

RECORDER NO: 90259H RECORDED: MAR 4 1982
FEE \$32.50 TIME 4:15 PM BOOK 355 PAGE 365

Application No. 765 Margaret R. Evans, Box Elder Co. Recorder *Margaret R. Evans*

Name of Applicant Great Salt Lake Minerals and Chemicals Corporation
DEPARTMENT OF THE ARMY
Effective Date 1 March 1982 SACRAMENTO DISTRICT, CHIEF OF ENGINEERS
CENTRAL PACIFIC DIVISION
SACRAMENTO, CALIFORNIA 95814
Expiration Date (if applicable) 28 February 1985

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DEPARTMENT OF THE ARMY
PERMIT

Referring to written request dated 9 July 1981 for a permit to:
~~() Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);~~
 Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92-500);
~~() Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052; P.L. 92-532);~~

Great Salt Lake Minerals and Chemicals Corporation, P. O. Box 1190, 765 North 10560 West, Ogden, UT 84402,

is hereby authorized by the Secretary of the Army:
to discharge approximately 2.5 million cubic yards of fill material for construction of 43 miles of earth dikes to expand a solar evaporation pond system,

in the Bear River Bay of the Great Salt Lake,
at Promontary Point approximately 15 miles west of Ogden, Utah, and within Weber and Box Elder Counties,

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings: give file number or other definite identification marks.)
"Proposed Solar Pond Expansion", dated 16 June 1981, revised 14 December 1981, two sheets,

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

ENG FORM 1 JUL 77 1721 EDITION OF 1 APR 74 IS OBSOLETE. (ER 1145-3-303)

Incl 1-1

Exc 54

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

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

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

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

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

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

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

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

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

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

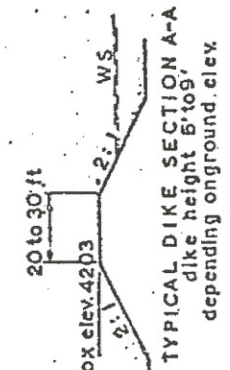
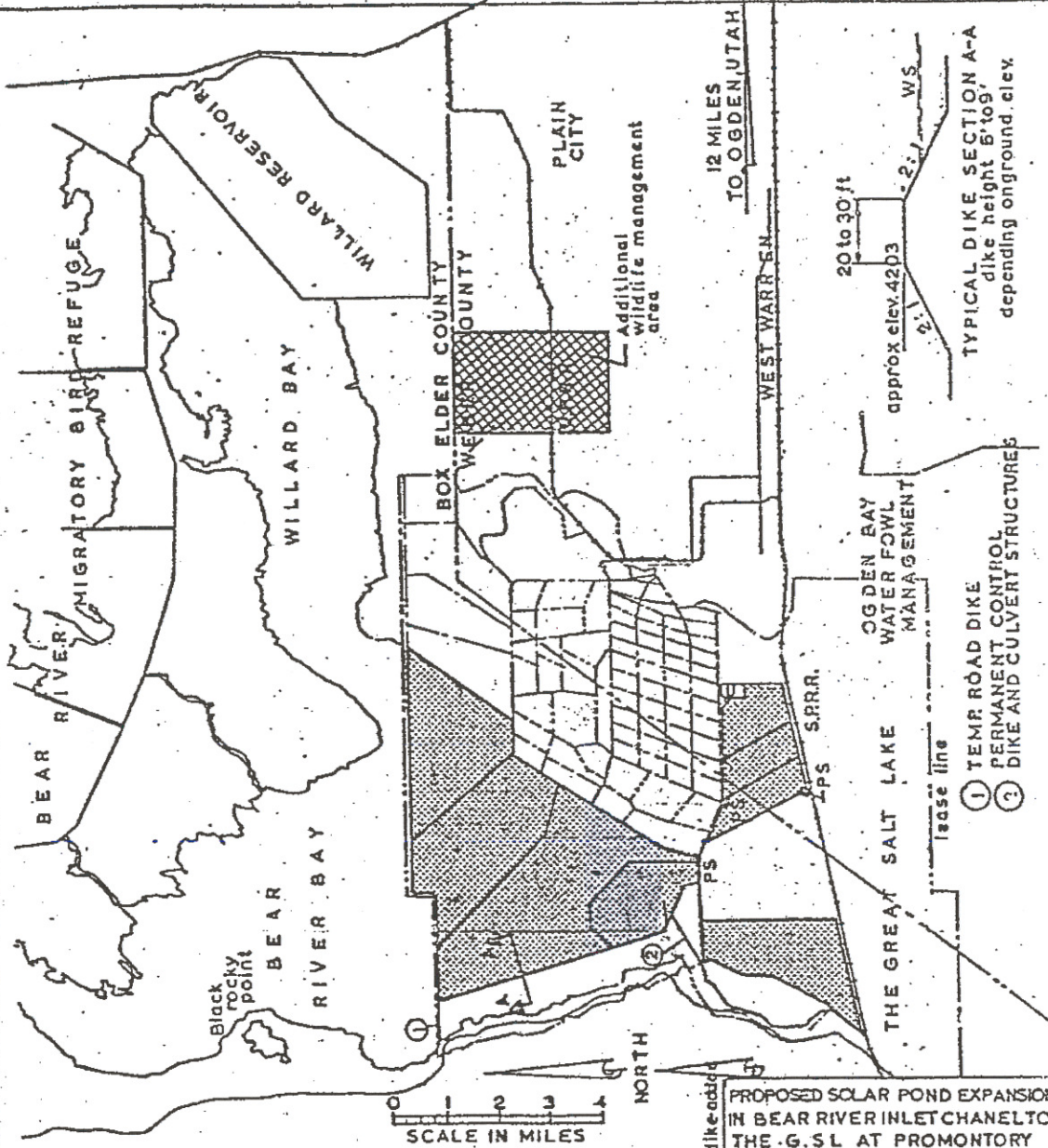
l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified,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

