Ivins City Staff Report
City Council Meeting 10/3/19

Agenda Item: Approval of expenditure for environmental consulting services to prepare an environmental assessment (EA) and environmental site assessment (ESA) for the proposed Ivins City public works yard, cemetery, and recreation area project.

Submitted by: Thomas Jorgensen, P.E., Assistant Public Works Director

Recommended City Council Action:
Approve expenditure of $84,600 for environmental consulting services to prepare an EA and ESA for the proposed Ivins City public works yard, cemetery, and recreation area project plus an additional $8,500 for contingency for a total of 93,100

BACKGROUND:

Staff has been working with the BLM to submit an application under the Recreation & Public Purposes Act (R&PP). This application is for City to purchase or lease 100 acres located on the south side of Old Highway 91 southwest of the intersection of Old Highway 91 and Main Street. The intent to purchase or lease this site is for the City to construct the following improvements: a new public works yard; a new cemetery; and several recreational facilities. Attached is the current map of the concept plan for the 100-acre property.

To fulfill the requirements of the Bureau of Land Management (BLM), Ivins City must complete an environmental assessment (EA) and an environmental site assessment (ESA) to ensure that their decision on the property conforms to the BLM's responsibilities under the National Environmental Policy Act (NEPA), Endangered Species Act, National Historic Preservation Act, Migratory Bird Treaty Act, and other federal regulations.

Staff has submitted a request for proposals (RFP) for environmental consulting services to prepare the EA and the ESA, thus fulfilling the requirements outlined by the BLM.

FINDINGS AND ANALYSIS:

Staff received two proposals and have scored these proposals based on the criteria found in the RFP. The resulting scores and costs are summarized below:

CONSULTANT	SCORE	COST
SWCA	92 / 100	$84,600
Logan Simpson	90 / 100	$99,575

The various proposals were scored based on several factors including qualifications, references & past performance, and cost. Staff has evaluated the proposals and determined that SWCA best met those criteria above as well as reasonable pricing. Staff recommends selection of SWCA and requests a total expenditure of $93,100, which includes a contingency of $8,500 to help account for possible unforeseen expenditures during the process.

SUPPORT MATERIALS:

Concept Map
SWCA Proposal

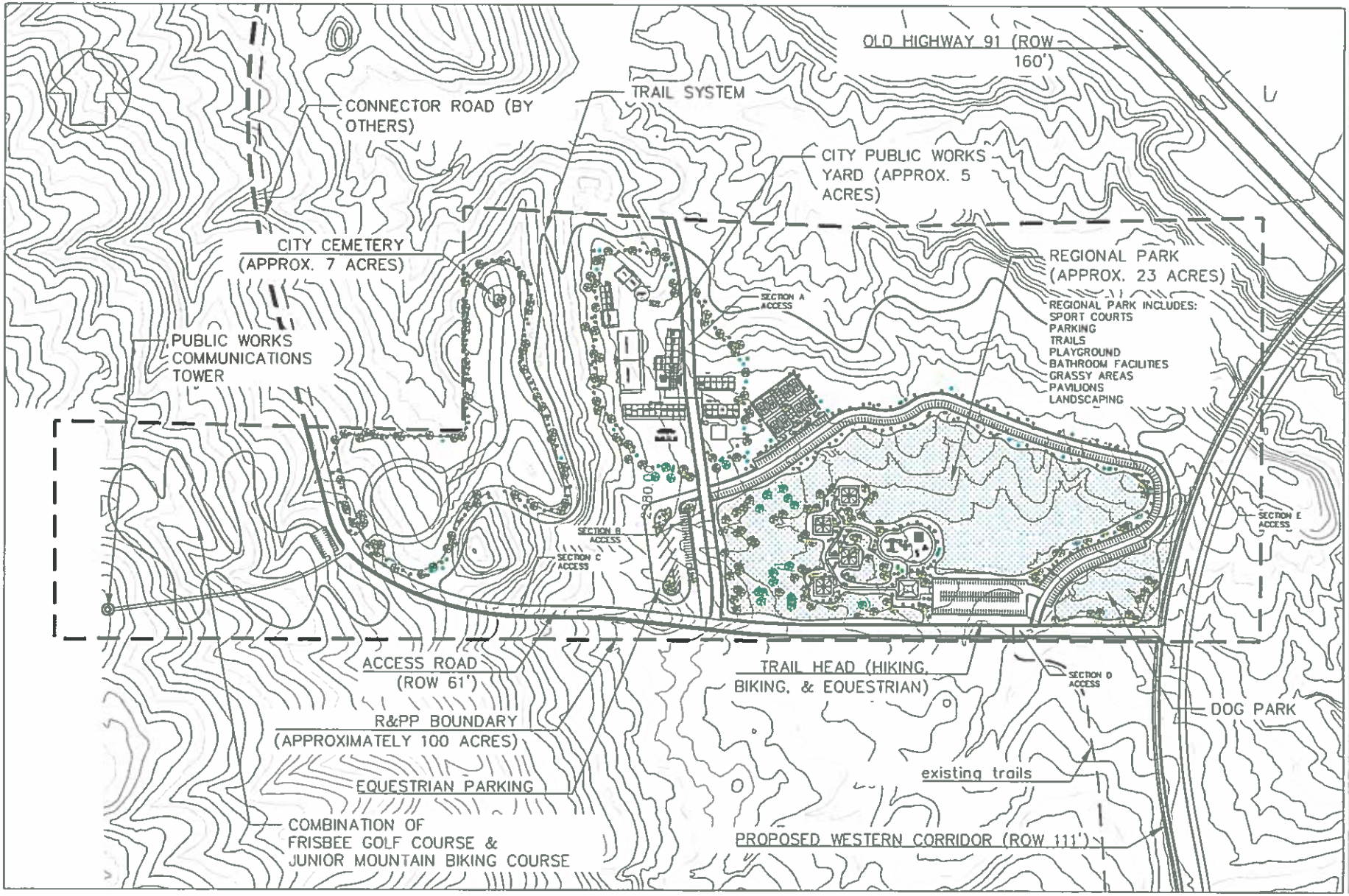
FINANCIAL IMPACT:
The expense has been budgeted for:
GL 51-42-744 (40%): $37,240
GL 52-42-744 (25%): $23,275
GL 53-42-744 (10%): $9,310
GL 10-60-744 (25%): $23,275

Respectfully Submitted:

Thomas Jorgensen, P.E., Assistant Public Works Director

Content Review:

Dale Coulam, City Manager



IVINS CITY

R&PP CONCEPTUAL PLAN - OPEN PARK CONCEPT

GENERAL LAYOUT

DATE: 8/3/2018
DRAWN BY: TJJ
CHECKED BY: CPG

SHEET NO. 1

TOTAL SHEETS: 1

SWCA
ENVIRONMENTAL CONSULTANTS
Sound Science. Creative Solutions.®

257 East 200 South, Suite 200
Salt Lake City, Utah 84111
Tel 801.322.4307 Fax 801.322.4308
www.swca.com

June 26, 2019
Thomas Jorgensen, PE
Assistant Public Works Director
Ivins City
55 N. Main Street
Ivins, UT 84738
tjorgensen@ivins.com

Re: Ivins City EA and Phase I ESA Preparation

Dear Mr. Jorgensen,

SWCA Environmental Consultants (SWCA) appreciates the opportunity to assist Ivins City (the City) and the Bureau of Land Management (BLM) St. George Field Office with preparation of an environmental assessment (EA) and Phase I environmental site assessment (ESA) for the proposed Ivins City Public Works Yard, Cemetery, and Recreation Area (Project). SWCA understands that the City has applied for a lease/patent for approximately 100 acres, currently managed by the BLM, under the Recreation and Public Purposes (R&PP) Act (68 Statute 173; 43 United States Code 869 et seq.), which authorizes the sale or lease of public lands for recreational or public purposes to state and local governments.

The BLM has determined that an EA is needed to ensure that its decision conforms to the BLM's responsibilities under the National Environmental Policy Act (NEPA), Endangered Species Act, National Historic Preservation Act, Migratory Bird Treaty Act, and other federal regulations.

