



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

REPLY TO
ATTENTION OF

January 6, 2009

Regulatory Division (SPK-2006-50413)

Richard Mendenhall
Tenedor, LLC
2749 East Parley's Way, Suite 310
Salt Lake City, Utah 84109

Dear Mr. Mendenhall:

This letter is in reference to your appeal for reconsideration of a jurisdictional determination under Section 404 of the Clean Water Act for the 21-acre Tenedor Properties site. This site is located on the east side of 200 East and north of 1000 North, in Section 18, Township 8 South, Range 3 East, Salt Lake B&M, Latitude 40.12463 North, Longitude -111.64921 West, City of Spanish Fork, Utah County, Utah.

Based on available information, we concur with the estimate of waters of the United States, as depicted on the November 13, 2006 Westfield Wetland Survey drawing prepared by PEPG Engineering. Approximately 10.77 acres of wetlands are present within the survey area.

The 10.77 acres of wetlands identified as "W1, W2, W3, W4, W5, W6, W7, and W8" on the above drawing are wetlands adjacent to but not directly abutting a relatively permanent waterway and have been determined to lack a significant nexus to the relatively permanent waterway. As such, these wetlands are not currently regulated by the Corps of Engineers. This disclaimer of jurisdiction is only for Section 404 of the Federal Clean Water Act. Other Federal, State, and local laws may apply to your activities.

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.

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.

Please refer to identification number SPK-2006-50413 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*, or telephone (801) 295-8380 ext. 15. You may also use our website: *www.spk.usace.army.mil/regulatory.html*.

Sincerely,

ORIGINAL SIGNED

Jason Gipson
Chief, Nevada/Utah Regulatory Branch

Enclosure(s)

Copy furnished without enclosure(s)

Joe Rich, Woodbury Corporation, 2733 East Parley's Way, Suite 300, Salt Lake City, Utah 84109

Adam Morrill, PEPG Engineering, 421 West 12300 South, #400, Draper, Utah 84020