

Application No. 8049

Name of Applicant Sorenson Development

Effective Date 21 January 1983

Expiration Date (If applicable) 30 September 1985

DEPARTMENT OF THE ARMY
SACRAMENTO DISTRICT, CORPS OF ENGINEERS
800 CAPITOL MALL
SACRAMENTO, CALIFORNIA 95814

3755610

DEPARTMENT OF THE ARMY
PERMIT

Referring to written request dated 12 July 1982 for a permit to:

() Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

(X) Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92-500);

() Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052; P.L. 92-532);

Sorenson Development, 340 West Whitney Avenue, Salt Lake City, Utah 84115,

is hereby authorized by the Secretary of the Army:

to place 13,000 cys. of fill material in the waterway during rechannelization,

in Emigration Creek,

at a location two miles east of Salt Lake City in Emigration Canyon, Salt Lake County, Utah, and within Section 6, Township 1 South, Range 2 East, S.L.B. & M.,

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings: give file number or other definite identification marks.)

"Proposed Channel Relocation", four sheets, dated 26 July 1982.

subject to the following conditions:

I. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Federal Water Pollution Control Act of 1972 (P.L. 92-500; 86 Stat. 816), the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532, 86 Stat. 1052), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge during its construction or operation, of any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementat on plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings attached hereto.

i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

j. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified or revoked.

k. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after receipt by the permittee of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms and the conditions of this permit did not, in fact, occur or (b) the alleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

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The following Special Conditions will be applicable when appropriate:

STRUCTURES IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES:

~~a. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.~~

b. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

c. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

d. That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

e. Structures for Small Boats: That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

MAINTENANCE DREDGING:

~~a. That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for _____ years from the date of issuance of this permit (ten years unless otherwise indicated);~~

b. That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES:

a. That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the FWPCA and published in 40 CFR 230;

b. That the discharge will consist of suitable material free from toxic pollutants in other than trace quantities;

c. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution; and

d. That the discharge will not occur in a component of the National Wild and Scenic River System or in a component of a State wild and scenic river system.

DUMPING OF DREDGED MATERIAL INTO OCEAN WATERS:

~~a. That the dumping will be carried out in conformity with the goals, objectives, and requirements of the EPA criteria established pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, published in 40 CFR 220-228.~~

b. That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or dumping of the dredged material as authorized herein.

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

By SORENSEN DEC, INC.
[Signature] PRES.
PERMITTEE

11-16-82
DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

[Signature]
HENRY LEE, Lt. Col., CE for
ARTHUR E. WILLIAMS, Colonel, CE

21 JAN 83
DATE

DISTRICT ENGINEER, Sacramento
U.S. ARMY, CORPS OF ENGINEERS

Transferee hereby agrees to comply with the terms and conditions of this permit.

TRANSFEREE

DATE

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o. That if the activity authorized herein is not started on or before _____ day of _____, 19_____, (one year from the date of issuance of this permit unless otherwise specified) and is not completed on or before 30th day of September, 19 85, (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition t hereof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

s. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

t. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

II. Special Conditions: (Here list conditions relating specifically to the proposed structure or work authorized by this permit):

(a) That if an archaeological or historical site is exposed, the permittee shall contact the State Historic Preservation Office and the National Park Service; telephone (801) 533-5961 and (415) 556-7741, respectively. It is requested that the permittee delay work which might affect the site until it has been evaluated by cultural resources authorities;

(b) That the new stream channel shall be lined with riprap in accordance with permit drawings, and shall contain log and/or rock drop structures, and boulder retards shall be placed to optimize fish habitat;

(c) That actual design and location of habitat improvement structures shall be developed in consultation with the State of Utah Division of Wildlife Resources. This design shall be completed prior to beginning construction and a copy of the design shall be furnished to Mr. Tom Skordal of our Salt Lake City Regulatory Office, 8402 Federal Building, 125 South State Street, Salt Lake City, Utah 84138;

