturbance to wetland areas
2. Proceeding with the development and providing off-site mitigation and
3. No action.

The following sections outline the findings of the alternatives analysis and the selected alternative.

4.2 Development with Wetlands Avoidance and Minimization

The proposed project includes a light commercial development. These facilities involve buildings, pavement and landscaping in and around the structures. Approximately one third of the wetlands located on the site were filled prior to 1990.

To the south of the site is an existing light industrial facility and Parrish Lane to the north of the site is a developed commercial warehouse facility. To the east is 1250 West Street and additional commercial developments and to the west is the Hogan and Tingey Concrete Batch Plant. The site vicinity has been designated by Centerville City for expanded commercial developments of the type proposed by this project (See Figure 4-Site and Surrounding Area). Centerville City intends to collect storm drainage that currently discharges on the site and pipe the drainage to the west following Parrish Lane. Storm water will then discharge through an existing culvert in the railroad tracks to wetlands located west of the railroad. This will result in a drying of wetlands on the site and additional enhancements of wetlands located west of the railroad.

Wetlands avoidance would result in a small isolated wetlands of low value with declining future values. The development of future commercial entities and installation of the improved storm drain system in the vicinity will result in the diversion of water sources from the site and a reduction of wetland values. Site size limits the ability to develop cost-effectively while avoiding wetlands.

4.3 Off-Site Mitigation

Off-site mitigation in Davis County was considered in discussions with Diversified Habitats 1, LLC (DH) at the Seifert property located west of Syracuse on 2800 South and 4000 West. Savage Industries will purchase three wetland credits from the Diversified Habitats mitigation site as compensation for wetlands to be filled at the development site. This alternative provides compensation for wetlands to be filled and for those wetlands filled prior to 1990. Development would be cost effective on the site only with off-site mitigation and the ability to fully utilize the entire site. This alternative meets the desires of Centerville City to develop the area for commercial uses and coordinate development of the storm drain system that will result in further enhancements to existing wetlands west of the site. A description of the mitigation site is included in Appendix B.

4.4 No Action

The proposed project includes the development of commercial facilities in an area designated for this use. Davis County currently has a shortage of commercial areas that are away from existing conflicting uses. Without the project existing uplands in the vicinity will continue to be developed and the wetlands located on the property will be further isolated and use by wildlife will decline as development in the vicinity increases.

4.5 Preferred Alternative

The preferred alternative is 4.3 Off-site mitigation at the DH mitigation site. Under this alternative the applicant will purchase three mitigation credits at the DH mitigation site. The wetland values impacted by the project include approximately 2.14 acres of low value wetlands. This area will be replaced through the restoration of three acres of wetlands at the mitigation site.

Water Quality will not be impacted by the project. Normal water table fluctuations will not be affected. Any stormwater runoff from the project will be required to meet water quality standards.

This site is not frequently used by wildlife and is not believed to provide habitat for any Threatened and Endangered species or candidate species. Wildlife values on the property are low due to seasonal water ponding on the site.

FARMINGTON, UTAH

N4052.5-W11152.5/7.5

1952

PHOTOREVISED 1969 AND 1975
AMS 3665 IV NW-SERIES V897

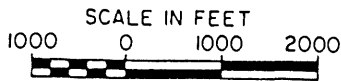
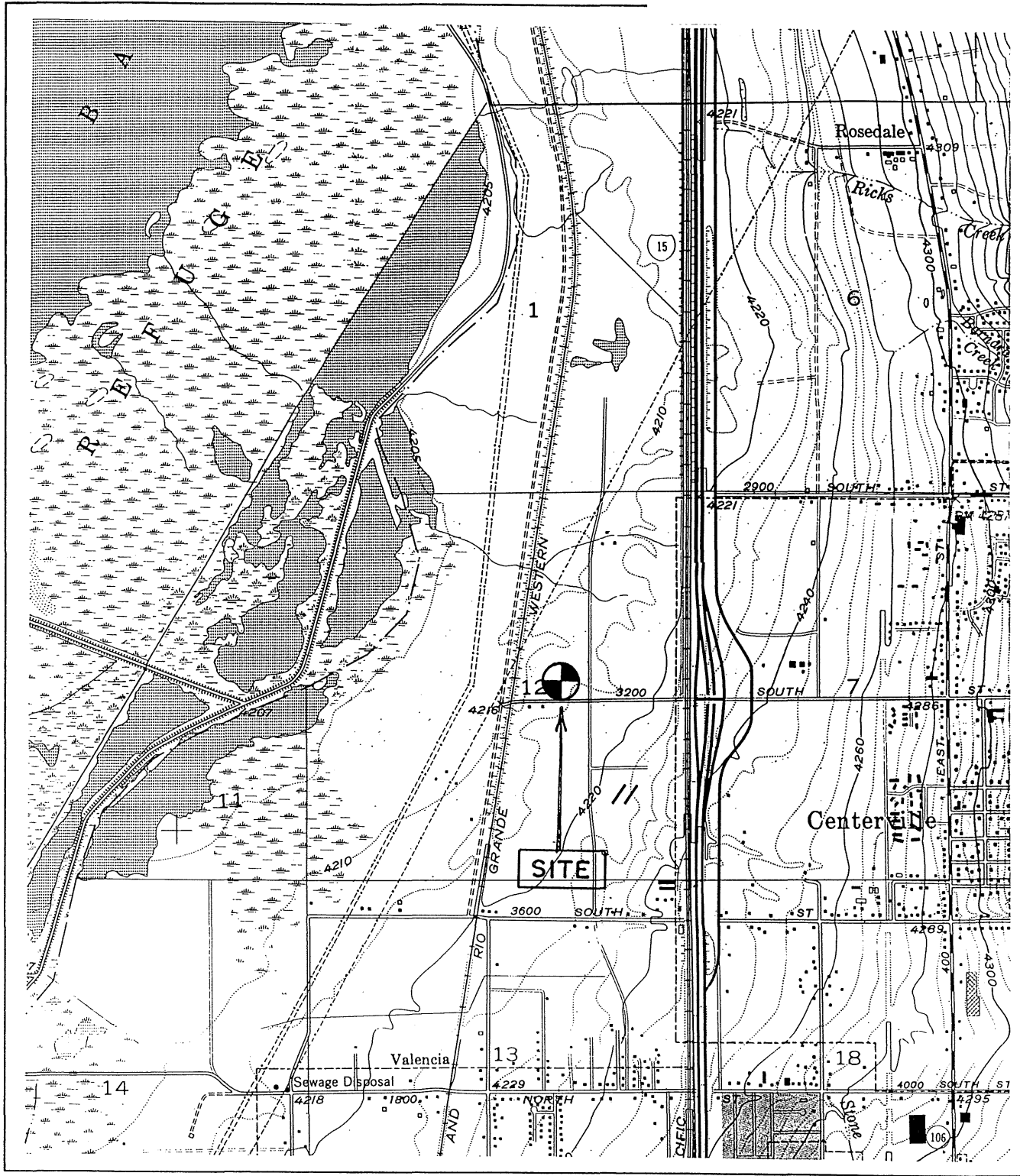
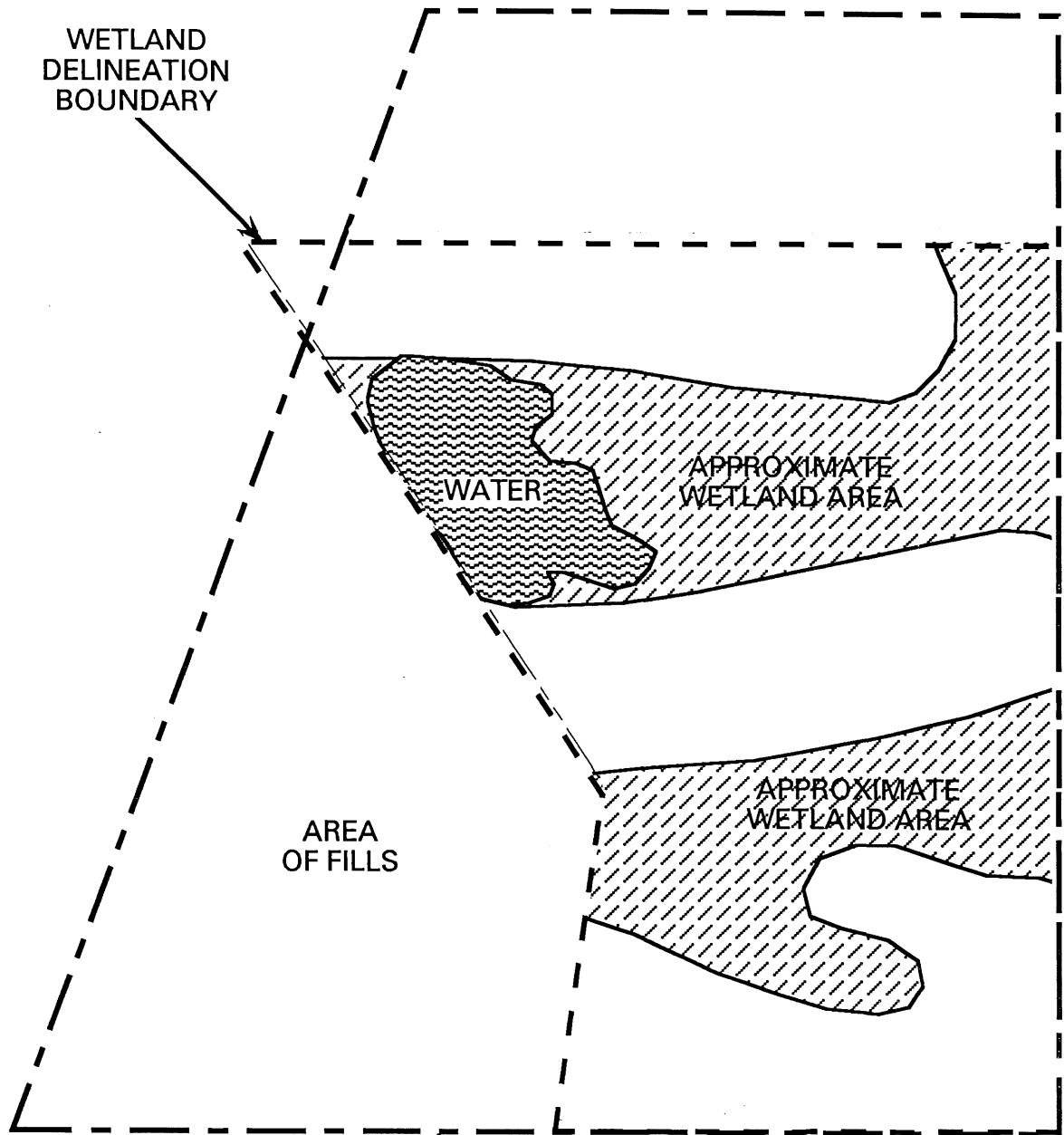


