

WHEN RECORDED RETURN TO:

Utah Regulatory Office
Attention:
533 West 2600 South, Suite 150
Bountiful, Utah 84010

Ent 1061550 Bk 1706 Pg 1932
Date 02-Apr-2012 04:24PM Fee \$123.00
Michael Gleed, Rec. - Filed By GLC
Cache County, UT
For TITLE WEST - SLC
Electronically Recorded by Simplifile

THIS SPACE FOR RECORDER'S USE ONLY

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS is made as of MAR 30 2012, 2012, by YESCO Properties LLC, a Utah limited liability company, ("Declarant").

WHEREAS, Declarant is the owner of certain real property located in the City of Logan, County of Cache, Utah, described in Exhibit "A" attached hereto and incorporated hereby by this reference (hereinafter "Preserve Area");

WHEREAS, the Preserve Area is further depicted on the map attached hereto as Exhibit "B".

WHEREAS, Declarant intends to protect the Preserve Area immediately following the recordation of this Declaration of Restrictions, as wildlife habitat and a wetland preserve area, to be so held in perpetuity subject to restrictions in accordance with the provisions of the Section 404 Permit Identification #SPK-2006-50438-UO, which is attached hereto as Exhibit "C" (hereinafter "Permit") issued to Declarant's predecessor in interest by the U.S. Army Corps of Engineers (hereinafter "Corps") in connection with the surrounding property of which the Preserve Area is a part; (2) the *Mitigation and Monitoring Plan*, which is attached hereto as Exhibit "D" (hereinafter "The Plan") which includes the *Open Space Preserve Operations and Management Plan*.

WHEREAS, this Declaration of Restrictions is intended to implement the provisions of the Permit requiring a binding covenant running with the land, but shall not be construed to impose restrictions in addition to those provided for in the Permit; and

WHEREAS, the Preserve Area consists of both jurisdictional wetland features and associated natural upland areas;

WHEREAS, the Declaration will benefit all parties to the Declaration, and their successors, in that it will assist in preserving and maintaining the wetland open space in the Preserve Area;

NOW THEREFORE, Declarant declares as follows:

1. The onsite avoided wetlands and any onsite/offsite mitigation areas, created, restored, enhanced or preserved as compensation for work authorized by

this Permit and their attendant upland buffer areas, shall not be made the subject of a future Individual or General Department of the Corps. permitEnt 1061550 Bk 1706 Pg 1933 fill or any other development, except for the purposes of enhancing or restoring the Preserve Area.

2. Covenant Running with Land. In consideration of the foregoing benefits flowing to all parties; in consideration of the benefits obtained by the Declarant from the Permit, and other valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Declarant does hereby covenant and agree to restrict, and does by this instrument intend to restrict, the future use of the Preserve Area as set forth below, by the establishment of this Covenant running with the land.

3. Restrictions Concerning the Preserve Areas. Except for those actions necessary to accomplish preservation, maintenance, repair, or enhancement as has been, or in the future is authorized by the Corps, consistent with the Permit and The Plan, no person shall engage in any of the following restricted activities in the Preserve Area:

- a) No plowing or cultivation of the Preserve Area or any portion of such area, shall be done or permitted except by the Declarant or its successors and assigns to the Preserve Area, as described in The Plan and with prior approval from the Corps;
- b) No materials or debris shall be stored or placed (whether temporarily or permanently) within the Preserve Area or any portion of such area;
- c) No discharge of any dredged or fill material shall be done or permitted within the Preserve Area or any portion of such area except as consistent with the terms and conditions of the Permit;
- d) No discharge, dumping, disposal, storage or placement of any trash, refuse, rubbish, grass clippings, cuttings or other waste materials within the Preserve Area or any portion of such area shall be done or permitted;
- e) No leveling, grading or landscaping within the Preserve Area or any portion of such area shall be done or permitted;
- f) No dumping or storage of snow shall occur within the Preserve Area;
- g) No destruction or removal of any natural tree, shrub or other vegetation that exists upon the Preserve Area shall be done or permitted except by the Declarant or its successors and assigns to the Preserve Area, for the purposes of thatch management or the removal of noxious or dangerous plants as necessary to maintain the Preserve Area. Written authorization from the Corps shall be required prior to any such activity;
- h) No motorized vehicles shall be ridden, brought, used or permitted on any portion of the Preserve Area, except as provided for in (a) and (g) above or;
- i) No roads, utility lines, trails, benches, equipment storage, or other structures or activities shall occur within the Preserve Area.

- j) Untreated stormwater shall not be discharged into the Preserve Area. At a minimum, primary treatment (i.e. detention to settle solids, oil/water separator, etc.) of stormwater shall be required if it is to be discharged into the Preserve Area.

4. Not An Offer to Dedicate; No Rights of Public Use. The provisions of this Declaration of Restrictions do not constitute an offer for public use. This instrument does not constitute an irrevocable offer to dedicate.

5. Successors and Assign Bound. Declarant hereby agrees and acknowledges that the Preserve Area shall be held, sold, conveyed, owned and used subject to the applicable terms, conditions and obligations imposed by this Agreement relating to the use, repair, maintenance and/or improvement of the Preserve Area, and matters incidental thereto. Such terms, conditions and obligations are a burden and restriction on the use of the Preserve Area, as applicable.

6. Runs with the Land. The provisions of this Agreement shall (subject to the limitations contained in this Agreement and without modifying the provisions of this Agreement) be enforceable as equitable servitudes and conditions, restrictions and covenants running with the land, and shall be binding on the Declarant and upon each and all of its respective heirs, devisees, successors, and assigns, officers, directors, employees, agents, representatives, executors, trustees, successor trustees, beneficiaries and administrators, and upon future owners of the Preserve Area and each of them.

7. Severability. The provisions of the Declaration are severable and the violation of any of the provisions of this Declaration by a Court shall not affect any of the other provisions which shall remain in full force and effect.

[Signatures Follow]

DECLARANT:

Ent 1061550 Bk 1706 Pg 1935

YESCO Properties LLC
a Utah limited liability company

Date: MAR 30, 2012

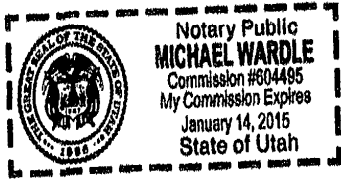
By: *[Signature]*

Its President

STATE OF UTAH

County of Salt Lake

On March 30, 2012, before me, personally appeared Paul C. Young, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

[Signature]

Signature of Notary Public

EXHIBIT A – LEGAL DESCRIPTION OF “PRESERVE AREA”

Ent 1061550 Bk 1706 Pg 1936

AREA #1

PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 12 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; ALSO BEING PART OF BLOCK 14, PLAT "C", LOGAN HAYLAND SURVEY; BEGINNING AT A POINT WHICH LIES NORTH 89°42'00" WEST, 4.56 FEET FROM THE NORTHEAST CORNER OF LOT 8, BLOCK 14, PLAT "C", LOGAN HAYLAND SURVEY; SAID POINT ALSO BEING THE SOUTHEAST CORNER OF NORTHWEST R.D.A. SUBDIVISION; AND THENCE SOUTH 05°18'24" EAST, 15.99 FEET; THENCE NORTH 88°33'46" WEST, 292.73 FEET; THENCE NORTH 01°26'47" EAST, 34.34 FEET; THENCE SOUTH 88°35'30" EAST, 159.06 FEET; THENCE SOUTH 12°20'41" WEST, 0.76 FEET; THENCE SOUTH 87°09'26" EAST, 55.38 FEET; THENCE NORTH 83°35'52" EAST, 74.12 FEET; THENCE SOUTH 05°18'24" EAST, 26.73 FEET TO THE POINT OF BEGINNING.

AREA #2

PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 12 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; ALSO BEING PART OF BLOCK 14, PLAT "C", LOGAN HAYLAND SURVEY; BEGINNING AT A POINT WHICH LIES NORTH 89°42'00" WEST, 409.73 FEET FROM THE NORTHEAST CORNER OF LOT 8, BLOCK 14, PLAT "C", LOGAN HAYLAND SURVEY; AND THENCE SOUTH 07°48'04" EAST, 20.23 FEET; THENCE NORTH 88°33'46" WEST, 103.13 FEET; THENCE 54.74 FEET ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 38.81 FEET, AN INCLUDED ANGLE OF 80°48'14", AND LONG CHORD WHICH BEARS SOUTH 45°30'07" WEST 50.31 FEET; THENCE 14.96 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 15.00 FEET, AN INCLUDED ANGLE OF 57°09'03", AND A LONG CHORD WHICH BEARS SOUTH 31°24'08" WEST 14.35 FEET; THENCE SOUTH 89°48'48" WEST, 48.86 FEET; THENCE SOUTH 67°43'16" WEST, 70.62 FEET; THENCE NORTH 01°43'14" EAST, 93.28 FEET; THENCE SOUTH 89°42'00" EAST, 255.13 FEET TO THE POINT OF BEGINNING.

AREA #3

PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 12 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; ALSO BEING PART OF BLOCK 14, PLAT "C", LOGAN HAYLAND SURVEY; BEGINNING AT A POINT WHICH LIES SOUTH 01°26'14" WEST, 644.79 FEET AND NORTH 89°48'20" WEST, 594.27 FEET FROM THE NORTHEAST CORNER OF LOT 8, BLOCK 14, PLAT "C", LOGAN HAYLAND SURVEY; AND THENCE NORTH 89°48'20" WEST, 73.80 FEET; THENCE NORTH 01°43'14" EAST, 126.37 FEET; THENCE SOUTH 48°15'53" EAST, 29.65 FEET; THENCE SOUTH 23°50'25" EAST, 66.54 FEET; THENCE SOUTH 24°32'18" EAST, 50.53 FEET TO THE POINT OF BEGINNING.

AREA #4

PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 12 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; ALSO BEING PART OF BLOCK 14, PLAT "C", LOGAN HAYLAND SURVEY; BEGINNING AT A POINT WHICH LIES SOUTH 01°26'14" WEST, 644.79 FEET AND NORTH 89°48'20" WEST, 367.62 FEET AND NORTH 1.17 FEET FROM THE NORTHEAST CORNER OF LOT 8, BLOCK 14, PLAT "C", LOGAN HAYLAND SURVEY; AND THENCE NORTH 89°37'16" WEST, 99.59 FEET; THENCE NORTH 71°09'31" EAST, 14.76 FEET; THENCE NORTH 19°49'31" EAST, 17.35 FEET; THENCE NORTH 10°27'42" EAST, 6.97 FEET; THENCE NORTH 03°45'12" EAST, 8.52 FEET; THENCE SOUTH 88°33'46" EAST, 78.05 FEET; THENCE SOUTH 00°11'39" WEST, 35.14 FEET TO THE POINT OF BEGINNING.

EXHIBIT A – LEGAL DESCRIPTION OF “PRESERVE AREA”

Ent 1061550 Bk 1706 Pg 1937

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

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY PERMIT

Permittees:	YESCO Corporation	City of Logan
	Attn: Eric Ensign	Issa Hamud
	1651 North 1000 West	450 North 1000 West
	Logan, Utah 84321	Logan, Utah 84321

Permit Number: SPK-2006-50438-UO

Issuing Office: U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 "J" Street
Sacramento, California 95814-2922

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee(s) or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below. A notice of appeal options is enclosed.

Project Description: To permanently fill 2.01-acres of wetlands and other waters of the United States to construct expanded electronics manufacturing facilities on the south side of the existing YESCO facility. This expansion entails building three new buildings (38,060 square feet, 25,780 square feet, and 36,000 square feet), storm water detention basins, and infrastructures including driveways and parking spaces. All work is to be completed in accordance with the attached plans.

Project Location: The 10-acre site is located on the west side of 1000 West at approximately 1651 North 1000 West in Logan, in Section 20, Township 12 North, Range 1 East, Latitude 41.76°, Longitude -111.86°, Cache County, Utah.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **April 25, 2016**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. 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

-2-

permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. 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.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. You shall notify this office of the start and completion dates of the authorized work within 30 calendar days prior to initiation of construction activities within waters of the U.S. and 30 calendar days following completion of construction activities.
2. You and your authorized contractor shall allow representatives from this office to inspect the authorized activity and all mitigation, preservation, and avoidance areas at any time deemed necessary to ensure that work is being or has been accomplished in accordance with the terms and conditions of this permit.
3. You are responsible for all work authorized herein and ensuring that all contractors and workers are made aware and adhere to the terms and conditions of this permit authorization. You shall ensure that a copy of the permit authorization and associated drawings are available for quick reference at the project site until all construction activities are completed.
4. Prior to initiation of construction activities within waters of the U.S., you shall submit to the Corps pre-construction site photographs of the project site. Within 60 days following completion of construction activities, you shall submit post-construction site photographs of the project site, showing the work conducted, to this office. The camera positions and view angles of post-construction photographs shall be identified on a map, aerial photo, or project drawing. Construction locations shall include all major project features and waters of the U.S., including mitigation areas.
5. To prevent unauthorized fills and unforeseen impacts to avoided or adjacent waters during construction, you shall properly install limits of disturbance fencing (i.e. orange construction or silt fencing) at the outer boundary of any required buffers and avoided and preserved waters of the U.S. within the project area prior to initiation of construction activities within waters of the U.S. Photo documentation of the installed fencing shall also be submitted to the Corps prior to initiation of

construction activities. This fencing shall be maintained in working condition at all times until the disturbed areas are stabilized and revegetated.