(d) That the banks of the new channel shall be planted with riparian and wetland species with vegetative cover maximized on the southern bank to increase shading;

(e) That all channel improvements and habitat requirements listed above shall be completed prior to diverting water into the new channel;

(f) That the permittee shall retain most of the existing off-stream wetlands as runoff basins. In addition, several ponds shall be constructed along the proposed channel. These ponds shall be contoured to provide for the establishment of vegetated wetlands along their periphery;

(g) That anticipated sediment removal at the upstream pond shall be performed only during periods of low flow and all dredged material shall be deposited in an upland (non-wetland) area sufficiently removed from the channel to assure that material does not slough off or erode into Emigration Creek;

(h) That the site design shall be approved by the Salt Lake County Division of Flood Control and Water Quality prior to construction.

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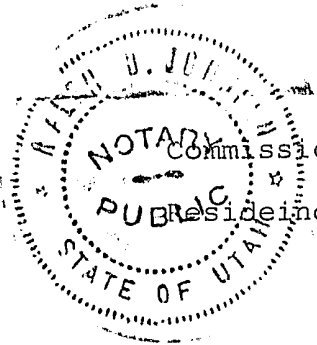
STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 17th day of November, 1982 personally appeared before me James L. Sorenson who being duly sworn did say, for himself, that he is the president of Sorenson Development Company, and that the forgoing was signed in behalf of said corporation and said corporation executed the same.

Ralph B. Johnson
Notary Public

Commission Expires: 4-21-85

Residing At: Salt Lake City, Utah



2
3
Wayne Harpox

REQ OF
DEP

FEB 2 11 45 AM '83
Ralph B. Johnson

KATIE JOHNSON
RECORDER
SALT LAKE COUNTY
UTAH
Murray 84107

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433 E. Holstein Way

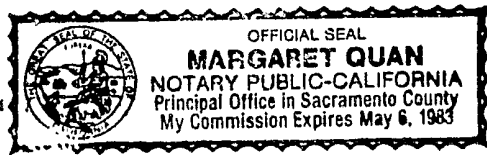
STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

On this 21 day of JANUARY in the year one
thousand nine hundred and 83, before me,
MARGARET QUAN, a Notary Public, State of California,
duly commissioned and sworn, personally appeared _____

