

MEMORANDUM FOR RECORD

SUBJECT: Navigable-In-Fact TNW Determination for Cutler Reservoir, Cache County, Utah
(Regulatory Branch SPK-2007-792)

1. The Corps completed a review of the Cutler Reservoir near Logan in Cache County, Utah with the intent of completing a determination regarding its navigability.
2. This determination is made in accordance with Appendix D of the Rapanos Guidance.
3. Utah Power owns and operates the Cutler Hydroelectric Project (FERC No. 2420) as part of the Bear River hydro system. This system of storage reservoirs and hydroelectric plants furnishes electricity and irrigation water for many users along the Bear River. The Cutler project consists of nearly 10,000 acres of land and water managed for power production, irrigation, public recreation, wildlife, and compatible agricultural uses. Utah Power recognizes and is committed to maintaining the unique recreation opportunities and wildlife habitat values provided by Cutler Reservoir.
4. The Cutler Marsh Wetlands Maze is a portion of Utah Power's Cutler Reservoir, located in northern Utah's Cache County. The Maze includes those areas located to the north and south of the "Valley View Highway" (Utah State Route 30). This part of the marsh and the surrounding lands are managed by Utah Power for the protection and enhancement of flora and fauna and their habitat, as well as to provide additional opportunities for recreation (e.g., canoeing, hunting, fishing, and birdwatching) and for traditional agricultural land uses such as grazing and irrigation storage. The water impounded in Cutler Reservoir is used by Utah Power, an electric utility company, to satisfy irrigation water rights and to generate hydroelectric power.
5. Utah Power is a PacifiCorp company, and serves some 642,000 customers in Utah. PacifiCorp, through Utah Power and Pacific Power, serves 1.5 million electric customers in Utah, Idaho, Wyoming, Oregon and Washington.
6. Businesses rent canoes in the town of Benson adjacent to the reservoir to float on Cutler Reservoir
7. Facilities at Cutler Reservoir for recreation include:
Benson Marina: Located mid-reservoir on Benson Road
 - Concrete boat ramp
 - Small picnic pavilion with four picnic tables
 - Restrooms
 - Parking for 15 to 20 vehicles
 - Boating
 - Waterskiing,
 - Bird watching

Cutler Marsh: Located on State Road 30 at the southern end of the reservoir

- Concrete boat ramp
- Small pavilion with six picnic tables
- Three canoe trails
- Restrooms

Clay Slough: Located on the county highway known locally as Sam Fellow Road

- Restroom
- Four-car parking area
- Launch site for small watercraft and canoes

8. References

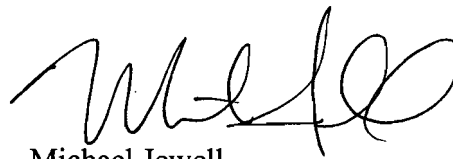
<http://www.rockymtnpower.net/Navigation/Navigation2686.html>