6. To ensure avoidance of impacts beyond the permit limits, the project permit limits shall be clearly identified in the field with highly visible markers such as construction fencing or silt barriers prior to initiation of any construction activities within waters of the U.S. Such identification shall be properly maintained until construction is completed and the soils have been stabilized. Equipment, materials, or any other substances or activities that impact waters of the U.S. outside the permit limits (as shown on Figure 2, Project Development Plan at the YESCO Expansion project area) are prohibited.
7. You shall use only clean and nontoxic fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act. In addition, all newly poured concrete shall be allowed to cure for a minimum of 30 days prior to coming into contact with open water.
8. Prior to initiation of any construction activities within waters of the U.S., you shall employ construction best management practices (BMPs) onsite to prevent degradation to on-site and off-site waters of the U.S. Methods shall include the use of appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities and shall remain until construction activities are completed. Erosion control methods shall remain in place until all on-site soils are stabilized. You shall submit a description of and photo-documentation of your BMPs to our office within 10 days of commencement of construction. Photos may be submitted electronically to regulatory-info@usace.army.mil.
9. To compensate for unavoidable impacts to waters of the U.S., you shall fully implement the approved "Wetland Mitigation and Monitoring Plan for the YESCO Expansion Project," dated January 2011 mitigation plan, prepared by Dennis Wenger of Frontier Corporation, USA. The document entitled "Wetland Mitigation and Monitoring Plan for the YESCO Expansion Project," dated January 2001, is incorporated by reference as a condition of this authorization to ensure mitigation compliance.
10. To mitigate for the loss of 2.01-acres of waters of the United States, YESCO shall construct 3.0-acres of wet meadow within the Logan City-owned offsite Mitigation property located in the southwest corner of Section 31, Township 12 North, Range 1 East, as shown and described in the "Wetland Mitigation and Monitoring Plan for the YESCO Expansion Project" document, dated January 2011. Construction of the compensatory mitigation work shall commence prior to or concurrent with the commencement of the authorized expansion project or no later than September 1, 2011, whichever date comes first.
11. Within 60 days following completion of compensatory mitigation construction activities at the Logan City Mitigation Site, YESCO shall provide to this office a hard-copy as-built GIS map (with a base aerial photograph) of the compensatory mitigation area ascribed to the YESCO Expansion project. All digital data and associated metadata shall also be provided on a digital medium (CD), as an Environmental Systems Research Institute (ESRI) shapefile format. The survey data must specify the geographic coordinate system used in referencing the data, including projection and datum. In

addition, YESCO will be responsible for providing a copy of the as-built survey of the mitigation area to Logan City for recordation of the deed restrictions on the mitigation site.

12. As property owner of the avoided waters of the U.S. on the 10-acre expansion property, YESCO shall take the actions required to record this permit against the approximately 1.17 acres of preserved waters, including wetlands, with the Registrar of Deeds or other appropriate official charged with the responsibility of maintaining records of title to or interest in real property. The deed restrictions must be recorded within 90 days from the effective date of this permit or within 30 days prior to initiation of construction activities within waters of the U.S., whichever date comes first (see enclosed sample deed restrictions). You shall provide a copy of the recorded permit to this office clearly showing a stamp from the appropriate official indicating the book and page at which the permit is recorded and the date of recordation. The Corps shall be a party to any modification, alteration, release, or revocation of the deed restriction and shall review and approve, as necessary, any additional structures or activities that require approval.
13. As property owner of the off-site mitigation area located within the Logan City Mitigation Site, Logan City shall take the actions required to record this permit against the approximately 3.0 acre property. The deed restrictions shall be recorded with the Registrar of Deeds or other appropriate official charged with the responsibility of maintaining records of title to or interest in real property in Cache County (see enclosed sample deed restrictions). The deed restrictions shall be recorded against the mitigation property within 60 days after completion of all construction and revegetation work at the mitigation site or no later than December 15, 2011, whichever date comes first.
14. To assure success of the YESCO-construction created waters of the United States, Logan City shall monitor the compensatory mitigation area for 5 consecutive years or until the success criteria described in the approved mitigation plan are met, whichever is greater. This period shall commence upon completion of the construction of the mitigation wetlands. You shall submit the annual monitoring reports to this office by November 1 for each year of the five-year monitoring period and, if remediation is required, for each additional year. You shall submit an additional monitoring report at the end of the three-year period demonstrating continued success of the mitigation program without human intervention. The annual reports shall follow the format described in the enclosed Regulatory Guidance Letter No. 08-03, dated 10 October 2008, or subsequent guidance as appropriate.
15. Your responsibility to complete the required compensatory mitigation as set forth in the Special Conditions of this authorization will not be considered fulfilled until you have demonstrated mitigation success and have received written verification from the U.S. Army Corps of Engineers.
16. Within 60 days following completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, you shall submit as-built drawings and a description of the work conducted on the YESCO expansion project site to this office for review. The drawings shall be signed and sealed by a registered professional engineer and include the following:
 - a. The Department of the Army Permit number.
 - b. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings. The drawing should show all "earth disturbance," wetland impacts, structures, and the boundaries of any on-site avoidance areas. The drawings shall contain, at a minimum, 1-foot topographic contours of the entire site.

c. Ground photographs of the completed work. The cameral positions and view-angles of the ground photographs shall be identified on a map, aerial photograph, or project drawing.

d. A description and list of all deviations between the work as authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings the location of any deviations that have been listed.

17. All terms and conditions of the enolosed March 4, 2010 State of Utah 401 Water Quality Certification are expressly incorporated as a condition of this authorization.

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).
- Section 404 of the Clean Water Act (33 U.S.C. 1344).
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, 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 permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

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

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant.

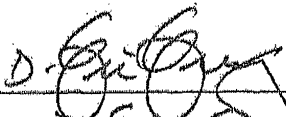
Circumstances that could require a reevaluation include, but are not limited to, the following:

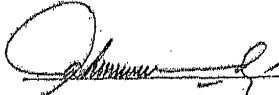
- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching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

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


 Name D. ERIC ENTIN Date 4/29/11
 Title REAL ESTATE MANAGER
 Permittee


 Name Issa A. Hamud Date 4/29/11
 Title Logan City Environmental
 Permittee Director

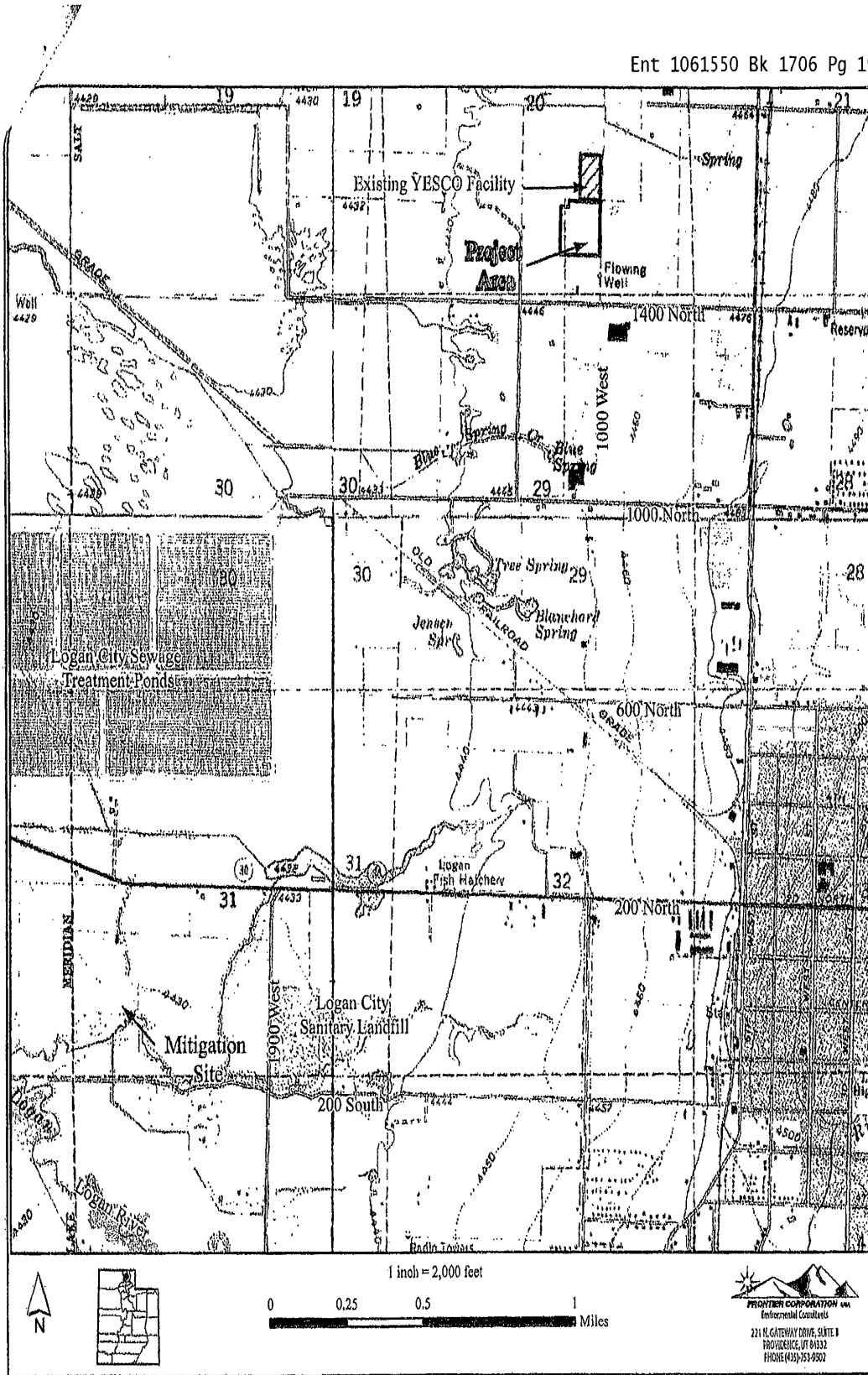


Figure 1A. Project Area Location Map. Topographic base is adapted from the Logan, Smithfield, Newton, and Wellsville, Utah 7.5 minute quadrangles.

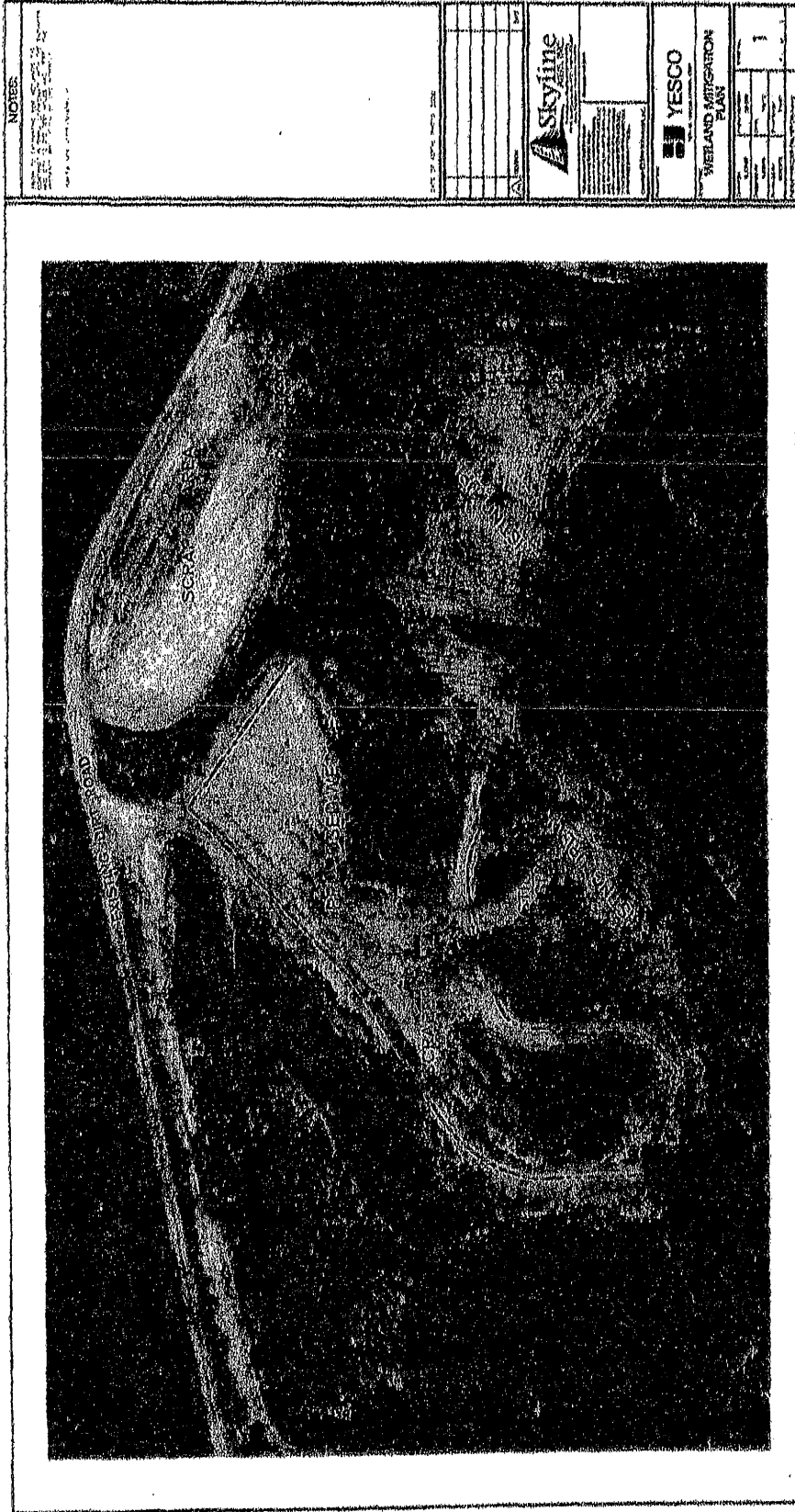




Figure 3.A. Wetland Mitigation Plan.

