

WHEN RECORDED RETURN TO:

Bountiful Utah Regulatory Office
Attention: Nicole Fresard
533 West 2600 South, Suite 150
Bountiful UT 84010-7744

THIS SPACE FOR RECORDER'S USE ONLY

APN 12-103-0114

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS is made as of October 27th, 2020, by Woodside Homes of Utah, LLC, a Utah Limited Liability Partnership ("Declarant").

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

WHEREAS, Declarant intends to develop and protect 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 Section 404 Permit # SPK-201400496 (Exhibit C) (hereinafter "Permit") issued to Declarant by the U.S. Army Corps of Engineers (hereinafter "Corps") and the *Open Space Preserve Operations and Management Plan* (Exhibit D) (hereinafter "The 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 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 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.

2. Restrictions Concerning the Preserve Area. The wetland areas created, restored, enhanced or preserved as compensatory mitigation, including any required upland buffer areas, for work authorized by Department of the Army Permit No. SPK-201400496 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 Permit and The Plan:

(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 Permit;

(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 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 Corps written approval;

(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), (e) 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.

(i) No grazing of animals is allowed.

(j) No surface runoff (other than naturally occurring surface runoff) from any surrounding development shall be allowed to flow onto the protected area under normal conditions.

(k) No storm water shall be allowed to discharge within the protected area other than naturally occurring storm water discharge.

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, 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:

Woodside Homes of Utah, LLC
a Limited Liability Partnership (or entity)

Date: 10/27/20

By: [Signature]

Its Authorized signer

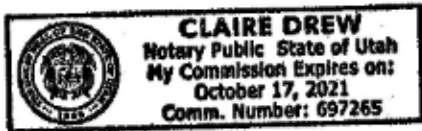
STATE OF UTAH

County of Salt Lake

On Oct 27, 2020 before me, Claire Drew Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

Personally appeared Derek Terry
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

EXHIBIT A – LEGAL DESCRIPTION OF “PRESERVE AREA”

TRW
October 26, 2020
8508 – Shoreline East

Wetland Descriptions

Wetland 1

A parcel of land, situate in the Northeast Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse City, Davis County, Utah. Being more particularly described as follows:

Beginning at a point which is South 89°40'01" East 64.43 feet along the section line and North 00°19'59" East 62.85 feet from the center of said Section 21 and running thence:

North 89°42'16" West 56.92 feet;
thence Northerly 11.18 feet along the arc of a 15.00-foot radius non-tangent curve to the right (center bears North 47°35'42" East and the long chord bears North 21°02'38" West 10.93 feet with a central angle of 42°43'20");
thence North 00°19'02" East 50.32 feet;
thence North 15°25'19" East 0.29 feet;
thence North 46°41'27" East 19.96 feet;
thence North 46°28'33" East 13.03 feet;
thence North 51°07'45" East 20.61 feet;
thence North 65°38'09" East 21.11 feet;
thence North 57°21'40" East 17.76 feet;
thence North 37°38'57" East 18.51 feet;
thence North 34°54'29" East 21.84 feet;
thence North 38°15'28" East 19.26 feet;
thence North 41°07'36" East 16.98 feet;
thence North 31°12'16" East 22.53 feet;
thence North 10°02'19" East 17.39 feet;
thence North 07°03'01" East 23.47 feet;
thence North 07°49'12" East 8.87 feet;
thence North 07°49'12" East 5.62 feet;
thence South 88°09'16" West 8.12 feet;
thence South 88°03'00" West 15.47 feet;
thence South 64°14'11" West 18.00 feet;
thence South 53°12'01" West 15.77 feet;
thence North 73°24'43" West 3.52 feet;
thence North 00°19'02" East 50.66 feet;
thence North 61°39'45" East 12.01 feet;
thence North 62°04'41" East 14.26 feet;
thence North 48°59'45" East 17.93 feet;
thence North 33°31'32" East 13.43 feet;
thence North 03°30'48" West 12.79 feet;
thence North 29°11'44" West 14.97 feet;
thence North 29°26'22" West 18.86 feet;
thence North 39°27'59" West 13.31 feet;

thence North 38°26'02" West 10.37 feet;
thence North 10°58'45" West 10.16 feet;
thence North 59°49'15" East 9.53 feet;
thence North 36°18'55" East 18.05 feet;
thence South 74°46'40" East 11.42 feet;
thence South 22°41'22" East 26.84 feet;
thence South 64°08'04" East 9.29 feet;
thence South 66°25'22" East 15.80 feet;
thence South 16°55'33" East 35.11 feet;
thence South 13°30'48" West 28.07 feet;
thence South 12°58'09" West 21.19 feet;
thence South 29°29'03" East 19.38 feet;
thence South 16°23'24" East 14.42 feet;
thence South 29°54'52" East 7.57 feet;
thence South 29°54'52" East 7.26 feet
thence North 78°35'48" East 11.89 feet;
thence North 82°04'38" East 16.77 feet;
thence North 89°31'22" East 16.80 feet;
thence North 85°59'46" East 19.52 feet;
thence North 03°23'49" East 10.86 feet;
thence North 29°35'09" East 26.44 feet;
thence North 40°52'11" East 11.89 feet;
thence North 40°52'11" East 6.55 feet
thence North 37°03'55" East 8.91 feet;
thence North 58°52'18" East 19.32 feet;
thence South 51°06'15" East 12.57 feet;
thence South 04°57'37" East 14.64 feet;
thence North 60°29'15" East 13.77 feet;
thence North 56°15'57" East 1.43 feet;
thence North 56°45'38" East 16.17 feet;
thence North 69°57'52" East 25.34 feet;
thence North 69°57'52" East 1.61 feet
thence North 55°21'45" East 17.42 feet;
thence North 43°17'24" East 21.27 feet;
thence South 00°11'47" West 17.33 feet;
thence South 21°06'14" West 23.67 feet;
thence South 45°30'21" West 25.80 feet;
thence South 48°16'36" West 13.23 feet;
thence South 49°40'57" West 14.44 feet;
thence South 42°48'34" West 28.23 feet;
thence South 18°23'30" West 13.79 feet;
thence South 04°33'52" East 17.39 feet;
thence South 31°06'42" East 8.39 feet;
thence South 86°32'35" East 15.37 feet;
thence South 82°33'02" East 16.50 feet;
thence South 82°33'02" East 4.82 feet
thence North 57°36'14" East 17.19 feet;
thence North 60°09'25" East 22.91 feet;
thence South 76°45'01" East 16.44 feet;
thence North 88°11'29" East 27.66 feet;
thence North 77°51'17" East 17.17 feet;

thence North 37°05'53" East 18.08 feet;
thence North 89°05'44" East 22.91 feet;
thence South 48°17'45" East 0.51 feet;
thence North 80°25'13" East 19.81 feet;
thence North 72°00'32" East 13.70 feet;
thence North 78°52'29" East 12.68 feet;
thence North 79°21'15" East 13.26 feet;
thence South 80°33'31" East 17.46 feet;
thence South 74°04'51" East 14.83 feet;
thence South 70°41'14" East 8.82 feet;
thence South 79°01'52" East 9.07 feet;
thence South 00°20'28" East 36.78 feet;
thence South 70°00'19" West 17.64 feet;
thence South 67°02'21" West 15.42 feet;
thence South 76°05'19" West 17.70 feet;
thence North 80°52'43" West 14.43 feet;
thence North 55°07'24" West 12.34 feet;
thence South 84°27'52" West 6.55 feet;
thence North 42°19'42" West 7.98 feet;
thence North 49°44'23" West 5.47 feet;
thence North 19°36'59" West 0.41 feet;
thence South 49°08'27" West 27.41 feet;
thence South 76°28'33" West 33.02 feet;
thence South 87°20'44" West 26.57 feet;
thence North 82°48'34" West 20.04 feet;
thence South 58°59'20" West 15.50 feet;
thence North 72°42'06" West 10.31 feet;
thence South 41°05'44" West 8.25 feet;
thence South 41°05'44" West 6.89 feet;
thence South 45°16'57" West 14.01 feet;
thence South 11°08'59" East 10.72 feet;
thence South 12°07'07" West 18.01 feet;
thence South 18°54'22" West 19.23 feet;
thence South 88°34'55" West 13.87 feet;
thence North 71°12'39" West 13.72 feet;
thence North 20°00'30" West 17.74 feet;
thence North 14°57'38" West 12.51 feet;
thence North 20°14'20" West 14.60 feet;
thence North 62°45'03" West 12.61 feet;
thence North 82°38'53" West 13.79 feet;
thence North 80°57'54" West 14.79 feet;
thence North 80°53'34" West 10.54 feet;
thence South 85°27'52" West 13.52 feet;
thence South 66°04'17" West 16.93 feet;
thence South 42°45'09" West 14.41 feet;
thence North 80°18'10" West 12.03 feet;
thence South 66°50'30" West 23.58 feet;
thence South 51°43'28" West 15.24 feet;
thence South 41°43'31" West 12.30 feet;
thence South 28°14'25" West 21.20 feet;
thence South 34°02'34" West 21.98 feet;

thence South 45°31'11" West 21.96 feet;
thence South 40°45'19" West 19.15 feet;
thence South 31°25'21" West 10.51 feet;
thence South 44°39'13" West 19.30 feet;
thence South 58°52'55" West 13.47 feet;
thence South 41°39'34" West 17.38 feet;
thence South 50°37'28" West 9.34 feet;
thence South 31°00'14" West 12.50 feet to the Point of Beginning.

