



March 12, 2021

Ogden 3, LLC  
c/o Wade Rumsey & Igor Maksymiw  
1835 West 1500 South  
Salt Lake City, UT 84104

**Subject:** Ogden 3 West Weber Property Preliminary Wetlands Assessment Follow-up  
Property Parcel #15:078:0002  
Approximately 40.8-acre Project Area, West Weber, Weber County, Utah  
Section 28, Township 6 North, Range 2 West, SLB&M

Dear Sirs:

Per your request, I am providing this letter as follow-up to questions raised by Weber County Engineering on the findings that were presented in Frontier Corporation USA's Preliminary Wetlands Assessment Report dated January 15, 2021 for the above reference property parcel in West Weber, Utah.

As stated in the report, the property does not contain any tributary streams. The only type of "water bodies" present are man-made irrigation ditches and what looks like the small remnants of an excavated farm pond. Under the current Navigable Waters Protection Rule that came in effect June 2020 defining jurisdictional waters of the U.S. (i.e., those waters that could fall under the U.S. Army Corps of Engineers regulatory jurisdiction), these types of man-made ditches and ponds are not regulated waters.

Regarding wetlands. No readily discernible wetlands were identified during site inspections to evaluate current environmental conditions on the property. The National Wetlands Inventory (NWI) shows a palustrine emergent (PEM) wetland on low lying ground in the center part of the property. The type of PEM shown on the NWI is commonly associated with wet meadows on the flat lake plain of West Weber, but not all wet meadows are wetlands because they are often associated with artificially created "wet spots" found in irrigated fields and pastures.

During our site inspection, we found this area to have saline soils but did not observe any readily discernible wetlands in the area where the PEM was shown. What we found in this area was a mixed plant community consisting of saltgrass and weedy upland forbs. Saltgrass is a facultative wetland indicator plant species that has a predicted 50/50 probability of occurring in either uplands or wetlands. Saltgrass is also salt-tolerant halophyte commonly found in saline/alkali soils that are irrigated. The lack of other wetland indicator plant species makes me believe that the presence of saltgrass is due to saline soils conditions and past irrigation rather than saturated wetland soil conditions.

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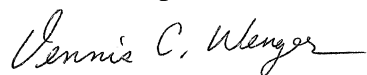
The NWI probably mapped this as a potential wetland because the low lying area used to be wetted by flood irrigation, so it would have appeared as a wet spot. Note. The NWI is not an official delineation map that the Corps of Engineers relies on. In fact, the NWI mapping is done by the U.S. Fish and Wildlife Service at a regional scale for habitat planning and often incorrectly shows irrigated fields and pastures as PEM wetlands.

We identified this as a problem area in our report because the field inspection was done during the winter non-growing season. And we point out in our report that further investigation during the growing season would have to be done in order to prepare a formal delineation report that could be submitted to the Corps of Engineers for official verification that the problem area, which with the NWI identifies as PEM1C, is not in fact a wetland. We also point out that even if the problem area met all of the wetland delineation criteria, it does not have any apparent surface water or tributary connections to Walker Slough, the Weber River or the Great Salt Lake. The problem area occurs in a closed basin depression that used to collect irrigation water when the property used to be flood irrigated. Under the current jurisdictional definitions, wetlands that occur in isolated basins with no outlets connecting to the Great Salt Lake or tributaries to the Great Salt Lake are not regulated waters.

In summary, we think the probability of having a wetland on the property is low. And if a wetland is present, there are no apparent regulatory jurisdictional connections to the Great Salt Lake.

Please feel free to call me if you have any additional questions about the findings of our preliminary wetlands assessment report.

Sincerely,  
Frontier Corporation USA



Dennis C. Wenger  
Senior Wetlands Ecologist  
Principal