



GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

KENT L. JONES
State Engineer/Division Director

February 26, 2013

RE: Stream Channel Alteration No. 13-35-10SA
Alexander Creek
Blue Sky Ranch

Attached is a copy of an application to alter a natural stream, which has been submitted to the Division of Water Rights (Division) for processing.

In processing this application, the Division will work to determine if the project will:

- Unreasonably or unnecessarily affect any recreational use or the natural stream environment;
- Unreasonably or unnecessarily endanger aquatic wildlife;
- Unreasonably or unnecessarily diminish the natural channel's ability to convey high flows; or
- Impair vested water rights.

Any decision made regarding this application will be based exclusively on these four criteria. If you have information regarding these four criteria that will aid the Division in making a determination and subsequent decision, please submit this information, in writing, to this office prior to **March 18, 2013**. For questions or comments pertaining to all other aspects of the project, please contact the applicant listed on the front page of the application directly.

Sincerely,

Tiffany Gonzales
for Daren Rasmussen, P.G.
Stream Alteration Specialist

Pc: Richard Clark - EPA
Corps of Engineers
Supervisor - U. S. Fish & Wildlife
Ross Hansen - Regional Engineer
Scott Walker - Regional Wildlife Habitat Manager
Carmen Bailey - Aquatic Habitat Coordinator
Bill Damery - DEQ, Water Quality Division
Laura Ault - Forestry Fire & State Lands
Kelly Beck - RDCC Coordinator
State Parks & Recreation
Lori Hunsaker - State History
W. D. Robinson - Department of Agriculture
Judy Watanabe - CEM
Derrick Radke - Summit County



Rec. by 2
 Fee Rec. \$100
 Receipt # 12-007449

JOINT PERMIT APPLICATION FORM
U.S ARMY CORPS OF ENGINEERS - FOR SECTIONS 404 AND 10
UTAH STATE ENGINEER'S OFFICE - FOR NATURAL STREAM CHANNELS

Application Number 1 13-35-105A
 (assigned by): _____ Corps _____ State Engineer

Applicant's Name (Last, First M.I. or entity if not an individual) <u>BLUE SKY RANCH</u>	Authorized Applicant Representative (if any) <u>DAN WEATHERBIE</u>	Applicant's Telephone Number and Area Code <u>801) 557-9376</u> Representative's Telephone Number and Area Code <u>801) 557-9376</u>
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Applicant's Address (Street, RFD, Box, Number, City, State, Zip)
2071 STATE ROAD 32 WANSHIP, UTAH 84017

X: 462011.82 PROJECT LOCATION Y: 4518238.19

Quarter Section(s) <u>lot 7</u>	Section <u>13</u>	Township <u>IN</u>	Range <u>4E</u>	Base & Meridian <u>5L</u>
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County <u>SUMMIT COUNTY</u>	Associated Watercourse or Watercourse to be Altered <u>ALEXANDER CREEK</u>	Check one: <input type="checkbox"/> Within City Limits <input checked="" type="checkbox"/> Outside City Limits List town or nearest town: <u>WANSHIP, UTAH</u>
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Project location or address:
27649 OLD LINCOLN HWY WANSHIP UTAH 84017

Brief description of project including methods and equipment to be employed to complete the work:
2 BRIDGES, ABUTMENTS EACH SIDE, I-BEAM FRAMED DECK OVER, TIMBER GIRDERS

Purpose (justification) of project:
AGRICULTURE AND PEOPLE BRIDGE ACCESS ACROSS ALEXANDER CREEK
SECONDARY EGRESS FOR FIRE DEPARTMENT

Is this a single and complete project or is part of a larger project, continuing project, or other related activities? If so, please describe the larger project or other related activities.
FUTURE RELATED PROJECT - STREAM IMPROVEMENT - PARK FOR PATROW OF BLUE SKY RANCH

If project included the discharge of dredged or fill material into a watercourse or wetland: N/A

Cubic yards of material: _____

Acreage or square footage of waters of the United States affected by the project: _____

Source and type of fill material: _____

Length of stream that will be impacted below ordinary high water elevation: _____

RECEIVED
FEB 22 2013 SC
 WATER RIGHTS
 SALT LAKE

Rec'd 26 Feb 2013 DPR

Alternatives (other ways to accomplish project purpose): **NONE**

Describe any proposed mitigation to offset impacts to the stream channel. **WILL NOT BE ALTERED OR DISTURBED SINCE**

Cultural resource impacts:

Are you aware of any cultural resources or any historic properties that will be impacted by the proposed project? Yes No
 If Yes, please explain:

Has a cultural resource survey been conducted on the property where the proposed project is to occur? Yes No
 If Yes, please briefly explain the survey results:

List other authorizations required by Federal, state, or local governments (i.e.: National Flood Insurance Program), and the status of those authorizations.
SUMMIT COUNTY BUILDING PERMIT - STATUS NOT ASSIGNED YET
ACOE REFERENCE - NO PERMIT NEEDED

Estimated starting date of project: FEBRUARY 10, 2013	Estimated completion date: APRIL 31, 2013
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Please complete the following checklist

Failure to indicate that all pertinent information has been submitted will result in your application being returned.

