

WHEN RECORDED RETURN TO:

Spring Creek Crossing, Inc.  
Attention: Jason Christensen  
P.O. Box 674  
Logan UT. 84323

Ent 948179 Bk 1470 Pg 2089  
Date: 29-Jun-2007 04:39 PM Fee \$0.00  
Cache County, UT  
Michael Gleed, Rec. - Filed By #6  
For NIBLEY CITY

THIS SPACE FOR RECORDER'S USE ONLY

**DECLARATION OF RESTRICTIONS**

THIS DECLARATION OF RESTRICTIONS is made as of June 27, 2007, by Spring Creek Crossing, INC., a Utah Corporation ("Declarant").

WHEREAS, Declarant is the owner of certain real property located in the City of Nibley, County of Cache, Utah, described on Sierra Park Phase 1 Final Plat and incorporated hereby by this reference (hereinafter "Preserve Area"); and

WHEREAS, Declarant intends to develop the above described property as wildlife habitat and a wetland preserve area, to be so held in perpetuity subject to restrictions in accordance with the provisions of the Wetland Mitigation Plan (see attachment) (hereinafter "Plan") as approved by the U.S. Army Corps of Engineers (hereinafter "Corps").

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

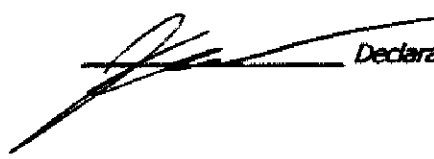
WHEREAS, the Preserve Area consists of the wetland mitigation site (1.95 acres) as shown on the Final Plat of Sierra Park Phase 1;

WHEREAS, the Declaration will benefit all parties to the Declaration in that it will assist in preserving and maintaining the drainage and wildlife habitat in the Preserve Area;

NOW THEREFORE, Declarant declares as follows:

1. 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 Plan, 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.

2. Restrictions Concerning the Preserve Area. The wetland area created, restored, enhanced or preserved as compensatory mitigation for work authorized by Department of the Army, according to the Wetland Mitigation Plan (see attachment) shall not be made the subject of a future application for a Department of the Army General or Individual permit for fill or other development except for the purpose of enhancing or restoring the mitigation associated with this project. No person shall engage in any of the following restricted activities in the Preserve Area except for those actions necessary to accomplish preservation, maintenance, repair, fire prevention, or enhancement as has been, or in the future is, authorized by the Corps consistent with The Plan:

 Declaration of Restrictions

(a) 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 Plan;

(b) No materials or debris shall be stored or placed (whether temporarily or permanently) within the Preserve Area or any portion of such area without prior written approval by the Corps;

(c) No plowing or cultivation of the Preserve Area or any portion of such area and no destruction or removal of any natural tree, shrub or other vegetation that exists upon the Preserve Area shall be done or permitted by the Declarant or its successors and assigns to the Preserve Area, except as necessary to maintain the Preserve Area on with the Corps, for the purpose of thatch management or the removal/management of newly introduced noxious or dangerous plants as necessary to maintain the Preserve Area;

(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 without prior written approval from the Corps;

(f) 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;

(g) No motorized vehicles shall be ridden, brought, used or permitted on any portion of the Preserve Area, except as provided for in (a), (c) and (f) above or with prior written approval by the Corps;

(h) No roads, utility lines, trails, benches, equipment storage, or other structures or activities shall occur within the Preserve Area without prior written approval by the Corps.

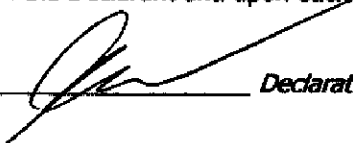
Ent 948179 Bk 1470 Pg 2090

(i)

3. 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.

4. 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.

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,

  
\_\_\_\_\_  
*Declaration of Restrictions*

officers, directors, employees, agents, representatives, executors, trustees, successor trustees, beneficiaries and administrators, and upon future owners of the Preserve Area and each of them.

5. 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.

DECLARANT:

Spring Creek Crossing, INC.  
a Utah Corporation

Date: 4/27/07  
By: [Signature]  
Its President

STATE OF UTAH

Ent 948179 Bk 1470 Pg 2091

County of CACHE

On 6/27/07 before me, David E. Mumm, Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

Personally appeared Jason Christensen  
Name(s) of Signer(s)