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

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

REVISED 14 DECEMBER 1981

No. 7651



PROPOSED SOLAR POND EXPANSION
 IN BEAR RIVER INLET CHANNEL TO
 THE G.S.L. AT PROMONTORY
 POINT COUNTY OF BOX ELDER
 STATE OF UTAH
 APPLICATION BY GREAT SALT
 LAKE MINERALS & CHEMICAL
 DATE 6-16-81 SHEET 1 OF 2

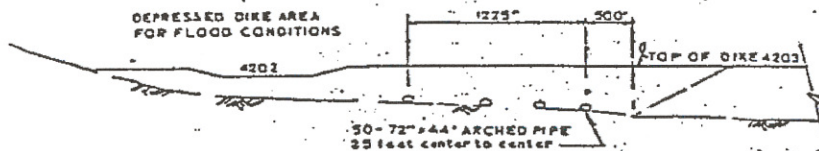
PROMONTORY MOUNTAINS
 LEGEND
 NEW PONDS

rev. Δ Control dike added

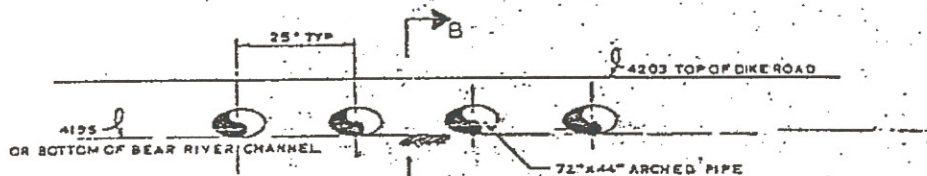
REVISED 14 DECEMBER 1981

NO. 7651

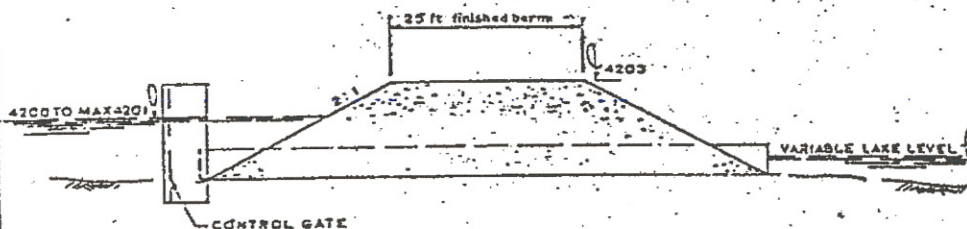
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ELEVATION A-A



VIEW AT CONTROL DIKE



SECTION B-B

CONTROL STRUCTURES DETAILS

DATE 6-16-81 SHEET 2 OF 2

c. That if the activity authorized herein is not started on or before 19 day of 28th ~~one year from the date of issuance of this permit unless otherwise specified and is not completed on or before~~ day of February, 19 85 (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

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

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

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

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

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

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

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

(b) That the mitigation program as agreed to by the State of Utah Department of Natural Resources and the permittee shall be implemented.