- Appropriate application processing fee payment (see fee schedule below).
- A clear site location map with enough detail to easily find the site, a recent aerial/satellite image of the site, and a USGS topography map (7.5 minute quadrangle map is recommended).
- Plan view and cross-sectional drawings showing all work requiring a permit, including fills, structures, borrow sites, staging areas and storage areas. The drawings must clearly demarcate the ordinary high water mark of the waters of the U.S. to be impacted. Professional drawings are not required; however, drawings must be scaled or indicate dimensions of the work to be completed.
- A restoration plan for any areas temporarily disturbed during work, including re-contouring, revegetation with appropriate native plants and maintenance and monitoring to ensure success for the restored area.
- Ground photographs taken from various locations of the proposed disturbance area.
- Please check the box if the proposed project involves bank stabilization or protection. If so, please complete the following:
 - A narrative demonstrating the proposed activity incorporates the least damaging bank protection methods. These methods include, but are not limited to, the use of bioengineering, biotechnical design, root wads, large woody debris, native plantings, and beach nourishment in certain circumstances. If rock must be used due to site erosion conditions, explain how the bank stabilization structure incorporates elements beneficial to aquatic organisms.

- A description of current and expected post-activity sediment movement and deposition patterns in and near the activity area.
- A description of current and expected post-activity habitat conditions, including the presence of fish, wildlife and plant species in the activity area.
- N/A An assessment of the likely impact the work would have on upstream, downstream and cross-stream properties (at a minimum the area assessed should extend from the nearest upstream bend to the nearest downstream bend of the watercourse). Specifically, discuss how the project will impact the following:
 - Will the activity accelerate deposition or erosion?
 - Will impacts to sensitive species or habitats result from a change in suspended sediment load or turbidity?
 - Will the activity affect the diversity of the channel by eliminating in-stream habitat, meanders, or gravel bars?
 - Will the activity result in a shift in the main flow patterns?
- A planting plan which involves the use of native riparian plants, unless the applicant demonstrates it is not appropriate or not practicable.

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 the 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 or am acting as the duly authorized agent of the applicant which is a (check one of the following) commercial , non-commercial , or governmental entity.

Signature of Applicant *[Signature]* Date: 1/11/13

I hereby certify that DAN WEATHERS is acting as my agent on this project.

Agent's address and telephone number: 2071 STATE RD 32 WASHPIR, UTAH 801) 557-9376

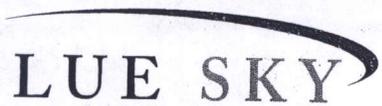
Filing Instructions

Application supplements should be submitted on paper no larger than 11 x 17 inches or alternatively as PDF format electronic files. If more than one watercourse is to be altered as a result of the project, a separate application must be submitted for each watercourse. Application fees must be received by the Division of Water Rights at the time of application submission and must be either hand delivered or submitted through standard mail.

Application Processing Fees

Application fees are based on the type of entity applying for the proposed stream alteration project.

Commercial Entities:	\$2000.00	per application processed.
Non-Commercial Entities:	\$100.00	per application processed.
Governmental Entities:	\$500.00	per application processed.



BLUE SKY
RANCH & RESORT

Dan L. Weatherbie Senior Director
Ranch Operations

2071 State Road 32	801.557.9376 Mobile
Wanship, UT 84017	435.336.2646 Office
dweatherbie@phillipsedison.com	435.336.2661 Fax

BLUE SKY ACCESS BRIDGES TO LODGE AREA

BRIDGE IMPROVEMENTS

27649 OLD LINCOLN HWY, WANSHIP, UTAH 84017

BLUE SKY



VICINITY MAP
NOT TO SCALE

OWNER:

BLUE SKY
2071 SOUTH STATE RD 32
WANSHIP, UTAH 84115
PHONE: 801 557-9376
FAX: 435 336-2661
CONTACT: DAN WEATHERBEE

CIVIL ENGINEER:

MERIDIAN ENGINEERING INC.
9217 SOUTH REDWOOD ROAD, SUITE A
WEST JORDAN, UTAH 84088
PHONE: 801 569-1315
FAX: 801 569-1319
CONTACT: RANDALL VICKERS
E-MAIL: rvickers@merid-eng.com

USACE PROJ. NO. SPK 2006-50230-U0

WETLAND DESIGNATION BY:
FRONTIER CORP.
435-753-9502



BLUE SKY
2071 S State Rd 32
Wanship, Utah



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FIELD DATA, FIELD MEASUREMENTS, SURVEYING, PHOTOGRAPHY, CALCULATIONS, DESIGN OR ANY REPRESENTATION CONTAINED HEREIN ARE THE SOLE PROPERTY OF MERIDIAN ENGINEERING, INC. PREVIOUSLY ESTABLISHED BY PRECEDENT OR AGREEMENT.