Contains: 60,891 square feet or 1.398 acres.

Wetland 2

A parcel of land, situate in the Northeast Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse City, Davis County, Utah. Being more particularly described as follows:

Beginning at a point which is South 89°40'01" East 409.76 feet along the section line and North 00°19'59" East 61.76 feet from the center of said Section 21 and running thence:

North 38°47'34" West 5.97 feet;
thence North 36°11'47" West 5.32 feet;
thence North 24°02'20" West 5.52 feet;
thence North 02°22'12" West 4.38 feet;
thence North 21°04'31" East 3.97 feet;
thence North 31°59'38" East 5.30 feet;
thence North 27°48'03" East 4.74 feet;
thence North 23°16'10" East 4.43 feet;
thence North 08°56'15" East 5.35 feet;
thence North 10°44'54" East 4.94 feet;
thence North 20°06'32" East 5.63 feet;
thence North 17°47'31" East 3.32 feet;
thence North 81°40'58" East 4.60 feet;
thence North 73°40'33" East 4.31 feet;
thence North 44°12'27" East 5.67 feet;
thence North 79°49'19" East 5.14 feet;
thence South 87°03'15" East 5.98 feet;
thence South 75°15'53" East 6.46 feet;
thence South 87°03'15" East 5.98 feet;
thence North 83°01'46" East 5.97 feet;
thence North 74°05'25" East 5.31 feet;
thence North 49°08'19" East 5.47 feet;
thence North 42°03'14" East 6.87 feet;
thence North 45°43'55" East 5.65 feet;
thence North 43°03'19" East 6.06 feet;
thence North 54°49'08" East 4.11 feet;
thence North 35°45'04" East 5.98 feet;
thence North 33°38'32" East 5.98 feet;
thence North 33°00'25" East 6.59 feet;
thence North 44°55'58" East 6.77 feet;
thence North 52°58'52" East 6.85 feet;
thence North 48°04'42" East 6.00 feet;
thence North 41°36'27" East 5.20 feet;
thence North 53°23'08" East 5.90 feet;
thence North 59°02'50" East 3.54 feet;
thence North 83°39'50" East 3.28 feet;
thence South 81°49'56" East 3.44 feet;
thence South 67°07'13" East 3.44 feet;
thence South 60°45'30" East 6.85 feet;
thence South 48°35'13" East 3.49 feet;
thence South 30°03'50" East 3.30 feet;
thence South 20°41'37" East 3.38 feet;

thence South 10°40'38" East 3.46 feet;
thence South 06°12'34" West 3.42 feet;
thence South 15°04'09" West 3.90 feet;
thence South 18°29'20" West 5.95 feet;
thence South 20°04'30" West 5.37 feet;
thence South 22°47'26" West 5.47 feet;
thence South 17°25'31" West 5.54 feet;
thence South 26°48'28" West 5.92 feet;
thence South 47°41'46" West 3.61 feet;
thence South 27°35'56" West 5.96 feet;
thence South 40°10'37" West 5.56 feet;
thence South 43°16'32" West 5.50 feet;
thence South 47°22'45" West 4.75 feet;
thence South 28°21'21" West 4.55 feet;
thence South 12°26'46" West 5.35 feet;
thence South 19°05'41" West 5.91 feet;
thence South 11°18'09" West 4.71 feet;
thence South 16°19'18" East 6.20 feet;
thence South 12°19'11" West 4.54 feet;
thence North 84°51'34" West 3.42 feet;
thence North 23°26'54" West 3.58 feet;
thence North 14°36'48" West 3.45 feet;
thence North 18°17'02" West 6.14 feet;
thence North 24°32'46" West 6.08 feet;
thence North 37°27'04" West 5.66 feet;
thence North 53°34'08" West 5.43 feet;
thence North 77°55'58" West 5.83 feet;
thence North 76°21'37" West 3.36 feet;
thence North 70°08'51" West 5.91 feet;
thence North 84°09'45" West 5.41 feet;
thence South 86°17'04" West 6.50 feet;
thence South 79°43'31" West 6.45 feet;
thence South 78°37'43" West 9.52 feet;
thence South 68°21'38" West 6.08 feet;
thence South 35°49'11" West 4.72 feet;
thence South 07°52'21" West 5.39 feet;
thence South 09°18'28" West 6.28 feet;
thence South 04°50'36" West 3.29 feet;
thence South 16°52'37" West 5.39 feet;
thence South 23°49'24" East 5.11 feet;
thence South 54°34'30" East 5.24 feet;
thence South 51°33'28" East 3.52 feet;
thence South 46°59'51" East 3.83 feet;
thence South 58°28'42" East 4.42 feet;
thence South 67°29'17" East 4.92 feet;
thence South 74°04'08" East 5.54 feet;
thence South 64°01'22" East 3.27 feet;
thence North 89°28'29" West 52.27 feet to the Point of Beginning.

Contains: 5,791 square feet or 0.133 acres.

Wetland 3

A parcel of land, situate in the Northeast Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse City, Davis County, Utah. Being more particularly described as follows:

Beginning at a point which is South 89°40'01" East 325.31 feet along the section line and North 00°19'59" East 1095.02 feet from the center of said Section 21 and running thence:

North 89°40'58" West 77.90 feet;
thence North 77°43'03" West 4.48 feet;
thence North 68°43'23" West 3.35 feet;
thence North 73°35'44" West 3.45 feet;
thence North 74°57'23" West 3.28 feet;
thence North 73°41'59" West 3.69 feet;
thence North 73°29'55" West 3.64 feet;
thence North 70°56'27" West 3.36 feet;
thence North 69°09'00" West 3.59 feet;
thence North 66°47'26" West 3.55 feet;
thence North 66°42'28" West 6.15 feet;
thence North 70°41'18" West 3.31 feet;
thence North 68°31'07" West 4.49 feet;
thence North 67°00'35" West 2.80 feet;
thence North 70°29'14" West 3.46 feet;
thence North 78°33'07" West 3.38 feet;
thence North 74°21'46" West 3.39 feet;
thence North 71°15'58" West 3.98 feet;
thence North 68°05'44" West 3.91 feet;
thence North 65°23'00" West 3.94 feet;
thence North 69°45'34" West 3.87 feet;
thence North 66°11'18" West 3.47 feet;
thence North 65°16'53" West 3.49 feet;
thence North 67°45'39" West 3.38 feet;
thence North 73°09'31" West 3.36 feet;
thence North 63°54'09" West 6.50 feet;
thence North 75°16'08" West 6.22 feet;
thence North 62°31'38" West 4.35 feet;
thence North 44°52'12" West 3.52 feet;
thence North 21°45'23" West 3.47 feet;
thence North 09°29'30" East 6.16 feet;
thence North 27°50'07" East 6.11 feet;
thence North 66°51'52" East 3.55 feet;
thence South 88°55'30" East 3.36 feet;
thence South 78°36'22" East 5.86 feet;
thence South 55°43'02" East 3.67 feet;
thence South 49°06'29" East 3.34 feet;
thence South 73°45'10" East 4.79 feet;
thence North 68°35'25" East 3.65 feet;
thence North 29°42'44" East 11.88 feet;
thence North 04°39'30" East 6.28 feet;
thence North 24°05'57" West 5.06 feet;