YESCO Expansion Project, Logan, UT
Wetland Mitigation and Monitoring Plan

NOTES

DATE	BY	REVISION

 Skyline
 YESCO
 WETLAND MITIGATION PLAN

NO. OF SHEETS	1
TOTAL NO. OF SHEETS	1
DATE	
BY	

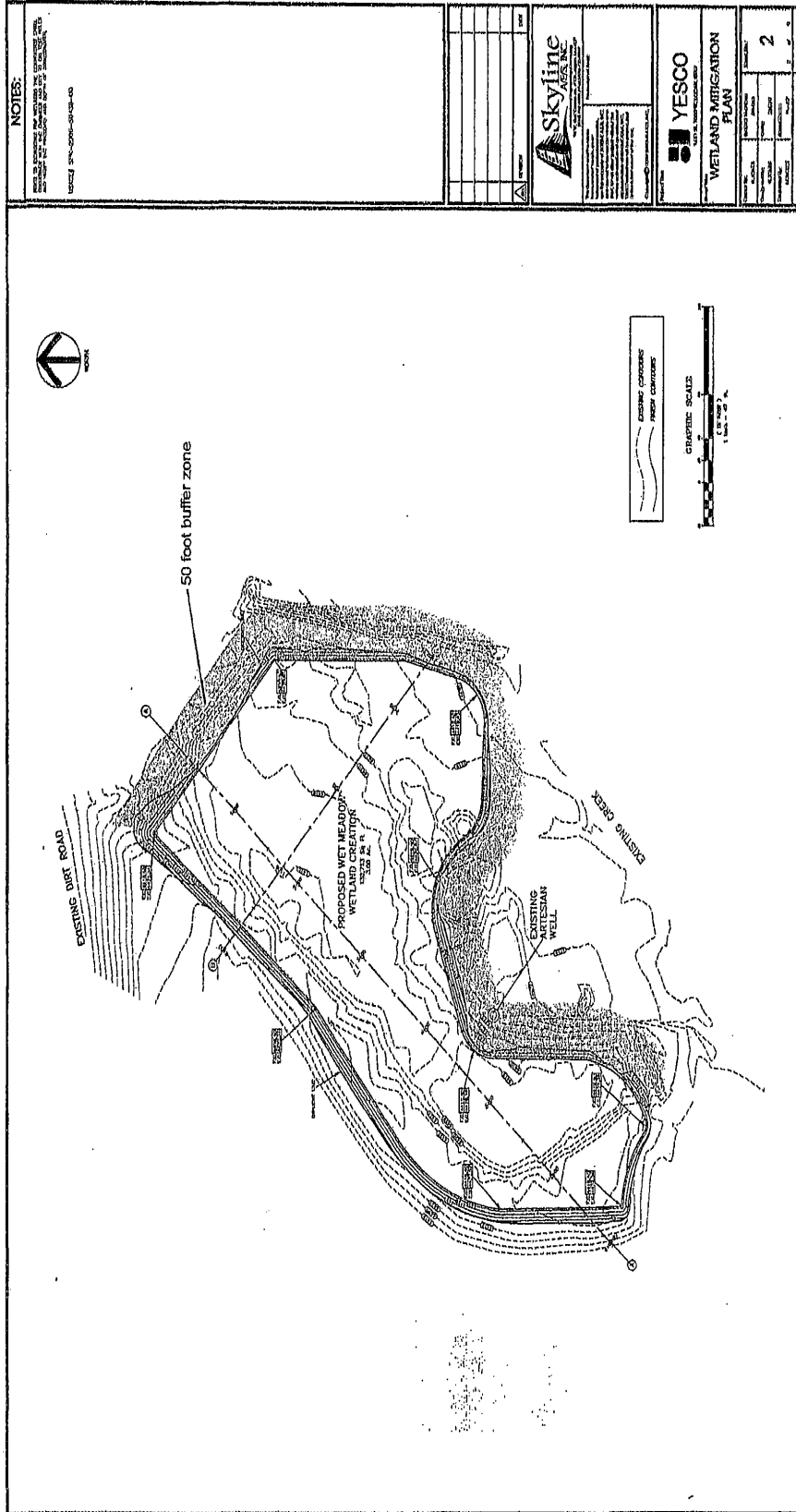


Figure 4B. Wetland Mitigation Plan.

YESCO Expansion Project, Logan, UT
 Wetland Mitigation and Monitoring Plan



State of Utah

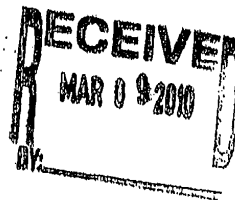
GARY R. HERBERT
Governor

Department of
Environmental Quality

Amanda Smith
Acting Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

Ent 1061550 Bk 1706 Pg 1949



March 04, 2010

John Derinzy, Project Manager
U.S. Army Corps of Engineers, Sacramento District
Nevada-Utah Regulatory branch
533 West 2600 South, Suite 150
Bountiful, Utah 84010

Rod Wardle, Plant Manager
Young Electric Sign Company
1651 North 1000 West
Logan, Utah 84321

Dear Mr. Derinzy and Mr. Wardle:

Subject: 401 Water Quality Certification
Public Notice SPK-2006-50438

Applicant: Young Electric Sign Company
1651 North 1000 West
Logan, Utah 84321

Location: The project site is located directly south of existing YESCO facility at 1651 North 1000 West in Logan, Section 20, Township 12 North, Range 1 East, SLB&M, Cache County, Utah, and can be seen on the Smithfield USGS Topographic Quadrangle.

Purpose: The purpose of the project is to expand manufacturing facilities in order to meet market demands and be in compliance with city parking ordinances.

Impacts: The proposed project would cause impact to approximately 2.08-acres of wetland habitat. Proposed project mitigation measures include construction and/or purchase of the Logan City wetland mitigation site of wetlands at a 1:1.5 ratio.

The Utah Division of Water Quality staff has reviewed the public notice SPK-2006-50438. No

water quality standards are expected to be violated as a result of this project; however, appropriate Best Management Practices (BMPs) need to be incorporated to minimize the erosion-sediment, fugitive dust, toxic pollutants including petroleum-related products or any pollution loading in order to minimize or avoid wetlands impacts during project construction activities. Post construction the facility will utilize BMPs on all their exterior land use practices such as landscaping and winter deicing. Excess applications of; plant and soil nutrient enrichment products; pesticides and herbicides; salts and other deicing chemicals; mosquito control are examples of uses that can alter the structure and functions of the adjacent wetland ecosystems. Storm water rich in nitrogen and phosphorus, can lead to algal blooms that deplete dissolved oxygen, leading to mortality of benthic organisms. It is therefore mandatory that all storm water run off be diverted to the newly created storm water detention basins. Additionally, wetland export of excess, anthropogenic pollution can lead to the water quality degradation of receiving water bodies, i.e. Bear River. Every effort should be made to minimize impacts on current patterns and water circulation to adjacent wetlands.

The Division of Water Quality requests the following conditions be included in the permit:

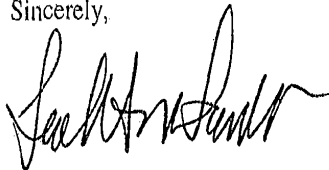
1. Water quality standards may be violated unless appropriate Best Management Practices (BMPs) are incorporated to minimize the erosion-sediment load during construction to adjacent wetlands. If an applicant causes the water turbidity in an adjacent surface water to increase by 10 NTUs or visibly increases turbidity, the applicant shall notify the Division of Water Quality.
2. The applicant shall not use any fill material which may leach organic chemicals (e.g., discarded asphalt) or nutrients (e.g., phosphate rock) into the adjacent wetlands.
3. All storm water runoff will be diverted to the newly created storm water detention basins. Construction standards for the storm water detention basin will be approved under 6a.
4. Utah Code Annotated 19-5-114 requires that any spill or discharge of oil or other substances which may cause pollution to the waters of the State, i.e. adjacent wetlands, must be immediately reported to the Utah Division of Water Quality.
5. The proposed culvert will be properly sized so as not to impound or impede flow or current patterns to surrounding wetlands.
6. The following permits from the Division of Water Quality are required prior to the construction phase of the project:
 - a. Construction activities that disturb one acre or more are required to obtain coverage under the Utah Pollutant Discharge Elimination System (UPDES) Storm Water General Permit for Construction Activities, Permit No. UTR300000. The permit requires the development of a storm water pollution prevention plan (SWPPP) to be implemented and updated from the commencement of any soil disturbing activities at the site until final stabilization of the project. A fact sheet describing the permit requirements and application procedures are located on our web site <https://secure.utah.gov/stormwater/main.html>

- b. Dewatering activities, if necessary during the construction, may require coverage under the UPDES General Permit for Construction Dewatering, Permit No. UTG070000. The permit requires water quality monitoring every two weeks to ensure that the pumped water is meeting permit effluent limitations, unless the water is managed on the construction site.
- c. A construction permit will be required if a permanent or temporary wastewater treatment facility is constructed on the site to collect and/or treat sewage effluent. A biosolids permit will be required if biosolids (sewage sludge) is treated on-site.

In addition, a plan should be submitted to the UDWQ that includes BMPs that will require revegetation with native plants in disturbed areas immediately adjacent to the wetlands to filter petroleum, sediments and other contaminants from entering waters of the State. Vegetated filter strips are the preferred water quality treatment measures for the impact analysis area.

Pursuant to Section 401(a)(1) of the Federal Water Pollution Control Act, as amended in 1987 and commonly known as the Clean Water Act, it is hereby certified that any discharge resulting from the project will comply with applicable State water quality standards and, based on available information, will comply with applicable provisions of said Act. Please contact Mr. Bill Damery at (801) 538-6032, wdamery@utah.gov or me at (801) 538-6057, with any questions you may have concerning this 401 Certification.

Sincerely,

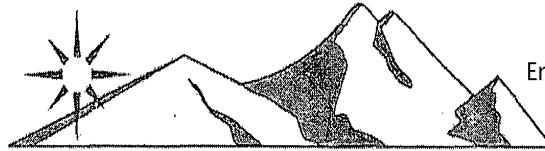


Leah Ann Lamb, Assistant Director
Engineering and Water Quality Branch

LAL:wd

EXHIBIT D - MITIGATION AND MONITORING PLAN

Ent 1061550 Bk 1706 Pg 1952



Ent 1061550 Bk 1706 Pg 1953

FRONTIER CORPORATION USA

Environmental Consultants

**Wetland Mitigation and Monitoring Plan
for the
YESCO Expansion Project**

US Army Corps of Engineers Permit #SPK-2006-50438-UO

**Logan, Cache County, Utah
Section 20, Township 12 North, Range 1 East
Salt Lake Base and Meridian**

Prepared For:

Young Electric Sign Company (YESCO)
1651 North 1000 West
Logan, Utah 84321

Rod Wardle, Plant Manager

Prepared By:

Frontier Corporation USA
221 N. Gateway Drive, Suite B
Providence, Utah 84332

Dennis C. Wenger, Senior Wetlands Ecologist

Revised January 2011

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Appendices

APPENDIX I: Regulatory Guidance Letter No. 08-03 Minimum Monitoring Requirements for
Compensatory Mitigation Projects Involving the Restoration, Establishment,
and/or Enhancement of Aquatic Resources

APPENDIX II: USACE Individual Permit for the YESCO Expansion Project

1.0 INTRODUCTION

Frontier Corporation USA (Frontier) has been retained to assist Young Electric Sign Company (YESCO) and Logan City with the development of a compensatory mitigation and monitoring plan to replace 2.0 acres of wet meadow wetlands that will be permanently filled by the construction of the proposed YESCO Expansion Project (proposed project). The project area for the YESCO expansion is approximately 10 acres in size and is located on the west side of Logan, Cache County, Utah (Figure 1A & 1B).

The proposed expansion will be built on the south side of the existing YESCO facility. The proposed wetland mitigation will be completed at the existing Logan City Mitigation Site, which is approximately 2.4 miles southwest of the project area (Figure 1A). The mitigation will include the creation of approximately 3.0 acres of wet meadow wetlands. YESCO will be responsible for the construction of the created wetlands. The created wetlands will be contiguous to previously created wetlands. Logan City will be responsible for monitoring, maintaining and managing the created wetlands.