FIGURE 1
VICINITY MAP

FILE NO. _____ BY _____ DATE _____ CHECKED BY _____ DATE _____

WETLAND
DELINEATION
BOUNDARY



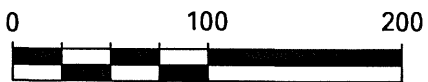
AREA
OF FILLS

WATER

APPROXIMATE
WETLAND AREA

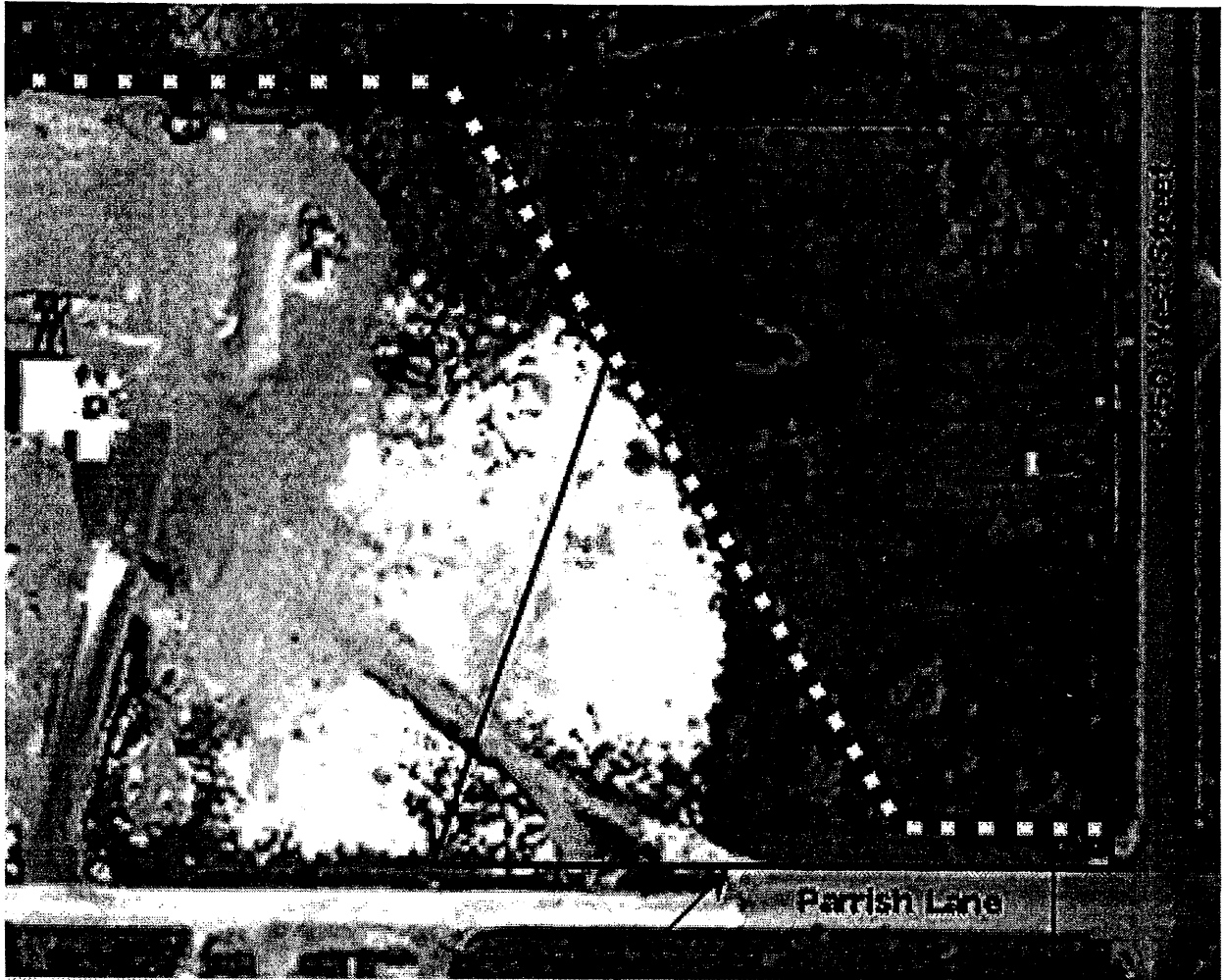
APPROXIMATE
WETLAND AREA

SITE BOUNDARY



SCALE IN FEET

FIGURE 2
WETLAND
DELINEATION



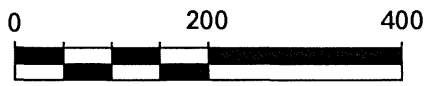
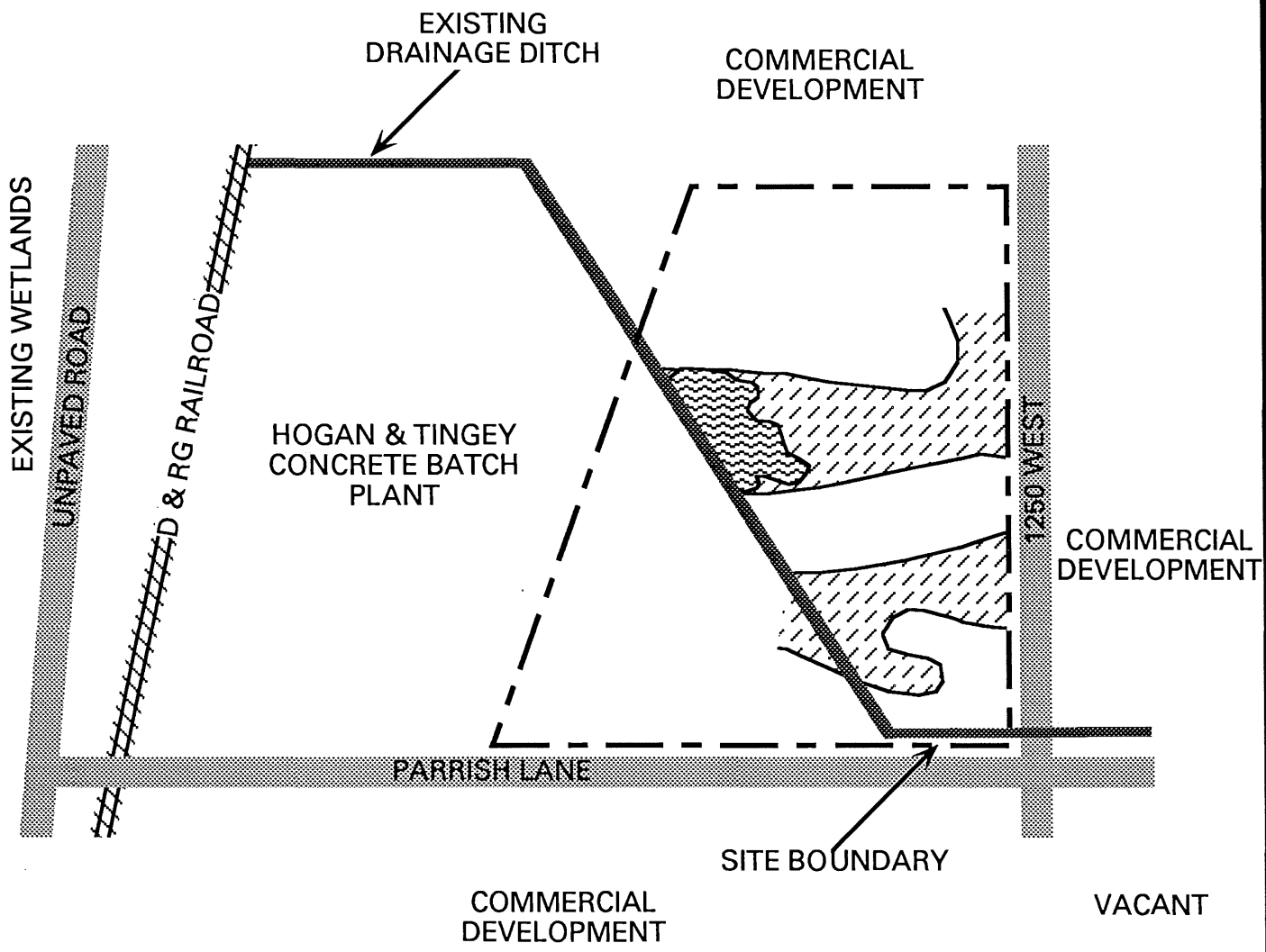
Site Boundary

Parrish Lane

Drainage Ditch

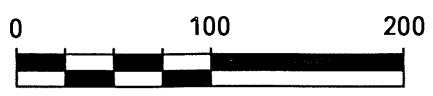
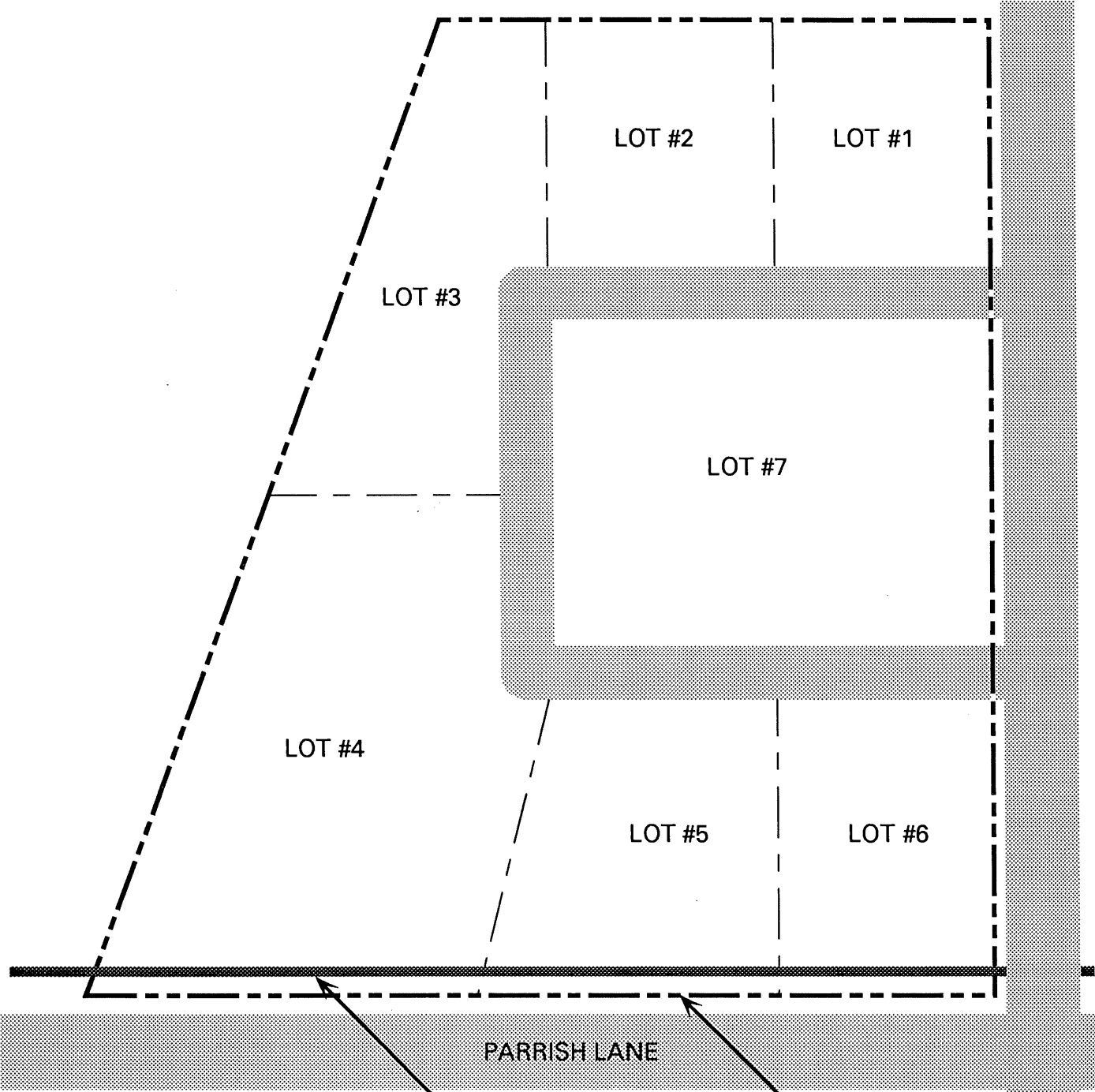


FIGURE 3
1990 AERIAL
PHOTOGRAPH



SCALE IN FEET

FIGURE 4
SITE AND
SURROUNDING AREA



SCALE IN FEET

FIGURE 5
PROPOSED SITE
DEVELOPMENT PLAN

Appendix B

(199~~5~~50622)

WETLANDS MITIGATION BANK SITE DEVELOPMENT PLAN

SUBMITTED TO:

**U.S. ARMY CORPS OF ENGINEERS
UTAH REGULATORY OFFICE
1403 SOUTH 600 WEST
BOUNTIFUL, UTAH**

APRIL 2, 1996

SUBMITTED BY:

**DIVERSIFIED HABITATS 1, LLC
1095 EAST 2100 SOUTH, SUITE 291
SALT LAKE CITY, UTAH 84106
MIKE BRODSKY / JIM PARASKEVA**

DIVERSIFIED HABITATS MITIGATION BANK SITE DEVELOPMENT PLAN

EXECUTIVE SUMMARY

Diversified Habitats proposes to develop a mitigation bank to provide wetland mitigation for unavoidable losses of wetlands. The determination of areas eligible for mitigation at the bank site will be made by the US Army Corps of Engineers under Section 404(b)(1) guidelines of the Clean Water Act. It is anticipated that areas eligible for mitigation will consist of small (less than 10 acres) isolated wetlands with low values for wildlife, water quality and aesthetics. The mitigation bank does not eliminate or modify the requirement of the applicant to consider alternatives for avoiding and minimizing impacts on site.

Mitigation Banking is defined as off-site acquisition, creation, restoration, enhancement and maintenance of wetlands at sites approved by COE for the express purpose of compensating for unavoidable wetland losses associated with development actions. The bank will serve to offset losses caused by activities that otherwise comply with federal, state and local requirements.

The goals of the mitigation bank are to:

1. Allow for mitigation of unavoidable impacts to wetlands.
2. Create the opportunity to develop a comprehensive plan for several projects with minor impacts to wetlands.
3. Create the opportunity for one large, more easily managed mitigation site.
4. Expedite permit review once compliance with regulations has been established and avoidance and minimization of impacts has been addressed.
5. Provide effective compensation for development activities by creating a functionally intact mitigation site subject to consensus approval by COE, interested agencies and the public.