thence North 51°53'09" West 6.60 feet;
thence North 40°13'18" West 6.69 feet;
thence North 16°56'11" West 3.94 feet;
thence North 17°48'57" East 3.76 feet;
thence North 37°41'45" East 3.91 feet;
thence North 55°43'00" East 3.34 feet;
thence North 71°58'37" East 3.72 feet;
thence North 84°16'53" East 5.45 feet;
thence South 68°20'24" East 3.46 feet;
thence North 87°42'32" East 5.98 feet;
thence North 67°59'00" East 6.79 feet;
thence North 64°03'21" East 6.24 feet;
thence South 55°22'49" East 5.14 feet;
thence South 07°50'46" East 5.03 feet;
thence South 07°39'38" East 3.43 feet;
thence South 08°34'12" East 3.38 feet;
thence South 08°12'28" East 5.77 feet;
thence South 31°01'29" East 3.47 feet;
thence South 30°53'27" East 3.40 feet;
thence South 43°17'58" East 6.43 feet;
thence South 48°06'18" East 3.64 feet;
thence South 54°47'18" East 3.37 feet;
thence South 56°30'40" East 3.31 feet;
thence South 71°48'53" East 6.24 feet;
thence North 87°57'54" East 3.36 feet;
thence North 78°23'55" East 3.61 feet;
thence North 73°14'06" East 3.36 feet;
thence North 71°45'13" East 3.68 feet;
thence North 65°39'48" East 3.53 feet;
thence North 55°18'00" East 5.65 feet;
thence North 59°53'53" East 3.51 feet;
thence North 53°21'27" East 6.30 feet;
thence North 30°28'36" East 0.56 feet;
thence North 29°10'00" East 6.01 feet;
thence North 17°07'41" East 5.51 feet;
thence North 06°12'21" East 5.99 feet;
thence North 09°24'58" East 3.39 feet;
thence North 04°50'34" East 3.29 feet;
thence North 16°30'13" West 5.01 feet;
thence North 62°06'06" West 5.20 feet;
thence North 69°38'25" West 6.47 feet;
thence North 76°32'46" West 3.40 feet;
thence North 73°56'02" West 6.60 feet;
thence North 60°26'28" West 3.33 feet;
thence North 25°11'35" West 3.56 feet;
thence North 09°03'04" East 3.82 feet;
thence North 54°25'30" East 6.05 feet;
thence North 50°20'07" East 6.75 feet;
thence North 65°02'04" East 4.31 feet;
thence North 74°34'42" East 4.10 feet;
thence North 88°16'34" East 3.95 feet;

thence South 88°20'12" East 4.28 feet;
thence South 87°09'34" East 3.73 feet;
thence North 86°03'34" East 3.50 feet;
thence North 77°10'16" East 3.82 feet;
thence North 78°12'17" East 3.85 feet;
thence North 82°15'15" East 4.04 feet;
thence North 85°35'27" East 3.92 feet;
thence South 86°13'40" East 3.73 feet;
thence South 81°52'44" East 4.32 feet;
thence South 76°08'56" East 4.07 feet;
thence South 74°13'04" East 3.58 feet;
thence South 74°38'51" East 3.91 feet;
thence South 75°32'57" East 3.42 feet;
thence South 85°52'52" East 3.41 feet;
thence North 81°47'58" East 3.39 feet;
thence North 83°05'54" East 3.52 feet;
thence North 81°47'38" East 3.39 feet;
thence North 77°05'39" East 6.51 feet;
thence North 84°04'56" East 3.51 feet;
thence North 87°57'54" East 3.36 feet;
thence North 87°03'06" East 3.50 feet;
thence South 87°51'42" East 6.62 feet;
thence North 84°00'08" East 3.47 feet;
thence South 89°57'49" East 3.63 feet;
thence North 80°47'14" East 3.40 feet;
thence North 80°54'19" East 3.44 feet;
thence North 79°11'12" East 6.13 feet;
thence North 88°05'59" East 3.59 feet;
thence South 65°54'27" East 3.72 feet;
thence South 21°56'36" East 3.93 feet;
thence South 05°15'57" East 6.46 feet;
thence South 02°22'12" East 6.56 feet;
thence South 03°58'14" East 3.29 feet;
thence South 05°38'05" East 3.72 feet;
thence South 01°17'49" East 3.95 feet;
thence South 00°42'39" East 3.52 feet;
thence South 11°03'44" East 3.34 feet;
thence South 06°08'17" West 5.62 feet;
thence South 11°52'58" West 5.15 feet;
thence South 07°52'22" West 4.72 feet;
thence South 55°39'12" West 6.24 feet;
thence South 55°20'55" West 7.04 feet;
thence South 61°19'07" West 4.30 feet;
thence South 52°58'53" West 3.63 feet;
thence South 52°06'32" West 6.82 feet;
thence South 56°34'59" West 3.64 feet;
thence South 56°59'33" West 3.56 feet;
thence South 57°20'41" West 3.82 feet;
thence South 58°12'39" West 3.57 feet;
thence South 54°24'29" West 3.34 feet;
thence South 49°22'31" West 2.67 feet;

thence South 49°37'14" West 4.34 feet;
thence South 46°34'59" West 3.36 feet;
thence South 37°31'24" West 2.76 feet;
thence South 23°54'19" West 6.01 feet;
thence South 11°09'04" West 3.25 feet;
thence South 00°52'16" West 6.32 feet;
thence South 02°22'12" East 3.28 feet;
thence South 01°31'52" West 3.52 feet;
thence South 03°42'14" West 3.59 feet;
thence South 03°01'26" West 3.53 feet;
thence South 16°15'58" West 3.29 feet;
thence South 12°39'38" West 6.10 feet;
thence South 10°21'39" West 3.33 feet;
thence South 10°10'51" West 3.39 feet;
thence South 24°34'58" West 0.33 feet to the Point of Beginning.

Contains: 18,500 square feet or 0.425 acres.

Wetland 4

A parcel of land, situate in the Northwest Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse City, Davis County, Utah. Being more particularly described as follows:

Beginning at a point which is North 89°40'01" West 97.93 feet along the section line and North 00°19'59" East 667.18 feet from the center of said section 21 and running thence:

North 38°20'01" West 12.41 feet;
thence North 49°26'47" West 8.22 feet;
thence North 80°07'24" West 19.13 feet;
thence South 86°05'03" West 22.44 feet;
thence North 04°47'37" East 11.12 feet;
thence North 63°58'07" East 32.40 feet;
thence North 66°00'49" East 14.03 feet;
thence North 40°00'14" East 24.17 feet;
thence North 46°18'30" East 20.63 feet;
thence North 39°26'53" East 12.83 feet;
thence North 03°12'18" West 9.26 feet;
thence North 56°35'47" East 16.73 feet;
thence North 03°58'06" East 3.55 feet;
thence South 89°56'08" East 14.90 feet;
thence South 00°19'02" West 84.53 feet;
thence South 54°38'21" West 12.61 feet;
thence South 00°03'48" East 11.05 feet;
thence South 00°53'09" East 8.55 feet;
thence South 86°19'37" West 13.29 feet;
thence South 88°39'29" West 13.07 feet;
thence North 89°41'17" West 17.94 feet to the Point of Beginning.

Contains: 6,295 square feet or 0.145 acres.

Wetland 5

A parcel of land, situate in the Northwest Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse City, Davis County, Utah. Being more particularly described as follows:

Beginning at a point which is North 89°40'01" West 332.80 feet along the section line and North 00°19'59" East 714.98 feet from the center of said section 21 and running thence:

North 86°27'46" West 10.73 feet;
thence South 78°46'27" West 10.78 feet;
thence North 51°43'08" West 10.89 feet;
thence North 13°38'40" West 9.52 feet;
thence North 32°29'52" East 9.44 feet;
thence North 70°57'50" East 5.09 feet;
thence South 65°12'05" East 7.52 feet;
thence North 31°23'49" East 6.08 feet;
thence North 06°16'29" West 12.92 feet;
thence North 20°46'16" East 20.29 feet;
thence North 34°45'17" East 11.77 feet;
thence North 10°25'10" West 11.70 feet;
thence North 17°55'45" West 16.18 feet;
thence North 21°04'52" West 12.35 feet;
thence North 34°55'56" West 15.82 feet;
thence North 25°28'31" West 21.40 feet;
thence North 46°43'30" West 8.71 feet;
thence North 33°38'02" West 12.91 feet;
thence North 01°44'22" East 13.00 feet;
thence South 47°16'31" East 12.17 feet;
thence South 85°42'54" East 11.33 feet;
thence South 52°22'06" East 13.23 feet;
thence South 58°52'58" East 25.41 feet;
thence South 71°27'10" East 12.96 feet;
thence South 74°00'19" East 15.28 feet;
thence South 55°50'43" East 15.65 feet;
thence South 00°19'02" West 45.12 feet;
thence South 22°17'47" West 10.86 feet;
thence South 44°18'46" West 11.40 feet;
thence South 29°50'07" West 16.72 feet;
thence South 17°23'44" West 12.25 feet;
thence South 44°40'51" West 10.38 feet;
thence South 43°41'17" West 13.38 feet;
thence South 26°07'58" West 11.30 feet to the Point of Beginning.

