Ivins City Staff Report
City Council Meeting 5/15/2014

Agenda Item: Approval of Warner Draw Supplemental Agreement #3 for Ivins Diversion Dams with the Natural Resources Conservation Service

Submitted by: Charles R. Gillette, P.E., City Engineer

Recommended City Council Action:
Approve Warner Draw Supplemental Agreement #3 for Ivins Diversion Dams with the Natural Resources Conservation Service

BACKGROUND:
This agreement is in supplement to the original 1968 agreement that was signed by Ivins Town for the original flood control work that was completed as part of the Warner Draw Watershed Protection and Flood Prevention Project. This is the project where Ivins City received federal funding administered by the Natural Resources Conservation Service (NRCS) for the construction of the six diversion dams located at the base of Red Mountain.

This agreement was apparently drawn up some time in the 1970s, but the NRCS can find no record of the agreement ever being executed by the parties. As NRCS is looking to rehabilitate the structures in this project with available federal funding in the near future, it is necessary to execute this Supplemental Agreement #3, so that Supplemental Agreement #4 may be drawn and executed for the actual proposed rehabilitation of the dams themselves.

FINDINGS AND ANALYSIS:
Staff has reviewed the supplemental agreement and it appears to be a housekeeping type of supplemental agreement updating names of organizations and listing watershed measures that were never installed and thus deleted from the work plan.

There is reference to an Ivins Debris Basin that was deleted. We are not aware of where this is located. Regardless, since it was never built, it is a non-issue.

SUPPORT MATERIALS:
- Warner Draw Supplemental Watershed Work Plan Agreement #3

FINANCIAL IMPACT:
No impact.

Respectfully Submitted:

Charles R. Gillette, P.E., City Engineer

Content Review:

Dale Coulam, City Manager

WARNER DRAW

SUPPLEMENTAL WATERSHED WORK PLAN AGREEMENT #3

between the

Washington County Flood Control Authority

St. George and Washington Canal Company

Bloomington Canal Company

St. George-Clara Field Canal Company

Bench Lake Irrigation Company

Dixie Conservation District

St. George City

Ivins City (formerly known as Ivins Town)

Hurricane City

Washington County

Hurricane Canal Company

(hereinafter referred to as the Sponsoring Local Organization)

and the

United States Department of Agriculture – Natural Resources Conservation Service

(hereinafter referred to as the Service)

Whereas, the Watershed Work Plan Agreement for Warner Draw Watershed , State of Utah , executed by the Sponsoring Local Organization named therein and the Service became effective on the 19th day of December 1969; and

Whereas, Supplemental Watershed Work Plan Agreement Number 1 for Warner Draw Watershed , State of Utah , executed by the Sponsoring Local Organization named herein and the Service, became effective on the 4th day of November 1971; and

Whereas, Supplemental Watershed Work Plan Agreement Number 2 for Warner Draw Watershed , State of Utah , executed by the Sponsoring Local Organization named herein and the Service, became effective on the 13th day of November 1975; and

Whereas , in order to carry out the Watershed Work Plan for said watershed, it has become necessary to modify said Watershed Work Plan Agreement as supplemented; and

Now, therefore, the Sponsoring Local Organization and the Service hereby agree upon the following modifications of and additions to the Sponsoring Local Organization of said watershed work plan and watershed work plan agreement as supplemented:

1. The entities listed below are deleted as members of the Sponsoring Local Organization for the Warner Draw Watershed Work Plan and Watershed Work Plan Agreement:
    a. Washington County
    b. Bloomington Canal Company (company dissolved)
    c. St. George-Clara Field Canal Company (company dissolved)
    d. Bench Lake Irrigation Company (company dissolved)

2. The entities listed below are added as members of the Sponsoring Local Organization for the Warner Draw Watershed Work Plan and Watershed Work Plan Agreement:
    a. Washington County Flood Control Authority (WCFCA)
    b. Hurricane City