The mitigation site selected for the bank consists of 42 acres located in West Syracuse in Davis County. The site is adjacent to existing wetlands and is an area of former wetlands that have lost hydrology and vegetation characteristics due to past agricultural practices. The wetland will be restored and become an integral part of Great Salt Lake wetland ecosystem. The wetland area will provide greatly enhanced wildlife values. DH has acquired and deed restricted the property and will be responsible for wetland development, monitoring and maintenance. Eventually, the property will be granted to a public or private nonprofit entity for the purpose of perpetual wetland maintenance. DH will provide wetland mitigation credits to successful applicants for the unavoidable losses of off-site wetlands in Davis, Weber and Salt Lake Counties.

WHEN RECORDED MAIL TO:
 U.S. ARMY CORPS OF ENGINEERS
 INTERMOUNTAIN REGULATORY SECTION
 UTAH REGULATORY OFFICE
 1403 SOUTH 600 WEST, SUITE A
 BOUNTIFUL, UTAH 84010

E 1230254 B 1972 P 932
 CAROL DEAN PAGE, DAVIS CNTY RECORDER
 1996 FEB 27 10:47 AM FEE 12.00 DEP DJW
 REC'D FOR FIRST AMERICAN TITLE CO OF UTA

SE-20-4N-2W DECLARATION OF ESTABLISHMENT OF
 CONDITIONS, COVENANTS AND RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS, that whereas under Section 404 of Title 33 of the United States Code, the Sacramento District Engineer, U.S. Army Corps of Engineers, has authorized certain improvements on that certain piece of real property located in Davis County, Utah and further described as follows:

Beginning at the south corner of section 20, township 4 North, Range 2 West, Salt Lake Base and Meridian; and running thence No 09'37"E, 1433.04 feet along the quarter section line; thence West 1645.87 feet; thence S27'08'00" E, 1610.25 feet to a point due west from the South quarter corner; thence east 907.5 feet to the point of beginning, containing 42.000 acres.

pt 12-102-0033

We, the owners of said parcel, in consideration of such authorization, certify and declare that the following covenants, conditions and restrictions are placed on said property for the protection of the owners and the public at large:

- a. That the above described property will be maintained, in perpetuity, for the purpose of wetland mitigation.
- b. That no alterations to the above described property will be made unless expressly authorized by the U.S. Army Corps of Engineers.
- c. These covenants are to run with the land and shall be binding on all successors and assigns of the owners.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed this 21st day of February, 1996.

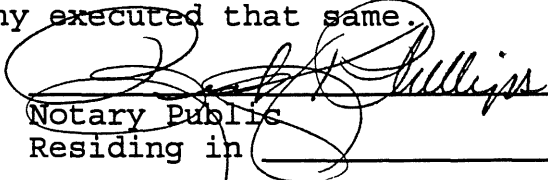

 DIVERSIFIED HABITAT, L.L.C.
 Managing Member, Hamlet Development Corporation
 Michael M. Brodsky, President

EXHIBIT "A"

E 1230254 B 1972 P 933

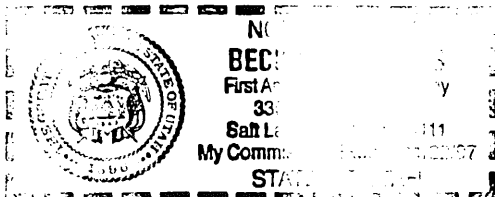
STATE OF UTAH)
) ss
COUNTY OF SALT LAKE)

On the 21TH day of FEBRUARY A.D., 1996, personally appeared before me, the undersigned Notary Public, in and for said County of SALT LAKE in said state of UTAH, MICHAEL M. BRODSKY who after being duly sworn, acknowledged to me that they are members of DIVERSIFIED HABITAT, L.L.C., a Limited Liability Company, that the Company executed the above and foregoing instrument and that said instrument was signed in behalf of said Limited Liability Company, by authority of its Article of Organization and said MICHAEL M. BRODSKY acknowledged to me that said Limited Liability Company executed that same.



Notary Public
Residing in _____

My Commission Expires _____



-RECORDER'S MEMO-
LEGIBILITY OF TYPING OR PRINTING
UNSATISFACTORY IN THE DOCUMENT
WHEN RECEIVED



US Army Corps
of Engineers
Sacramento District

FACSIMILE HEADER SHEET

Utah Regulatory Office
U.S. Army Engineer District, Sacramento
1403 South 600 West, Suite A
Bountiful, Utah 84010



6-9-94
(Date)

TO: <i>Mike Marchbanks</i>	Fax Phone: <i>261-8766</i>
	Voice Phone: <i>263-9400</i>
FROM: (b) (6)	Fax Phone: (801) 295-8842
	Voice Phone: (801) 295-8380

Number of pages to follow: 1

(Releaser's Signature)

COMMENTS:

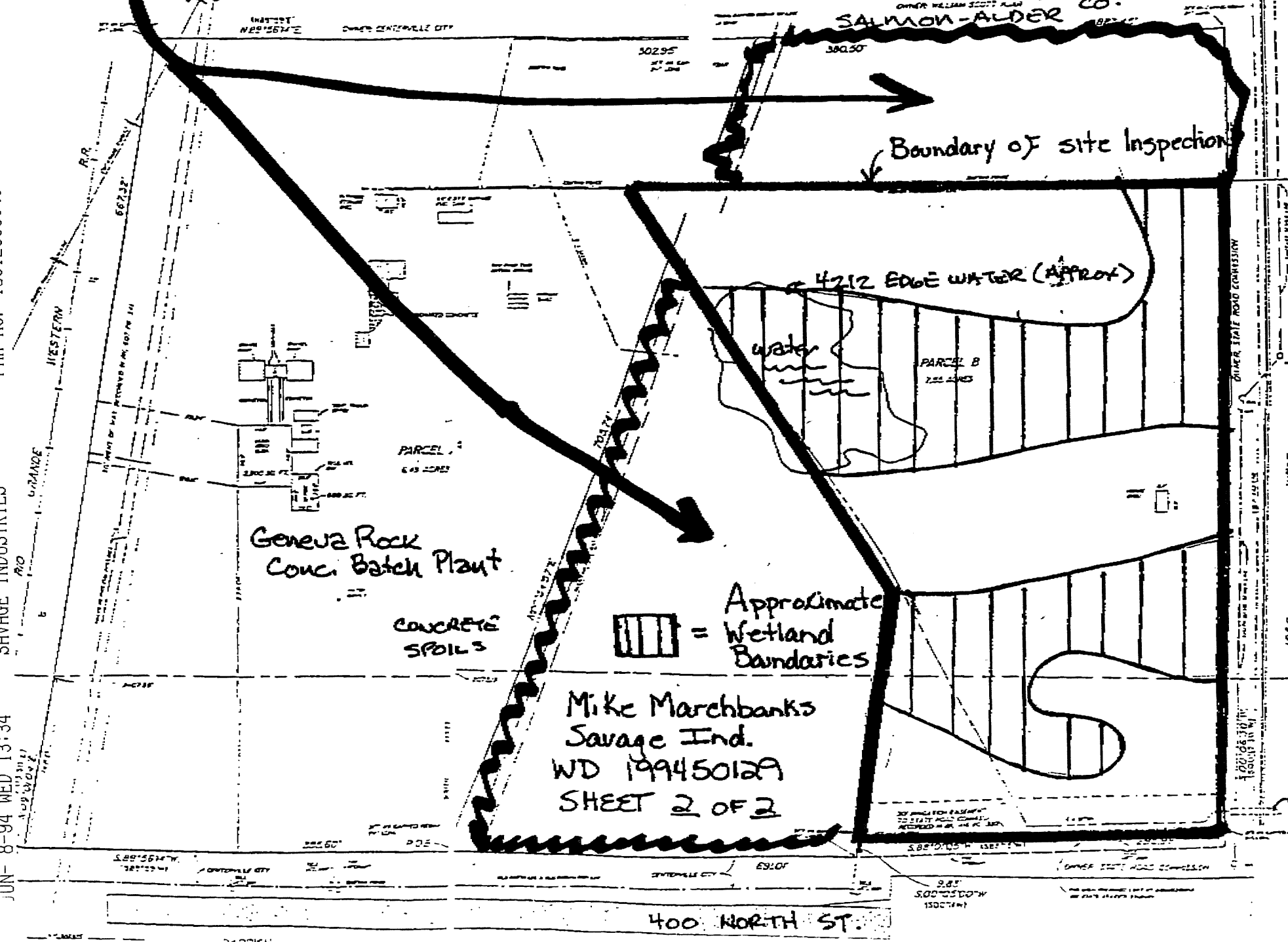
It appears that our office has not done a delineation on the entire Savage parcel. Attached is a list of consultants who can do a delineation for you.