- personally known to me
- 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

[Signature] Declaration of Restrictions



**Wetland Mitigation Plan  
for the  
Sierra Park Phase 1 Subdivision**

**Nibley City  
Cache County, Utah  
Section 17, T11N, R1E  
Salt Lake Base and Meridian**

Ent 948179 Bk 1470 Pg 2092

**Prepared For:**

**Mr. Bill Bertolio  
Horizon Enterprises, Inc.  
435 East 125 North  
Providence, UT 84332**

**Prepared By:**

**Frontier Corporation USA  
221 N. Spring Creek Parkway, Suite B  
Providence, Utah 84332**

**Dennis C. Wenger  
Hoda A. Sendossi**

**June 2005**

# TABLE OF CONTENTS

Ent 948179 Bk 1470 Pg 2093

Page

- INTRODUCTION ..... 2
- 1.0 RESPONSIBLE PARTIES ..... 2
  - 1.1 Applicant ..... 2
  - 1.2 Applicant’s Designated Site Engineer ..... 2
  - 1.3 Applicant’s Designated Wetland Consultant ..... 2
- 2.0 PROJECT REQUIRING MITIGATION ..... 3
  - 2.1 Location ..... 3
  - 2.2 Brief Summary of Overall Project ..... 3
  - 2.3 Site Characteristics ..... 3
    - 2.3.1 Upland Habitats ..... 6
    - 2.3.2 Wetland Habitats ..... 6
    - 2.3.3 Wetland Functions ..... 6
    - 2.3.4 Threatened/Endangered Species ..... 6
    - 2.3.5 Land Use ..... 7
- 3.0 MITIGATION SITE ..... 7
  - 3.1 Location ..... 7
  - 3.2 Ownership Status ..... 7
- 4.0 MITIGATION DESIGN ..... 7
  - 4.1 Overview of Mitigation Plan ..... 7
  - 4.2 Compensation Ratios ..... 8
  - 4.3 Long-Term Goals ..... 8
- 5.0 SUCCESS CRITERIA AND MONITORING ..... 8
  - 5.1 Success Criteria ..... 8
  - 5.2 Monitoring ..... 9
- 6.0 IMPLEMENTATION PLAN ..... 9
  - 6.1 Site Preparation and Work Sequence ..... 9
  - 6.2 Schedule ..... 10
- 7.0 MAINTENANCE DURING MONITORING PERIODS ..... 10
- 8.0 CONTINGENCY MEASURES ..... 10
  - 8.1 Initiating Procedures ..... 10
  - 8.2 Contingency Funding Mechanism ..... 10
- 9.0 COMPLETION OF MITIGATION RESPONSIBILITIES ..... 10

9.1 Notification Procedures ..... 10

9.2 USACE Confirmation ..... 11

10.0 LONG-TERM MANAGEMENT PLAN ..... 11

11.0 REFERENCES CITED ..... 12

**List of Figures**

Figure 1. Project Site Location Map ..... 4

Figure 2. Existing Conditions Map ..... 5

**List of Tables**

Table 1. Utah Threatened/Endangered Species Listed for Cache County, Utah ..... 6

**Appendices**

APPENDIX I: Wetland Delineation Report for the Sierra Park Phase 1 Wetland Mitigation Site

APPENDIX II: Construction Plans and Engineering Details

APPENDIX III: Mitigation Site Deed Restriction

Ent 948179 Bk 1470 Pg 2094

## INTRODUCTION

Frontier Corporation USA (FRONTIER) has been retained to assist Horizons Enterprises, Inc. (HORIZON) with the development of a compensatory mitigation plan to replace 0.43 acre of wetlands that will be impacted by the construction of the proposed Sierra Park Phase 1 Subdivision project. The project site is an approximately 42.42-acre property in the city of Nibley, Cache County, Utah. A wetland delineation was previously completed for the project site by FRONTIER in May 2005. A total of 3.17 acres of wetland were delineated, surveyed, and incorporated onto the project site plans. The Phase 1 area encompasses 21.80 acres and is situated along the eastern portion of the project site. All of the delineated wetlands area situated within the Phase 1 area.

The proposed mitigation will be on-site and will include the preservation and enhancement of 2.74 acres of existing wetlands, and the creation of 0.43 acre of new wetlands that will adjoin the existing wetlands. The wetland mitigation site will be deed restricted and protected from future development, and will be managed in a manner compatible with wetland conservation.

This mitigation plan is a part of the US Army Corps of Engineers (USACE) Section 404 Permit Application for the Sierra Park Phase 1 Subdivision Project.

### 1.0 RESPONSIBLE PARTIES

#### 1.1 Applicant

Horizon Enterprises, Inc.  
ATTN: Bill Bertolio  
435 East 125 North  
Providence, UT 84332  
(435) 757-0314

Ent 948179 Bk 1470 Pg 2095

#### 1.2 Applicant's Designated Site Engineer

Cache Landmark Engineering  
ATTN: Steven C. Earl  
666 North Main Street  
Suite 303  
Logan, UT 84321  
(435) 713-0099

#### 1.3 Applicant's Designated Wetland Consultant

Frontier Corporation USA  
ATTN: Dennis Wenger  
221 North Spring Creek Parkway, Suite B  
Providence, UT 84332  
(435) 753-9502

## 2.0 PROJECT REQUIRING MITIGATION

### 2.1 Location

The project site is located on the east side of US Highway 89/91 (US 89/91) in Section 17, Township 11 North, Range 1 East, in the city of Nibley, Cache County, Utah. The approximate UTM coordinates for the project site are 428,200 E 4,615,500 N, in Zone 12 T. The project site is accessible from US 89/91 via 2100 South and 1200 West (Figure 1).

### 2.2 Brief Summary of Overall Project

The proposed Sierra Park Phase 1 Subdivision is the first of a two-phased subdivision project which will include the development of residential, commercial, and charter school facilities. It will also include the installation of roads, utilities, and storm water infrastructure. A total of 3.17 acres of wetlands were delineated at the project site, all within the Phase 1 area (Figure 2). Two separate wetland areas, totaling 0.43 acre, in the northwest and southeast corners of the wetland complex will be permanently filled by the construction of Nibley Park Avenue (2350 South) and Meadow Lane. Compensatory mitigation for wetland impacts will be the establishment of a 3.41-acre mitigation site that will include the preservation and enhancement of 2.74 acres of existing wetlands and the creation of 0.43 acre of new wetlands.

Ent 948179 Bk 1470 Pg 2096

### 2.3 Site Characteristics

The 21.8-acre Phase 1 project site is part of a larger 42.42-acre property situated within the agricultural landscape of the Cache Valley and is part of the Spring Creek watershed drainage (Figure 1). The project site is mostly comprised of cultivated fields used for row crops. Wetlands at the project site are confined to an uncultivated, low-lying drainage swale that conveys groundwater seepage, irrigation return flows, and surface runoff westward through the project site. None of the cultivated fields surrounding the drainage swale exhibited any wetland characteristics.

The parcel within which the wetlands occur is being used as a feed lot for livestock. Livestock were present in the feed lot at the time of the field inspections. The existing wetlands were severely trampled and in poor condition in many areas.

Within the Phase 1 project site, the wetland boundary is generally defined by a distinct topographic break. There is a raised gravel road that traverses the drainage swale to provide access to a hay barn in the feed lot. The gravel road essentially bisects the drainage swale and the wetlands that were delineated within the drainage swale. Of the 3.17 acres of wetlands delineated, approximately 2.33 acres are on the east side of the gravel road, and 0.84 acre is on the west side of the gravel road (Figure 2). These wetlands areas are almost entirely sedge-dominated emergent wet meadows. Both wetlands drain into buried pipes that convey water north, toward US 89/91 and the Spring Creek drainage.