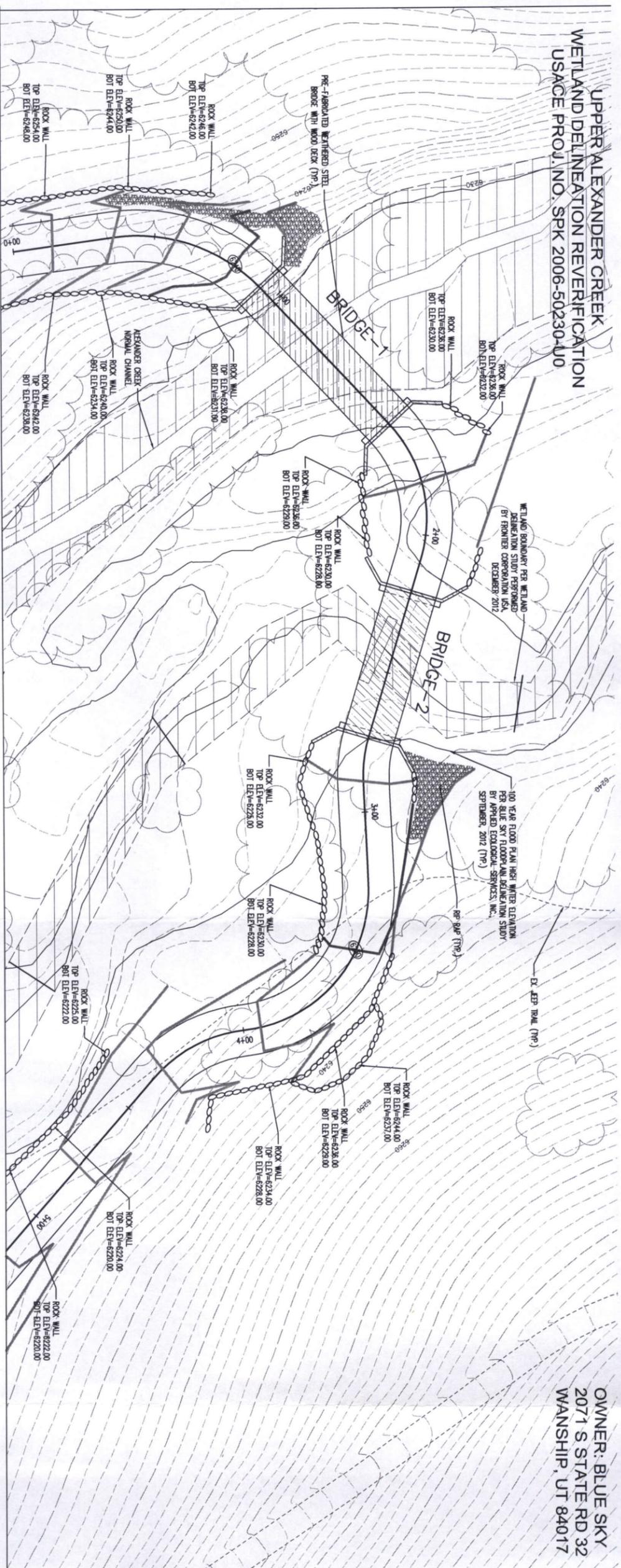
DRAWN ECP
DESIGNED BDB
CHECKED JRV
DATE 30-NOV-2012