In addition to the wetland creation, YESCO will avoid impacts to 1.17 acres of existing wet meadow wetlands at the project area. The avoided wetlands will be deed restricted on the subdivision plat from future development. The expansion has been designed so as to minimize the amount of wetlands to be filled. YESCO will also minimize impacts to approximately 600 linear feet of an irrigation/stormwater ditch so as to minimize impacts to adjacent wetlands and avoid hydrologic alterations to off-site wetlands located down-gradient of the project area.

YESCO and Logan City are co-applicants for the project. This plan identifies the mitigation, monitoring and maintenance activities that each party will be responsible for implementing.

1.1 RESPONSIBLE PARTIES

1.1.1 Co-Applicants

Young Electric Sign Company (YESCO)
ATTN: Rod Wardle, Plant Manager
1651 North 1000 West
Logan, Utah 84321
(435) 774-8800

Logan City Environmental Department
Attn: Issa Hamud, Director
450 North 1000 West
Logan, Utah 84321
(435) 716-9752

1.1.2 Applicant's Designated Site Engineer

Skyline A/E/S, Inc.
ATTN: Max Pierce, P.E.
95 W. Golf Course Rd., Suite 101
Logan, UT 84321
(435) 752-8501

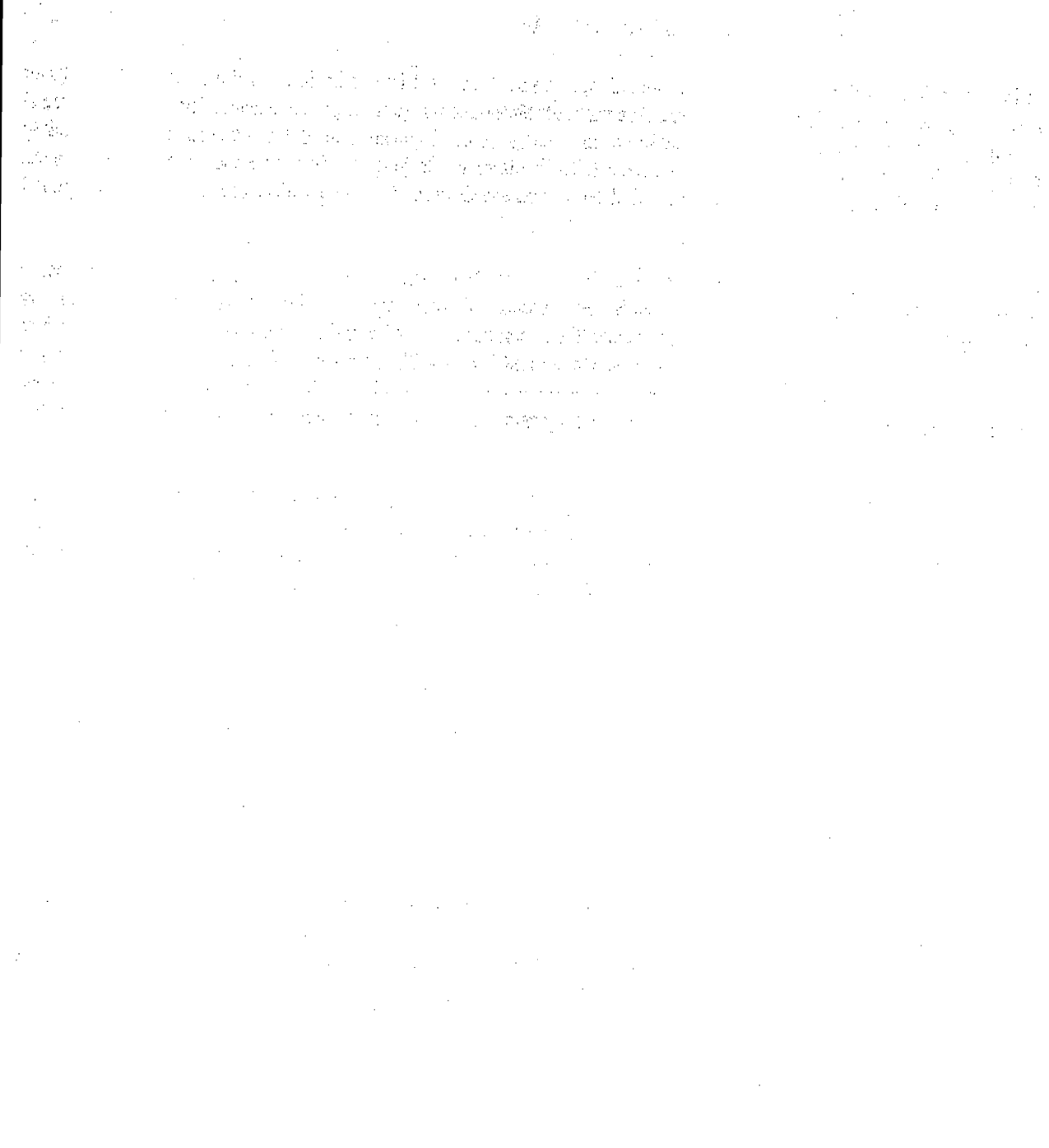


Figure 1A. Project Area Location Map.

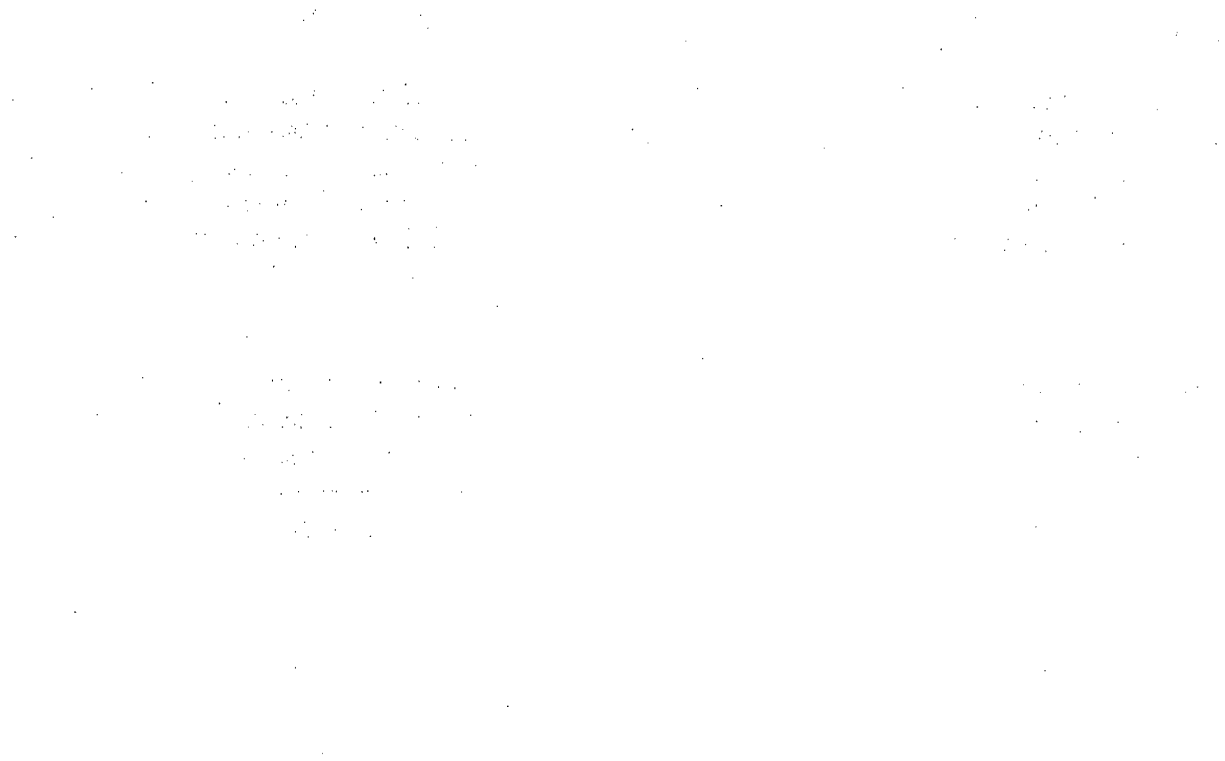


Figure 1B. Project Area Vicinity Map

1.1.3 Applicant's Designated Wetland Consultant

Frontier Corporation USA
ATTN: Dennis Wenger, M.S., Senior Wetlands Ecologist
221 North Gateway Drive, Suite B
Providence, UT 84332
(435) 753-9502

2.0 PROJECT REQUIRING MITIGATION

2.1 Location

The project area for the proposed expansion is located on an approximately 10-acre property immediately south of the existing YESCO manufacturing facilities, in Cache County, Utah. The project area is located on the west side of 1000 West at approximately 1544 North, in Section 20, Township 12 North, Range 1 East, Salt Lake Base and Meridian (Figure 1A). The approximate UTM coordinates for the center of the project area are 428,504 m E and 4,623,560 m N, in Zone 12T. The approximate elevation is 4,454 feet above Mean Sea Level.

The parcel adjoins the existing YESCO facility to the north, 1000 West to the east, an undeveloped commercial property to the south, and an irrigated pasture to the west (Figure 1B). The parcel is owned by YESCO. Prior to YESCO's purchase of the property, it was managed as irrigated livestock pasture. All irrigation practices have been ceased and a temporary gravel employee parking lot was constructed on an upland area in the eastern portion of the parcel.

The YESCO Expansion Project is located within the Logan City Special Area Management Plan (SAMP). The Logan City SAMP is a 0.5-mile-wide corridor that was initially created and zoned for industrial and commercial development in the Logan City Mast Plan. The SAMP expired in February 2005 and the U.S. Army Corps of Engineers (USACE) neglected its reauthorization. As of January 2011, it is not known whether the USACE or the City will seek the reauthorization of the SAMP.

2.2 Brief Summary of Overall Project

The purpose of the YESCO expansion project is to provide additional building space for manufacturing, fabrication, warehousing, administrative, loading and shipping, and employee parking. YESCO currently is operating three shifts to meet consumer demands for electric billboard signs and scoreboards, and has out grown the production capacity of its existing facilities. The company has also outgrown on-site parking space for employees. YESCO needs to expand its facilities and increase its production capacity in order to meet its consumer demands, remain competitive in the global high-tech electric sign industry, and maintain market share. YESCO also needs additional on-site employee parking in order to be in compliance with Logan City parking ordinances. The proposed YESCO Expansion Project is the only practicable alternative for providing additional building space for manufacturing, fabrication, warehousing, administrative, loading and shipping, and employee parking.

Construction of the proposed project will result in the unavoidable filling of 2.0 acres of wet meadow wetlands (Figure 2). The proposed project also includes the construction of a narrow, permanent crossing of an irrigation/stormwater ditch that separates the existing facility from the project area. Permanent wetland losses will be mitigated off-site and in-kind at the existing Logan City Mitigation Site as described in this plan.

2.3 Characteristics at Project Area

Historically, the project area for the YESCO expansion was managed as irrigated hayfield and livestock pasture. It is situated in a nearly flat-lying lake terrace of ancient Lake Bonneville, and has less than 10 feet of topographic relief. A large irrigation/stormwater ditch runs along the northern property boundary. This ditch flows year-around because it conveys water throughout the irrigation season and receives stormwater runoff and drainage from Logan City.

Currently, the majority of the project area is a nonirrigated pasture. A temporary gravel parking area has been constructed in uplands adjacent to 1000 West to provide necessary additional parking. The topsoil from the parking area has been stockpiled on-site in upland areas. Best management practices (BMPs) are in place to minimize the potential of sediment transport from the parking lot and topsoil stockpiles.

The project area is underlain by soils from the Greenson and Logan soil series. These soils are very poorly drained to somewhat poorly drained lake sediments. Near the surface, the Greenson series is mildly alkaline and slightly calcareous, becoming moderately alkaline at a depth of approximately 16 inches. The Logan series is also mildly alkaline near the surface and increases to moderately alkaline at a depth of approximately 13 inches, but is strongly calcareous throughout the column (USDA-SCS 1974). Both of these soil series are included in the National Hydric Soils List (USDA-NRCS 2009).

A wetland delineation report for the project area was completed by Frontier in December 2006 (Frontier 2006). The delineation report describes both the upland and wetland habitat conditions that currently exist at the project area, and provides photographs and aerial mapping of the project area. Three separate wetlands (Wetlands A, B, and C) totaling 2.74 acres were delineated in the project area. The Utah Regulatory Office approved the delineation and issued a jurisdictional determination (USACE #SPK-2006-50438) on February 23, 2007. In May 2009, the USACE requested a modification to the wetland delineation. Frontier completed supplemental data collection, flagged and surveyed an additional 0.43 acre of wetland area (Wetland D), revised the delineation map, and the project engineer incorporated the revised delineation onto the site development plan (Figure 3). The Utah Regulatory Office approved the revised wetland delineation and issued a preliminary jurisdictional determination (USACE #SPK-2006-50438-UO) for a total of 3.17 acres of wetlands within the project area on September 10, 2009.