The adjoining properties to the north and south are managed in agricultural land uses similar to that of the project site. The property to the east is presently being developed as part of the Sunrise Meadows subdivision project, which is under separate ownership.



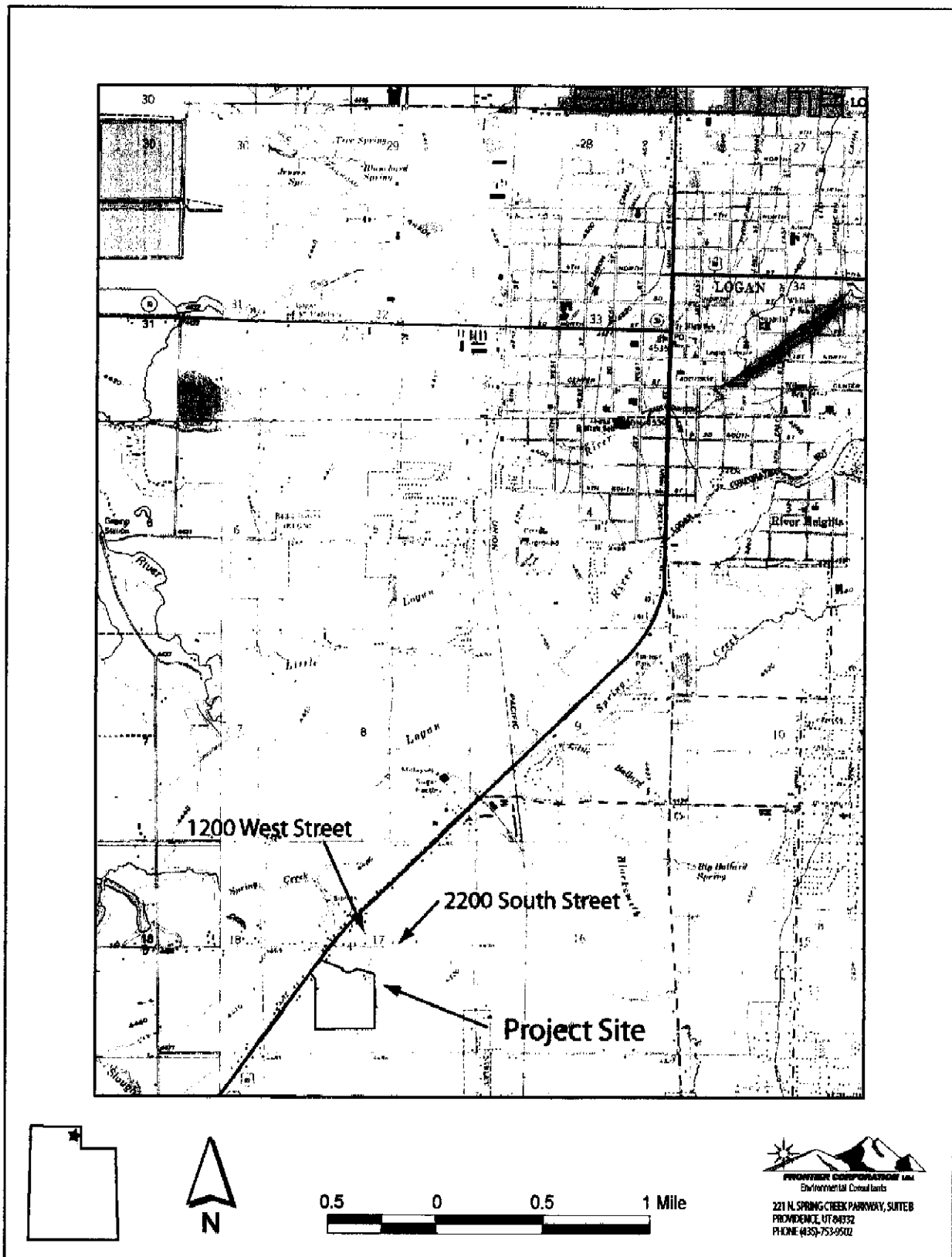
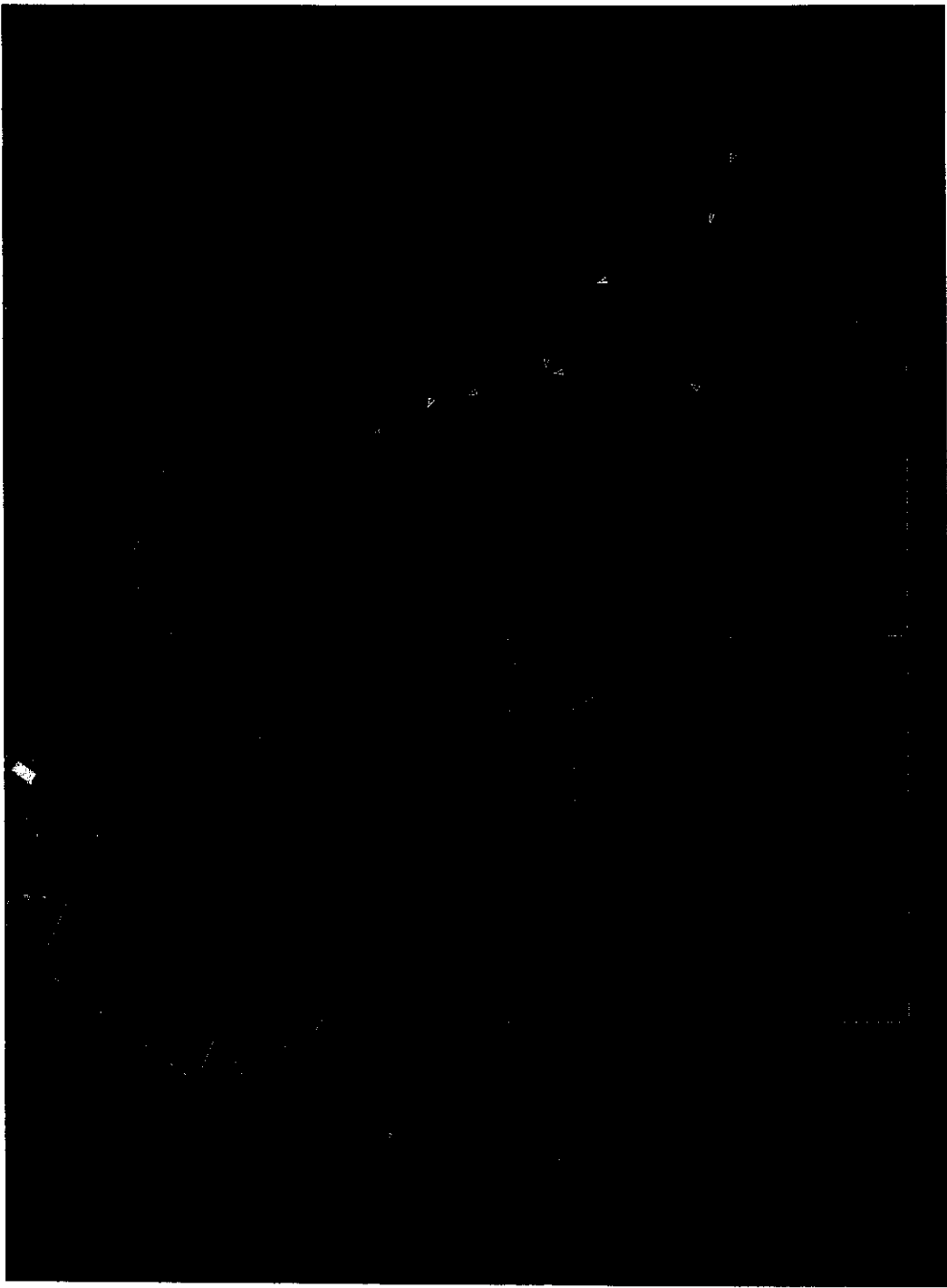