NO.	REVISIONS	BY	DATE

BLUE SKY
COVER SHEET
EMERGENCY ACCESS BRIDGES TO LODGE AREA

COMP. FILE
C-100 COVER
PROJECT NO.
12022
SHEET NO.
C-100

UPPER ALEXANDER CREEK
WETLAND DELINEATION REVERIFICATION
USACE PROJ. NO. SPK 2006-50230-1J0

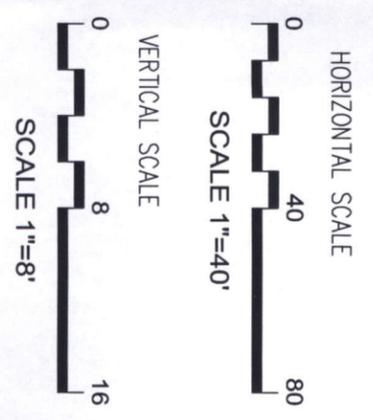


WETLAND BOUNDARY PER WETLAND DELINEATION STUDY PERFORMED BY FRONTIER CORPORATION USA, DECEMBER 2012

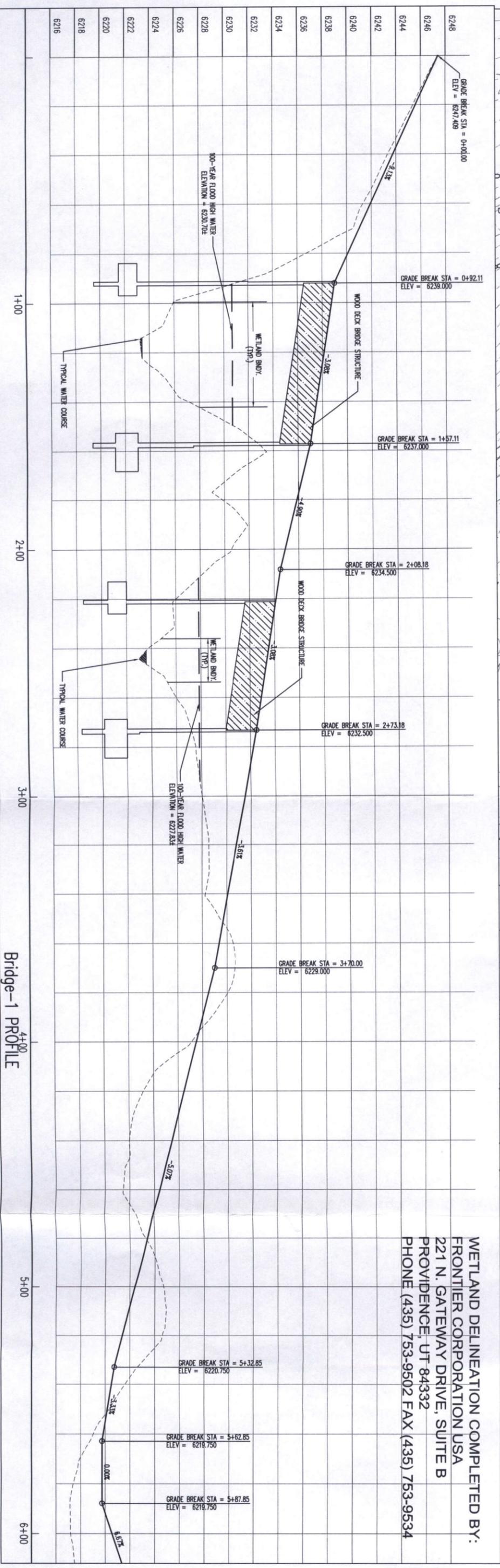
100 YEAR FLOOD PLAIN HIGH WATER ELEVATION FOR BLUE SKY FLOODING DELINEATION STUDY BY APPLIED ECOLOGICAL SERVICES, INC., SEPTEMBER, 2012 (TYP.)

OWNER: BLUE SKY
2071 S STATE RD 32
WANSHIP, UT 84017

EXHIBIT BY:
MERIDIAN
ENGINEERING, INC.
8017 SOUTH REDWOOD ROAD SUITE A
PHOENIX (AZ) 85038 FAX (602) 958-1318
FEBRUARY 1, 2013



WETLAND DELINEATION COMPLETED BY:
FRONTIER CORPORATION USA
221 N. GATEWAY DRIVE, SUITE B
PROVIDENCE UT 84332
PHONE (435) 753-9502 FAX (435) 753-9534



Bridge-1 PROFILE

Alexander Creek Bridge Crossing Pictures & Narrative



Picture 1- Creek Crossing looking up the Canyon



Picture 2- Northern Creek Bank -Bridge One



Picture 3- Creek Crossing Looking Northward



Picture 4- Northern Creek Bank - Bridge Two

Alexander Creek Bridge Crossing Pictures & Narrative



Picture 5- Bridge One Crossing Location Looking Westward



Picture 6- Northern Roadway Connection at Bridge Crossing.



Picture 7 - Creek Crossing Looking Southward



Picture 8- Bridge One Southern Bank

Alexander Creek Bridge Crossing Pictures & Narrative



Picture 9 - Bridge One Creek Crossing Looking Southward



Picture 10 - Bridge One Creek Crossing Looking Northward

Bank Protection:

1. The Banks will be backfilled with the material from the current creek embankments. The disturbed areas will be planted with native willows and brush. Root Wads and woody debris will be used adjacent to abutments in the abutments backfills where these materials are encountered in the abutment excavations.

Rip rap shown will be placed only in the drainage ditches above the current channel of the creek to keep drainage ditches from the new access roadways from eroding the banks of the creek. The channel and wetlands should remain the current configuration and granular material will be added only in the channel area between the northern abutment of Bridge #1 and the southern abutment of Bridge #2 where there are **not** wetlands or any significant vegetation. The excavations should **not** hamper any aquatic life in the Creek. Construction Access for the abutments and fill being placed between Bridge #1 and Bridge #2 will be from the north crossing the overflow channel which can be dry or nearly dry during low flow times of the year. The construction crossing will be near the existing wooden bridge shown in Picture #4 above.

Large Diameter Rock will be placed adjacent to the bridge abutments and new access roadways to maintain the native vegetation of along the creek embankments and the in order keep fill slopes in the Creek area to a minimum. Rock wall will be in the 2 to 5 foot diameter range with wall stacked up to 6 feet.

Alexander Creek Bridge Crossing Pictures & Narrative

2. Erosion Protection Measures: Silt fences and limit of disturbance fencing will be placed along the wetlands boundary of the creek during the excavation and backfilling operations and will be installed prior to any excavation for the bridge abutments. Upon completion of the abutment backfill, planting of willows and native grasses will occur as soon as weather permits in all of the disturbed areas. Woody debris and root wads will be installed as the backfill is completed for the abutments. Prior to the high water flow season the silt or limit of disturbance fencing will be removed from below the flood plain elevations. Silt fencing and erosion control blankets will remain in place above the flood plain elevations until vegetation is established for disturbed areas.