The following Special Conditions will be applicable when appropriate:

STRUCTURES IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES:

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

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

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

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

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

MAINTENANCE DREDGING:

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

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

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

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

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

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

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

DUMPING OF DREDGED MATERIAL INTO OCEAN WATERS:

~~a. That the dumping will be carried out in conformity with the goals, objectives, and requirements of the EPA criteria established pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, published in 40 CFR 320-226.~~

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

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

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

P. Beh
PERMITTEE
President, Great Salt Lake Min. & Chem.

February 19, 1982
DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY:
Paul F. Kavanaugh
PAUL F. KAVANAUGH, Colonel, CE

1 MAR 82
DATE

STATE OF CALIFORNIA
COUNTY OF SACRAMENTO
REC'D MAR 4 1982



On this 1 day of MARCH in the year one thousand nine hundred and 82 before me, MARGARET QUAN, a Notary Public, State of California, duly commissioned and sworn, personally appeared PAUL F. KAVANAUGH, CE known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the SACRAMENTO County of SACRAMENTO the day and year in this certificate first above written.
Margaret Quan
Notary Public, State of California
My commission expires May 6, 1983

This document is only a general form which may be proper for use in simple transactions and in no way acts, or is intended to act, as a substitute for the advice of an attorney. The publisher does not make any warranty, either express or implied, as to the legal validity of any provision or the suitability of these forms in any specific transaction.
Cowdery's Form No. 32-Acknowledgment-General (C. C. Sec. 1190a)

APPLICATION FOR A DEPARTMENT OF THE ARMY PERMIT
 For use of this form, see EP 1145-2-1

Form Approved - Office of
 Mgmt & Budget No. 49-R0420

The Department of the Army permit program is authorized by Section 10 of the River and Harbor Act of 1899, Section 404 of P. L. 92-500 and Section 103 of P. L. 92-532. These laws require permits authorizing structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Information provided in ENG Form 4345 will be used in evaluating the application for a permit. Information in the application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary; however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and checklist) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

<p>1. Application number (To be assigned by Corps)</p>	<p>2. Date</p> <p>Day Mo. Yr.</p>	<p>3. For Corps use only.</p>																				
<p>4. Name and address of applicant.</p> <p>Great Salt Lake Minerals & Chem. Corp. P. O. Box 1190, 765 N. 10500 W. Ogden, Utah 84402</p> <p>Telephone no. during business hours</p> <p>A/C (801) 731-3100 A/C (801) 521-3556</p>	<p>5. Name, address and title of authorized agent.</p> <p>Telephone no. during business hours</p> <p>A/C () _____ A/C () _____</p>																					
<p>6. Describe in detail the proposed activity, its purpose and intended use (private, public, commercial or other) including description of the type of structures, if any to be erected on fills, or pile or float-supported platforms, the type, composition and quantity of materials to be discharged or dumped and means of conveyance, and the source of discharge or fill material. If additional space is needed, use Block 14.</p> <p>Construction of approximately 43 miles of earth dikes for solar evaporation ponds (approximately 17,000 acres) for recovery of minerals using brines from the Great Salt Lake. The minerals are harvested and processed for sale.</p> <p>The dikes will be constructed of borrowed fill material from borrow pits along the (Item 6 continued under Item 14)</p>																						
<p>7. Names, addresses and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway.</p> <p>The solar pond area is on leased land from the Utah State Land Board. Adjoining properties are owned by the State of Utah.</p>																						
<p>8. Location where proposed activity exists or will occur.</p> <table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;"> <p>Address: 765 North 10500 West Street, road or other descriptive location Ogden, (approximately 15 miles west) in or near city or town</p> <p>Weber & Box Elder Utah 84402 County State Zip Code</p> </td> <td style="width:50%; border: none;"> <p>Tax Assessor's Description: (If known) Utah State Owned Land</p> <table style="width:100%; border: none;"> <tr> <td style="border: none;">Map No.</td> <td style="border: none;">Subdiv. No.</td> <td style="border: none;">Lot No.</td> </tr> <tr> <td style="border: none;">Sec. 1,2,11,12,13,14,22,23,24,27,T6N,R4W</td> <td style="border: none;"></td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">Sec.</td> <td style="border: none;">Twp.</td> <td style="border: none;">Rge.</td> </tr> <tr> <td style="border: none;">Sec. 14 thru 22,28,29,30,31,23,T7N,R4W</td> <td style="border: none;"></td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">Sec. 5,6,7,15 thru 22,30,T6N,R4W</td> <td style="border: none;"></td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">Sec. 13,14,23,24,25,26,35,36,T7N,R5W</td> <td style="border: none;"></td> <td style="border: none;"></td> </tr> </table> </td> </tr> </table>			<p>Address: 765 North 10500 West Street, road or other descriptive location Ogden, (approximately 15 miles west) in or near city or town</p> <p>Weber & Box Elder Utah 84402 County State Zip Code</p>	<p>Tax Assessor's Description: (If known) Utah State Owned Land</p> <table style="width:100%; border: none;"> <tr> <td style="border: none;">Map No.</td> <td style="border: none;">Subdiv. No.</td> <td style="border: none;">Lot No.</td> </tr> <tr> <td style="border: none;">Sec. 1,2,11,12,13,14,22,23,24,27,T6N,R4W</td> <td style="border: none;"></td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">Sec.</td> <td style="border: none;">Twp.</td> <td style="border: none;">Rge.</td> </tr> <tr> <td style="border: none;">Sec. 14 thru 22,28,29,30,31,23,T7N,R4W</td> <td style="border: none;"></td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">Sec. 5,6,7,15 thru 22,30,T6N,R4W</td> <td style="border: none;"></td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">Sec. 13,14,23,24,25,26,35,36,T7N,R5W</td> <td style="border: none;"></td> <td style="border: none;"></td> </tr> </table>	Map No.	Subdiv. No.	Lot No.	Sec. 1,2,11,12,13,14,22,23,24,27,T6N,R4W			Sec.	Twp.	Rge.	Sec. 14 thru 22,28,29,30,31,23,T7N,R4W			Sec. 5,6,7,15 thru 22,30,T6N,R4W			Sec. 13,14,23,24,25,26,35,36,T7N,R5W		
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<p>9. Name of waterway at location of the activity.</p> <p>Bear River</p>																						