Figure 1. Project Site Location Map. Topographic base is adapted from the Logan, Utah 7.5-minute USGS quadrangle, revised in 1986.

Ent 948179 Bk 1470 Pg 2097

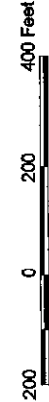


**LEGEND:**

* SP:	Wetland Delineation Sample Point
P1 /	Photo Point and View Direction
	Wetland Delineation Boundary
	Study Site/Property Boundary
□	Culvert Inlet
○	Groundwater Discharge

<b>Wetland Area:</b>	
A:	0.84 acres
B:	2.33 acres
<b>Total:</b>	<b>3.17 acres</b>

Map Date: May 26, 2005  
 Aerial Photo: Circa 1998



Frontier Corporation USA  
 June 2005

Figure 2. Existing conditions map.  
 Sierra Park Subdivision, Nibley, UT  
 Wetland Mitigation Plan

A copy of the wetland delineation report, which provides a more detailed description of the hydrologic, soils, and vegetation conditions at the mitigation site, is provided in Appendix I.

Ent 948179 Bk 1470 Pg 2099

### 2.3.1 Upland Habitats

Most of the upland habitat is made up of plant communities that are irrigated crops used for livestock grazing and hay production. Upland plant species observed at the site include: quackgrass (*Agropyron repens*), western wheatgrass (*Agropyron smithii*), red clover (*Trifolium pratense*), common wheat (*Triticum aestivum*), and common alfalfa (*Medicago sativa*). There are also weedy species such as: common dandelion (*Taraxacum officinale*), shepherd's purse (*Capsella bursa-pastoris*), white goosefoot (*Chenopodium album*), Canada thistle (*Cirsium arvense*), roundleaf mallow (*Malva neglecta*), prickly lettuce (*Lactuca serriola*), and curlycup gumweed (*Grindelia squarrosa*).

### 2.3.2 Wetland Habitats

Wetland habitats are made up of plant communities that occur in the low-lying areas of the project site associated with the drainage swale. These wetland plant communities include the following species: Nebraska sedge (*Carex nebrascensis*), beaked sedge (*Carex rostrata*), clustered field sedge (*Carex praegracilis*), baltic rush (*Juncus balticus*), few-flowered spikerush (*Eleocharis pauciflora*), reed canary grass (*Phalaris arundinacea*), common cattail (*Typha latifolia*), fowl bluegrass (*Poa palustris*), and watercress (*Nasturtium officinale*).

### 2.3.3 Wetland Functions

The wetlands at the project site are subject to severe grazing and trampling due to livestock grazing, which severely diminishes wetland habitat function. They have little to no functional capacity as fish and wildlife habitat, uniqueness, recreation, or education potential. The main function of these wetlands is to capture and retain storm water runoff and drainage from the surrounding farm fields, which probably helps to attenuate flood flows in the Spring Creek drainage. They also probably have some value for sediment/nutrient/toxicant removal, due to the fact that they are heavily vegetated with herbaceous species. This probably helps improve the water quality of flows draining into Spring Creek.

### 2.3.4 Threatened/Endangered Species

Table 1 contains the species on the Federal Threatened/Endangered list for Cache County, Utah.

**Table 1. Threatened/Endangered Species Listed for Cache County, Utah (DWR, 2005).**

Common Name	Scientific Name	Status
Brown (Grizzly) bear	( <i>Ursus arctos</i> )	T - Extirpated
Canada lynx	( <i>Lynx Canadensis</i> )	T
Whooping crane	( <i>Grus Americana</i> )	T
Yellow-billed cuckoo	( <i>Coccyzus americanus</i> )	T

T = a taxon that is listed by the U.S. Fish and Wildlife Service as "threatened" with becoming endangered.

Of the species listed, the project area is within the potential geographic distribution for the whooping crane and the yellow-billed cuckoo. There are no known occurrences of these species at the project site. Further, the project site is not likely a suitable habitat for these species due to lack of habitat structure, human presence, altered condition, and lack of food source.