3. Sediment Patterns: The bridge crossing are not in areas where significant sediments are deposited and the crossings should not impact the sediment deposits of the stream.

4. Habitat conditions: The vegetation disturbance is to be as minimal as possible to construct the bridges. It is anticipated that two to three cottonwood trees (including one dead one) will need to be removed as well as some brush on the embankments. We will also be trimming back an overhanging portion of an existing cotton wood tree over Bridge #2. Native willows and brush will be reinstated on the disturbed areas of the channel. Wildlife consists of deer, elk, wild turkeys, bobcats, eagles, hawks and other riparian type wildlife. The impact is anticipated and desired to be minimal. Wildlife is desired to remain abundant in the area for viewing. Use of the Bridge crossing is for emergency access and only occasional maintenance access.



REPLY TO
ATTENTION OF

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



January 30, 2013

Regulatory Division (SPK-2006-50230)

Mr. Dan Weatherbie
Blue Sky Corporate Ranch
175 East 400 South, Suite 402
Salt Lake City, Utah 84111

Dear Mr. Weatherbie:

We are responding to your request for a preliminary jurisdictional determination (JD), in accordance with our Regulatory Guidance Letter (RGL) 08-02, for the Blue Sky Corporate Ranch site. The approximately 77.88-acre site is located in Section 19, Township 1 North, Range 5 East, Salt Lake Meridian, Latitude 40.8154°, Longitude -111.4425°, Wanship, Summit County, Utah (Enclosure 1).

Based on available information, we concur with the amount and location of wetlands and other water bodies on the site as depicted on the enclosed December 5, 2012 drawing titled Upper Alexander Creek Wetland Delineation Reverification, prepared by Frontier Corporation (Enclosure 2). The approximately 4.35 acres of wetlands and 5829 linear feet of other water bodies present within the survey area are potential waters of the United States regulated under Section 404 of the Clean Water Act.

A copy of our RGL 08-02 Preliminary Jurisdictional Determination Form for this site is enclosed (Enclosure 3). Please sign and return a copy of the completed form to this office. Once we receive a copy of the form with your signature we can accept and process a Pre-Construction Notification or permit application for your proposed project.

You should not start any work in potentially jurisdictional waters of the United States unless you have Department of the Army permit authorization for the activity. You may request an approved JD for this site at any time prior to starting work within waters. In certain circumstances, as described in RGL 08-02, an approved JD may later be necessary.

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.

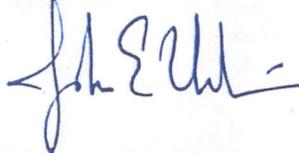
This preliminary determination has been conducted to identify the potential limits of wetlands and other water bodies which may be subject to Corps of Engineers' jurisdiction for the particular site identified in this request. A Notification of Appeal Process and Request for Appeal form is enclosed to notify you of your options with this determination (Enclosure 4).

This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are U.S. Department of Agriculture (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. Please tell us how we are doing by completing the customer survey on our website at www.spk.usace.army.mil/Missions/Regulatory.aspx under *Customer Service Survey*.

Please refer to identification number SPK-2006-50230 in any correspondence concerning this project. If you have any questions, please contact Tim Witman by telephone at 801-295-8380 extension 17, by email at Timothy.R.Witman@usace.army.mil, or by mail at the Utah Regulatory Office, 533 West 2600 South, Suite 150, Bountiful, Utah 84010.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Urbanic".

John Urbanic
Senior Project Manager
Utah Regulatory Office

Enclosures

Copy Furnished without enclosures

Dennis Wenger, Frontier Corporation, 221 North Gateway Drive, Suite B, Providence,
Utah 84332