3. All of the entities listed below shall have full rights and representation as members of the Sponsoring Local Organization for the Warner Draw Watershed Work Plan and Watershed Work Plan Agreement:
    a. Dixie Conservation District
    b. St. George City
    c. Ivins City (formerly known as Ivins Town)
    d. Hurricane Canal Company
    e. Washington County Flood Control Authority (WCFCA)
    f. Hurricane City

The Sponsoring Local Organization and the Service hereby agree upon the following modifications of and additions to the terms, conditions, and stipulations of said Watershed Work Plan as supplemented:

a. The Sugarloaf debris basin and diversion are deleted because land rights and environmental compliance elements could not be carried out for the planned site area. This results in a remaining potential damage from a 100 year storm to residential and business property as well as roads and bridges in the city of St. George. These damages were quantified in the original watershed plan. Since the plan was originally written, a much greater area has been developed.

b. The Red Hills Diversion is deleted. It was designed to channel the 100 year storm flow of 432 cubic feet per second (cfs) into the City Creek channel. Due to commercial and residential development, the maximum flow that the City Creek Channel below the golf course will take without flooding is 130 cfs. This drainage is also limited by culverts within the golf course that will only carry 22 cfs and the golf course pond spillway which will carry 159 cfs. Estimated storm flows from a 100 year storm in the City Creek drainage are 860 cfs (uncontrolled drainage, 825 cfs and city Creek debris basin, 35 cfs).

c. The Golf course and Golf Course North debris basins are deleted. A road has been built across the site of the Golf Course North debris basin. This road may serve as a debris basin for smaller storms but was not designed according to NRCS standards and therefore is not considered as a deterrent to flooding.

d. Construction of the Golf Course and Golf Course North debris basins according to the plan would only decrease the flow by 192 cfs leaving a flow much larger than the city Creek Channel will carry in its present state.

e. The Ivins debris basin is deleted. An on-site investigation showed the site was not suitable and additional diversions and a concrete disposal pipeline performed the functions of the debris basin.

f. The Blue Bowl debris basin and the St. George-Clara Fields irrigation system improvement are deleted. This deletion was requested by the St. George-Clara Fields Canal Company. The section of the canal planned for improvement is no longer in existence. The debris basin would have protected this canal.

g. The wells and irrigation system improvements planned for the Bloomington Canal Company are deleted. The area has been turned into housing developments and horse pastures.

h. Failure to construct the wells and irrigation system improvements reduced the net returns to cropland during the period it remained in cropland.

i. The Washington Fields drainage system is deleted due to increasing costs and adverse environmental effects. Failure to construct the drainage system resulted in a reduction in net returns to cropland.

j. The works of improvement planned to be built by the St. George and Washington Canal Company, the Bench Lake Irrigation Company, the St. George-Clara Field Canal Company and the Bloomington Canal Company have been deleted by this supplement as these entities are deleted from the Sponsoring Local Organization.

k. The Washington County Flood Control Authority shall assume Operation and Maintenance responsibilities for the following Flood Prevention Structural Measures:

    i. Stucki Debris Basin
    ii. Gypsum Wash Debris Basin
    iii. Warner Draw Debris Basin

l. For flood prevention structural measure upgrades proposed through authority of the Watershed Rehabilitation Program, as amended by Section 313 of Public Law 106-472, the Sponsoring Local Organization agree that only the entity of the Sponsoring Local Organization responsible for carrying out operation and maintenance activities for said flood prevention measures (and appurtenances) would be required to sign subsequent

watershed work plan supplements and any associated agreements with the Service for that specific rehabilitation work. Therefore, the following entities of the Local Sponsoring Organization would be the only required signatory for watershed work plan supplements and associated agreements with Service for the flood prevention structural measures as outlined below:

i. WCFCA for Stucki Debris Basin
ii. WCFCA for Gypsum Wash Debris Basin
iii. WCFCA for Warner Draw Debris Basin
iv. Ivins City for Ivins Dams 1-6
v. St. George City for City Creek Debris Basin
vi. Hurricane City for Frog Hollow Debris Basin

The Sponsoring Local Organization and the Service further agree to all other terms, conditions and stipulations of said Watershed Work Plan Agreement not modified herein.