**2.3.5 Land Use**

Ent 948179 #k 1470 Pg 2100

Historically, the project site has been managed as irrigated farmland for raising livestock and row crops. It presently contains a farmhouse, several outbuildings, gravel access roads, cultivated fields, irrigation ditches, and a fenced-in cattle feed lot (Figure 2). Several ditches are used to irrigate the cultivated fields, which have been planted in the past with corn, alfalfa, and wheat. The wetlands have historically received drainage from the cultivated fields.

**3.0 MITIGATION SITE**

**3.1 Location**

The proposed 3.41-acre mitigation site will be within the Sierra Park Phase I subdivision boundary (Figure 3).

**3.2 Ownership Status**

The wetland mitigation site is currently owned by HORIZON, and is expected to remain under this ownership for the duration of the project.

**4.0 MITIGATION DESIGN**

**4.1 Overview of Mitigation Plan**

Mitigation will be entirely on-site and will entail the enhancement and preservation of 2.74 acre of existing wetlands, and the creation of 0.43 acre of new wetland adjoining the existing wetlands. Included in Appendix II are engineering drawings and typical cross-sections for the mitigation site, as well as concept plans and typical cross-sections for the subdivision development.

Enhancement and preservation will be accomplished by removing cattle and prohibiting pedestrian access in order to limit human disturbance. Horse grazing will be allowed within the mitigation site as a management tool. Creation of new wetlands will be accomplished by regrading upland areas to match the grade of the existing wetlands and allow the establishment of wetland plant communities.

The largest area of upland to be converted will be the dirt access road separating the two existing wetland areas. Conversion of this upland area to wetland will join the two wetland areas and create a contiguous wetland complex. Three other smaller upland areas, adjoining the existing wetlands, will be converted to wetland as well (Figure 3).

The existing drainage into the mitigation site will be used as the source of wetland hydrology. This will include the use of detention ponds to treat storm water from the developed subdivision before

it is allowed to drain into the wetland mitigation site. This drainage supports the existing wetlands and will be sufficient to maintain wetland hydrology for a wetland area of equal size.

The mitigation site will be incorporated into the subdivision as open space, and will be deed-restricted to prevent future construction. The entire wetland complex will be enclosed by a fence to prohibit public access and minimize potential disturbances. There will be a 25-foot setback easement for building structures around the boundary of the wetland mitigation site. This setback easement is intended to establish an upland buffer around the wetland mitigation area. Installation of concrete side walks will be allowed within this setback easement, but no building structures will be allowed.

Ent 948179 Bk 1470 Pg 2101

Storm water detention ponds will be constructed adjacent to the mitigation area. These ponds will collect storm water runoff from impervious surfaces created by the construction of the subdivision and associated roads. These ponds are designed to detain storm water runoff up to a 10-year, 24-hour storm event and percolate into the mitigation site. Larger storm flows will spill into the wetlands over an energy dissipator.

#### 4.2 Compensation Ratios

The proposed preservation and enhancement of wetlands within the mitigation site will result in the following compensation ratios and mitigation credits for the functional replacement of 0.43 acre of wetland impact:

- 2.74 acres wetland preservation and enhancement @ 4:1 = 0.68 acre mitigation credit
- 0.43 acre of wetland creation @ 1:1 = 0.43 acre mitigation credit

Thus, a total of 1.01 acres of mitigation credit will be established for the replacement of the 0.43 acre of wetland impact.

#### 4.3 Long-Term Goals

The goals of the mitigation plan are the following:

- enhance habitat functions in the existing wetlands
- establish self-sustaining new wetland habitats,
- ensure seasonal flooding to maintain wetland hydrology, and
- prevent establishment of invasive weeds in wetland and surrounding upland areas.

### 5.0 SUCCESS CRITERIA AND MONITORING

#### 5.1 Success Criteria

The mitigation plan will be considered a success if the following conditions persist for the duration of a three-year post-construction monitoring period:

- 80 percent vegetative cover of native wetland plants, such as Nebraska sedge, beaked sedge, and Baltic rush is established in the wetland creation areas;

- the wetland creation areas are seasonally flooded, as the existing wetlands currently do, each year during spring runoff for a period and duration sufficient to maintain wetland hydrology; and
- noxious weeds are prevented from being established in the wetland, adjacent upland areas within the 25-foot setback easement, and detention pond berms.

## 5.2 Monitoring

Ent 948179 Bk 1470 Pg 2102

Annual site inspections will be conducted by qualified wetlands scientist to visually observe and record wetland habitat conditions at the mitigation site. Repeat photographs will be taken during each visit, at established locations, to catalog site conditions and to help monitor changes. Ten randomly placed 1x1 meter quadrats will be placed in both the wetland and upland setback easement areas to measure vegetative cover and presence of undesirable noxious weed species. Noxious weed will be determined according to the Noxious Weed Field Guide for Utah (Merritt, Belliston, and Dewey, 2000). Visual observations of hydrological indicators showing seasonal flooding will be recorded.

Monitoring will take place in mid-spring (May) of each year for a 3-year period following the completion of the construction activities. HORIZON will be responsible for completing the wetland mitigation monitoring, and for submitting an annual monitoring report to the USACE by August 31 of each monitoring year. If success criteria are not met within the 3-year monitoring period, contingency measures will be implemented as discussed in Section 8.0 of this plan, and the yearly monitoring will continue until the success criteria have been met for two consecutive years.

## 6.0 IMPLEMENTATION PLAN

### 6.1 Site Preparation and Work Sequence

The overall goal of the mitigation plan is to enhance and preserve 2.74 acres of existing wetlands, and to convert 0.43 acre of designated uplands to create new wetland habitat. The sequence of activities is designed to optimize growth of native species and to limit the growth of undesirable noxious weed species.