10. Date activity is proposed to commence, October 1, 1981
 Date activity is expected to be completed December 31, 1983

11. Is any portion of the activity for which authorization is sought now complete? YES NO
 If answer is "Yes" give reasons in the remark section. Month and year the activity was completed
 . Indicate the existing work on the drawings.

12. List all approvals or certifications required by other federal, interstate, state or local agencies for any structures, construction, discharges, deposits or other activities described in this application.

Issuing Agency	Type Approval	Identification No.	Date of Application	Date of Approval
Utah State Div. of Water Rights	Water rights for use in solar ponding	#34020(13-246) #37031(13-1109)	06-08-62 06-11-65	02-28-63 03-03-67

(Item 12 continued under Item 14)

13. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein?
 Yes No (If "Yes" explain in remarks)

14. Remarks or additional information.
 (Item 6 continued)
 Promontory Mountains. The material will be hauled in dump trucks to form the dikes. The total estimated quantity of borrow material is 2.5 million cubic yards. There will be three pump stations in the pond interior to distribute the brines through the system. The pump stations will consist of timber structures with vertical pumps. The dikes will range from 5' to 9' in height with a crest width of minimum 20'. (See attached drawing for layout and location.)

(Item 12 continued)

State of Utah	Land Leases of	ML 19024	08-24-66	06-05-70
Division of State Lands	State owned land to be used for solar evaporation ponds	ML 19059 ML 21708 ML 22782 ML 24631 ML 25859	08-24-66 10-01-66 08-24-66 10-02-67 11-20-68	06-05-70 09-29-69 06-05-70 11-08-67 01-08-69

The following leases were initially approved for leasee predecessors to GSLM&CC. ML 19024 and 19059 approved 07-03-63, ML 21708 approved 05-04-64, ML 22782 approved 05-05-65.

15. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of Applicant or Authorized Agent

The application must be signed by the applicant; however, it may be signed by a duly authorized agent (named in Item 5) if this form is accompanied by a statement by the applicant designating the agent and agreeing to furnish upon request, supplemental information in support of the application.

18 U. S. C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both. Do not send a permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

ASSTD BOOK 4 of SEE PAGE 390
 12 of Dec pg 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 403, 445, 447, 449, 451, 453, 461, 465, 467,
 13 of Dec pg 37, 41, 39, 55, 57, 59, 63, 65, 67, 209, 217, 447,
 18 of Dec 529, 531, 533, 535
 15 of Dec pg 407
 17 of Dec pg 223
 8 of Dec pg 41, 42, 49 ✓ Index ✓
 0 of Dec pg 324 ✓