Please let me know if you have further questions.

Additional Savage Property Needs determination

~~State~~
~~P.O. Box 262~~
~~Barnstable MA 01901~~

JUN-8-94 WED 13:34 FAX NO. 18012690543 P.02





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

April 6, 1994

Utah Regulatory Office (W-D) 199450129

(b) (6)

Mike Marchbanks
Savage Industries
5250 South 300 West
Suite 200
Salt Lake City, Utah 84107

Dear Mr. Marchbanks:

Reference is made to your request for a wetland determination on property situated on the northwest corner at the intersection of Parrish Lane and 1250 West in Centerville. This site is located within Section 12, Township 2 North, Range 1 West, Davis County, Utah.

Your project has been reviewed in accordance with Section 404 of the Clean Water Act under which the U.S. Army Corps of Engineers regulates the discharge of dredged and fill material and excavation in waters of the United States including wetlands. Based on the information provided and an onsite inspection by (b) (6) of this office, this site does contain wetland areas. We have enclosed a copy of a map showing their location. A Department of the Army permit would be required to place fill or excavate in these wetlands.

The wetland boundaries may change depending on permanent changes in the hydrologic regime. This wetland mapping is valid until April 30, 1997.

Thank you for your interest in our nation's water resources. If you have any questions, please contact (b) (6) at our Utah Regulatory Office, 1403 South 600 West, Suite A, Bountiful, Utah 84010, telephone (801) 295-8380.

Sincerely,

(b) (6)

Chief, Utah Regulatory Office

Enclosures

AN

~~State P.O. Box 262 Bountiful UT 84001~~

OWNER WILLIAM SCOTT ALAN SALMON-ALDER

882.45'

OWNER CENTERVILLE CITY

502.95'

390.50'

Boundary of site inspection

4212 EDGE WATER (APPROX)

PARCEL B
7.22 ACRES

PARCEL A
6.49 ACRES

Geneva Rock Conc. Batch Plant

CONCRETE SPOILS

Approximate Wetland Boundaries

Mike Marchbanks
Savage Ind.
WD 199450129
SHEET 2 OF 2

+4217
ASL

WEST

1250

42" GI PIPE

S.89°56'14"W
582'12.51'

CENTREVILLE CITY

CENTREVILLE CITY

E910'

OWNER STATE ROAD COMMISSION

S.00°05'00"W
5,000'00.00'
(1300 FT)

400 NORTH ST.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

April 6, 1994

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Suite 200
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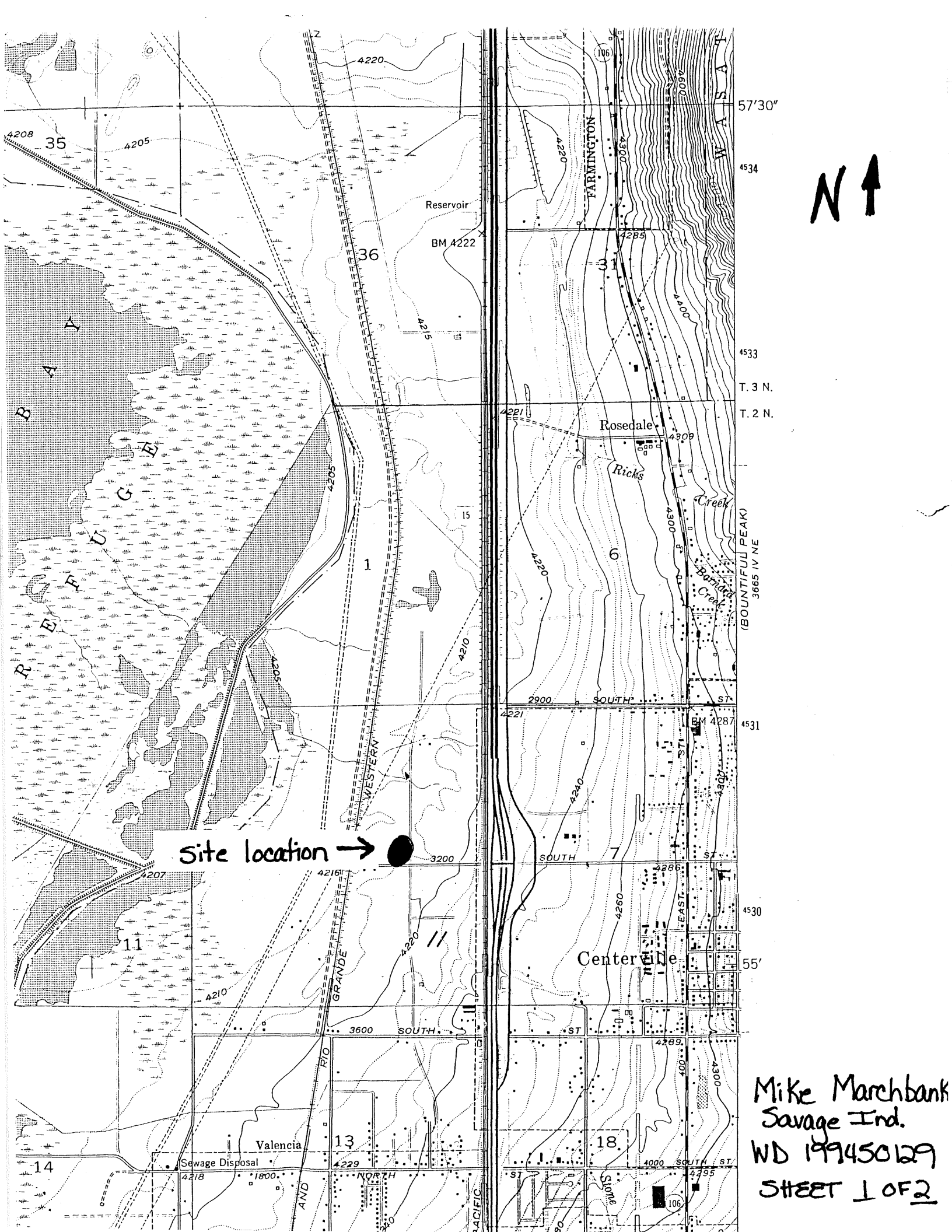
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Sincerely,

(b) (6)

Chief, Utah Regulatory Office

Enclosures



Site location → ●



57'30"

4534

4533

T. 3 N.

T. 2 N.

4531

4530

55'

Mike Marchbank
Savage Ind.
WD 199450129
SHEET 1 OF 2



~~State~~
~~P.O. BOX 262~~
~~BAINBRIDGE~~ 34-7028
~~BLVD~~

OWNER: WILLIAM SCOTT KAH
SALMON-ALDER CO.

1188°58' E
N.89°26'4" E

OWNER: CENTERVILLE CITY

502.95'
ST. TO CORNER

380.50'

882.45'

Boundary of site inspection

4212 EDGE WATER (APPROX)

PARCEL B
7.55 ACRES

PARCEL A
6.49 ACRES

Geneva Rock
Conc. Batch Plant

CONCRETE
SPOILS

Approximate
Wetland
Boundaries

Mike Marchbanks
Savage Ind.
WD 199450129
SHEET 2 OF 2

+4217
ASL

WEST

1250

42" Ø
PIPE

S.88°56'14" W
588°25' W

CENTERVILLE CITY

691.07'

CENTERVILLE CITY

S.88°01'05" W (1582°14' W)
9.83'
5.00°05'00" W
(1500°19' W)

OWNER: STATE ROAD COMMISSION

400 NORTH ST.

PARRISH

1.047

(1)

DATA FORM 1
WETLAND DETERMINATION

Applicant: Mike Marchbanks Application Number: JD 9450129 Project Name: _____
 Name: M.H. Stacy State: UT County: Davis Legal Description: _____ Township: 2N Range: 1W
 Date: 9-1-92 Plot No.: _____ Section: 12

Vegetation [list the three dominant species in each vegetation layer (5 if only 1 or 2 layers)]. Indicate species with observed morphological or known physiological adaptations with an asterisk.

Species	Indicator Status	Species	Indicator Status
<u>Trees</u>		<u>Herbs</u>	
1.		7. Rush sp.	FACT/OBL
2.		8. Saltgrass	FAC*
3.		9. Clover sp.	FACW
<u>Saplings/shrubs</u>		<u>Woody vines</u>	
4.		10. Foxtail Barley	FAC
5.		11. Five-horn Shredderweed	FACW
6.		12.	