Wetland creation activities will include:

- Removal and salvaging of topsoil from existing wetlands that will be permanently filled
- Excavation of uplands to be converted, to at least 9 inches sub-grade of the adjacent existing wetland
- Placement of salvaged wetland topsoil in the excavated area to allow reestablishment of native wetland vegetation
- Installation of fencing around the perimeter of the wetland mitigation site to limit public access

An erosion control plan is included in Appendix II. Erosion and sediment control best management practices (BMP) such as silt fences and straw bale check dams will be implemented to minimize

water quality impacts to the wetlands and drainage flowing offsite toward Spring Creek. It will be the contractor's responsibility to obtain a UPDES storm water construction permit and to prepare and implement a storm water pollution prevention plan as per the UPDES requirements. It will be HORIZON's responsibility to verify the contractor's compliance with the UPDES storm water permit requirements.

Ent 948179 Bk 1470 Pg 2103

### 6.2 Schedule

Construction of the Charter School and roads in upland areas began in Spring 2005. Recording of the deed-restriction and installation of erosion control BMPs will be done prior to construction activities that would result in permanent filling of wetlands. Implementation of wetland enhancement and creation of new wetlands at the mitigation site will commence concurrently with construction activities that would result in the filling of wetlands. It is anticipated that the construction will begin August 1, 2005 at the mitigation site.

An as-built report for the mitigation site will be completed and submitted to the USACE by November 1, 2005. A three-year mitigation monitoring period will begin in the spring of 2006, and will entail the documentation of the successful establishment of the wetland mitigation goals.

## 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 weed control if necessary.

## 8.0 CONTINGENCY MEASURES

### 8.1 Initiating Procedures

Results of annual monitoring will be used to determine whether the mitigation plan is on a success course, which will in turn determine whether or not remedial action is necessary to ensure mitigation success.

### 8.2 Contingency Funding Mechanism

If required, HORIZONS will be responsible for providing the funding for the implementation of remedial actions on an as needed basis.

## 9.0 COMPLETION OF MITIGATION RESPONSIBILITIES

### 9.1 Notification Procedures

HORIZON will immediately notify the USACE project manager for Cache County via email or letter upon completion of the mitigation activity and will provide the as-built report and photographic documentation of as-built conditions to the USACE no later than November 1, 2005 as described in Section 6.2 of this plan.

Subsequent notifications will be made following the completion of each annual monitoring report.

## 9.2 USACE Confirmation

HORIZON will be responsible for coordinating a site inspection with the USACE, to be completed no later than December 1, 2005, to confirm that the mitigation plan has been satisfactorily implemented. The USACE will prepare a letter subsequent to this visit, acknowledging that HORIZON has fulfilled its responsibilities for implementing the mitigation plan. Final USACE approval of the mitigation plan will be made pending the results of the 3-year post-construction monitoring period and demonstration of mitigation success.

## 10.0 LONG-TERM MANAGEMENT PLAN

As discussed in Section 3.2 of this report, the mitigation site will be owned by HORIZON. As such, HORIZON will be responsible for the long-term management of the mitigation site in accordance with the long-term goals of the wetland mitigation plan at the conclusion of the 3-year post-construction monitoring period.

Ent 948179 Bk 1470 Pg 2104



## 11.0 REFERENCES CITED

Utah Department of Wildlife Resources (DWR) 2005. *Utah's Federally (US F&WS) Listed Threatened (T), Endangered (E), and Candidate (C) Plant, Invertebrate, and Vertebrate Species*, available at [http://dwrcdc.nr.utah.gov/ucdc/ViewReports/te\\_list.pdf](http://dwrcdc.nr.utah.gov/ucdc/ViewReports/te_list.pdf)

Joel Merritt, Nathan D. Belliston, and Steven A. Dewey 2000. *Noxious Weed Field Guide for Utah*, Cache County Weed Department.

Ent 948179 Bk 1470 Pg 2105

# APPENDIX I

## WETLAND DELINEATION REPORT FOR THE MITIGATION SITE

Ent 948179 Bk 1470 Pg 2106

**APPENDIX II**

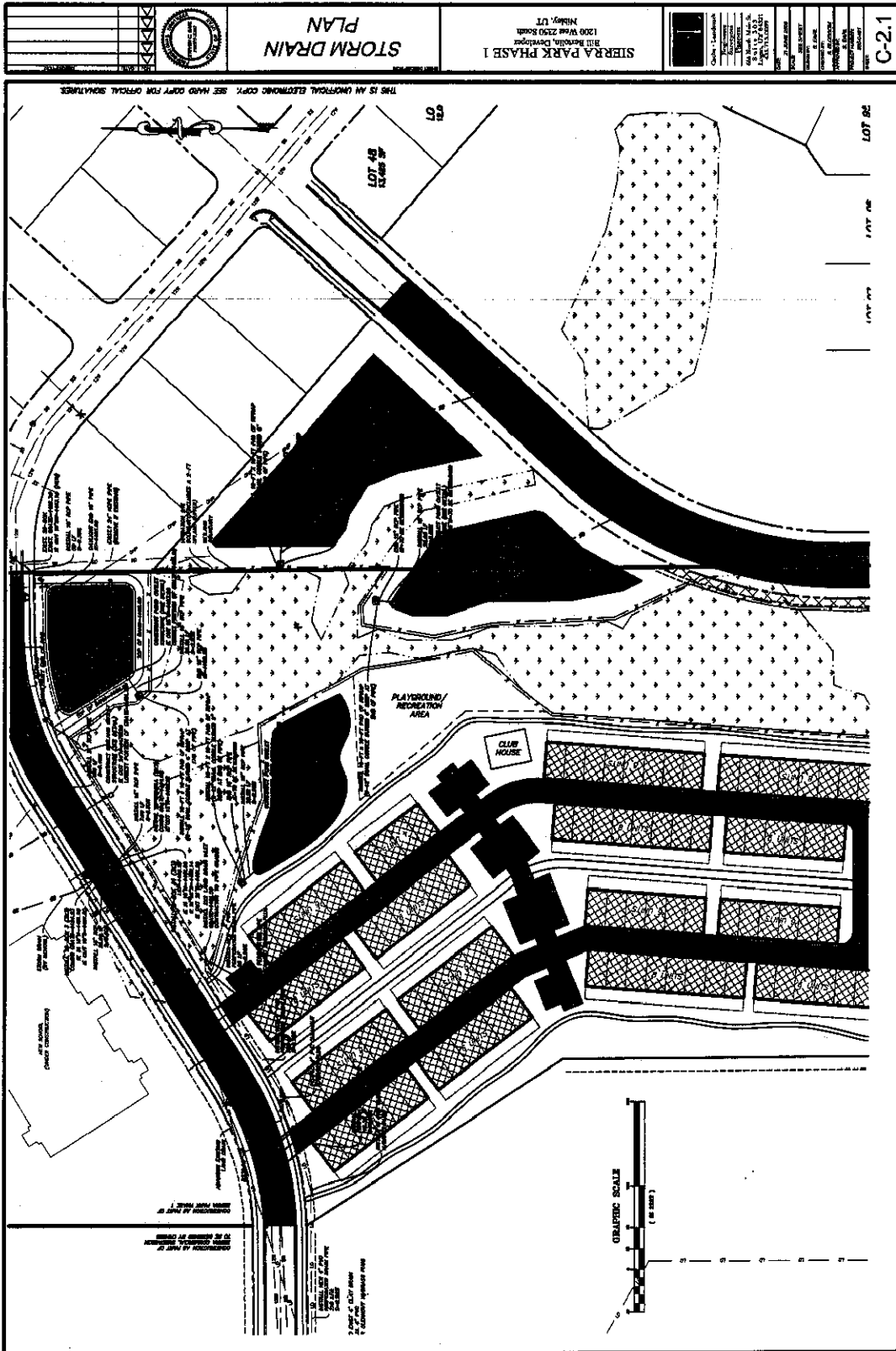
**ENGINEERING PLANS AND CONSTRUCTION DETAILS**

