

Name of Applicant UTAH POWER AND LIGHT COMPANY

Effective Date January 21, 1985

Expiration Date (if applicable) \_\_\_\_\_

289  
70-15  
82-13  
78-10  
70-22

694482

DEPARTMENT OF THE ARMY  
PERMIT

Referring to written request dated November 7, 1984 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 Clean Water Act (33 U.S.C. 1344);

( ) 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 108 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052; P.L. 92-532);

Utah Power and Light Company, P. O. Box 899, Room 199, Salt Lake City, Utah 84101

is hereby authorized by the Secretary of the Army:

to discharge 17,600 cubic yards of granular fill and rock riprap for construction of a dike and access road

in 1.4 acres of wetland adjacent to the Great Salt Lake,

at a location north of the Farmington Bay Waterfowl Management Area, and within Sections 15, 16 and 22, Township 3 North, Range 1 West, Davis County, Utah;

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 Access Road and Dike, 2 sheets dated October 26, 1984,

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.

Abstracted  
Indexed  
Entered  
Compared

2007  
2008

55338

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 Clean Water Act (33 U.S.C. 1344), 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, or 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 implementation 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 allow 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 reasonable 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.

j. That this permit does not obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

k. That this permit may be either modified, suspended or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7.

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 materially false, materially 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.

o. That if the activity authorized herein is not completed on or before 31st day of Jan., 19 87, (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.

u. That if the permittee during prosecution of the work authorized herein, encounters a previously unidentified archeological or other cultural resource within the area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, he shall immediately notify the district engineer.

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

The eastern (landward) face of the dike shall be seeded with native grasses prior to April 30, 1985 in order to reduce erosion and improve cover for wildlife.

See Exhibits A, B, C, & D

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 Clean Water Act and published in 40 CFR 230;

b. That the discharge will consist of suitable material free from toxic pollutants in toxic amounts.

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

**DISPOSAL OF DREDGED MATERIAL INTO OCEAN WATERS:**

a. That the disposal 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 disposal 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.

\_\_\_\_\_  
PERMITTEE 1/9/85  
DATE

**BY AUTHORITY OF THE SECRETARY OF THE ARMY:**

\_\_\_\_\_  
Art Champ, Chief, Regulatory Section, for  
Arthur E. Williams, Colonel, CE  
DISTRICT ENGINEER, Sacramento  
U.S. ARMY, CORPS OF ENGINEERS 1/21/85  
DATE

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

\_\_\_\_\_  
TRANSFEEE DATE

STATE OF CALIFORNIA

COUNTY OF Sacramento

On this 21st day of December in the year 1988, before me,

Kelli Flores, a Notary Public, State of California,

duly commissioned and sworn, personally appeared  
Art Crump

personally known to me (or proved to me on the basis of satisfactory evidence) to be  
the person whose name is subscribed to this instrument, and acknowledged that he executed it

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal  
in the County of Sacramento on the date set forth above  
in this certificate



This document is a general form which may be used for a wide variety of transactions and is  
not intended to be used as a substitute for legal advice. The purchaser of this  
document warrants that it is a true and correct copy of the original document provided to the  
notary. The notary is not responsible for the accuracy of the information provided.

*Kelli Flores*

Notary Public, State of California

Sept. 2, 1988

My commission expires

where Form No. 102 Acknowledgement to Notary Public - Individual - (C.C. Sec 1189) (Rev. 1/83)

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STA 0+00

SECTION TIE. FROM  
STA. 0+00 S. 71° 55' E,  
2060 FT. TO SW CORNER  
SEC 9, T. 3 N., R. 1 W.

TRANSMISSION  
TOWERS  
(TYP.)