Contains: 7,424 square feet or 0.170 acres.

Wetland 6

A parcel of land, situate in the Northwest Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse City, Davis County, Utah. Being more particularly described as follows:

Beginning at a point which is North 89°40'01" West 410.58 feet along the section line and North 00°19'59" East 661.23 feet from the center of said section 21 and running thence:

South 89°13'33" West 15.50 feet;
thence South 89°31'44" West 22.36 feet;
thence North 88°08'58" West 15.38 feet;
thence North 89°31'31" West 8.34 feet;
thence North 25°28'36" East 7.64 feet;
thence North 43°33'43" East 11.43 feet;
thence North 03°10'23" West 13.63 feet;
thence North 60°41'24" East 15.23 feet;
thence North 68°54'48" East 15.84 feet;
thence North 31°38'34" East 17.49 feet;
thence North 67°25'37" East 12.72 feet;
thence South 79°55'44" East 8.67 feet;
thence South 63°57'27" East 8.88 feet;
thence South 14°33'03" East 9.79 feet;
thence South 04°07'29" West 11.50 feet;
thence South 00°55'08" West 16.04 feet;
thence South 16°43'56" West 12.48 feet;
thence South 39°43'55" West 8.23 feet;
thence South 80°00'48" West 6.96 feet to the Point of Beginning.

Contains: 3,259 square feet or 0.075 acres.

Wetland 7

A parcel of land, situate in the Northwest Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse City, Davis County, Utah. Being more particularly described as follows:

Beginning at a point which is North 89°40'01" West 500.07 feet along the section line and North 00°19'59" East 663.98 feet from the center of section 21 and running thence;

South 81°37'47" West 26.14 feet;
thence South 89°43'37" West 22.08 feet;
thence South 81°16'46" West 0.12 feet;
thence North 89°40'19" West 18.44 feet;
thence North 60°14'54" West 8.35 feet;
thence North 11°35'09" East 9.68 feet;
thence North 46°26'19" East 22.03 feet;
thence North 30°19'15" East 19.08 feet;
thence North 28°16'39" East 10.30 feet;
thence North 18°42'12" East 10.08 feet;
thence North 02°06'13" East 10.83 feet;
thence North 04°47'00" East 17.34 feet;
thence North 02°48'59" West 12.64 feet;
thence North 21°16'55" East 20.82 feet;
thence North 30°46'27" East 15.18 feet;
thence North 40°53'19" East 16.01 feet;
thence North 01°15'31" West 9.45 feet;
thence North 11°16'49" East 10.97 feet;
thence North 39°21'28" East 17.00 feet;
thence North 56°49'30" East 15.52 feet;
thence North 53°54'53" East 11.69 feet;
thence North 16°56'22" East 17.43 feet;
thence North 53°54'35" East 12.83 feet;
thence North 25°22'38" West 8.54 feet;
thence North 19°59'33" West 16.98 feet;
thence North 61°26'34" East 8.04 feet;
thence South 42°31'54" East 16.68 feet;
thence South 18°27'41" East 15.83 feet;
thence South 23°55'20" West 10.07 feet;
thence South 82°28'47" West 7.39 feet;
thence South 10°03'32" East 12.22 feet;
thence South 09°25'43" West 17.84 feet;
thence South 23°51'01" West 15.39 feet;
thence South 48°36'16" West 17.02 feet;
thence South 46°51'05" West 13.45 feet;
thence South 25°03'20" West 10.98 feet;
thence South 09°39'10" West 16.04 feet;
thence South 26°36'26" West 15.83 feet;
thence South 21°48'50" West 13.28 feet;
thence South 00°00'51" West 10.51 feet;
thence South 08°38'06" West 26.29 feet;
thence South 13°35'11" West 16.99 feet;

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thence South 12°52'24" West 11.81 feet;
thence South 10°43'13" East 11.30 feet;
thence South 28°50'10" East 9.36 feet;
thence South 53°22'27" East 13.58 feet to the Point of Beginning.

Contains: 7,840 square feet or 0.180 acres.

Wetland 8

A parcel of land, situate in the Northwest Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse City, Davis County, Utah. Being more particularly described as follows:

Beginning at a point which is North 89°40'01" West 840.81 feet along the section line and North 00°19'59" East 1270.69 feet from the center of said section 21 and running thence:

North 89°40'58" West 59.40 feet;
thence North 33°29'56" West 17.75 feet;
thence North 06°58'28" East 15.23 feet;
thence North 56°13'31" East 15.50 feet;
thence North 42°25'51" East 11.55 feet;
thence North 08°31'21" East 17.01 feet;
thence North 02°16'22" East 14.43 feet;
thence North 14°45'40" East 17.77 feet;
thence North 29°25'24" East 18.60 feet;
thence North 18°08'16" East 18.76 feet;
thence North 00°12'59" East 15.74 feet;
thence North 34°54'29" East 15.87 feet;
thence North 49°55'16" East 19.15 feet;
thence North 52°05'57" East 14.74 feet;
thence North 37°30'18" East 9.85 feet;
thence North 37°10'32" East 2.73 feet;
thence North 31°30'09" East 9.55 feet;
thence North 25°52'48" West 1.95 feet;
thence South 89°40'58" East 14.06 feet;
thence South 27°12'35" West 4.88 feet;
thence South 14°44'17" East 12.54 feet;
thence South 27°21'16" West 15.58 feet;
thence South 44°22'14" West 14.36 feet;
thence South 60°45'12" West 4.13 feet;
thence South 54°38'50" West 7.36 feet;
thence South 51°57'35" West 7.44 feet;
thence South 38°17'22" West 20.33 feet;
thence South 04°43'31" West 14.82 feet;
thence South 18°13'23" West 12.13 feet;
thence South 26°39'51" West 16.03 feet;
thence South 20°44'21" West 18.06 feet;
thence South 07°55'25" West 17.56 feet;
thence South 22°00'49" West 18.06 feet;
thence South 05°19'43" East 12.29 feet;
thence South 59°14'08" East 23.07 feet;
thence South 40°56'39" East 18.81 feet;
thence South 32°25'18" East 2.98 feet to the Point of Beginning.

Contains: 5,230 square feet or 0.120 acres.

Wetland 9

A parcel of land, situate in the Northwest Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse City, Davis County, Utah. Being more particularly described as follows:

Beginning at a point which is North 89°40'01" West 680.55 feet along the section line and North 00°19'59" East 1653.17 feet from the center of said section 21 and running thence;

South 38°35'19" West 7.49 feet;
thence South 84°33'22" West 9.06 feet;
thence South 77°19'50" West 21.45 feet;
thence South 42°45'36" West 12.37 feet;
thence South 32°14'54" West 9.22 feet;
thence South 31°57'47" West 14.34 feet;
thence South 30°33'15" West 15.14 feet;
thence South 37°14'23" West 19.85 feet;
thence South 36°15'19" West 20.30 feet;
thence South 27°52'24" West 20.14 feet;
thence South 33°59'03" West 18.74 feet;
thence South 30°00'17" West 3.24 feet;
thence North 89°40'58" West 26.72 feet;
thence North 24°18'38" East 9.23 feet;
thence North 37°09'19" East 9.23 feet;
thence North 32°22'57" East 14.61 feet;
thence North 34°42'05" East 18.43 feet;
thence North 38°33'57" East 15.03 feet;
thence North 40°10'41" East 16.03 feet;
thence North 40°45'19" East 18.78 feet;
thence North 35°10'52" East 19.04 feet;
thence North 36°38'42" East 18.74 feet;
thence North 34°26'45" East 12.12 feet;
thence South 89°30'08" East 46.79 feet to the Point of Beginning.