PRY Photo Point and View Direction



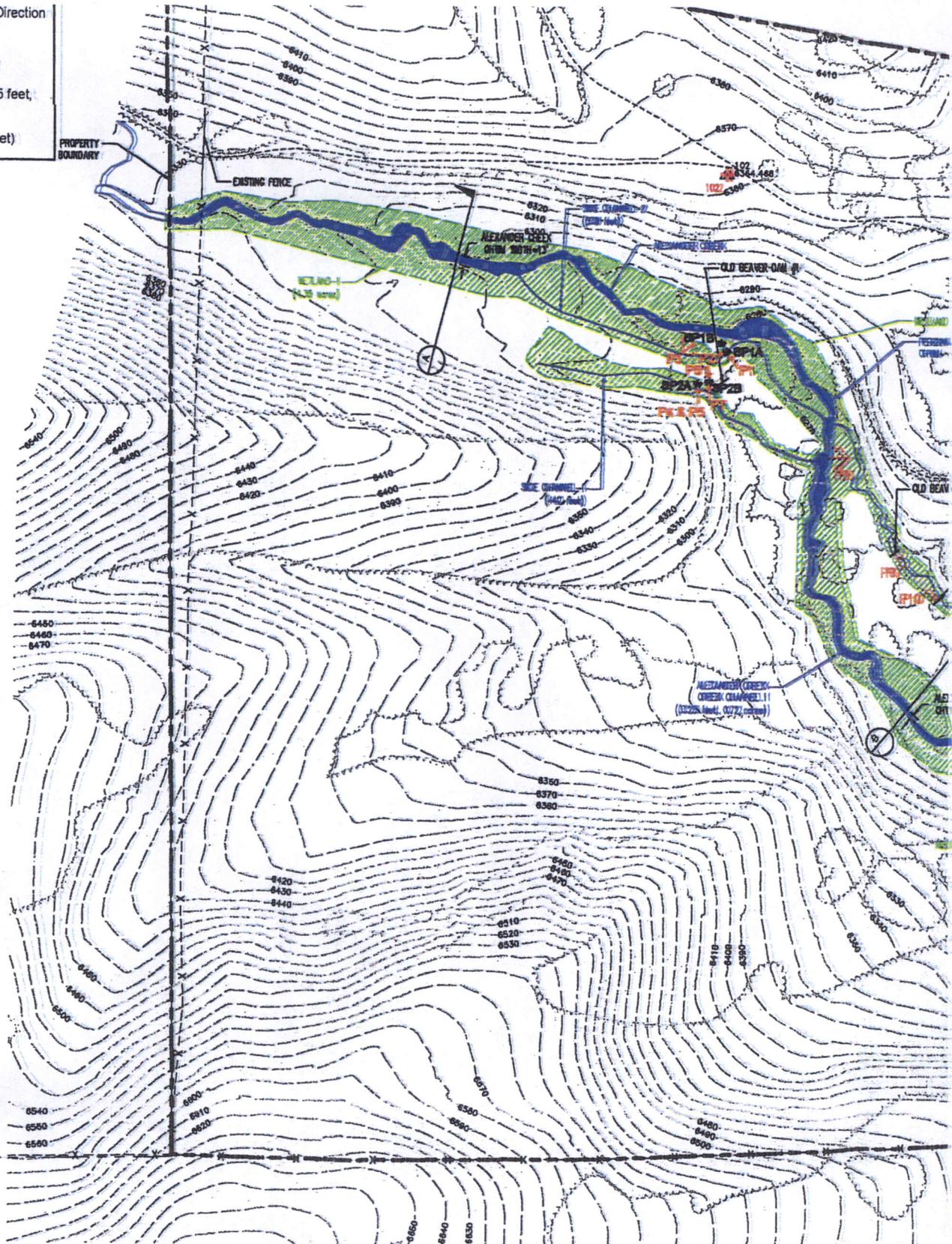
Wetland Delineation Boundary (4.35 acres)



Alexander Creek (3,325 feet, 0.72 acres)



Side Channel (2,504 feet)