% of species that are OBL, FACW, and/or FAC: 100% Other indicators: _____
 Hydrophytic vegetation: Yes No Basis: _____

Soil

Series and phase: _____ On hydric soils list? Yes ; No
 Mottled: Yes ; No . Mottle color: lt. grey; Matrix color: _____
 Gleyed: Yes No Other indicators: moist, sandy soil
 Hydric soils: Yes No ; Basis: _____

12"
54 5/2

Hydrology

Inundated: Yes ; No . Depth of standing water: _____
 Saturated soils: Yes ; No . Depth to saturated soil: _____
 Other indicators: _____
 Wetland hydrology: Yes ; No . Basis: moist soils during dry time
 Atypical situation: Yes ; No . Dry time of year - drought
 Normal Circumstances? Yes No .
 Wetland Determination: Wetland ; Nonwetland

Comments:

grazed *

Marginal

Determined by

(b) (6)

B2

Re-evaluated in March 1994 (beginning of growing season)
 Soils saturated to surface - vegetation heavily grazed

2

DATA FORM 1
WETLAND DETERMINATION

Applicant Name: M.H. Stacy Application Number: JD 9450259 Project Name: _____
State: VT County: Norris Legal Description: Township: 2N Range: 1W
Date: 9-1-92 Plot No.: _____ Section: 12

Vegetation [list the three dominant species in each vegetation layer (5 if only 1 or 2 layers)]. Indicate species with observed morphological or known physiological adaptations with an asterisk.

<u>Trees</u>		<u>Herbs</u>	
<u>Species</u>	<u>Indicator Status</u>	<u>Species</u>	<u>Indicator Status</u>
1.		7. Dock	FACW
2.		8. Foxtail Barley	FAC
3.		9. Saltgrass	FACT
<u>Saplings/shrubs</u>		<u>Woody vines</u>	
4.		10. Carex sp.	FACW
5.		11. Juncus sp.	FACT/OBL
6.		12. Cattle-bur	FAC

% of species that are OBL, FACW, and/or FAC: 100% Other indicators: _____
Hydrophytic vegetation: Yes No Basis: _____

Soil

Series and phase: _____ On hydric soils list? Yes ; No
Mottled: Yes ; No . Mottle color: rust; Matrix color: _____
Gleyed: Yes No Other indicators: _____
Hydric soils: Yes No ; Basis: _____

12"
34 1/2

Hydrology

Inundated: Yes ; No . Depth of standing water: _____
Saturated soils: Yes ; No . Depth to saturated soil: _____
Other indicators: _____
Wetland hydrology: Yes ; No . Basis: _____
Atypical situation: Yes ; No . Day time of year - Drought
Normal Circumstances? Yes No
Wetland Determination: Wetland ; Nonwetland

Comments:

Re-evaluated in
March 1994

Soils saturated to surface - vegetation heavily grazed

Determined by:

(b) (6)

B2

(3)

DATA FORM 1
WETLAND DETERMINATION

Applicant Name: M.H. Stacy Application Number: JD 945029 Project Name: _____
 State: VT County: Davis Legal Description: _____ Township: 2N Range: 1W
 Date: 9-1-92 Plot No.: _____ Section: 12

Vegetation [list the three dominant species in each vegetation layer (5 if only 1 or 2 layers)]. Indicate species with observed morphological or known physiological adaptations with an asterisk.

<u>Species</u>	<u>Indicator Status</u>	<u>Species</u>	<u>Indicator Status</u>
<u>Trees</u>		<u>Herbs</u>	
1.		7. Foxtail	FAC
2.		8. Sactgrass	FAC*
3.		9. Sactbush	FACW
<u>Saplings/shrubs</u>		<u>Woody vines</u>	
4.		10.	
5.		11.	
6.		12.	
% of species that are OBL, FACW, and/or FAC: <u>100%</u> Other indicators: _____ Hydrophytic vegetation: Yes <input checked="" type="checkbox"/> No _____ Basis: _____			

Soil

Series and phase: _____ On hydric soils list? Yes _____; No _____
 Mottled: Yes ; No _____. Mottle color: rust, lt. brown lt. black; Matrix color: →
 Gleyed: Yes _____ No Other indicators: _____
 Hydric soils: Yes No _____; Basis: _____

10"
54 4/2
12" Same

Hydrology

Inundated: Yes _____; No . Depth of standing water: _____
 Saturated soils: Yes ; No _____. Depth to saturated soil: 8"
 Other indicators: cracked soil at surface
 Wetland hydrology: Yes ; No _____. Basis: _____
 Atypical situation: Yes ; No _____.
 Normal Circumstances? Yes _____ No . Dry time of year - Drought
 Wetland Determination: Wetland ; Nonwetland _____

Comments:

75' x 200'

Determined by:

(b) (6)

B2

Re-evaluated in March 1994
 Soils saturated to surface - vegetation heavily grazed

DATA FORM 1
WETLAND DETERMINATION

Applicant Name: Mike Marchbanks Application Number: WA 9450129 Project Name: _____
 State: Utah County: Davis Legal Description: _____ Township: 2N Range: 1W
 Date: March 1991 Plot No.: 4 Section: 12

Vegetation [list the three dominant species in each vegetation layer (5 if only 1 or 2 layers)]. Indicate species with observed morphological or known physiological adaptations with an asterisk.

<u>Species</u>	<u>Indicator Status</u>	<u>Species</u>	<u>Indicator Status</u>
<u>Trees</u>		<u>Herbs</u>	
1.		7.	<u>Cattails</u>
2.		8.	<u>Typha latifolia</u> OBL
3.		9.	
<u>Saplings/shrubs</u>		<u>Woody vines</u>	
4.		10.	
5.		11.	
6.		12.	

% of species that are OBL, FACW, and/or FAC: 100% Other indicators: _____
 Hydrophytic vegetation: Yes No Basis: _____

Soil

Series and phase: _____ On hydric soils list? Yes ; No
 Mottled: Yes ; No . Mottle color: _____; Matrix color: _____
 Gleyed: Yes No Other indicators: _____
 Hydric soils: Yes No ; Basis: hydric moisture regime

Hydrology

Inundated: Yes ; No . Depth of standing water: 3"
 Saturated soils: Yes ; No . Depth to saturated soil: _____
 Other indicators: _____
 Wetland hydrology: Yes ; No . Basis: _____
 Atypical situation: Yes ; No
 Normal Circumstances? Yes No
 Wetland Determination: Wetland ; Nonwetland

Comments:

Re-evaluated original delineation done in the fall of 1992 -> during the drought cycle (the determination was never completed then).

Determined by: _____

(b) (6)

B2

DATA FORM 1
WETLAND DETERMINATION

Applicant Name: Mike Marchbanks Application Number: WD 945069 Project Name: _____
 State: IT County: Davis Legal Description: _____ Township: 2N Range: 1W
 Date: March 1994 Plot No.: 5 Section: 12

Vegetation [list the three dominant species in each vegetation layer (5 if only 1 or 2 layers)]. Indicate species with observed morphological or known physiological adaptations with an asterisk.

<u>Species</u>	<u>Indicator Status</u>	<u>Species</u>	<u>Indicator Status</u>
<u>Trees</u>		<u>Herbs</u>	
1.		7. (Willows) <u>Salix sp.</u>	<u>FACW/OBL</u>
2.		8. (Russian Olive) <u>Elaeagnus</u>	<u>FAC</u>
3.		9. <u>angustifolia</u>	
<u>Saplings/shrubs</u>		<u>Woody vines</u>	
4.		10.	
5.		11.	
6.		12.	