<http://www.bridgerlandaudubon.org/wetlandsmaze/recreation.html>

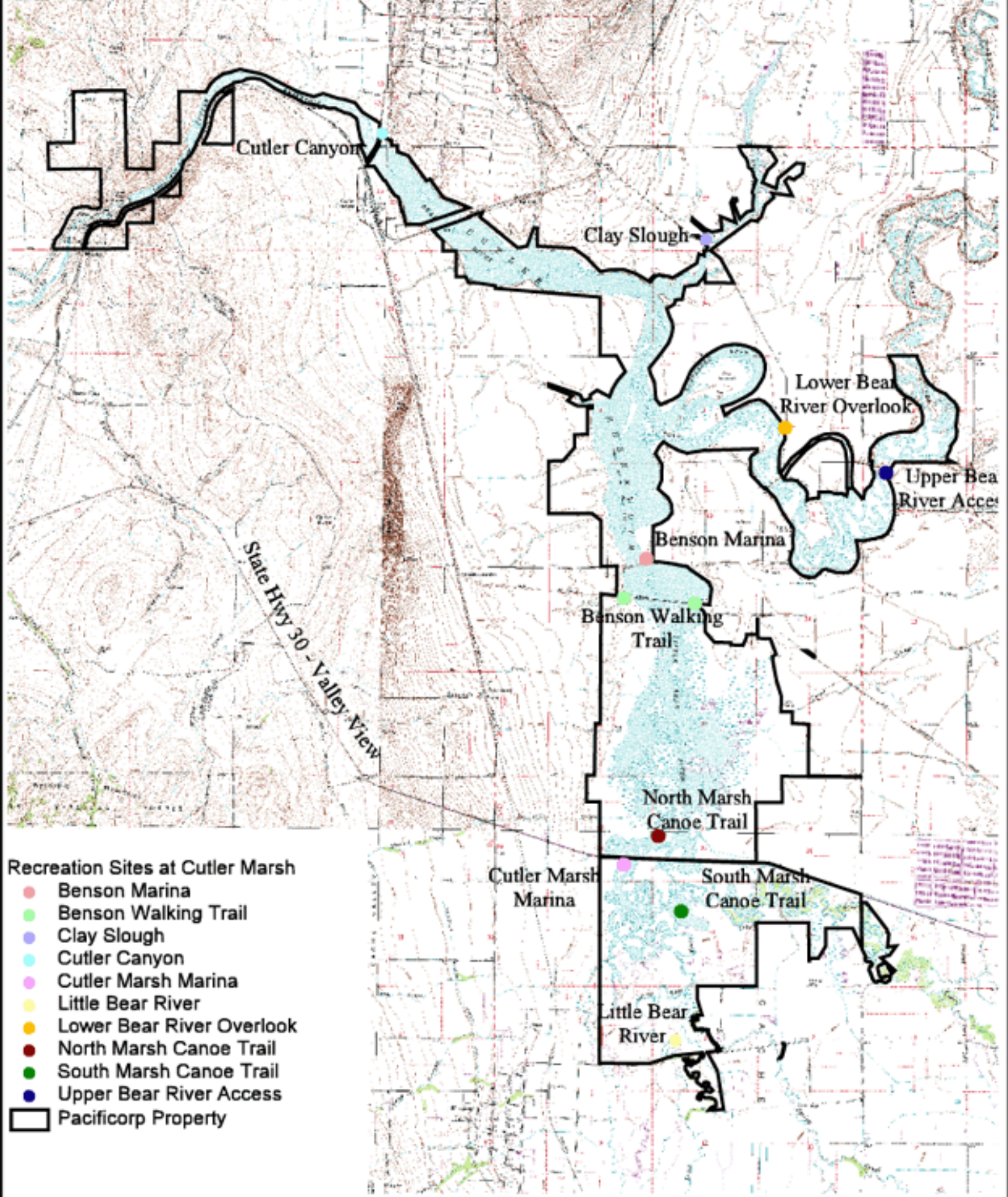
Local canoeing:

- USU Outdoor Recreation Center, 1050 N. 950 E Logan, UT 84322, 435-797-3264
- Muddy Road Outfitters, owned by Jim Watterson, 4705 West 3800 North, Benson, Utah 84335, 435-753-3693

9. Jason Gipson of the Utah Regulatory Office is the point-of-contact for this determination. He can be reached by phone at 801-295-8380 x 14 or e-mail jason.a.gipson@usace.army.mil



