



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

REPLY TO  
ATTENTION OF

July 28, 2008

Regulatory Division (SPK-2007-02044)

Stephen Hansen  
Utah Division of Wildlife Resources  
1594 West North Temple  
Salt Lake City, Utah 84116

Dear Mr. Hansen:

We are responding to your request to re-verify an approved jurisdictional determination (SPK-2000-50419) for the Hobble Creek Restoration Project. This approximately 59.48-acre site is located in Section 30, Township 7 South, Range 3 East, SLB&M, Latitude 40.1830 North, Longitude -111.6519 West, City of Springville, Utah County, Utah.

Based on available information, we concur with the estimate of waters of the United States, as depicted on the April 26, 2008 Vegetation Community Type Boundaries Map drawing prepared by Bio-West. Approximately 4.27 acres of waters of the United States, including wetlands, are present within the survey area (1.28 acres on the UDWR property and 2.99 acres on the Condie property). These waters are regulated under Section 404 of the Clean Water Act, since they are directly abutting Utah Lake, a Traditional Navigable Waterway.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331.

A Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form is enclosed. If you request to appeal this determination you must submit a completed RFA form to the South Pacific Division Office at the following address: Administrative Appeal Review Officer, Army Corps of Engineers, South Pacific Division, CESPDPDS-O, 1455 Market Street, San Francisco, California 94103-1399, Telephone: 415-503-6574, FAX: 415-503-6646.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 60 days from the date of this letter. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

This determination has been conducted to identify the limits of Corps of Engineers' Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

We appreciate your feedback. At your earliest convenience, please complete our customer survey at [http://www.spk.usace.army.mil/customer\\_survey.html](http://www.spk.usace.army.mil/customer_survey.html). Your passcode is "conigliaro".

Please refer to identification number SPK-2007-02044 in any correspondence concerning this project. If you have any questions, please contact Terry Johnson at our Utah Regulatory Office, 533 West 2600 South, Suite 150, Bountiful, Utah 84010, email [terry.l.johnson@usace.army.mil](mailto:terry.l.johnson@usace.army.mil), or telephone 801-295-8380 x 15. You may also use our website: [www.spk.usace.army.mil/regulatory.html](http://www.spk.usace.army.mil/regulatory.html).

Sincerely,

Jason A. Gipson  
Chief, Nevada-Utah Regulatory Branch

Enclosure(s)

Copy furnished without enclosure(s)  
Ken Condie, 325 North 950 West, Springville, Utah 84663  
Shannon Herstein, BIO-WEST, Inc., 1063 West 1400 North, Logan, Utah 84321