% of species that are OBL, FACW, and/or FAC: _____. Other indicators: _____
 Hydrophytic vegetation: Yes No Basis: _____

Soil

Series and phase: _____ On hydric soils list? Yes ; No
 Mottled: Yes ; No . Mottle color: _____; Matrix color: _____
 Gleyed: Yes No Other indicators: _____
 Hydric soils: Yes No ; Basis: hydric moisture regime

Hydrology

Inundated: Yes ; No . Depth of standing water: 6" - 4 foot
 Saturated soils: Yes ; No . Depth to saturated soil: _____
 Other indicators: _____
 Wetland hydrology: Yes ; No . Basis: _____
 Atypical situation: Yes ; No
 Normal Circumstances? Yes No
 Wetland Determination: Wetland ; Nonwetland

Comments:

Determined by

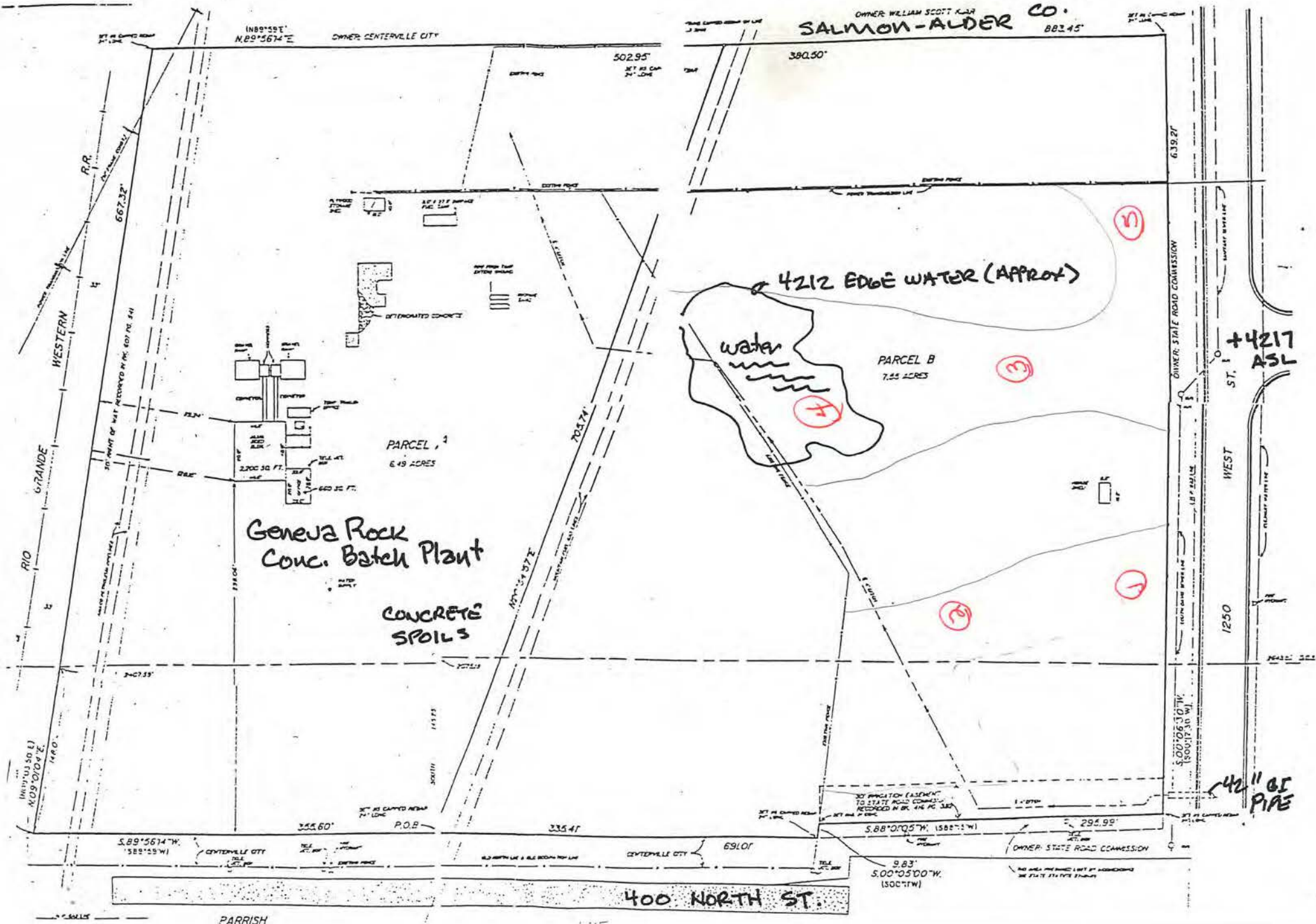
B2

(b) (6)

AN

Stace
P.O. Box 262
Bountiful, UT 84011

934-7028

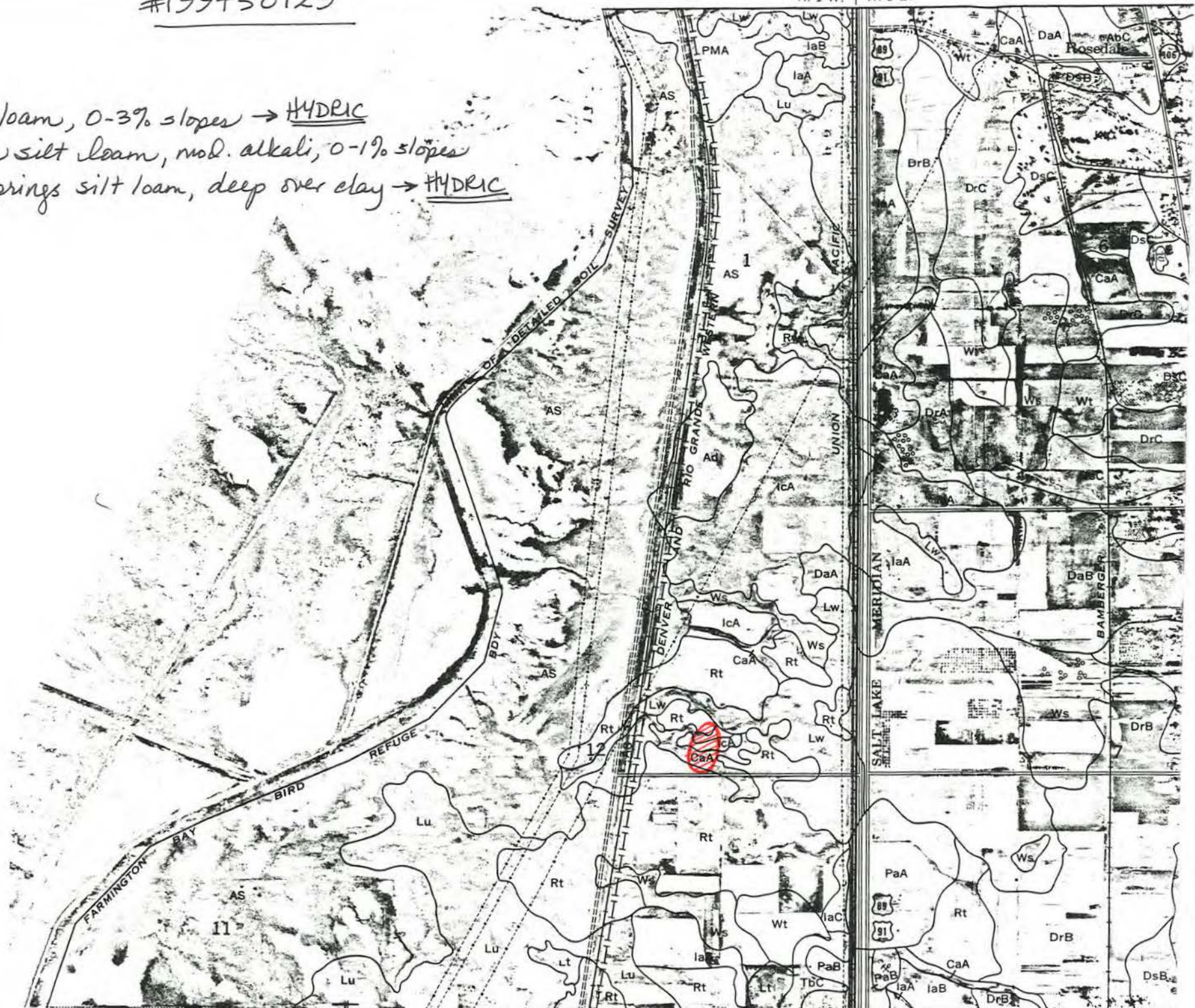


#199450129



CaA = Chance loam, 0-3% slopes → HYDRIC
IcA = Ironton silt loam, mod. alkali, 0-1% slopes
Rt = Reshe Springs silt loam, deep over clay → HYDRIC

REFUGES, UNWATERED, AND ACCESSORY FEATURES SHOWN ON THIS MAP ARE UNCLASSIFIED.