PROPOSED  
DIKE

1984 HWL EL 1210

STA 99+00

TRANSMISSION  
LINES

1975 HWL EL 1203

GREAT SALT LAKE

PLAN  
SCALE 1:24,000

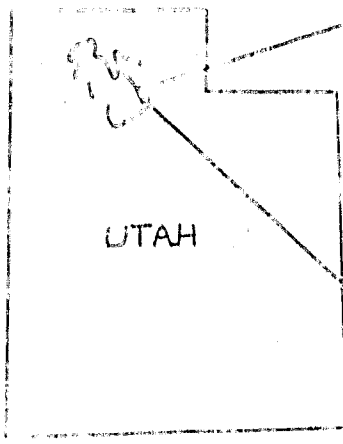
PROPOSED ACCESS ROAD  
& DIKE

IN GREAT SALT LAKE NORTH  
OF FARMINGTON BAY BIRD REFUGE  
DAVIS COUNTY, UTAH  
APPLICANT: UTAH POWER & LIGHT CO.

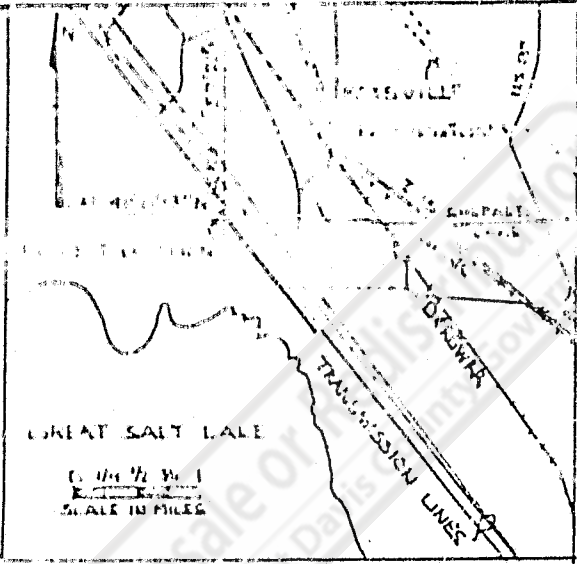
SHEET 2 OF 2

DATE 10/26/81

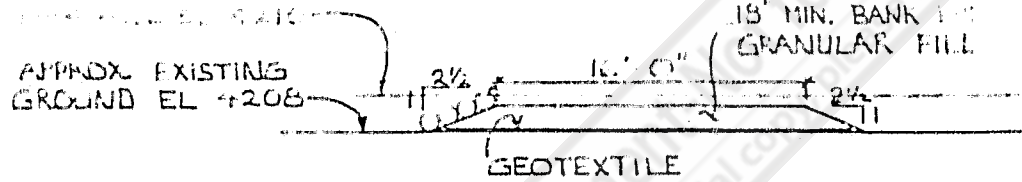
55438



AREA MAP

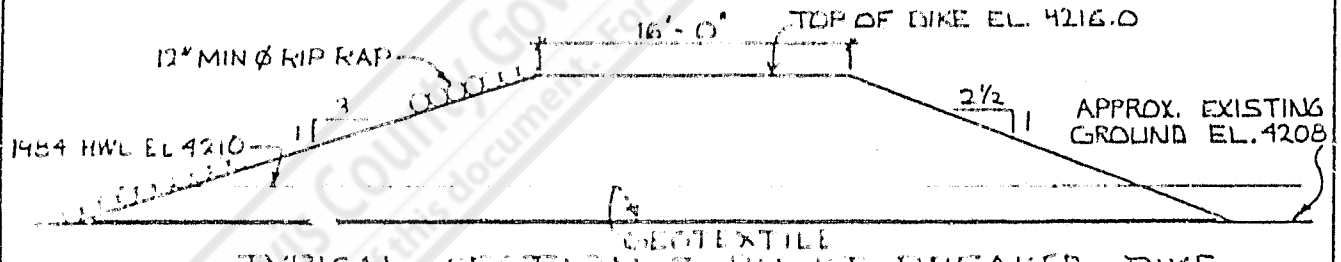


FROM USGS QUAD SHEETS FARMINGTON, UTAH & KAYSVILLE, UTAH  
VICINITY MAP



TYPICAL SECTION THRU ROAD

SCALE 1" = 10'



TYPICAL SECTION THRU ICE-BREAKER DIKE

SCALE 1" = 10'

APPROXIMATELY 17,000 CY OF 1/2" TO 1/4" GRANULAR FILL & 12" Ø RIP RAP TO AVOID PURPOLE WAVE AND ICE DAMAGE FOR ELECTRIC TRANSMISSION LINES DATUM: N.G.V.D. OF 1929

UNIMPROVED ACCESS ROAD  
GREAT SALT LAKE NORTH  
OF FARMINGTON BAY BIRD REFUGE,  
KANE COUNTY, UTAH  
PLANNED BY UTAH POWER & LIGHT CO.