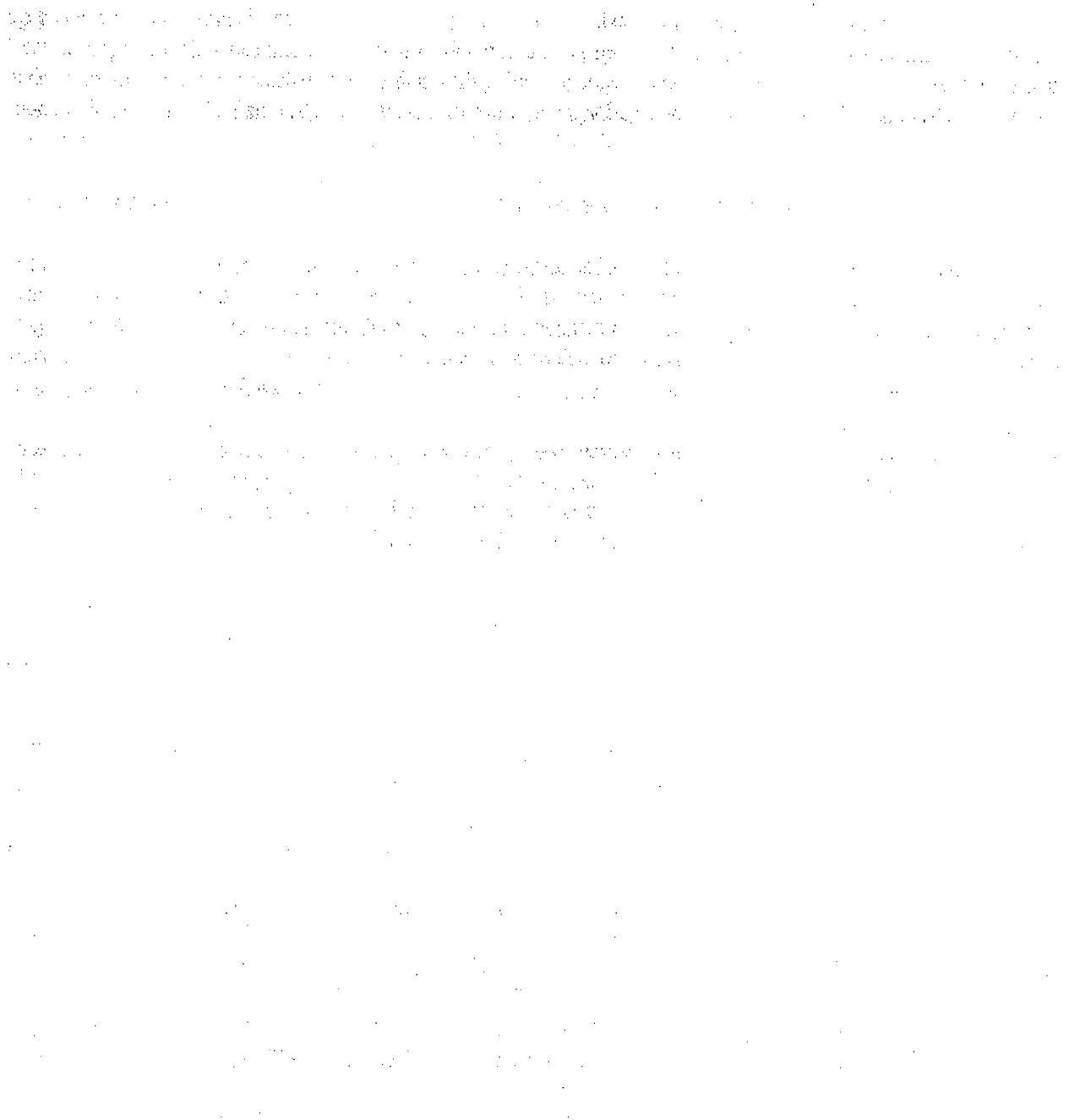


Figure 2. Project Development Plan.

FIGURE 3. Wetland Delineation Map

2.3.1 Upland Habitats

The upland habitats are situated on the slightly higher ground in the central portion of the project area. The upland vegetation community is dominated by grass and herbaceous plant species, including: intermediate wheatgrass (*Thinopyrum ponticum*), Kentucky bluegrass (*Poa pratensis*), meadow fescue (*Festuca pratensis*), prickly lettuce (*Lactuca serriola*), and cheatgrass (*Bromus tectorum*).

2.3.2 Wetland Habitats

The wetland habitats are situated primarily around the perimeter of the construction area for the proposed expansion. Wetland A, the largest wetland in the project area is adjacent to the irrigation/stormwater ditch on the north boundary of the project area. All four wetland areas are wet meadow habitats and are dominated by the following plant species: Nebraska sedge (*Carex nebrascensis*), reed canary grass (*Phalaris arundinacea*), clustered field sedge (*Carex praegracilis*), common spikerush (*Eleocharis palustris*), foxtail barley (*Hordeum jubatum*), inland saltgrass (*Distichlis spicata*), and Baltic rush (*Juncus balticus*). Cattail (*Typha latifolia*) is found growing in the irrigation/stormwater ditch, and a small patch of willow trees (*Salix spp.*) exists in the northwest corner of the project area. The willow trees will not be disturbed by the proposed project to expand the YESCO facilities, although approximately 2.0 acres of wet meadow wetlands will be permanently filled.

2.3.3 Wetland Functions

The wet meadow wetlands within the project area have low to medium functional capacity for wildlife habitat, food chain support, flood attenuation and aesthetics. Three of the wetlands (Wetland B, C, and D) have no functional capacity for the removal of sediment, nutrients, and toxicants from stormwater drainage and surface runoff because they appear to have limited connectivity to surface water features. Wetland A has very low functional capacity for the removal of sediment, nutrients, and toxicants from the stormwater drainage ditch that flows through it because the ditch is incised.

2.3.4 Threatened/Endangered Species

The following species are on the U.S. Fish and Wildlife Service (USFWS) list of threatened, endangered and candidate species that could potentially occur in Cache County, Utah.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Canada Lynx	<i>Lynx canadensis</i>	Threatened
Maguire's primrose	<i>Primula maguirei</i>	Threatened
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	Threatened
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	Candidate

Frontier completed a threatened and endangered species assessment report for the project in August 2009 (Frontier 2009). The assessment determined that the project will have no effects to any of these federally-listed species. There are no known sightings or occurrences of any of these species within the project area. There is no suitable habitat for Canada lynx, Maguire primrose or yellow-billed cuckoo within or adjacent to the project area. Habitat conditions for Ute Ladies'-tresses are marginal. The project area was surveyed for Ute Ladies'-tresses according to USFWS protocols, and none were found.

3.0 MITIGATION AREA

As part of the Logan City SAMP, and to offset the wetland impacts occasioned by commercial and industrial development, Logan City established the Logan City Mitigation Site. Wetlands are created at the Logan City Mitigation Site by excavating upland areas to intersect the shallow water table. The excavated soils are then used as cover material at Logan City Sanitary Landfill. The topsoil from the wetlands that are permitted to be filled is salvaged and reapplied at the wetland creation site as a measure to conserve the seed bank of wetland plant species that will be impacted by project development.

The conversion of uplands to wetlands at the Logan City Mitigation Site is conducted on an as-needed basis. The specific mitigation area for the YESCO Expansion Project is located within the Logan City Mitigation Site and is contiguous with other mitigation wetlands that were successfully created at the site.

3.1 Location

The mitigation area for the YESCO expansion project encompasses approximately 3.0 acres and is located approximately 2.5 miles southwest of the project area. The mitigation area is located in the southwest corner of Section 31, Township 12 North, Range 1 East, Salt Lake Base and Meridian. It is located within the Logan City Mitigation Site, and is immediately bounded by upland habitat to the east and south, and by previously created wetlands to the north and west (Figures 4A-4C). An unnamed creek that is a tributary of the Logan River runs parallel to the southern boundary of the mitigation area. The Logan City Sanitary Landfill is located approximately 0.5 mile east of the mitigation area on the opposite side of 1900 West. The approximate UTM coordinates for the mitigation area are 426270 E, 4619960 N, in Zone 12, and the approximate elevation is 4430 feet above mean sea level.

3.2 Ownership Status

The mitigation area is on property that is owned by Logan City. It will be YESCO's responsibility to construct the wetland mitigation components as identified in this plan. At the completion of the mitigation construction, YESCO will complete an as-built survey of the mitigation area to verify the as-built boundaries of the mitigation area and created wetland acreage, and will be responsible for submitting an as-built report to the USACE.

As the property owner, Logan City will be responsible for using the as-built survey to record deed restrictions or a conservation easement for the mitigation area with the Cache County Recorder's Office. Logan City will provide a copy of the deed restriction language for the USACE's approval prior to the recording.

As the property owner, Logan City will be responsible for the 5-year post-construction performance monitoring of the mitigation area, and the maintenance and management of the mitigation area during the post-construction performance monitoring.

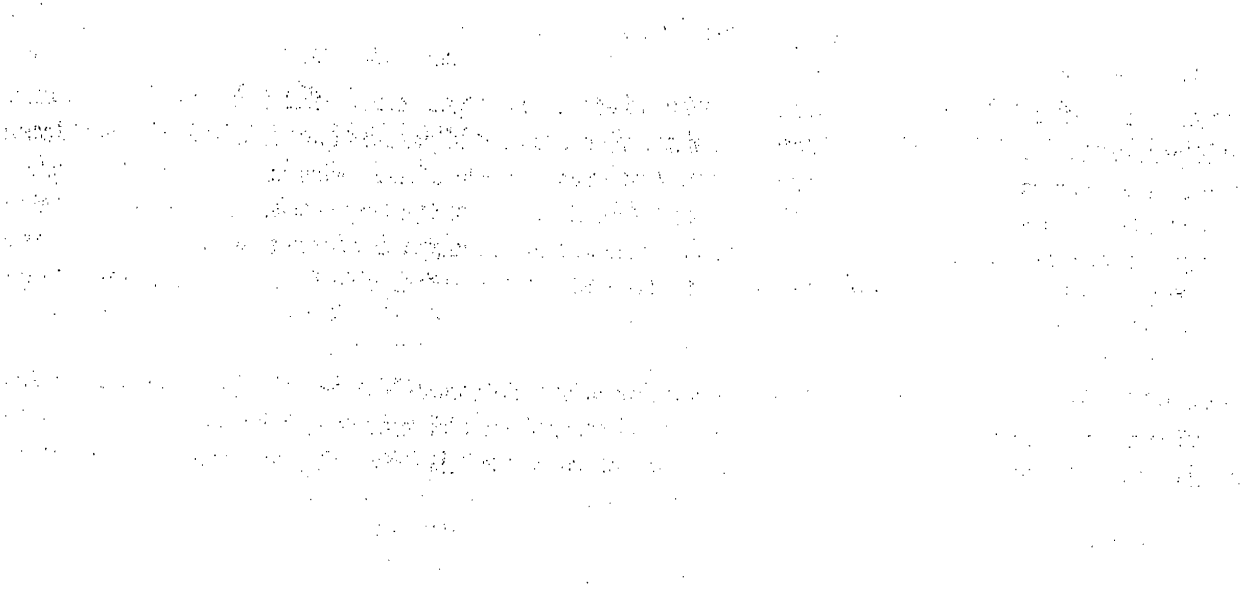


Figure 4A. Wetland Mitigation Plan

Figure 4B. Wetland Mitigation Plan

Figure 4C. Wetland Mitigation Plan

As the property owner, Logan City will be responsible for implementing and funding the long-term maintenance and management of the mitigation area, once the 5-year post-construction performance monitoring period has ended. If YESCO has not fully completed the development of its phase 1 expansion by the end of the 5-year post-construction monitoring period, it will be YESCO's responsibility to create an escrow account, approved by the USACE, that will be used by Logan City for the long-term maintenance and management of the mitigation area.

3.3 Characteristics at Mitigation Area

The 3.0 acre mitigation area will be created adjacent to previously created wetlands. The water table in this area ranges seasonally from a depth of approximately 1 to 5 feet below the native surface elevation based on the results of the previously created mitigation areas and monitoring observations by Logan City.

Two small, un-named creeks flow adjacent to the mitigation area, one flowing from north to south and one flowing from east to west. These creeks converge southeast of the mitigation area and then continue approximately 0.4 mile to the west where they discharge into the Logan River. Surface water flowing in these drainages originates from seeps and springs, irrigation water, and precipitation runoff from commercial, industrial, and farmland areas to the east and north. An artesian well exists along the southeast border of the mitigation area. The artesian well will not be disturbed by construction activities or used as a source of water for the mitigation area.

The mitigation area is predominantly underlain by soils from the Logan soil series, though small segments are also underlain by the Greenson and Collett soil series. The Greenson and Logan series are also present at the YESCO project area and have the same characteristics as mentioned in Section 2.3. The Collett series is similar to the Greenson and Logan series in that it is somewhat poorly drained lake sediments. The Collett series is mildly alkaline and moderately calcareous near the surface, and both alkalinity and calcareousness increase with depth (USDA-SCS 1974). The similarity in soils between the project area and the mitigation area are likely to increase the success of the mitigation project. The Logan, Greenson, and Collett soil series are all included on the National Hydric Soils List (USDA-NRCS 2009).

The Logan City Mitigation Site is also used for recreation and open space and has limited pedestrian-access for the public. Recreation activities include hiking and wildlife viewing. Access to the site is from 1900 West. Vehicular access is controlled and signs at the entrance list appropriate activities. The perimeter of the Logan City Mitigation Site is fenced, with both chain link and barbed wire fencing. The area used as mitigation for the YESCO Expansion Project will not be fenced separate from the rest of the Logan City Mitigation Site.