Lt. COL. HENRY LEE

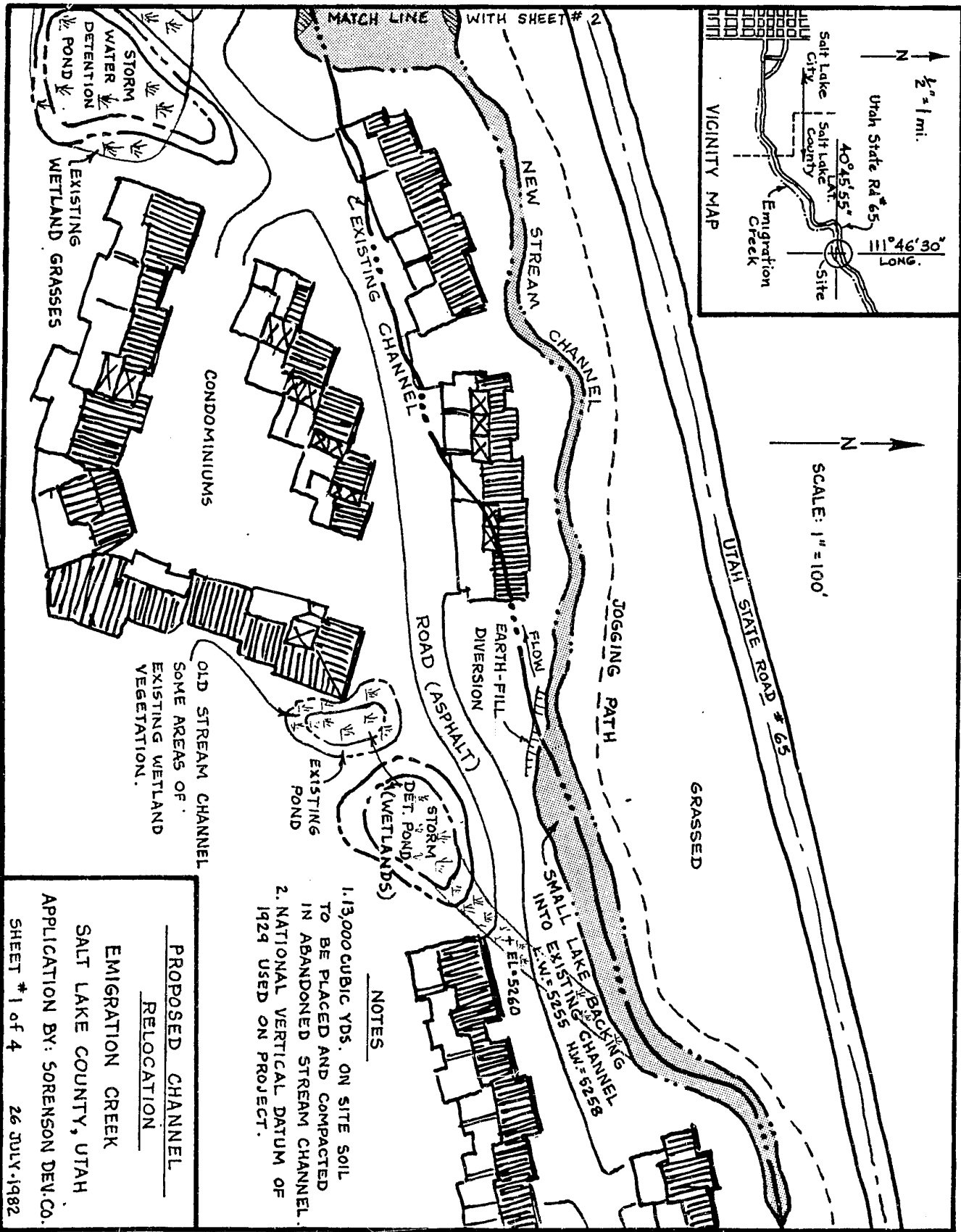
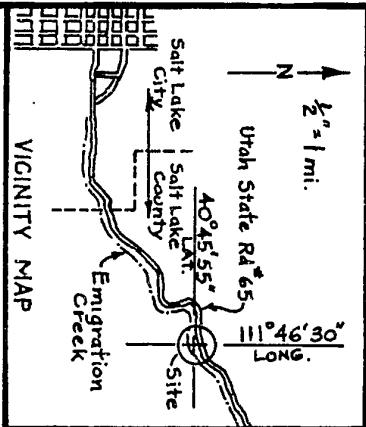
_____ known to me to be the person _____ whose name
_____ is _____ subscribed to the within instrument and acknowledged to me
that _____ he _____ executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed
my official seal in the _____ County of
SACRAMENTO _____ the day and year in this certificate first
above written.



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Margaret Quan
Notary Public, State of California
My commission expires May 6, 1983