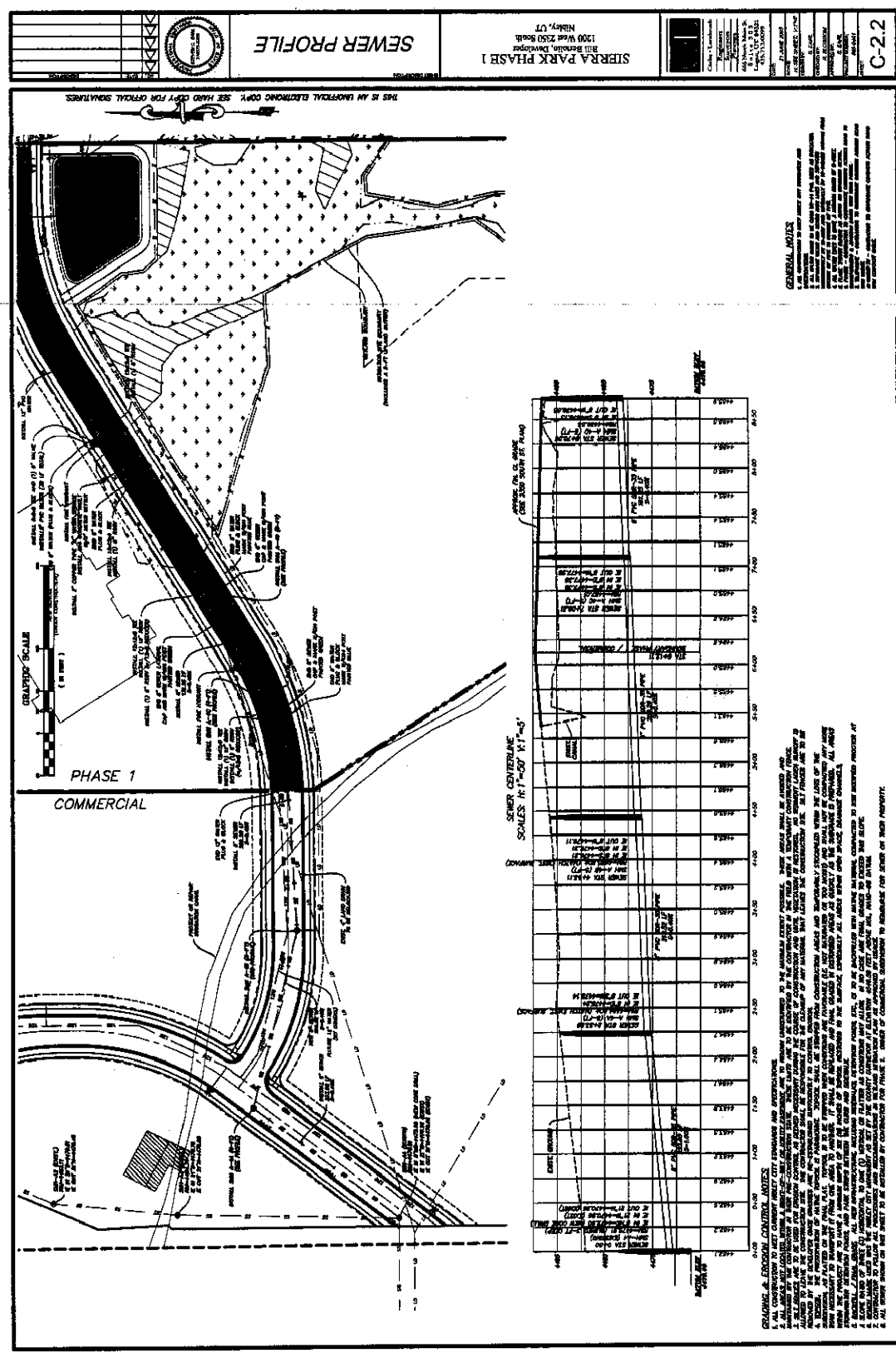
**Ent 948179 Bk 1470 Pg 2107**











# SEWER PROFILE

SIERRA PARK PHASE 1  
 1300 West 2550 South  
 Midway, UT

C-2.2

**GENERAL NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY ENGINEERING AND INSPECTION DEPARTMENT'S STANDARD SPECIFICATIONS FOR SEWERAGE AND SANITATION.
2. ALL MATERIALS SHALL BE OF THE BEST QUALITY AND SHALL BE APPROVED BY THE CITY ENGINEER BEFORE USE.
3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY ENGINEER'S ORDINANCES AND REGULATIONS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY ENGINEER AND THE STATE ENGINEER.
5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT THE PROJECT.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL ENVIRONMENTAL RESOURCES.
9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL CONSTRUCTION ACTIVITIES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL ADJACENT PROPERTIES.