3.3.1 Upland Habitats

Currently, the area that will be used as mitigation for the YESCO Expansion Project is entirely upland. The area was previously disturbed when topsoil was removed and used as cover material at the landfill. Excavation of the soil was not deep enough to intercept the shallow water table, and weedy upland plants have become established on the exposed subsoil. Logan City attempted to re-vegetate the area

with an upland plant seed mix that included intermediate wheatgrass (*Thinopyrum intermedium*) and other upland grass species.

3.3.2 Wetland Habitats

At present, no wetland habitat exists within the proposed YESCO mitigation area. Previously created wet meadow wetlands are present immediately to the west and north of the mitigation area. Dominant wetland vegetation in those wet meadow habitats include spikerush (*Eleocharis spp.*), sedge (*Carex spp.*), and rush (*Juncus spp.*) species (Logan City 2007).

3.3.3 Wetland Functions

The area to be used as mitigation for the YESCO Expansion Project is presently upland habitat and is not performing any wetland functions.

3.3.4 Threatened/Endangered Species

The federally listed threatened, endangered and candidate species that are listed for the project area for the proposed expansion in Section 2.3.4 are the same for the mitigation area. Frontier conducted an initial site inspection that included an assessment of the presence or absence of threatened and endangered species and their potential habitat on August 3, 2009.

The mitigation area is outside the known geographic distribution for Canada lynx and Maguire's primrose, and there is no suitable habitat for these species at the Logan City Mitigation Site. Additionally, the 3-acre mitigation area lacks suitable habitat for Ute ladies'-tresses and yellow-billed cuckoo. Therefore, the creation of the wetland mitigation area will have no effect to any of these federally listed species.

3.3.5 Land Use

At present, the mitigation area is a disturbed upland field. The topsoil was previously scraped, removed, and used as cover material at the landfill.

4.0 MITIGATION DESIGN

4.1 Mitigation Plan Components

4.1.1 Pre-Construction Activities

Prior to the commencement of any earthwork in wetlands, YESCO will record the deed restrictions for the avoided wetlands that will remain at the project area for the expansion site. The deed restrictions will require the avoided wetlands to be left in their existing vegetative condition and prohibited from future development unless authorized in writing by the USACE.

YESCO will contractually obligate the construction contractor to be responsible for obtaining a Utah Pollution Discharge Elimination System (UPDES) Storm Water General Permit for Construction Activities prior to any earth disturbances associated with the proposed project. A stormwater pollution prevention plan (SWPPP) will be developed and appropriate erosion and sediment control BMPs will be implemented by the contractor during project construction to protect the previously created

wetlands. If dewatering is necessary, the construction contractor will be responsible for obtaining a UPDES General Permit for Construction Dewatering. As a municipal separate stormwater sewer system (MS4) operator, Logan City will be responsible for inspecting and overseeing UPDES and SWPPP compliance.

4.1.2 Excavation and Grading

The mitigation area will encompass a total of 3.0 acres within the existing Logan City Mitigation Site. It will be constructed to be contiguous with previously created wetland mitigation areas, which will border the western mitigation area boundary. Orange vinyl construction fence and silt fence will be installed along the boundaries of the previously created wetlands adjacent to the mitigation area to mark their locations and protect them from incidental disturbances and sedimentation during the creation of the mitigation area.

Construction of the proposed project will require the permanent filling of 2.0 acres of wet meadow wetlands. This wetland loss will be replaced by creating a total of 3.0 acres of new wet meadow wetlands at the mitigation area. Frontier will be available to provide on-site technical assistance during the construction of the mitigation area.

Soil material will be excavated from the upland field to create the wetland mitigation area (Figures 4B, 4C). As with other wetlands successfully created at the Logan City Mitigation Site, groundwater will be the main water source for the YESCO mitigation area. The mitigation area will be excavated to a subgrade elevation approximately 8 inches below the final grade elevation. A backhoe will be used to dig several test pits in the excavated subgrade area to verify the water table depth and to evaluate the proper depth of the subgrade elevation. Soil material excavated from the mitigation area will be stockpiled at an approved upland site for future use at the landfill.

While the subgrade excavation is proceeding at the mitigation area, the top 12 inches of topsoil will be salvaged and removed from the wet meadow wetlands that will be permanently filled at the YESCO project area. The wetland topsoil will be temporarily stockpiled at an approved upland area at the project area or the Logan City Mitigation Site. The wetland topsoil will not be stockpiled for more than 2 weeks before it is reapplied at the mitigation area; thus reducing the loss of seed and propagule viability already present in the salvaged soil.

Once the mitigation area has been excavated to the sub-grade elevation, the salvaged wetland topsoil will be reapplied and spread to a depth of approximately 6 to 8 inches. Applying the salvaged wetland topsoil will bring the surface elevation up to the designed finish elevation, which will match the elevation of the adjacent, previously created wet meadow wetlands. The finished elevation will be close enough to the water table to ensure that wetland hydrology will be present.

4.1.3 Revegetation

Following the application of the salvaged topsoil at the mitigation area, a tackifying hydromulch will be broadcast over the soil surface to help stabilize the soil. The seeds and plant material already in the salvaged wetland topsoil will be the sources for the revegetation of wetland plants in the mitigation area. Adjacent upland areas disturbed during the construction of the mitigation area will be reseeded

with a certified weed-free mix of native grasses and forbs, and sprayed with a tackifying hydromulch. A copy of the certified seed mix will be provided to the USACE with the as-built report.

The hydrology for the created wetlands will be supported by the underlying water table. Three shallow groundwater monitoring wells will be installed in the mitigation area to monitor fluctuations in depth-to-groundwater during the post-construction monitoring period to verify the successful establishment of wetland hydrology in the mitigation area.

4.1.4 Buffers

Buffers will consist of the previously constructed wetland mitigation areas on the northwest, west, and southwest of the proposed mitigation area. An approximately 50-foot wide upland buffer will be established on the northeast, east, and southeast sides of the mitigation area as shown on Figures 4a and 4b. The buffers will never be developed and will only be used for open space and future wetland creation as approved by the USACE.

4.1.5 Fencing

No interior fencing will be installed to separate the YESCO wetlands mitigation area from the previously created wetlands or adjacent upland areas within the City owned property. Logan City will be responsible for maintaining the existing fencing that has installed around the perimeter of the City owned property.

4.2 Compensation Ratios

The proposed creation of 3.0 acres of new wetlands within the mitigation area will result in the compensation ratio of 1.5:1 for the functional replacement of 2.0 acres of permanent wetland impacts.

4.3 Wetland Functions

It is anticipated that once created, the mitigation area will perform functions similar to the wetlands that will be filled at the YESCO project area as described in Section 2.3.3. Once created, the wetlands will have medium functional capacity for wildlife habitat, food chain support, filtration of upland runoff, flood attenuation and aesthetics. Both the expansion project area and mitigation area are located within the Cutler Reservoir watershed. The mitigated functions will meet the watershed needs by ensuring in-kind replacement and no net loss of wetland functions in the watershed.

4.4 Long-Term Goals and Objectives

The overall long-term goal of the mitigation project are is to create 3.0 acres of properly functioning wet meadow wetlands to replace the 2.0 acres that will be filled at the YESCO expansion area. The created wetlands will be part of a larger mosaic of riparian and wetland habitats that are contiguous to the un-named creeks that flow through the Logan City Mitigation Site. The main objectives are two fold: 1) Ensure the in-kind replacement of wetlands that will be permanently filled by the YESCO expansion project; and 2) Ensure no net loss of wetland acreage or wetland functions as described in Section 4.3 of this plan.

5.0 SUCCESS CRITERIA AND MONITORING

5.1 Success Criteria

The mitigation area will be considered a success if the following conditions are demonstrated to have been met over the course of a 5-year post-construction monitoring period:

- The USACE is provided a copy of the recorded subdivision plat and deed restrictions for the avoided wetlands prior to the earth disturbance and filling of wetlands at the project area.
- The USACE is provided copies of the as-built survey of the mitigation area and recorded conservation easement for the mitigation area.
- A total of at least 3.0 acres of wet meadow wetlands are constructed at the mitigation area;
- The wetland mitigation area will have no less than 80 percent vegetative cover. The plant species composition of the vegetative cover must meet the wetland delineation criteria specified in the September 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0). Additionally, the plant species composition must consist of the same wet meadow wetland indicator plants described in Sections 2.3.2 and 3.3.2 of this plan and/or other wet meadow plant species that are native to northern Utah. The purpose of this criterion is to ensure that the mitigation area has an in-kind wetland plant community.
- The plant cover within the wetland mitigation area will have less than 10 percent presence of noxious weeds included on the most recent up-dates to the State and Cache County noxious weeds lists.
- The mitigation area meets the wetland hydrology criteria specified in the September 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0).

5.2 Monitoring

Annual site inspections will be conducted according to the existing mitigation monitoring protocols established by Logan City for the Logan City Mitigation Site. Logan City will measure the three shallow groundwater monitoring wells that will be installed in the mitigation area and record depth-to-groundwater on a bi-weekly basis during the months of April and May. Vegetation monitoring will take place in early-June of each year during the summer for a 5-year period, beginning the first growing season following the construction of the wetland mitigation area. The success criteria specified in Section 5.1 must be monitored for five years or until the success criteria specified in Section 5.1 of this plan have been met, whichever is greater.

Logan City will be responsible for monitoring the wetland mitigation area, and for submitting an annual monitoring report to the USACE by October 1 of each monitoring year. The monitoring reports will be completed in accordance with the USACE's October 10, 2008 Regulatory Guidance Letter No. 08-03 "Minimum Monitoring Requirements for Compensatory Mitigation Projects Involving the Restoration, Establishment, and/or Enhancement of Aquatic Resources". A copy of this guidance letter is provided in Appendix I.

5.3 Adaptive Management Plan

Logan City will adopt an adaptive management plan for the mitigation area based on the results of the mitigation monitoring. If the success criteria are not met within the 5-year monitoring period, contingency measures (i.e., adaptive management) will be implemented as discussed in Section 8.0 of this plan, and the yearly monitoring will continue until the success criteria has been met for three consecutive years.

6.0 IMPLEMENTATION PLAN

6.1 Area Preparation and Work Sequence

The overall goal of the mitigation plan is to replace the wetland conditions that will be displaced by the YESCO Expansion Project. The timing and sequence of activities is designed to optimize the likelihood of successful mitigation.

Construction activities for the mitigation area will include:

- Installation and maintenance of BMPs throughout project construction in accordance with the project's SWPPP;
- Removal and stockpiling of topsoil from affected wetlands at the YESCO project area;
- Excavation and grading of the mitigation area to the targeted surface elevation to establish a hydrologic connection with near-surface groundwater;
- Reapplication of the salvaged wetland topsoil to the final grade elevation;
- Application of a tackifying hydromulch on top of the reapplied wetland topsoil;
- Complete as-built survey and as-built report of the mitigation area; and
- Provide USACE copies of as-built survey, as-built report, recorded deed restrictions for avoided wetlands at expansion project area, recorded conservation easement for mitigation area.

6.2 Schedule

Assuming the USACE issues an Individual Permit by March 1, 2011, it is anticipated that YESCO will proceed with project construction in Summer 2011 as soon as weather and ground conditions are favorable. All driveway entrances, building pads, parking areas, stormwater detention ponds, and the Phase 1 production building are anticipated to be completed by December 2012. It is anticipated that Phase 2 and 3 production buildings will be built in a 3 to 5 year time frame, depending on economic conditions.

The construction contractor will be contractually obligated to obtain the necessary UPDES permit. Preparation of a SWPPP and installation of erosion and sediment control BMPs will be done prior to construction activities that will result in either the permanent or temporary filling of wetlands. The SWPPP will cover the construction areas for both the expansion project area and the mitigation area.

The creation of the 3.0 acres of wetlands at the Logan City Mitigation Site will be implemented concurrent with the construction and development of the expansion area. Erosion and sediment control BMPs will be installed in prior to excavation work. Excavation, grading, application of salvaged wetland topsoil, and hydromulching is anticipated to be completed by October 2011. Soil moving activities at both the expansion project area and the mitigation area will depend on weather and soil conditions. The salvaged topsoil will not be excavated from the project area until it is dry enough to handle. YESCO will complete an as-built survey of the wetland mitigation area by the end of November 2010, or no later than 30 days after the completion of all construction and revegetation work at the mitigation area. An as-built report (including the as-built survey and photographs) for the mitigation area will be completed and submitted to the USACE by December 8, 2011, or no later than 60 days after the completion of all construction and revegetation work at the mitigation area. The 5-year monitoring period for the wetland creation area will begin in summer 2012.

6.3 Planting/Seeding

The wetlands mitigation area will not be revegetated with a seed mix. Instead, the native seeds and plant materials present in the wetland topsoil salvaged from the YESCO project area will be the revegetation source for the mitigation area. The similarity in soil conditions between the project area and the mitigation area, and the projected similarity in wetland hydrology, is expected to produce favorable growing conditions for the reestablishment of the wet meadow plant species at the wetland creation site. If wetland vegetation does not become re-established in the mitigation area, the adaptive management plan will be updated to specify a wet meadow seed mix and seeding procedure that will be applied to the mitigation area to ensure that the revegetation success criteria are met. If reseeded is determined to be necessary, Logan City will notify the USACE via the annual monitoring report of how it intends to implement its adaptive management for reseeded.