Contains: 3,114 square feet or 0.071 acres.

Wetland 10

A parcel of land, situate in the Northwest Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse City, Davis County, Utah. Being more particularly described as follows:

Beginning at a point which is North 89°40'01" West 764.39 feet along the section line and North 00°19'59" East 976.72 feet from the center of said section 21 and running thence;

North 89°40'58" West 53.79 feet;
thence North 35°48'17" West 11.57 feet;
thence North 16°57'21" West 12.09 feet;
thence South 87°27'30" East 9.09 feet;
thence South 86°58'12" East 13.84 feet;
thence North 59°08'56" East 7.74 feet;
thence North 13°35'37" East 19.01 feet;
thence North 07°50'51" West 12.63 feet;
thence North 06°20'20" West 14.03 feet;
thence North 10°25'35" East 4.39 feet;
thence North 17°47'22" West 0.33 feet;
thence North 57°09'54" West 0.90 feet;
thence South 87°10'15" West 13.38 feet;
thence South 70°48'38" West 13.13 feet;
thence South 88°09'48" West 13.67 feet;
thence North 62°38'11" West 1.86 feet;
thence South 78°00'14" West 7.61 feet;
thence North 89°23'46" West 6.02 feet;
thence South 33°26'35" West 4.69 feet;
thence South 35°59'15" West 15.90 feet;
thence South 41°14'09" West 16.50 feet;
thence South 62°24'56" West 14.09 feet;
thence North 17°42'42" East 13.19 feet;
thence North 37°29'01" East 12.51 feet;
thence North 26°30'04" East 11.69 feet;
thence North 08°51'11" East 12.60 feet;
thence North 04°13'11" East 13.37 feet;
thence North 28°25'15" West 8.45 feet;
thence North 72°15'50" West 2.89 feet;
thence North 06°45'01" West 3.17 feet;
thence North 51°13'50" West 9.22 feet;
thence North 57°42'17" West 13.38 feet;
thence North 59°36'36" West 7.49 feet;
thence North 85°08'02" West 16.17 feet;
thence South 64°32'45" West 10.06 feet;
thence South 33°04'37" West 17.98 feet;
thence South 25°43'17" West 15.37 feet;
thence South 24°19'14" West 17.77 feet;
thence South 22°16'09" West 11.61 feet;
thence South 21°58'50" West 11.77 feet;
thence South 25°51'54" West 25.59 feet;
thence South 24°47'44" West 21.73 feet;

thence South 32°55'18" West 6.67 feet;
thence North 89°40'58" West 7.85 feet;
thence North 34°01'22" East 9.17 feet;
thence North 29°17'07" East 21.91 feet;
thence North 25°13'24" East 21.31 feet;
thence North 25°07'50" East 20.84 feet;
thence North 22°32'05" East 22.88 feet;
thence North 20°19'44" East 13.80 feet;
thence North 01°19'21" East 18.76 feet;
thence North 19°34'49" West 18.43 feet;
thence North 03°34'31" West 11.68 feet;
thence North 15°52'44" East 18.69 feet;
thence North 57°04'09" East 13.62 feet;
thence North 06°47'48" West 10.72 feet;
thence North 47°19'43" East 11.06 feet;
thence North 80°23'47" East 9.85 feet;
thence North 88°27'05" East 14.86 feet;
thence South 88°58'07" East 10.70 feet;
thence North 66°41'00" East 13.23 feet;
thence North 74°27'57" East 8.98 feet;
thence North 79°08'23" East 8.56 feet;
thence South 84°56'36" East 18.94 feet;
thence North 68°53'44" East 2.23 feet;
thence South 00°19'02" West 11.90 feet;
thence South 27°26'59" West 0.80 feet;
thence South 12°08'55" West 18.40 feet;
thence South 51°29'47" West 7.56 feet;
thence South 19°03'17" West 16.40 feet;
thence South 17°29'49" West 12.54 feet;
thence South 14°31'30" West 16.39 feet;
thence South 33°05'25" West 5.19 feet;
thence South 74°03'45" East 1.71 feet;
thence South 05°26'37" West 8.54 feet;
thence South 21°11'18" East 6.65 feet;
thence South 47°57'50" West 0.22 feet;
thence South 31°03'25" East 10.62 feet;
thence South 47°08'25" East 3.32 feet;
thence South 74°54'56" East 6.97 feet;
thence South 78°58'49" East 7.13 feet;
thence South 84°33'43" East 11.07 feet;
thence North 86°11'54" East 2.96 feet;
thence North 67°00'55" East 10.98 feet;
thence South 89°37'39" East 12.83 feet;
thence South 79°22'47" East 13.93 feet;
thence South 81°49'51" East 14.95 feet;
thence South 47°08'11" West 1.19 feet;
thence North 78°14'43" East 1.29 feet;
thence North 51°37'05" East 14.18 feet;
thence North 41°10'14" East 15.96 feet;
thence North 44°31'49" East 14.01 feet;
thence North 49°57'43" East 1.64 feet;

thence East 12.89 feet;
thence South 00°35'14" West 59.94 feet;
thence South 33°25'44" West 10.82 feet;
thence South 06°04'21" East 10.50 feet;
thence South 31°18'52" West 18.29 feet;
thence South 39°08'52" West 30.75 feet to the Point of Beginning.

Contains: 16,620 square feet or 0.382 acres.

EXHIBIT B – MAP OF “PRESERVE AREA”



LARRY W. HARRIS
SALTLAKE REALTY
SALT LAKE CITY, UT 84111
PHONE: 801.541.1100
FAX: 801.541.1100
SALT LAKE CITY
PHONE: 801.541.1100
FAX: 801.541.1100
TOWNHALL
PHONE: 435.841.1200
CERRITOS CITY
PHONE: 801.541.1100
FARMINGTON
PHONE: 801.541.1100
FARMINGTON

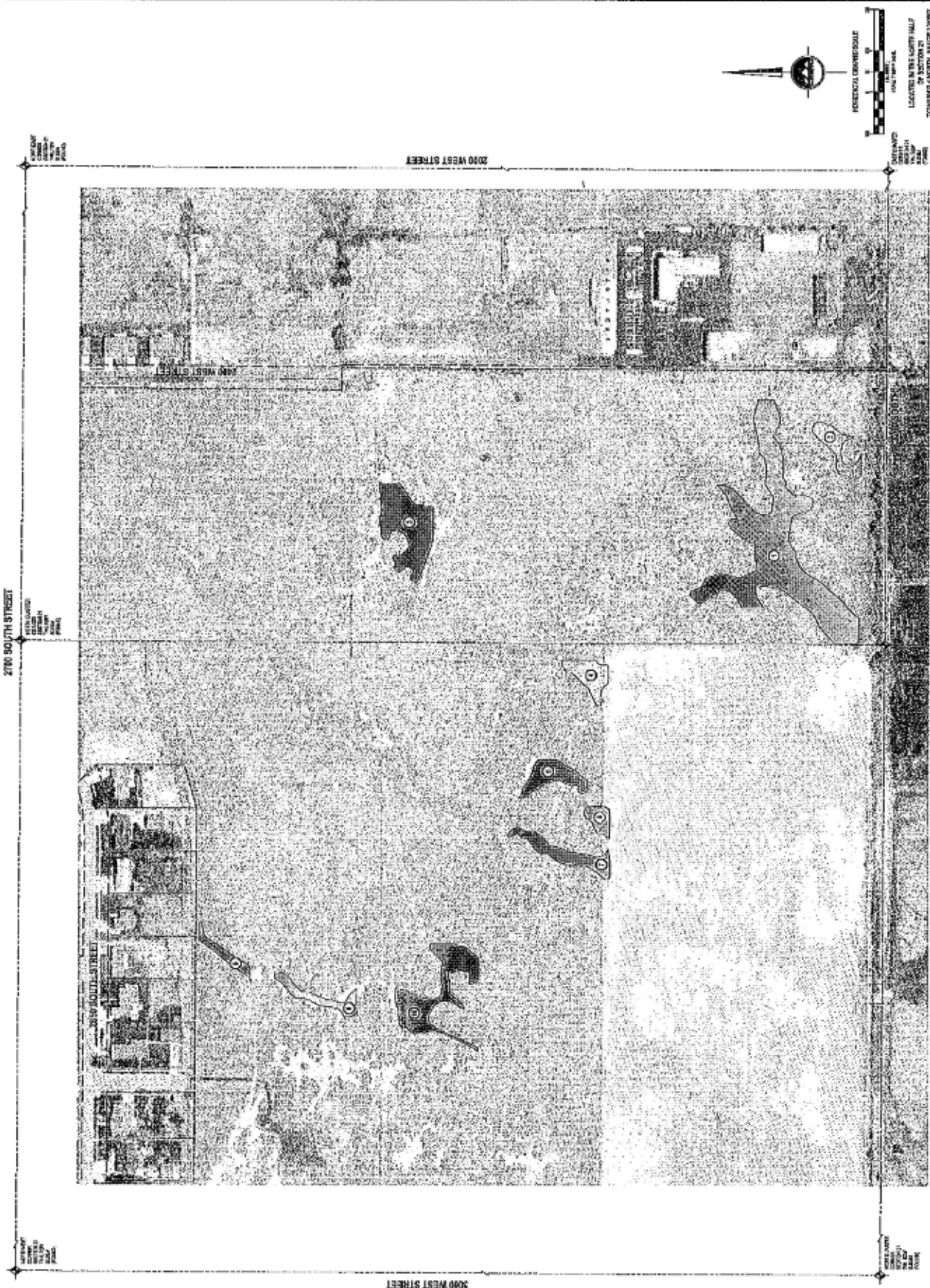
UNIVERSITY MICROFILMS
SERIALS ACQUISITION
300 N ZEEB RD
ANN ARBOR MI 48106
UNIVERSITY MICROFILMS
SERIALS ACQUISITION
300 N ZEEB RD
ANN ARBOR MI 48106