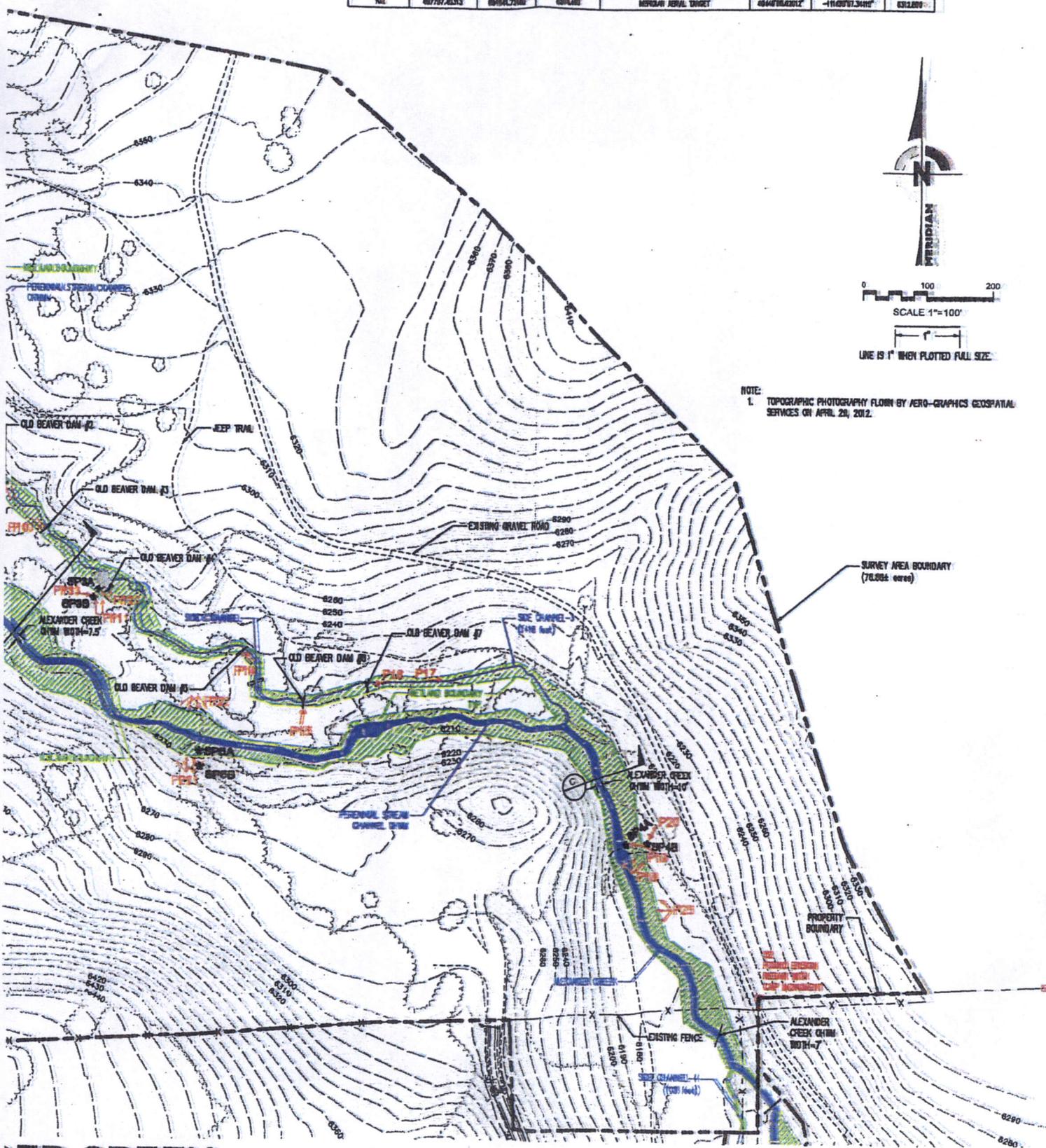


3151 FOUNDATION SECTION WORKSHEET

WETLAND DELINEATION COMPLETED BY:
FRONTIER CORPORATION USA
221 N. GATEWAY DRIVE, SUITE B
PROVIDENCE, UT 84332
PHONE (435) 753-9502 FAX (435) 753-9534

UPPER ALEXANDER
WETLAND DELINEATION R
USACE #200650

NO.	DESCRIPTION	DATE	BY	REVISIONS	DATE	BY
01	48481874	02/01/13	02/01/13	FIELD REVISIONS	48481874	02/01/13
02	48481874	02/01/13	02/01/13	FIELD REVISIONS	48481874	02/01/13



NOTE:
 1. TOPOGRAPHIC PHOTOGRAPHY FLOWN BY AERO-GRAPHICS GEOSPATIAL SERVICES ON APRIL 28, 2012.

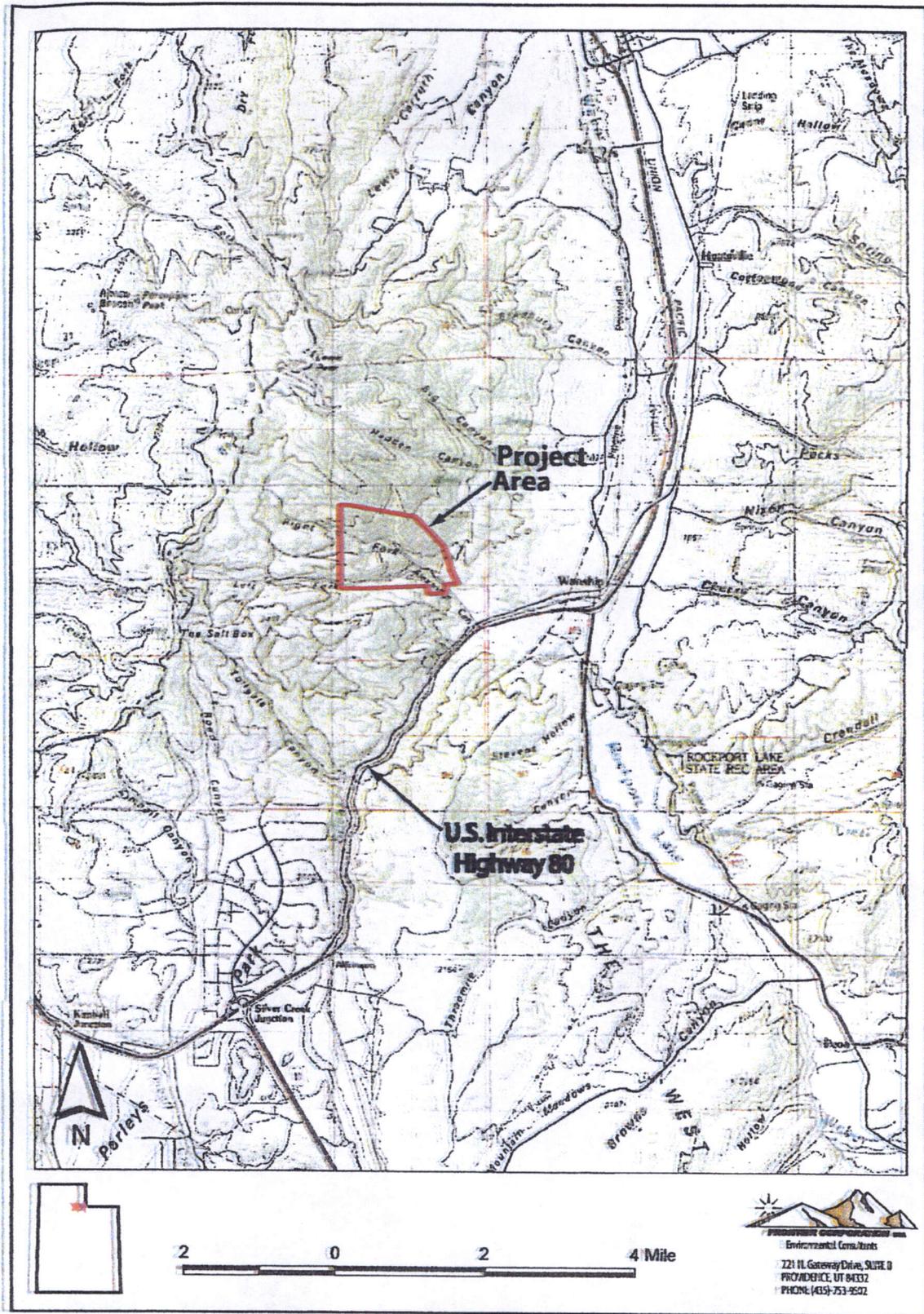
**ALEXANDER CREEK
 CHIM REVERIFICATION
 650230**