SHEET 1 OF 2 DATE 10/26/84

159 3-P

STATE OF UTAH            )  
                                  ):    ss.  
COUNTY OF SAUT LAKE )

On the 9th day of January, 1985, personally appeared before me Arvin S. Gibson who being by me duly sworn did say, that he is the Executive Vice President of Utah Power & Light Company and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and said Arvin S. Gibson duly acknowledged to me that said corporation executed the same.

Arvin S. Gibson  
Notary Public  
Residing In:

My Commission Expires:  
May 19 1986

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EXHIBIT A

1159

JKF  
1/24/85

Davis County, Utah

Easement Description for a  
granular fill dike and access road  
across Corporation of the Presiding Bishop  
of the Church of Jesus Christ of Latter Day Saints Property

along a line described as follows:

Beginning on the Grantors' land at a point 800 feet north and 1855 feet west, more or less, from the southeast corner of Section 9, T.3 N., R.1 W., S.L.M., thence S.37°36'E. 3215 feet, more or less, to an east boundary line of said land, being parallel with and perpendicularly distant 60 feet westerly from the center line of the Ben Lomond-Terminal 345 kV transmission power line and being in Lot 3 and the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of said Section 9, Lot 1 in Section 16 and Lot 1 in Section 15, Township and Range aforesaid.

Beginning on a north boundary line of the Grantors' land at a point .160 feet south and 405 feet east, more or less, from the northwest corner of Section 15, T.3 N., R.1 W., S.L.M., thence S.37°36'E. 80 feet, more or less, to a south boundary line of said land, being parallel with and perpendicularly distant 60 feet westerly from the center line of the Ben Lomond-Terminal 345 kV transmission power line and being in Lot 1 of said Section 15.

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55738

JRF  
1/24/85

Davis County, Utah

Encement description for a  
gravel fill dike and access road  
across Olive Loper Hess Property

along a line described as follows:

beginning on the west boundary line of the Grantor's land at a point 170 feet north, more or less, from the south one quarter corner of section 15, T.3 N., R.1 W., S.1 M., thence S.37°36'E. 220 feet, more or less, to the south boundary line of said land, being parallel with and perpendicularly distant 60 feet westerly from the centerline of the Ben Lomond-Terminal 345 kV transmission power line and being in the SW ¼ of the SE ¼ of said Section 15.

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55438

JEF  
1/24/95

1161

Davis County, Utah

Easement Description for a  
protruding fill dike and access road  
across Don W. Wheeler property

along a line described as follows:

beginning on the north boundary line of the Grantors' land at a point  
120 feet east, more or less, from the north one quarter corner of  
Section 22, T.3 N., R.1 W., S.1.M., thence S.37°36'E. 3400 feet, more or  
less, to the north right of way line of Clark Lane, being parallel  
with and perpendicularly distant 60 feet westerly from the centerline of  
the Ben Lomond-Territorial 345 kV transmission power line and being in Lots  
1 and 2 and the SE ¼ of the NE ¼ of said Section 22.

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65838

JKT  
1/24/85

Davis County, Utah

Easement description for a  
granular fill dike and access road  
across Corneleus P. Louder property

along a line described as follows:

Beginning on the north boundary line of the Grantors' land at a point  
220 feet south and 450 feet east, more or less, from the northwest  
corner of Section 15, T.3 N., R.1 W., S.1 M., thence S.37°36'E. 530  
feet, more or less, to the south boundary line of said land, being  
parallel with and perpendicularly distant 60 feet westerly from the  
centerline of the Ben Lomond-Terminal 345 kV transmission power line and  
being in lot 1 of said Section 15.

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59438



138 KV LINE  
2 Structures

230 KV LINE  
14 Structures

345 KV LINE  
150 Structures

ACCESS PROVIDED  
BY UP&L CO.