Now, therefore, in view of the foregoing considerations, the Secretary of Agriculture, through NRCS, and the Sponsoring Local Organization hereby agree on this Supplemental Watershed Plan Agreement #3

Signatures

Sponsoring Local Organization: Dixie Conservation District
By:
Title: Chair
Date:
Address: 335 West Center Street, Veyo, UT. Zip Code: 84782
The signing of this plan was authorized by a resolution of the governing body of the Dixie Conservation District *adopted at a meeting held on* _____.   _____ Address 335 West Center Street, Veyo, UT. Zip Code 84782   Secretary [or other Title]   Date: _____

Sponsoring Local Organization: St. George City
By:
Title: Mayor
Date:
Address: 175 E. 200 N. St. George, UT. Zip Code: 84770
The signing of this plan was authorized by a resolution of the governing body of the St. George City *adopted at a meeting held on* _____.   _____ Address 175 E. 200 N. St. George, UT. Zip Code 84770   Secretary [or other Title]   Date: _____

Sponsoring Local Organization: Ivins City
By:
Title: Mayor
Date:
Address: 55 N. Main St., Ivins, UT. Zip Code: 84738
The signing of this plan was authorized by a resolution of the governing body of the Ivins City *adopted at a meeting held on* _____.   _____ Address 55 N. Main St., Ivins, UT. Zip Code 84738   Secretary [or other Title]   Date: _____

Sponsoring Local Organization: St. George and Washington Canal Company
By:
Title: President
Date:
Address: 533 Waterworks Drive, St George, UT. Zip Code: 84770
The signing of this plan was authorized by a resolution of the governing body of the St. George and Washington Canal Company *adopted at a meeting held on* _____.   _____ Address 533 Waterworks Drive, St George, UT. Zip Code 84770   Secretary [or other Title]   Date: _____

Sponsoring Local Organization: Hurricane Canal Company
By:
Title: President
Date:
Address: 42 S. 850 W., Hurricane, UT. Zip Code: 84737
The signing of this plan was authorized by a resolution of the governing body of the Hurricane Canal Company *adopted at a meeting held on* _____.   _____ Address 42 S. 850 W., Hurricane, UT. Zip Code 84737   Secretary [or other Title]   Date: _____

Sponsoring Local Organization: Washington County Flood Control Authority	
By:	
Title: Chair	
Date:	
Address: 175 E. 200 N. St. George, UT.	Zip Code: 84770
The signing of this plan was authorized by a resolution of the governing body of the Washington County Flood Control Authority *adopted at a meeting held on* _____.	
_____ Address 175 E. 200 N. St. George, UT. Zip Code 84770 Secretary [or other Title] Date: _____	

Sponsoring Local Organization: Hurricane City	
By:	
Title: Mayor	
Date:	
Address: 147 N. 870 W., Hurricane, UT.	Zip Code: 84737
The signing of this plan was authorized by a resolution of the governing body of the Hurricane City *adopted at a meeting held on* _____.	
_____ Address 147 N. 870 W., Hurricane, UT. Zip Code 84737 Secretary [or other Title] Date: _____	

Sponsoring Local Organization: Washington County	
By:	
Title: County Commission Chair	
Date:	
Address: 197 East Tabernacle St., St. George, UT.	Zip Code: 84770
The signing of this plan was authorized by a resolution of the governing body of Washington County adopted *at a meeting held on* _____.	
_____ Address 197 East Tabernacle St., St. George, UT. Zip Code 84770 Secretary [or other Title] Date: _____	

USDA-Natural Resources Conservation Service (NRCS)	
Approved By:	
DAVID C. BROWN	
Title:	NRCS State Conservationist
Date:	