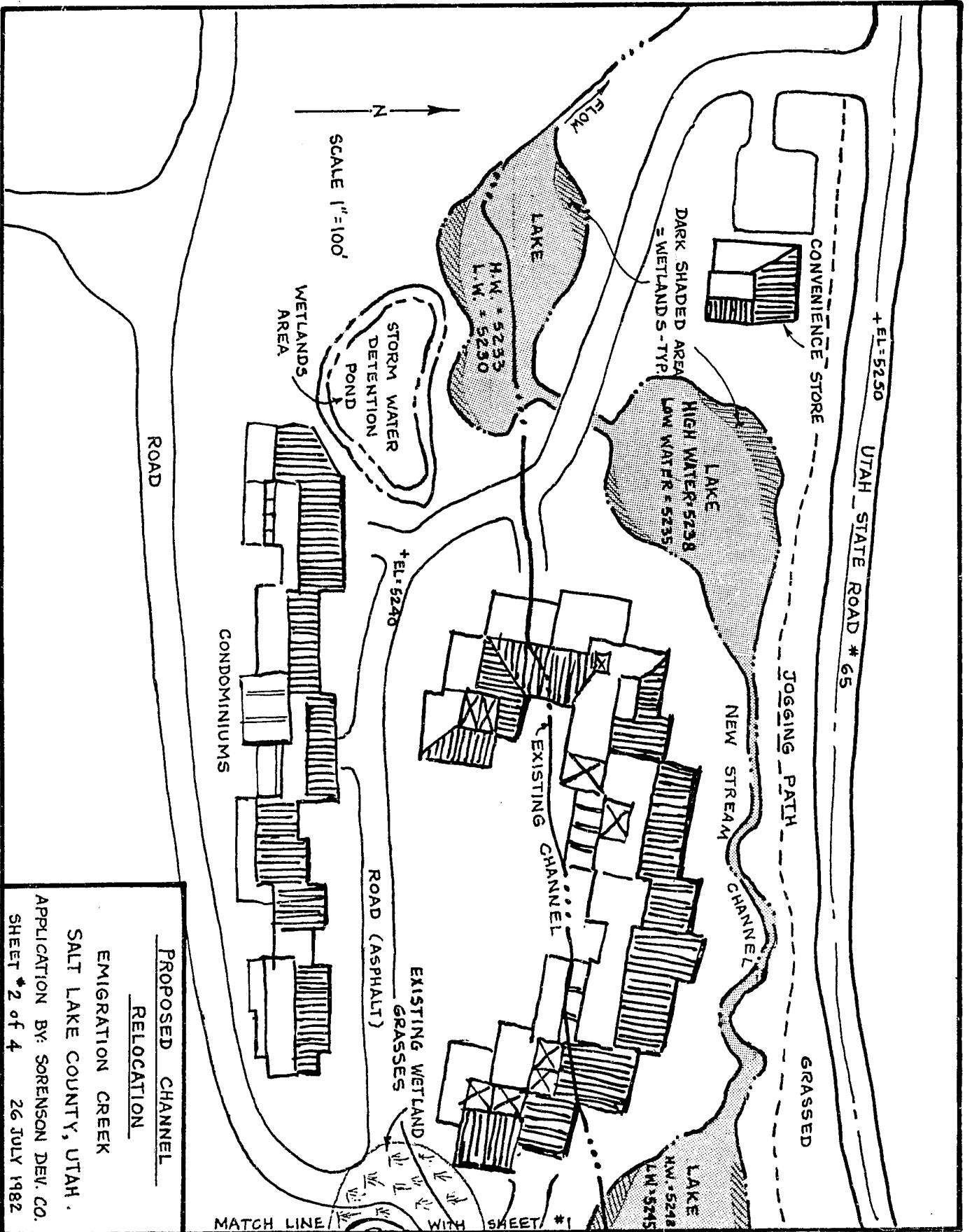
NOTES

1. 13,000 CUBIC YDS. ON SITE SOIL TO BE PLACED AND COMPACTED IN ABANDONED STREAM CHANNEL.
2. NATIONAL VERTICAL DATUM OF 1929 USED ON PROJECT.