SHORELINE WETLAND EASEMENT EXHIBIT

APPROX. 2400 WEST AND 3200 SOUTH
SYRACUSE, UTAH

WETLAND EASEMENT
NO. 8877

SCALE
1" = 100'
0 100 200 300 400 500
FEET



HORIZONTAL CONTROLLABLE
VERTICAL CONTROLLABLE
WETLAND EASEMENT
NO. 8877

LOCATED IN THE NORTH HALF
TOWNSHIP 4 NORTH, RANGE 2 WEST
SALT LAKE BASIN AND MERRIAN
STRICKLAND COUNTY, UTAH

EXHIBIT C – SECTION 404 PERMIT NO. SPK-201400496



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

July 31, 2020

Regulatory Division (SPK-2020-00032)

Attn: Mr. Lewis Clark
2910 Snowberry Lane
Farmington, Utah 84025
cla1403@byui.edu

Dear Mr. Clark,

We are responding to your May 26, 2020 pre-construction notification for a Department of the Army (DA) permit for the Clark East Residential Subdivision project. The approximately 72.86-acre project site is located west of South 2400 West, Latitude 41.0705°, Longitude -112.0736°, Syracuse, Davis County, Utah (enclosure 1).

Based on the information you provided to this office, the Clark East Residential Subdivision project involves the discharge of fill material into 0.413 acres of waters of the United States for the construction of a residential development subject to Section 404 of the Clean Water Act. The specific activities that require DA authorization are the construction of a residential subdivision to include 315 single family homes, with all associated roads and infrastructure necessary to support the subdivision and to connect to existing infrastructure. These activities will result in permanent effects including the loss of 0.413 acres of palustrine emergent wetlands and temporary effects to approximately 0.068 acres of palustrine emergent wetlands. The proposed activities would be conducted in accordance with the Shoreline East plans dated February 21, 2020 (enclosure 2).

We have determined that activities in waters of the U.S. associated with the project are authorized by Nationwide Permit Number (NWP) 29 for *Residential Developments*.

You must comply with all terms and conditions of the NWP 29 and applicable regional conditions. Enclosed is information about the NWP terms and conditions (enclosure 3) and Sacramento District regional conditions for Utah (enclosure 4). In addition, your work must comply with the following special conditions:

1. To compensate for the loss of 0.41 acres of saline wet meadow wetlands, you shall purchase of 0.82 saline wet meadow credits at the Machine Lake Mitigation Bank. Evidence of this purchase shall be provided to this office prior to initiation of construction activities in waters of the U.S. authorized by this permit.
2. Prior to initiation of construction activities within waters of the U.S., you shall establish and maintain in perpetuity a 3.19-acre preserve containing 3.08 acres of preserved and 0.11 acres of restored waters of the United States as depicted on the exhibit titled Wetland Impact Plan View – Clark East Residential Subdivision, dated February 19, 2020 (enclosure 5). The purpose of this preservation/restoration area is to ensure that functions of the aquatic environment are protected.

3. To ensure restoration compliance for the unauthorized fill, the document titled Wetland Restoration Plan for the Clark East Residential Subdivision (SPK-2020-00032), dated May 26, 2020 (enclosure 6), is incorporated by reference as a condition of this authorization.
4. To validate this authorization, you shall take the actions required to record the enclosed Declaration of Restrictions (enclosure 7), including a copy of this permit and any applicable figures depicting the wetland preserve sites and wetland restoration area, with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property. You shall ensure the Deed Restrictions are recorded in the chain of title against the deed for all property included in the wetland preserve sites and wetland restoration area. You shall not record modified Deed Restrictions unless the proposed modifications have been reviewed and specifically approved by this office in writing. Evidence of the recordation of the Deed Restrictions shall be provided to this office by **October 28, 2020**.
5. You shall comply with all terms and conditions of the enclosed March 9, 2017 Section 401 Water Quality Certification (enclosure 8).
6. 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.
7. Prior to commencement of construction activities within waters of the U.S., you shall clearly identify the limits of disturbance in the field with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.). You shall maintain such identification properly until construction is completed and the soils have been stabilized. You are prohibited from any activity (e.g. equipment usage or materials storage) that impacts waters of the U.S. outside the permit limits or within the avoided wetlands and the wetland restoration area.
8. To prevent unauthorized fills and unforeseen impacts to avoided or adjacent waters, you shall install fencing and appropriate signage around the entire outer boundary of any required buffers and avoided and restored waters of the U.S. within the project area, prior to initiation of construction activities within waters of the U.S. You shall ensure that all fencing surrounding avoided and restored areas allows unrestricted visibility of these areas to discourage vandalism, destruction or disturbance, as well as enable wildlife passage. Examples of appropriate fencing include post-and-cable, wrought iron or similar type. You shall place the signage at all access points into the avoided and restored areas and ensure signage contains the Corps identification number (SPK-2020-00032), contact information for the preserve manager and a statement that the site is a wetland preserve.
9. 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. from construction and dewatering activities, 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. You shall maintain erosion control methods until all on-site soils are stabilized. You shall submit a description and photo-documentation of your BMPs to the Corps within 20 days of commencement of construction.

10. You and your authorized contractor shall allow representatives from the Corps to inspect the authorized activity and all wetland preserve sites and wetland restoration area at any time deemed necessary to ensure that work is being or has been accomplished in accordance with the terms and conditions of this NWP verification.
11. 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.
12. In order to prevent drainage of groundwater in the area, all dwellings shall be constructed utilizing slab on grade practices (i.e. no basement construction).
13. You shall install buried utility lines to meet the following requirements:
 - a. Within 30-days following completion of construction activities, you shall restore the trench area and any temporary stockpiling area in accordance with Special Condition 16 below.
 - b. During construction, the top 6-18 inches of topsoil shall be removed and stockpiled separately. Following installation of the utility line(s), the stockpiled topsoil shall be replaced on top and seeded with native vegetation that has been approved by the Corps.
 - c. Utility lines shall not adversely alter existing hydrology, including the draining of wetlands. In wetland areas, structures such as cut-off walls shall be used within utility trenches to ensure that the trench through which the utility line is installed does not drain waters of the U.S. Clay blocks, bentonite or other suitable material shall be used to seal the trench to prevent the utility line from draining waters of the U.S., including wetlands.
14. You shall restore all temporary impacts to waters of the U.S. to their original contour and condition within 30 days following completion of construction activities. In order to ensure compliance with this condition, you shall:
 - a. Prior to initiation of any construction activities within waters of the U.S., submit to the Corps, for review and approval, a plan for the restoration of temporary impact areas prior to initiation of any construction activities. You shall include the following information within this plan:
 - (1) A description of and drawings showing the existing contours (elevation) and existing vegetation of the temporary impact areas. This information shall include site photographs taken of the temporary impact area. For linear projects, these

photographs shall be taken from the alignment, in both directions and taken every 50-feet for the length of the temporary impact area;

(2) The methods used to restore the site to the original contour and conditions, as well as a plan for the revegetation of the site following construction activities;

(3) The proposed schedule for the restoration activities, and;

b. Within 30 days following construction activities, you shall submit post-construction photographs of the project site, showing the work conducted, to the Corps. 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.