OWNER: BLUE SKY
 2071 S STATE RD 32
 WANSHP, UT 84017

EXHIBIT BY:

MERIDIAN
 ENGINEERING, INC.
6019 SOUTH REDWOODS PARK BLVD. A
 SUITE 200, WASHINGTON, UT 84791-1000
 PHONE: 801-735-0000 FAX: 801-735-0000

DECEMBER 05, 2012



Project Area Location Map. Topographic base is adapted from the 1:100,000-scale USGS map of Salt Lake City, Utah.

Blue Sky Corporate Ranch
 Summit County, UT
 Upper Alexander Creek Reverification

Frontier Corporation USA
 December 2012
 USACE # 200650230

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

Sacramento District

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

Regulatory Branch: Nevada-Utah

File/ORM #: SPK-2006-50230

PJD Date: January 30, 2013

State: UT City/County: Wanship, Summit County
Nearest Waterbody: Silver Creek

Location (Lat/Long): 40.8154°, -111.4425°

Size of Review Area: 78.88 acres

Name/Address Dan Weatherbie
Of Property Blue Sky Corporate Ranch
Owner/ 175 East 400 South, Suite 402
Potential Salt Lake City, Utah 84111
Applicant

Identify (Estimate) Amount of Waters in the Review Area
Non-Wetland Waters:

3325 Alexander Cr & 2504 Side Channel linear feet
11-10 ft wide 0.72 Alexander Cr. approx. 0.11 acre(s)
Stream Flow: Mixed

Name of any Water Bodies Tidal: No Section 10 Waters
on the site identified as
Section 10 Waters: Non-Tidal: No Section 10 Waters

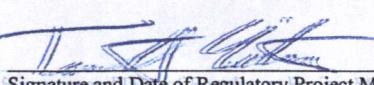
Wetlands: 4.35 acre(s) Cowardin Palustrine, scrub-shrub
Class:

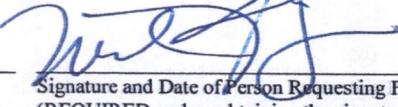
Office (Desk) Determination
 Field Determination:
Date(s) of Site Visit(s):

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply – checked items should be included in case file and, where checked and requested, appropriately reference sources below)

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Upper Alexander Creek Wetlands Delineation Reverification Approximately 78.88 acre Project Area, dated December 13, 2012, and prepared by Frontier Corporation.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Data sheets prepared by the Corps.
- Corps navigable waters' study.
- U.S. Geological Survey Hydrologic Atlas:
 USGS NHD data.
 USGS HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24K; UT-WANSHIP
- USDA Natural Resources Conservation Service Soil Survey.
- National wetlands inventory map(s).
- State/Local wetland inventory map(s).
- FEMA/FIRM maps.
- 100-year Floodplain Elevation (if known):
- Photographs: Aerial
 Other
- Previous determination(s). File no. and date of response letter: October 27, 2006, SPK-2006-50230-UO
- Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.


Signature and Date of Regulatory Project Manager
(REQUIRED)


Signature and Date of Person Requesting Preliminary JD
(REQUIRED, unless obtaining the signature is impracticable)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Dan Weatherbie, Blue Sky Corporate Ranch

File No.: SPK-2006-50230

Date: January 30, 2013

Attached is:

See Section below

INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)

A

PROFFERED PERMIT (Standard Permit or Letter of permission)

B

PERMIT DENIAL

C

APPROVED JURISDICTIONAL DETERMINATION

D

▶ PRELIMINARY JURISDICTIONAL DETERMINATION

E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.