PROPOSED CHANNEL
RELOCATION

EMIGRATION CREEK
SALT LAKE COUNTY, UTAH

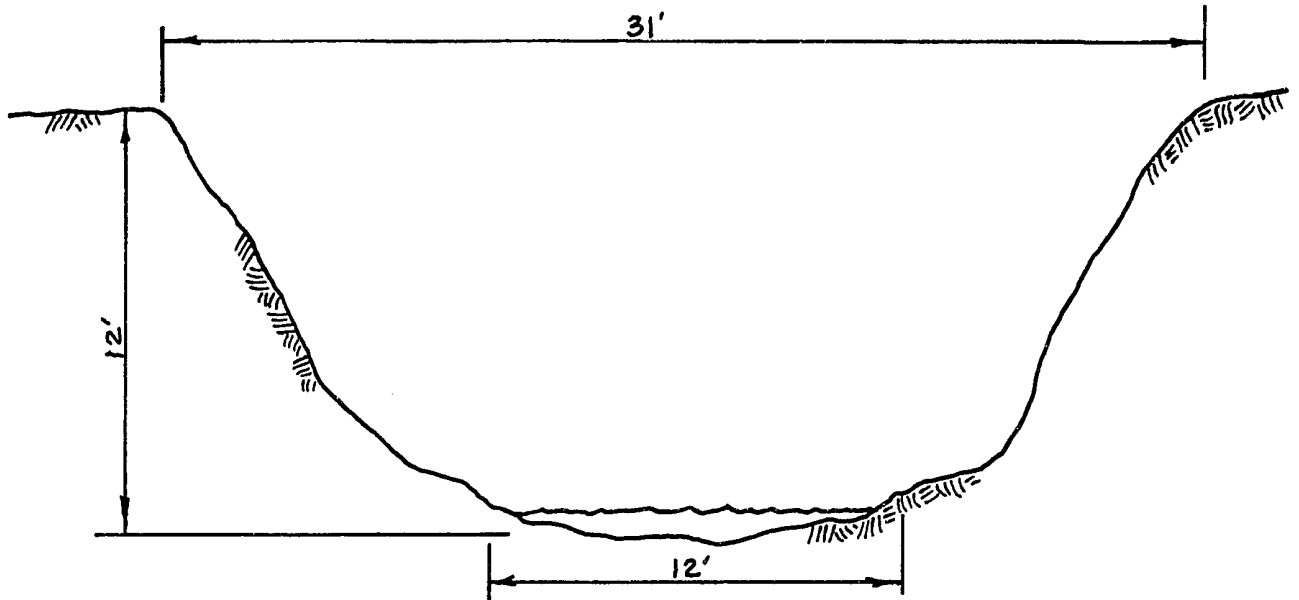
APPLICATION BY: SORENSON DEV. CO.
SHEET # 1 of 4 26 JULY-1982



PROPOSED CHANNEL
RELOCATION

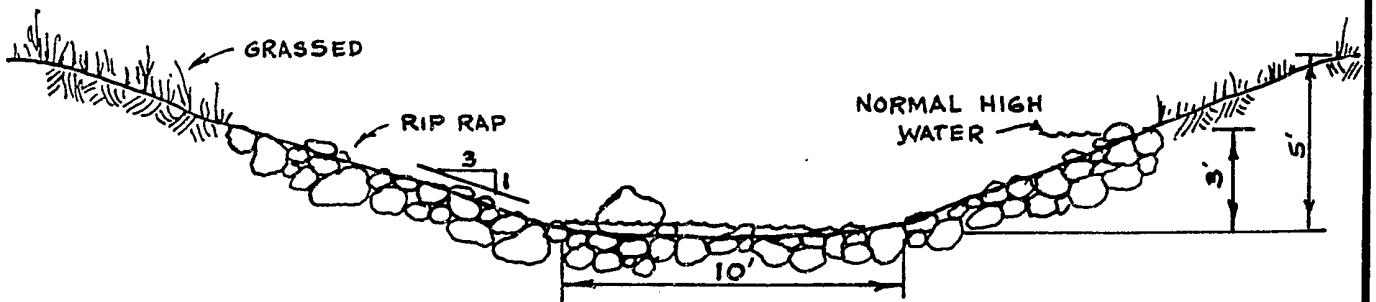
EMIGRATION CREEK
SALT LAKE COUNTY, UTAH.