15. Within 30 days following completion of restoration activities, submit to the Corps a report describing the restoration activities including color photographs of the restored area. The compass angle and position of all photographs shall be similar to pre-construction photographs.

16. To assure success of the preserved and restored waters of the United States, you shall monitor the on-site wetland areas for a period of five years. This period shall commence upon completion of restoration activities in wetland area H and completion of construction of the subdivision for the remaining wetland areas to be preserved on-site. Additionally, you shall demonstrate continued success of the preserved wetlands, without human intervention, for three consecutive years after completion of construction activities within the subdivision. If the preservation areas are not deemed successful, a plan for the restoration of these areas must be submitted.

a. You shall submit annual monitoring reports to the Corps by October 1 for each year of the five-year monitoring period and for each additional year, if remediation is required.

b. Your responsibility to preserve and restore the wetland areas as set forth in Special Conditions 2 and 3 will not be considered fulfilled until you have demonstrated success and have received written verification from the U.S. Army Corps of Engineers.

c. The success criteria will be evaluated based on 1) at least 80% coverage of native hydrophytic vegetation; 2) hydrology is appropriate for the target community type, as evidenced by direct observation during the peak wet season or by hydrologic indicators (i.e. no areas are degrading due to excessive flooding or dryness), and 3) the total cover by state and/or county-listed noxious weeds does not exceed 10% within the avoided wetlands or the wetland restoration area.

Within 30 days after completion of the authorized work, you must sign the enclosed Compliance Certification (enclosure 9) and return it to this office with the information required by Sacramento District Regional Condition C(9) for Utah.

This verification is valid until March 18, 2022, when the existing NWP's are scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date the NWP is modified, reissued, or revoked, you will have 12 months from the date of the modification, reissuance or revocation to complete the activity under the

present terms and conditions. Failure to comply with the general and regional conditions of this NWP, or the project-specific special conditions of this authorization, may result in the suspension or revocation of your authorization.

We would appreciate your feedback on this permit action including your interaction with our staff and processes. For more information about our program or to complete our Regulatory Program national customer service survey, visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Please refer to identification number SPK-2020-00032 in any correspondence concerning this project. If you have any questions, please contact me at 533 West 2600 South, Suite 150, Bountiful, Utah 84010, by email at Nicole.D.Fresard@usace.army.mil, or telephone at (801) 295-8380 ext. 8321.

Sincerely,

Nicole Fresard
Senior Project Manager
Nevada-Utah Regulatory Section

Enclosures

cc: Cindy Johnson (nrcon@comcast.net)

**EXHIBIT D -- OPEN SPACE OPERATIONS AND
MANAGEMENT PLAN FOR "PRESERVE AREA"**



NR Systems, Inc.
dba Natural Resources Consulting
165 East 500 South
River Heights, Utah 84921
(435) 752-4200
(435) 752-1691 Fax

May 26, 2020

TO: Nicole Fresard, U.S. Army Corps of Engineers

FROM: Cindy Johnson

RE: Wetland Restoration Plan for the Clark East Residential Subdivision (SPK-2020-00032)

The purpose of this memo is to provide a restoration plan for a small filled wetland area within the Project Area for the Clark East Residential Subdivision (SPK-2020-00032). The wetland area is located under several feet of fill material near the southeast corner of the Clark East Project Area (Map 1). The objectives of the restoration include the re-establishment of original topography, exposure of buried soils, restoration of flows, and establishment of hydrophytic plant species to restore the area to a self-sustaining, functional wetland with hydrologic connections to downstream waters of the U.S.

RESTORATION ACTIVITIES

Surface topography and conditions – The wetland area to be restored will be graded to re-establish the swale topography that is typical of the existing wetland downstream of the filled area and was apparently characteristic of the wetland restoration area prior to fill placement. Fill material will be removed in shallow lifts from the wetland area by an experienced operator using a small, rubber-track excavator. Fill removal will be supervised by a soil or wetland scientist who will determine when the original soil surface is exposed. Excavation of the fill will continue until the topography of upslope end of the wetland swale has been restored, connecting smoothly with the undisturbed wetland area downslope. The wetland restoration area will be covered with the original topsoil material and the removed fill material will be hauled away from the wetland area and disposed of in one of the upland house lots that require fill material.

In the event that it is not possible to distinguish the original soil surface from the overlying fill material with confidence or if the original elevation is too high to accommodate the water source (see Hydrology), the filled wetland area will be excavated to the design contours illustrated on Map 2. The target elevation on the upslope end of the restored wetland area will be 4228' msl, with a 1% slope in the downstream direction and a relatively flat slope in the cross-drainage direction. With no information regarding pre-fill topographic conditions to use as a template, this design topography is considered appropriate to: 1) facilitate the development of persistent wetland hydrology by encouraging sheet flow over the entire wetland area instead of channelized flow; 2) accommodate the slope necessary for the pipe under the road to deliver flows to the wetland; and, 3) resist erosion and downcutting by providing a smooth, flat transition to the existing wetland area downslope. Fill material will be removed to establish a surface elevation 6 inches below the target topography. Six inches of topsoil salvaged from either the original surface under the fill or from a wetland area to be filled elsewhere within the Project Area will be placed over the wetland restoration area to bring the surface to the target elevations.

Fill removal and establishment of new surface contours will be implemented at the very beginning of the project in the fall of 2020 or, possibly spring of 2021. These activities will be coordinated with the construction of the conveyance system for the water to reach the restored wetland.

Hydrology – As indicated on Map 1, water that previously crossed the 2400 West roadway in a culvert will be diverted into a pipe along the 2400 West corridor to re-establish natural drainage patterns for surface flows discharging from the pasture to the east of the Project Area. These flows will be released from the pipe into Wetland A through the wetland restoration area, where they will provide the necessary wetland hydrology to support the restored wetlands. The pipe will discharge at the elevation of the restored ground surface, with a baffle installed at the outlet to disperse flows and prevent channelization.

Construction of the water conveyance system will be concurrent with wetland restoration activities, so it is anticipated that available flows will be released into the restored wetland as soon as planting and erosion control measures have been completed.

Planting Plans – If needed in order to supplement the original soils, topsoil to be placed within the restored wetland area will be obtained from other locations within Wetland A that will be filled by the project, if at all possible. If quantities are not adequate to cover the wetland restoration area to a depth of six inches, the salvaged topsoil will be placed as thin topdressing over a shallow layer of imported topsoil to bring the surface to target elevations. This salvaged topsoil material will provide seeds and other propagules for wetland plant species adapted to the Project Area. It is anticipated that these propagules will become rooted within the restored wetland area faster than establishment from seed alone. The restored wetland area will be seeded with 3 pounds of grass seed, including saltgrass (*Distichlis spicata*) – 1 pound and meadow barley (*Hordeum brachyantherum*) – 2 pounds.

Planting will take place as soon as measures to restore surface topography and conditions have been completed. Water is expected to be immediately available to encourage vegetation establishment and prevent drying of salvaged topsoil. Both fall and spring planting times are appropriate for the seeded plant species.

Transplants (if needed) - If the construction schedule does not allow for the salvage and application of wetland sod from wetlands to be impacted by the project, tubelings of saltgrass and seaside arrowgrass (*Triglochin maritima*) will be planted at 3 foot intervals through slits in the erosion control blankets (see Erosion control section). These transplants will substitute for root fragments and other propagules present in wetland sod by promoting the establishment of rooted vegetation faster than would be anticipated from seed alone.

Transplants will be planted during the spring to benefit from the seasonal increase in available water and to provide time to establish before winter freezing conditions.

Erosion control - Coir logs or wattles will be installed perpendicular to the flow direction at 20 foot intervals throughout the restored wetland swale reach. Wattles will be long enough to extend from the top of the swale bank on the north side of the swale to the top of the bank on the south side of the swale. Wattles will be installed to provide as level a top surface as possible on the bottom of the swale in order to function as water spreaders and prevent channelization by flows until the wetland vegetation becomes established.