SEWER CENTERLINE  
 SCALES: HORIZ. 1"=50' VERT. 1"=5'

PHASE 1  
 COMMERCIAL

GRAPHIC SCALE  
 (1" = 100')

**CONSTRUCTION TO MEET CITY ENGINEERING AND INSPECTION DEPARTMENT'S STANDARD SPECIFICATIONS FOR SEWERAGE AND SANITATION:**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY ENGINEERING AND INSPECTION DEPARTMENT'S STANDARD SPECIFICATIONS FOR SEWERAGE AND SANITATION.
2. ALL MATERIALS SHALL BE OF THE BEST QUALITY AND SHALL BE APPROVED BY THE CITY ENGINEER BEFORE USE.
3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY ENGINEER'S ORDINANCES AND REGULATIONS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY ENGINEER AND THE STATE ENGINEER.
5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT THE PROJECT.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL ENVIRONMENTAL RESOURCES.
9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL CONSTRUCTION ACTIVITIES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL ADJACENT PROPERTIES.





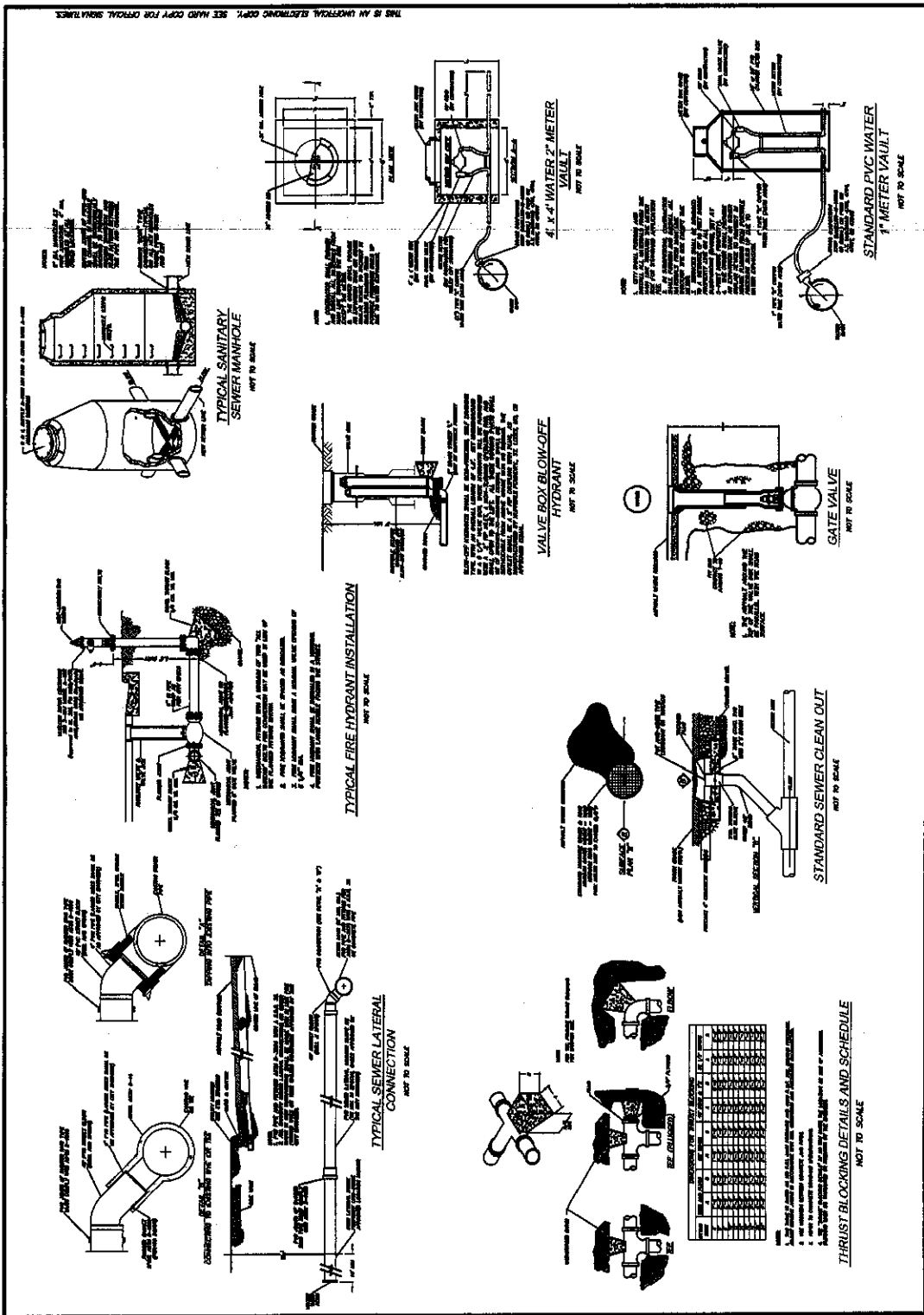




**STANDARD DETAILS**

SIERRA PARK PHASE I  
1300 WALKER ROAD  
MILFORD, CT

**C-4.2**



THIS IS AN UNOFFICIAL ELECTRONIC COPY. SEE HARD COPY FOR OFFICIAL SIGNATURES.





**APPENDIX III**

**MITIGATION SITE DEED RESTRICTION (in progress)**

**Ent 948179 Bk 1470 Pg 2119**