(Joins sheet 66) | (Joins sheet 67)

AN

~~State P.O. Box 262 Bountiful UT 84001~~
~~534-7028~~

OWNER WILLIAM SCOTT KLAN
SALMON-ALDER CO. 882.45'

OWNER CENTERVILLE CITY
1489'55"E
N. 89°56'74"E

502.95'
ST. IN CAP
N. 1° LONG

390.50'

Boundary of site inspection

4212 EDGE WATER (APPROX)

PARCEL B
7.52 ACRES

PARCEL A
6.49 ACRES

Geneva Rock
Conc. Batch Plant

CONCRETE
SPOILS

Approximate
Wetland
Boundaries

Mike Marchbanks
Savage Ind.
WD 199450129
SHEET 2 OF 2

+4217
ASL

1250

42" Ø 5
PIPE

5.89°56'74"W
589°105'W

CENTERVILLE CITY

335.41'

CENTERVILLE CITY

69.10'

9.83'
5.00°05'00"W
(500°17'W)

OWNER STATE ROAD COMMISSION

400 NORTH ST.

PARRISH

LANE



US Army Corps
of Engineers
Sacramento District

FACSIMILE HEADER SHEET

Utah Regulatory Office
U.S. Army Engineer District, Sacramento
1403 South 600 West, Suite A
Bountiful, Utah 84010



6-9-94
(Date)

TO: <i>Mike Marchbanks</i>	Fax Phone: <i>261-8766</i>
	Voice Phone: <i>263-9400</i>
FROM: <div style="background-color: black; color: red; padding: 5px; display: inline-block;">(b) (6)</div>	Fax Phone: (801) 295-8842
	Voice Phone: (801) 295-8380

Number of pages to follow: 1

(Releaser's Signature)

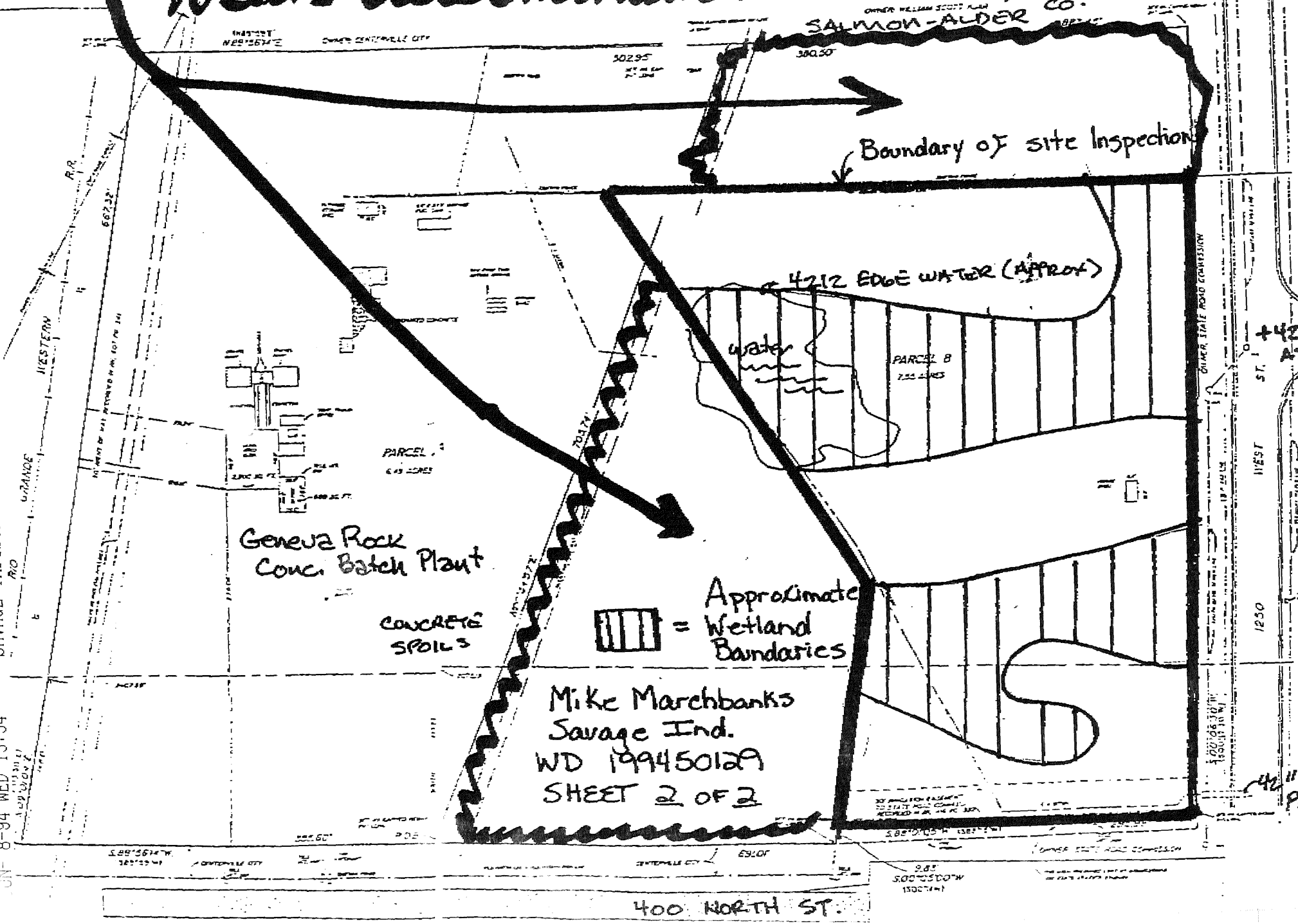
COMMENTS:

It appears that our office has not done a delineation on the entire Savage parcel. Attached is a list of consultants who can do a delineation for you. Please let me know if you have further questions.

Additional Savage Property Needs determination

~~State~~
~~P.O. Box 262~~
~~Bountiful UT 84011~~
204-7028

P.02
FAX NO. 18012690543
Savage Industries
JUN-8-94 WED 13:34



400 NORTH ST.



Savage

5250 South 300 West
Suite 200
Salt Lake City, Utah 84107
(801) 263-9400
FAX (801) 261-8766

FACSIMILE TRANSMISSION COVER SHEET

TO:	(b) (6)
COMPANY:	U.S. Army Corps of Engineers
DEPARTMENT:	
FAX NUMBER SENT TO:	295-8842

FROM:	M. W. Marchbanks
DEPARTMENT:	Real Estate
NUMBER OF PAGES (including cover sheet):	2
Origin Fax Number :	(801) 269-0543
Origin Telephone Number:	(801) 263-9400
Date:	6/8/94
Time:	2:30
Operator:	
Message or Special Instructions:	(b) (6) please check and see if (b) (6) had made a determination on the entire Savage parcel.

CONFIDENTIALITY NOTICE:

The information contained in this fax transmittal is privileged and confidential. It is intended for the addressee only. If you are neither the intended recipient nor the employee or agent responsible for delivering this to the intended recipient, any disclosure of this information in any way or taking of any action in reliance on this information is strictly prohibited. If you have received this fax transmittal in error, please notify the party transmitting the information immediately.

AM

State 24-7028
P.O. Box 262
Bountiful, UT 84011

OWNER WILLIAM SCOTT KEAR
SALMON-ALDER CO. 883.45'

188°59'E
N.89°56'74"E

OWNER CENTERVILLE CITY

502.95'
ST. PL. CORNER
24' 10" W. 24' 10" E

380.50'

639.21'

R.R.
667.32'

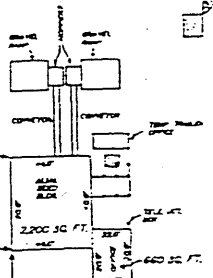
WESTERN

GRANDE

RIO

1480'
N.09°00'4"E

50' WIDE OF WAT. RESERVOIR BY REC. 607 PL. 541



PARCEL A
6.49 ACRES

Geneva Rock
Conc. Batch Plant

CONCRETE
SPOILS

709.74'

1457.57'

335.41'

69.10'

400 NORTH ST.

S.89°56'14"W
(S88°59'W)

CENTERVILLE CITY

CENTERVILLE CITY

9.83'
5.00°05'00"W
(S00°17'W)

OWNER STATE ROAD COMMISSION

4212 EDGE WATER (APPROX)



PARCEL B
7.55 ACRES

+4217
ASL

WEST

1250'

42" GI
PIPE

OWNER STATE ROAD COMMISSION

5.00°06'30"W
(S00°17'30"W)

295.99'

NO AREA UNDEVELOPED OR BY ACCORDANCE
OF STATE PLATING STATUTES

STACE
P.O. Box 262
Bountiful, UT 84011-0262
801-534-7028

August 23, 1992

US ARMY CORPS of ENGINEERS
Utah Regulatory Office
1403 South 600 West, Suite A
Bountiful, UT 84010

ATTN: (b) (6)
REF: Wet Lands Requirements
West Centerville Industrial Park
Lot on NW corner 400 North 1250 West

Dear (b) (6),

Enclosed is copy of 7.55 acre PARCEL B of the above property, which my client is thinking of developing.

Please send us all information required by us to proceed with compliance with your office and a National permit form and/or application for us to submit.

Also, any results of our meeting this month with you and Anthony at the site would be appreciated to evaluate feasibility of project.

Sincerely,



M. H. Stacey
Project Manager

encl

