

**Administrative Control Board Meeting  
Box Elder and Perry Flood Control  
Special Service District  
Perry City Offices 3005 South 1200 West  
5:00 PM Wednesday, March 16, 2016**

**Members Present:** Chairman Greg Hansen, Board Member Boyd Hirschi, Board Member Bryce Thurgood, and Board Member Maurice Roche

**Members Excused:** Board Member Kevin Pebley

**Others Present:** County Commissioner Jeff Hadfield, Matt Robertson, Jones & Associates, and Susan K. Obray, Board Clerk

**1. Welcome & Call to Order**

Chairman Hansen welcomed and called to order the March 16, 2016 Box Elder and Perry Flood Control meeting.

**2. Approve January 20, 2016 Minutes**

**MOTION:** Board Member Thurgood moved to approve the minutes of January 20, 2016. Board Member Hirschi seconded the motion. All in favor.

**3. Public Comments**

There were no public comments

**4. Update & Progress Report from Jones & Associates on the Design, Geotechnical Study, and Bidding of Evans & Mathias Basins**

Matt Robertson with Jones & Associates gave a progress update on the Evans and Mathias Basins. Matt said that the last geotechnical investigation was at the last meeting just before they were about to get the permit from DWR. Matt stated that they went out the second week in February and did their test pits and took the samples they needed to. Matt reported that he contacted them this week and they will have the final report by the end of the week. Matt said once they get the final report they can finish up the design on the basins. Matt stated that the bigger issue is the land issue. He said through multiple site visits they have determined that the best sites to locate the new debris basins in Mathias and Evans Canyons are located on land owned by the State of Utah and managed by the Division of Wildlife Resources (DWR). Matt reported that during the early phases of the project the DWR Manager over that area was contacted to discuss the possibility of constructing the basins on that property. Matt stated that they asked them to send over an application for a Special Use Permit once construction became closer but he didn't think that it would be a problem. Matt advised that in January they found out that there is a federal nexus on the property and that the U.S. Fish and Wildlife Services would need to review and approve the project. He said according to the DWR, they would need to complete a full Environmental Assessment (EA) and comply with all documentation required by the National Environmental Policy Act (NEPA). Matt asked

them what the federal interest was and why we needed to go down that road. He received an e-mail from Bill James with DWR. Mr. James said “ The federal connection stems from property interest the US Fish and Wildlife Service has always held in the Brigham Face Wildlife Management Act funding, the so-called Pittman-Robertson funding, which allowed a great deal of our statewide big game lands to be acquired since the late 1930s. We don’t have the ability to issue property rights on the subject tracts without first attaining a grant amendment from the U.S. Fish and Wildlife Service and they typically won’t issue such amendments without sufficient documentation of National Environmental Policy Act compliance. I would wager that a property environmental assessment would have to be completed. Those are neither simple nor cheap in today’s market. Rocky Mountain Power had to have one prepared to enable them to gain access across the same WMA for a high voltage power transmission line. I might guess they had to spend between \$40,000 to \$50,000 on that full EA, and that was 7 years ago”.

Board Member Thurgood asked if we could piggyback off of the Rocky Mountain Power permit. Matt stated that he could contact those that prepared it and see. He said they are going through a different wildlife management area. Matt stated that Rocky Mountain Power used EPG out of Salt Lake City. Matt stated that he talked to a person from Bio West that he has dealt with before and he said his estimation with the full EA and looking at the aerials would be around the \$30,000 range. He said that he looked at the Brigham Phase Wildlife area is a large area and they cut through that management area in 7 or 8 different spots. Matt stated that according to them, this could cost upwards of \$40,000 to \$50,000. Matt said given the latest hurdle, he would present some other options to consider. Chairman Hansen suggested that they get some numbers from EPG, Bio West, and Frontier. Matt stated that if we impact more than 1 acre they will make us do the whole EA.