Adjacent upland areas disturbed during the construction of the mitigation area will be reseeded with a certified weed-free mix of native grasses and forbs, and sprayed with a tackifying hydromulch. A copy of the certified seed mix will be provided to the USACE with the as-built report.

7.0 MAINTENANCE DURING MONITORING PERIODS

The final mitigation plan has been designed such that it will require a minimal amount of annual maintenance. It is anticipated that maintenance will require:

- Annual weed control as necessary. I.e., Removal or chemical treatment with an EPA-approved herbicide of common reed, saltcedar, Russian olive and listed noxious weeds for Utah State and Cache County from the wetland mitigation area during the prescribed annual monitoring;
- Removal of wind-blown trash from the mitigation area;
- As-needed maintenance of the perimeter fence around the City owned property; and
- Reseeding of the wetland mitigation area with wet meadow plant species on an as-needed basis.

As the property owner, Logan City will be responsible for the 5-year post-construction performance monitoring of the mitigation area, and the maintenance and management of the mitigation area during the post-construction performance monitoring.

8.0 CONTINGENCY MEASURES (ADAPTIVE MANAGEMENT)

8.1 Initiating Procedures

Results of annual monitoring will be used to determine whether the mitigation plan is on a successful course, which will in turn determine whether or not remedial action is necessary to ensure mitigation success. Logan City will be responsible for the both the short-term and long-term maintenance and management of the mitigation area. It will be Logan City's responsibility to implement appropriate maintenance, adaptive management and/or remedial actions to ensure that the success criteria identified in Section 5.1 are achieved over the short-term course of the monitoring period.

8.2 Contingency Funding Mechanism

No financial assurance will be required for the successful creation of the wetland mitigation area because Logan City will guarantee a commitment to monitor, maintain and manage the wetland creation site until the success criteria identified in Section 5.1 have been met. After the success criteria have been fully met, Logan City will be responsible for the long-term maintenance and management of the mitigation area. Logan City will guarantee that the annual budget for the maintenance of the City property will include sufficient funding for the long-term maintenance and management of the YESCO mitigation area.

9.0 COMPLETION OF MITIGATION RESPONSIBILITIES

9.1 Notification Procedures

YESCO will immediately notify the USACE project manager for Cache County via email or letter upon the initiation and completion of the mitigation components. YESCO will provide the as-built report for the wetland mitigation area (including the as-built survey and photo-documentation) to the USACE by December 8, 2011, or no later than 60 days after the completion of all construction and revegetation work at the mitigation area. Subsequent notifications for the wetland mitigation area will be made following the completion of each annual monitoring report. The 5-year monitoring period for the wetland creation area will begin in summer 2012.

9.2 USACE Confirmation

A copy of the USACE Individual Permit for the YESCO Expansion project is provided in Appendix II. YESCO will be responsible for coordinating a site inspection with the USACE, to be completed no later than 30 days following the completion of mitigation construction to confirm that the mitigation plan has been satisfactorily implemented. Within 30 days of its receipt of the as-built survey and as-built report, the USACE will prepare a letter acknowledging that YESCO has fulfilled its

responsibilities for implementing the mitigation plan. Final USACE approval of the mitigation plan will be made pending the results of the 5-year post-construction monitoring periods, demonstration of mitigation success, and commitment from Logan City to adopt an annual budget for the long-term maintenance and management of the mitigation area.

10.0 LONG-TERM MANAGEMENT PLAN

As discussed in Section 3.2 of this report, Logan City will be the owner of the wetland mitigation area. As such, Logan City will be responsible for the long-term maintenance and management of the mitigation area in accordance with the long-term goals of the wetland mitigation plan at the conclusion of the 5-year post-construction monitoring periods. Long-term management will include:

- Weed control in the created wetland and buffer areas in accordance with Utah State and Cache County noxious weed control rules.
- Maintenance of the perimeter fence around the City owned property.
- Removal of wind-blown trash from the mitigation area.
- Enforcement of the deed restrictions stated in the recorded conservation easement.

11.0 REFERENCES CITED

City of Logan (Logan City). 2007. *Mitigation Bank Monitoring Report – 2007 Growing Season*. Logan City Environmental Department, Logan, UT. 4 pages, plus appendices.

Frontier Corporation USA (Frontier). 2006. *Wetland Delineation Technical Report for the Young Electric Sign Company (YESCO)*. Frontier Corporation USA, Providence, UT. December 2006. 12 pages, plus appendices.

Frontier Corporation USA (Frontier). 2009. *Threatened and Endangered Species Technical Memorandum, YESCO Expansion Project*. Frontier Corporation USA, Providence, UT. August 21, 2009. 8 pages, plus appendices.

U.S. Army Corps of Engineers (USACE). 2008. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. (Version 2.0)*. ERDC/EL TR-08-28. U.S. Army Corps of Engineers Research and Development Center. Vicksburg, MS. 110 pages, plus appendices.

United States Department of Agriculture, Natural Resources Conservation Service (USDA-SCS). 1974. *Soil Survey of Cache Valley Area, Utah, Parts of Cache and Box Elder Counties*. U.S. Government Printing Office, Washington, D.C.

United States Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS). 2009. *Hydric Soils of the United States*. National Technical Committee for Hydric Soils, Washington, D.C.

APPENDIX I

Regulatory Guidance Letter No. 08-03

Minimum Monitoring Requirements for Compensatory Mitigation Projects Involving the Restoration, Establishment, and/or Enhancement of Aquatic Resources

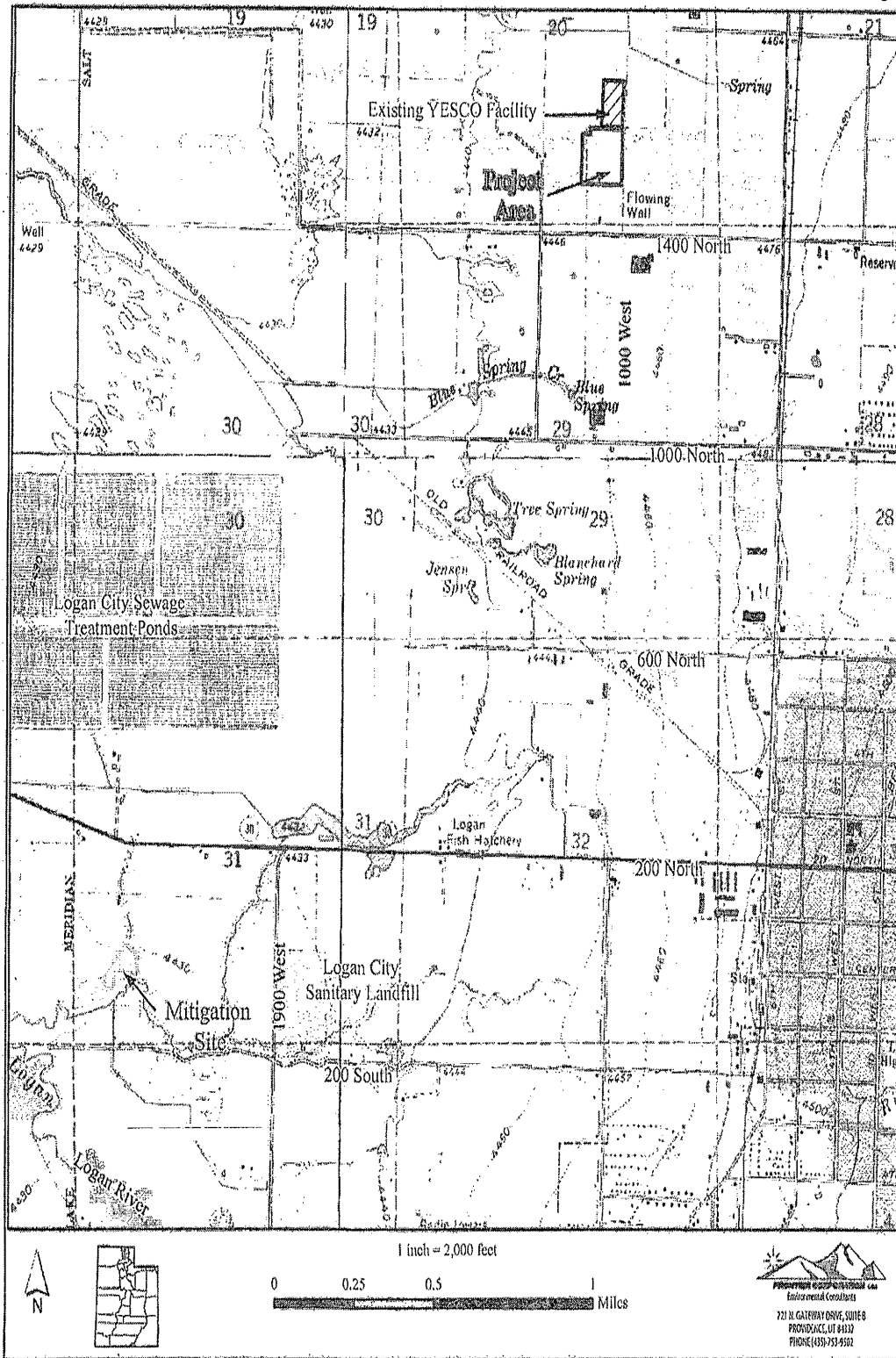


Figure 1A. Project Area Location Map. Topographic base is adapted from the Logan, Smithfield, Newton, and Wellsville, Utah 7.5 minute quadrangles.

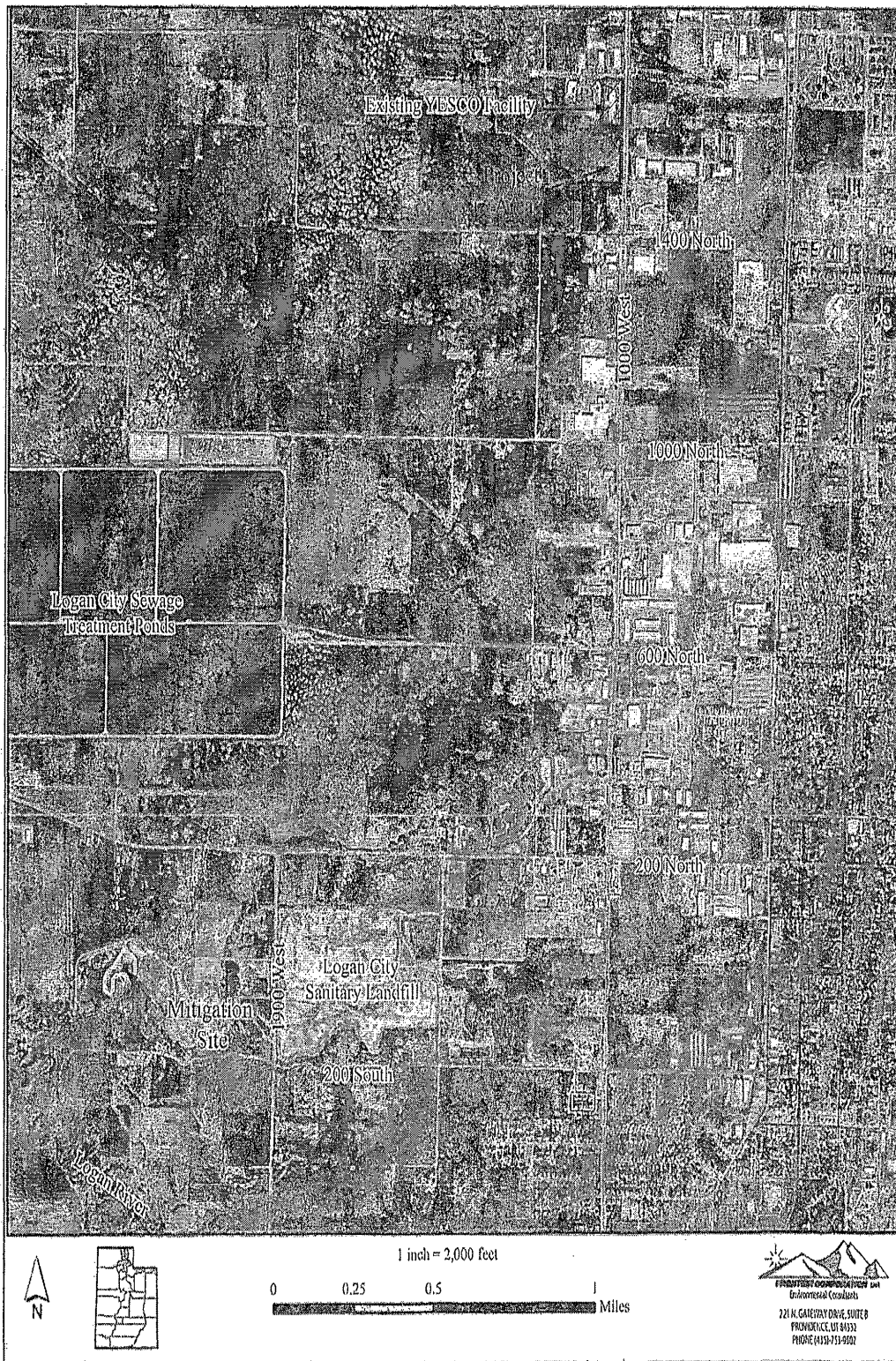


Figure 1B. Project Area Vicinity Map. Base obtained from the Utah Automated Geographic Reference Center, <http://gis.utah.gov>. Image taken October 13, 2006.