APPLICATION BY: SORENSON DEV. CO.
SHEET # 2 of 4 26 JULY 1982



TYPICAL SECTION of EXISTING CHANNEL

SCALE: $\frac{3}{16}'' = 1'-0$



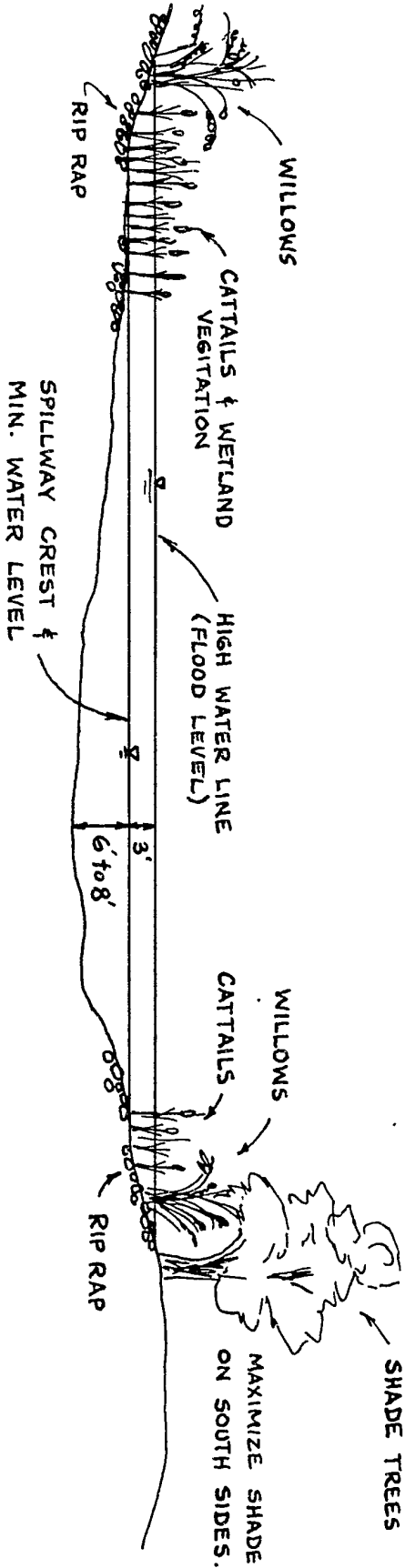
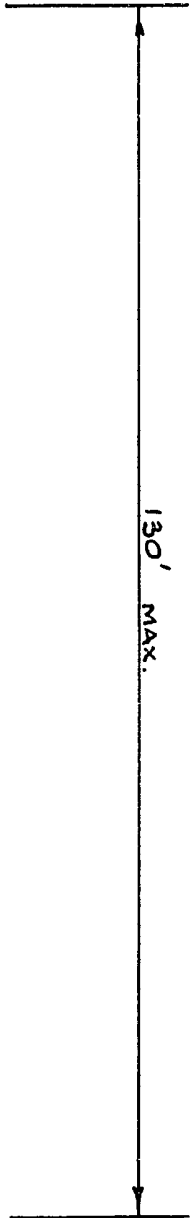
TYPICAL SECTION of NEW CHANNEL

SCALE: $\frac{3}{16}'' = 1'-0$

PROPOSED CHANNEL
RELOCATION

EMIGRATION CREEK
SALT LAKE COUNTY, UTAH
APPLICATION: SORENSON DEV. CO.

SHEET #3 of 4 26 JULY 1982



TYPICAL SECTION THRU LAKES

(SCALE: 1" = 20')

PROPOSED CHANNEL
RELOCATION
EMIGRATION CREEK
SALT LAKE COUNTY, UTAH
APPLICATION: SORENSON DEV. CO.
SHEET # 4 of 4 26 JULY 1982