1. **Don’t Construct the Basins-** He said this option obviously leaves homes and properties at risk from potential debris flows and wouldn’t address the concern that the District has. He said there has been a considerable amount of work done to complete the studies, geotechnical investigations, and obtaining the funding etc.
2. **Continue as Planned and Complete all Required Compliance Documentation.** –Matt stated that this option would eventually leave the District with the desired debris basins and structures to protect the properties below the mouth of the canyons. He said to complete all the required work it could potentially be more than \$50,000 of additional costs to complete all of the environmental documents and would take a long time. Matt stated that the Flood District may also need to pay the value of the property to obtain the easement.
3. **Construct Smaller Basins on the State Land-** Matt stated that if the impacted area is less than one acre in size the NEPA specialist from DWR believes that we wouldn’t need to complete a full EA. He said there may still be some requirements such as a biological assessment, cultural resources survey etc. Matt reported that the cost would be much less than the full EA, and the property evaluation would still need to be completed and the property may need to be paid for. He said this option would leave the District with basins that are smaller than

desired and wouldn't be sized to handle the estimated debris flows. Matt stated that the Mathias Basin is the bigger basin and we could shrink it down. Chairman Hansen asked if the pond that is by Evans Canyon is on Perry City property. Matt stated that it is on State land. He said the tank and the pond are both on State land. Matt stated that there is a chunk of land directly west of the basin that is Box Elder County and then to the south is Perry City land.

**4. Move Location of Basins and purchase from Private Owners-** Matt stated that in Mathias Canyon, the location of the basin could potentially be moved to the west on the land owned by Jenkins Investment. He said the location wouldn't work as well as the location on the State land but it may be an option. Matt advised that this would eliminate the need to deal with DWR and USFWS but it would require a purchase from the private land owner. Matt reported that in Evans Canyon the existing basin could potentially be expanded by obtaining a Special Use Permit or another basin could be build to the West. Matt said that the problem with a basin to the west is that the farther the basin is moved away from the mouth of the canyon the more difficult it becomes to contain all of a debris flow. Chairman Hansen stated that we could tell the Fish & Game that we would buy the property from them and turn around and lease it to them. Board Member Thurgood stated that it probably goes back to the same Federal money tied to it.

**5. Construct the Basin as Planned by Apply for a FEMA PDM Grant-** Matt stated that this option was considered last year but it was decided that it would take too long to obtain the funding and it would bring with it all of the federal regulations. He said since we have to comply with all of the federal regulations at this point anyway it may be worth looking into the possibility of receiving a grant from FEMA. Matt reported that the State Department of Emergency Management has told them that there are not as many applicants as they would like so the project may have a decent chance of receiving the grant. Matt advised that Federal share could be up to 75% but the cost for the project may increase due to the FEMA requirements. Chairman Hansen stated that he received an e-mail today regarding FEMA money. He said they have millions of dollars available to communities throughout the United States. Matt stated that we would be looking at the Pre-Disaster Mitigation (PDM). He said that they met yesterday from two people from FEMA and they mentioned that there have not been as many applicants as they had anticipated for the FEMA monies. Chairman Hansen stated that he likes the idea of going for a grant and if they would give us 75% of the cost of the project. Matt said the OI is due April 15<sup>th</sup>, application form is due May 15<sup>th</sup>, and then the full benefit cost analysis using their soft water is due in August. Chairman Hansen asked if the excavator was able to go up and pot hole. Matt stated that they were.

**5. Training on the Open Meetings Law**

Susan Obray presented a training video of David Church regarding Open Meetings Law. She also gave them some information in their packet with regards to the Open Meetings Law. (Attached with the minutes).

**6. Payment Approval(if any)**

Chairman Hansen stated that they have 6 invoices to pay. The first two invoices are for Jones & Associates one for \$542.00 and \$1,733.50 which is for the work they are doing on the Evans and Mathias Basins Design and Permitting. The next invoice is for Box Elder News Journal for \$57.85 this was for the advertisement of the budget public hearing. He continued with the next invoice for Christensen, Palmer, and Ambrose for \$340.00 for budget work. The next invoice was for Susan Obray for \$150.00 for her clerk work (in December the bill for the minutes should have been \$50.00 and she only charged \$25.00 another \$25.00 was added to this invoice). The last invoice was for Utah Local Governments Trust in the amount of \$1,406.00 for Annual General Liability.

**MOTION:** Board Member Roche moved to approve the invoices as read. Board Member Hirschi seconded the motion. Roll call vote.

Board Member Hirschi Yes  
Board Member Thurgood Yes

Board Member Roche Yes  
Chairman Hansen Yes

**Motion Approved:** 4 Yes 0 No

**7. Adjournment**

**MOTION:** Board Member Roche moved to adjourn. Board Member Hirschi seconded the motion. All in favor.