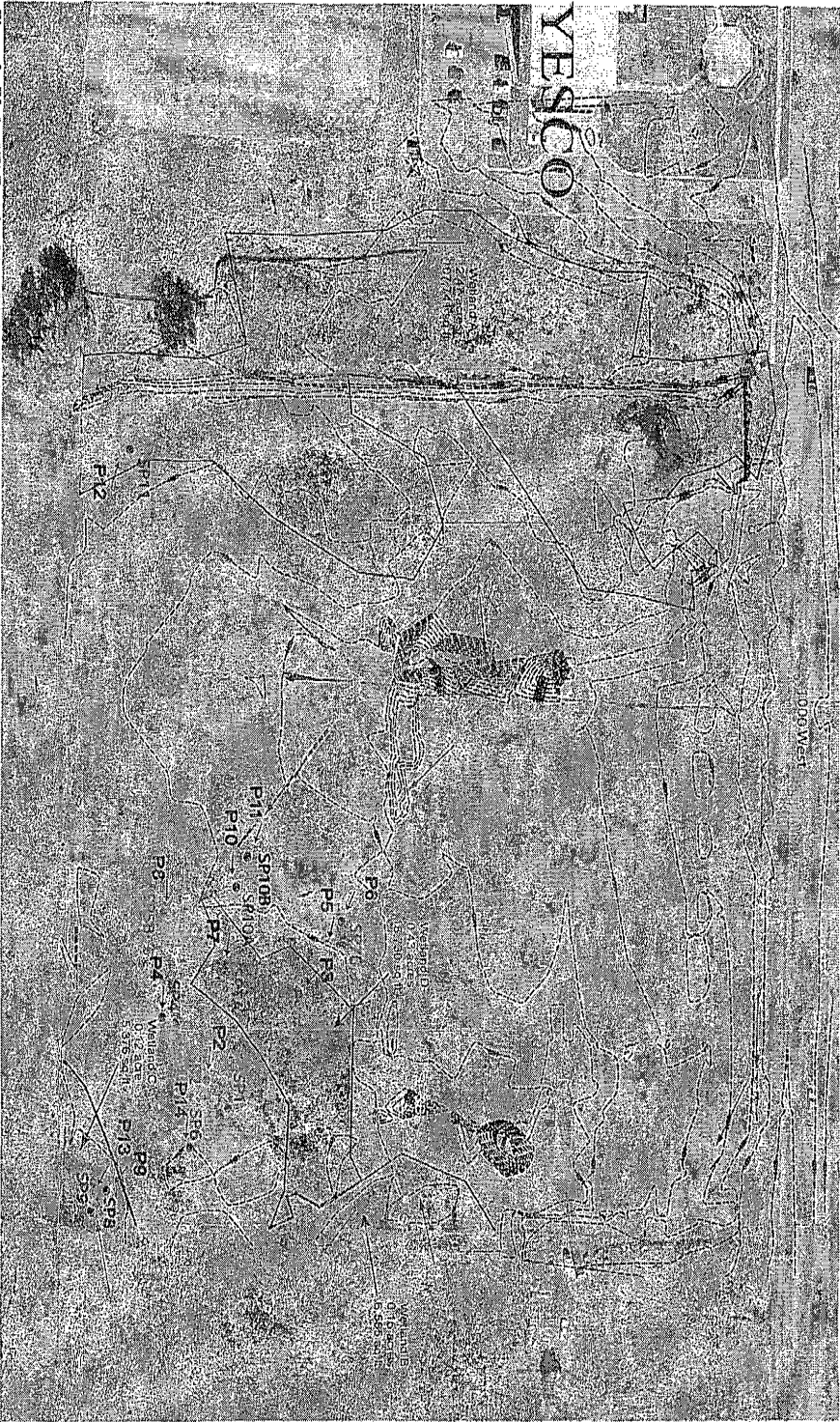


Figure 3. Wetland Delineation Map. Wetland delineation sample points, photo location and view directions are shown.
 YESCO Expansion Project, Logan, UT
 Wetland Mitigation and Monitoring Plan

Frontier Corporation USA
 December 2010



Aerial image created: fall 2006
 Delineation Map Updated
 July 27, 2009
 Wetland boundaries surveyed by:
 Skyline Architects, Engineers, and
 Surveyors (A.E.S.)

LEGEND:	
• SP1	2009 Wetland Delineation (S/13)
● SP1	2009 Wetland Delineation (S/08)
• SP2	2006 Wetland Delineation
→	Hydrology
P2	Photo points
▨	Delineated Wetland
▭	Property Boundary
▭	1-foot elevation contours

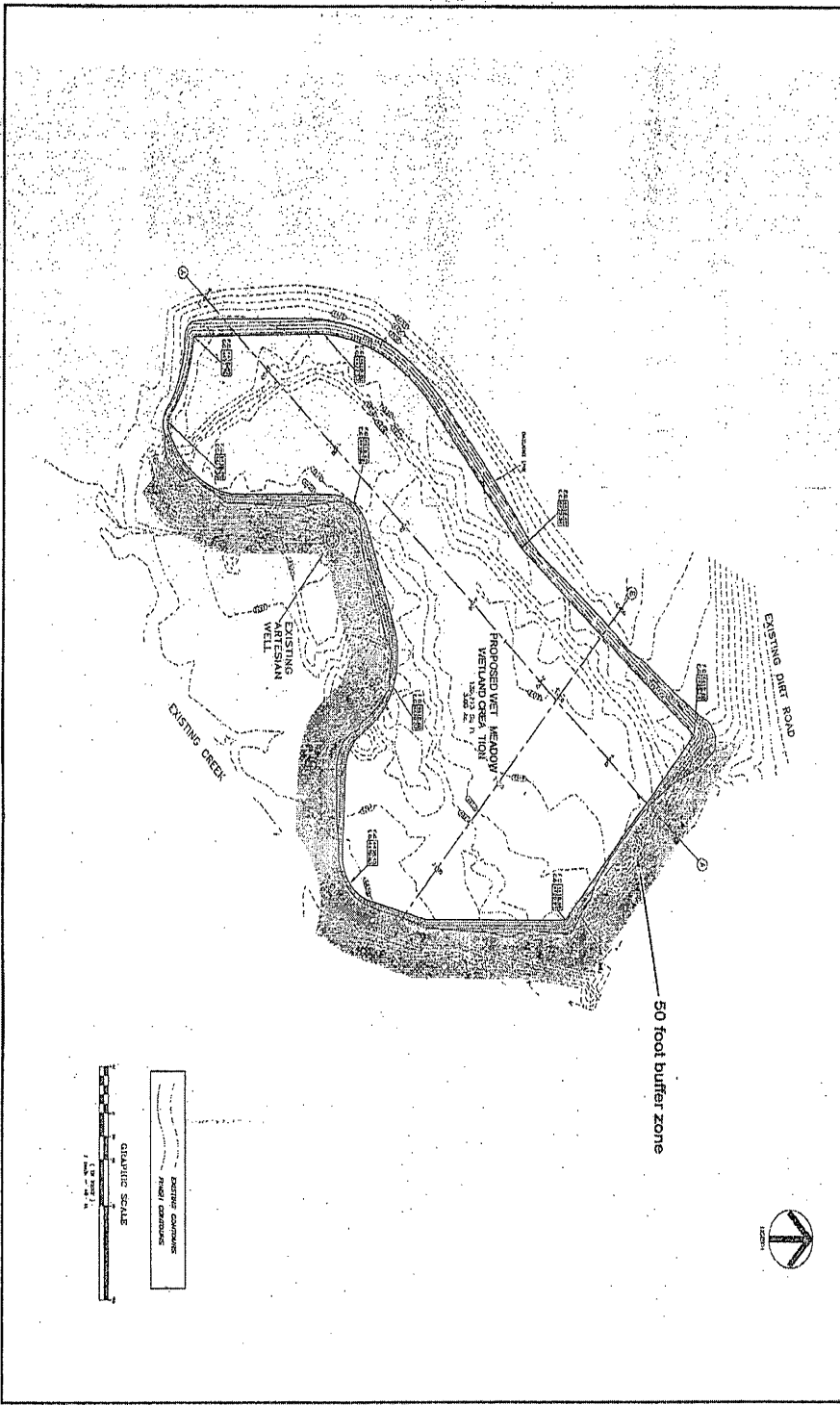
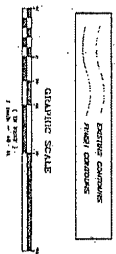


Figure 4B. Wetland Mitigation Plan.

YESCO Expansion Project, Logan, UT
Wetland Mitigation and Monitoring Plan

11

Frontier Corporation USA
December 2010



NOTES:

1. ALL DISTANCES ARE IN FEET UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.



YESCO
WETLAND MITIGATION PLAN

DATE: 12/10/10
SCALE: AS SHOWN
PROJECT: YESCO EXPANSION PROJECT, LOGAN, UT

NO.	DATE	DESCRIPTION
1	12/10/10	ISSUED FOR PERMITTING
2	12/10/10	ISSUED FOR PERMITTING

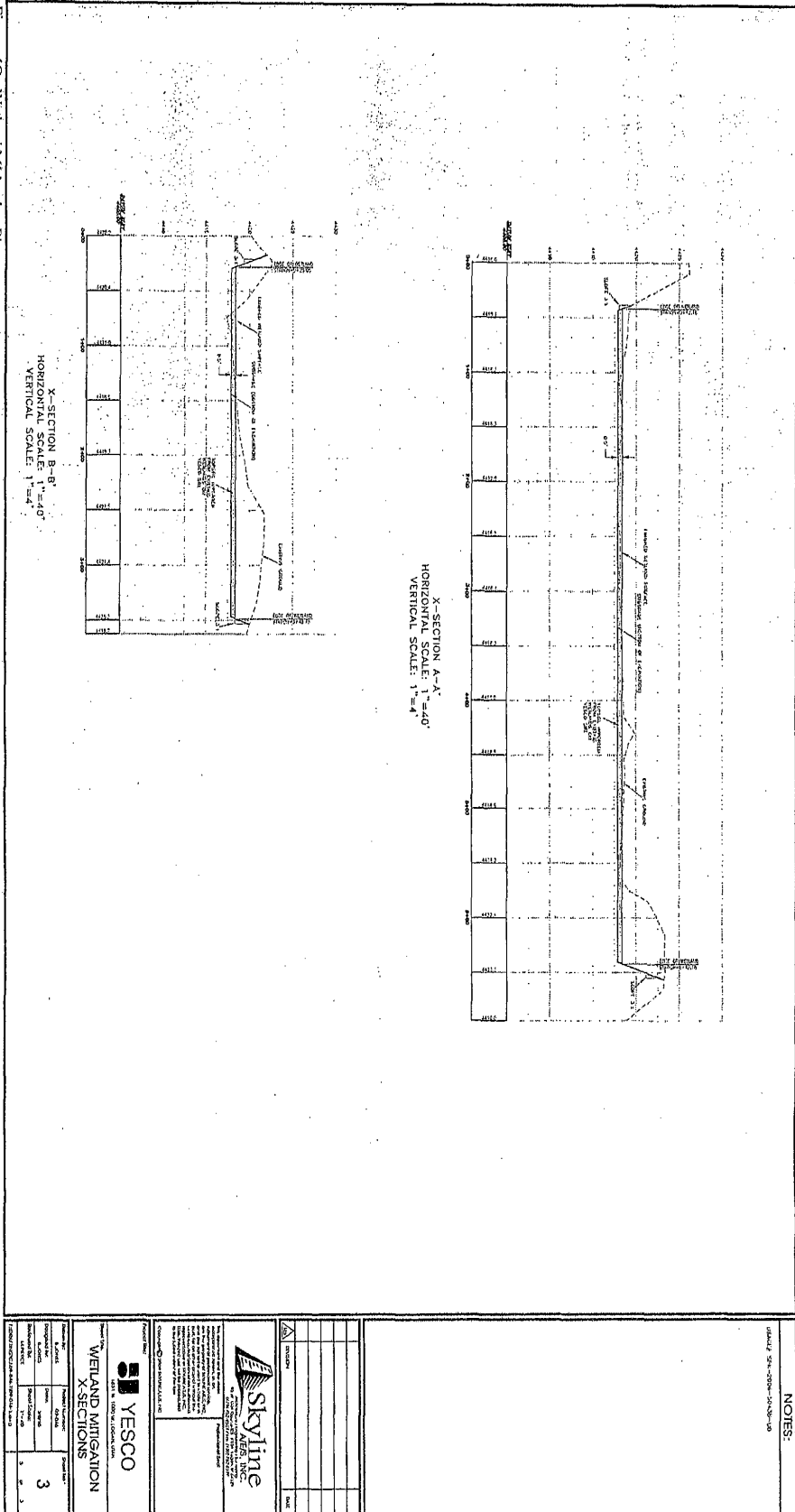


Figure 4C. Wetland Mitigation Plan.

YESCO Expansion Project, Logan, UT
Wetland Mitigation and Monitoring Plan

NOTES:

Updated 02/14/2010 - 02/14/2010