Michael Jewell
Chief, Regulatory Branch
Sacramento District

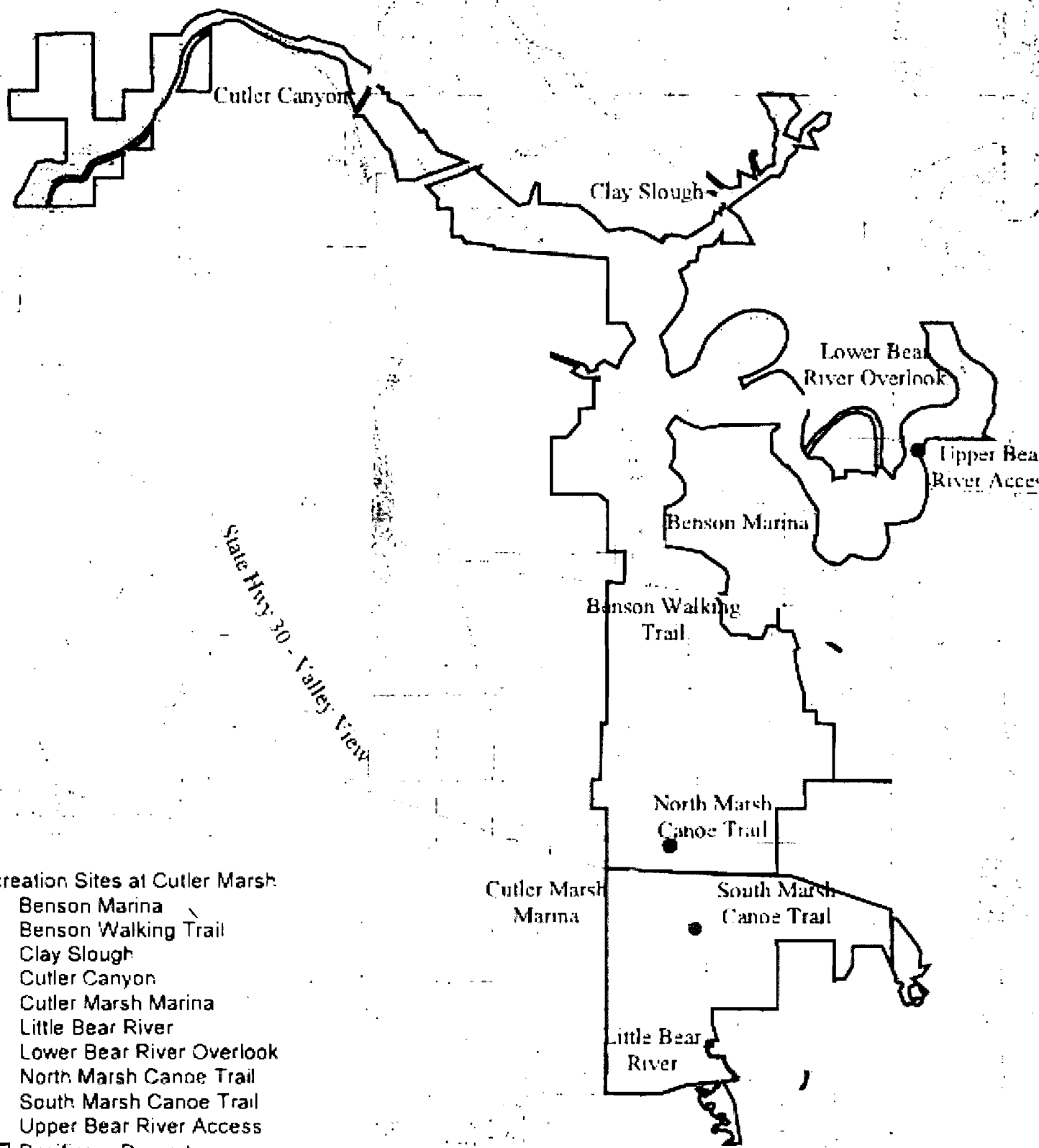


- Recreation Sites at Cutler Marsh**
- Benson Marina
 - Benson Walking Trail
 - Clay Slough
 - Cutler Canyon
 - Cutler Marsh Marina
 - Little Bear River
 - Lower Bear River Overlook
 - North Marsh Canoe Trail
 - South Marsh Canoe Trail
 - Upper Bear River Access
 - ▭ Pacificorp Property

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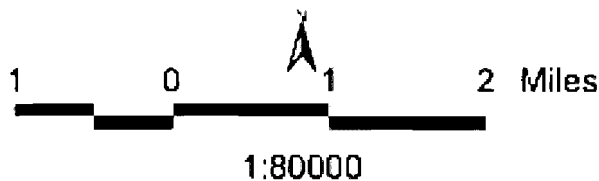


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Recreation Sites



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