Between the coir wattles, biodegradable erosion control blankets will be secured tightly to the soil surface in the restored wetland swale. The blankets are intended to maintain the applied seed and topsoil/topdressing in place despite surface flows until the vegetation can become established and rooted.

Erosion control will be applied as soon as seeding is completed and before surface flows are released into the restored wetland area from the pipe.

Site protection - If at all possible, construction of the restoration wetland will take place during the dry season in the summer and fall. Wetlands or waters of the U.S. outside of the restoration area will be marked with highly visible fencing and construction operators will be instructed to avoid them. Mats will be used to minimize surface soil disturbance if it is necessary for equipment to either drive across or work from the adjacent undisturbed wetland areas during removal of fill material from the restoration wetland area. Once the restoration activities requiring mechanized equipment are complete, the restoration wetland area will be marked with highly visible fencing to prevent any further intrusion by vehicles or equipment. If construction activities will be occurring adjacent to the restoration area, silt fence will be installed to prevent sediment from entering the restored wetland. As with any of the undisturbed wetlands within the Project Area, no refueling or storage of equipment or materials will take place within the wetland restoration area.

The wetland restoration effort will occur at the beginning of the project in the fall of 2020 or, possibly spring of 2021. Site protection measures will be installed prior to initiation of fill removal and will be maintained until wetland restoration and the construction of the adjacent road and homes are complete.

MONITORING AND MAINTENANCE

During and after restoration of the wetland area, monitoring will be implemented to ensure compliance with the key elements of the restoration plan, as follows:

Surface topography and conditions – As described previously, a soil or wetland scientist will be present during the removal of the fill material from the wetland restoration area. If the original soil surface can be distinguished from the fill material, the exposure of that surface will be documented with photographs and the collection of soil data from at least three profiles, distributed throughout the restoration area, as prescribed in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region Manual (Arid West Manual) (USACE 2008).

Performance Standards: Photographs and field data must document the presence of roots, other organic matter, or other topsoil characteristics in the surface soils following excavation. The presence of indicators of hydric soil conditions should be noted, if present.

If it is not possible to distinguish the original soil surface from the overlying fill material, an as-built survey will be conducted to verify that the final contours match the grading plans in Figure 2. Photographs and soil data will be collected from at least three profiles to document that at least six inches of (preferably salvaged wetland) topsoil have been placed over the graded subsoil to bring the restored surface up to the design contours.

Performance Standards: As-built survey results must verify that the surface contours, with at least six inches of topsoil, match the design contours within less than 0.5 foot. Photographs and soil data must document the presence of at least six inches of topsoil material over the restored wetland area surface

Schedule for Monitoring: Monitoring for surface topography and conditions will be implemented as soon as grading and, if necessary, topsoil placement has been completed.

Hydrology – Once the construction of the water delivery system is complete, photographs will be taken to document the extent of inundation over the restored wetland area. Small, shallow soil pits will be dug to determine the depth of soil saturation at no less than 10 locations throughout the restored wetland area.

During annual monitoring visits subsequent to completion of construction, soil profiles at no less than three locations within the restored wetland area will be examined for depth of saturation and/or development of indicators of recent inundation or saturation, as described in the Arid West Manual. Alternatively, in any given growing season, photo or field documentation of inundation or surface saturation of the restored wetland area over two consecutive weeks during the growing season can be collected.

Performance Standards: Post-construction, water discharged into the wetland restoration area must spread out to reach all portions of the wetland, at least during seasonally high flows. In subsequent years, soils must be inundated or saturated to the surface for at least two weeks during the growing season throughout the restored wetland area or soil profiles in two out of the three monitored soil pits must exhibit indicators of wetland hydrology, as described in the Arid West Manual.

Schedule for Monitoring: Monitoring for wetland hydrology will be implemented as soon as planting and erosion control measures have been implemented and water is available. For the following five years or until the wetland restoration is considered to be successful, monitoring for wetland indicators in soil pits will take place annually during the peak of the growing season in conjunction with vegetation sampling. If the alternative to soil pits is selected for hydrology monitoring, observations of inundation and/or soil saturation will be collected in the early growing season or when surface flows are available to the restored wetland area.

Planting – The success of vegetation establishment within the restored wetland area will be documented by annual monitoring during the peak of the growing season. During each monitoring visit, ten 1m x 1m quadrats will be randomly placed within the restoration wetland area and evaluated for cover by plant species. Ten additional 1m x 1m quadrats will be randomly placed within the undisturbed portions of Wetland A and evaluated for cover by plant species as a reference. Photographs will be taken of each quadrat. The entire wetland restoration area will be inspected for populations of noxious weeds or other invasive plant species.

Performance Standards: During the second growing season following completion of construction, vegetation cover by nonweedy plant species within the restoration wetland area must equal or exceed 30% of cover by nonweedy plant species within the reference wetland area. During the third, fourth, and fifth growing seasons following completion of construction, the standard for vegetation cover by nonweedy plant species must be 45%, 60%, and 80% of the nonweedy vegetation cover within the reference wetland area.

Relative cover by hydrophytic plant species (FAC, FACW, or OBL indicator status) (Arid West 2016 Regional Wetland Plant List; <http://wetland-plants.usacc.army.mil/>) within the restoration wetland area must equal or exceed 50% of the relative cover by hydrophytes within the reference wetland area during all monitoring years. By the fifth or last year of monitoring, relative cover by hydrophytes in the restoration wetland must equal or exceed 80% of the relative cover by hydrophytes in the reference wetland area.

Cover by noxious weeds or highly invasive plant species will comprise less than 5% of vegetation cover within the restored wetland area.

Schedule for Monitoring: Vegetation monitoring will take place annually during the peak of the growing season, starting during the first growing season following completion of construction.

Erosion control – Photographs will be taken to document the secure installation of erosion control blankets and coir rolls or wattles, as prescribed. Once water is available, photographs will be taken to document sheet flow over the coir rolls and wattles.

Performance Standards: Erosion control blankets and coir rolls or wattles must be secure enough to prevent shifting or movement under the influence of flows. Coir rolls or wattles must be level enough on their surfaces to promote sheet flow over the entire width of the wetland restoration area, without concentration or channelization of flows.

Schedule for Monitoring: Monitoring of erosion control features will be implemented immediately after they have been installed and again once water is released to the wetland restoration area. Post-construction, the secure installation and level surfaces of the erosion control features will be checked during each of the monitoring visits until the site is stabilized by vegetation.

Site protection – Highly visible markers, silt fence, and other Best Management Practices installed to protect the wetland restoration area will be inspected regularly during construction to ensure that they remain in place and functional.

Performance Standards: Site protection features must be maintained in full functional condition for the duration of construction.

Schedule for Monitoring: Monitoring of site protection features will be implemented at least weekly during construction to ensure full functionality. Once all site construction in the vicinity of the restored wetland is complete and surrounding upland soils have been stabilized, site protection measures may be removed.

Maintenance – For each parameter, results and observations will be evaluated after each monitoring visit to determine if performance standards are being met and/or if progress toward meeting those standards is being made. Contingency plans will be developed as needed to resolve issues identified by monitoring, possibly including, but not limited to, plans for surface adjustments to redistribute surface hydrology, repairs or replacement of erosion control or site protection measures, reseeding and/or addition of transplants, weed control measures, etc.

Reports – Annual monitoring reports will be submitted to the USACE by September 15 of each year following completion of construction until the restored wetland is considered to be successfully established. The reports will include field data collected from the wetland, as well as photographs documenting site conditions. Maintenance activities that were implemented during the year and additional maintenance to be implemented in the future will also be reported.

DETERMINATION OF SUCCESSFUL WETLAND RESTORATION

Monitoring of the restored wetland area will continue until the wetland is considered to be successfully established. This will require the achievement of performance standards for all parameters in two

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consecutive years, as well as the concurrence of a representative of the USACE. A final completion report will be submitted that will document the establishment of perennial, hydrophytic vegetation comparable to the adjacent reference wetland area, as well as adequate persistence of wetland hydrology, as described in the Arid West Manual. It is not anticipated that indicators of hydric soil conditions will develop fast enough to be documented during the monitoring period, but an adequate depth of soil (at least six inches) with documented wetland hydrology and established wetland vegetation will be considered sufficient to indicate wetland restoration success.

If you have any questions or need any additional information, please contact me. Thank you!