As a first step in the NEPA process, the BLM has completed an interdisciplinary team checklist (IDT checklist) that identifies several resources as being potentially impacted by the Project and therefore need to be analyzed in the EA. These comprise water resources; cultural resources and Native American concerns; paleontological resources; soils; riparian vegetation; fish and wildlife species; migratory birds; vegetation; threatened, endangered, or candidate plant and animal species (dwarf bear-poppy [*Arctomecon humilis*], Holmgren milk-vetch [*Astragalus holmgreniorum*], and Mojave desert tortoise [*Gopherus agassizzi*]), livestock grazing, recreation, and visual resources. The BLM indicated that U.S. Fish and Wildlife Service protocol surveys need to be conducted for the two endangered plants and Mojave desert tortoise. In addition to preparing the EA, the BLM has also identified the need to conduct a cultural resource survey and a Phase I environmental site assessment (Phase I ESA). A paleontological resource survey may also be required for Potential Fossil Yield Class 4 areas as identified in the BLM IDT checklist.

As described in our attached proposal, SWCA has recent relevant experience completing similar work supporting R&PP applications to the BLM St. George Field Office for the City of Santa Clara and Washington County. We understand the work and have the capability to complete all required work in-house without the need for subcontractors. If you have further questions or need additional information, please feel free to contact me directly at (801) 322-4307 or rpersing@swca.com.

Sincerely,

Reid Persing
Natural Resource Program Director

EXECUTIVE SUMMARY

INTRODUCTION TO SWCA

SWCA is an employee-owned interdisciplinary environmental consulting firm with more than 1,000 employees across the United States. We have had an established presence in Utah since the early 1990s, and our Utah offices have a combined staff of more than 100 planning, natural resource, and cultural resource professionals.

EXPERIENCE WITH THE BLM ST. GEORGE FIELD OFFICE

SWCA has a long history of working with the BLM St. George Field Office. Over 20 years ago, SWCA assisted Washington County in producing the habitat conservation plan that helped establish the Red Cliffs Desert Reserve. We have continued to work regularly with the BLM in Washington County since that time. We have completed several EAs on behalf of the BLM St. George Field Office in recent years including an EA to grant a right-of-way for the Hills at Santa Clara, an EA with the St. George Field Office and Red Cliffs National Conservation Area for a land exchange, and two EAs to help local governments obtain lands through the R&PP Act. SWCA is currently assisting the Utah Department of Transportation and Washington County in the renewal of the County's habitat conservation plan for Mojave desert tortoise and permitting of the Northern Corridor highway.

In addition, SWCA has experience working with local, state, and federal agencies on hundreds of projects across Utah. A few selected clients we have helped include Santa Clara City; St. George City; Washington County; Utah Department of Environmental Quality; Utah Division of Forestry, Fire and State Lands; BLM; U.S. Forest Service; National Park Service; U.S. Fish and Wildlife Service; and many more throughout Utah and the Intermountain West.

EXPERIENCE WITH NEPA, R&PP, AND ESA PROCESSES

SWCA is a recognized leader in environmental permitting and analysis, including conducting NEPA analyses on behalf of the BLM. Our staff regularly works with the BLM and project proponents to complete required analyses and to obtain permits and approvals for roadways, pipelines, transmission lines, and other facilities. As a testament to our reputation and experience working with the BLM, SWCA currently holds a multiyear contract with the BLM National Training Center to provide on-site training in NEPA document preparation and EA writing to BLM field offices nationwide. SWCA taught this course to the BLM St. George Field Office in the fall of 2018.

SWCA's Phase I ESA process follows the American Society for Testing and Materials (ASTM) standard practice E1527-13 to satisfy the U.S. Environmental Protection Agency's "All Appropriate Inquiry" (AAI) Rule. Our environmental professionals have assisted many clients through real estate developments, property transactions, and construction projects following the AAI Rule to establish innocent landowner defense under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

The following selected projects highlight SWCA's recent experience in southern Utah with BLM NEPA, R&PP, and ESA projects. Each of these projects required careful coordination between local governments and the BLM, as well as a keen understanding of local resource issues and the ability to conduct surveys. SWCA also completed Phase I ESAs for each project.

SANTA CLARA CITY SOUTH HILLS RECREATION PARK EA AND PHASE I ESA

On behalf of the Santa Clara City, SWCA completed an EA, cultural resources survey, biological resources support, and Phase 1 ESA to support the BLM St. George Field Office's issuance of a 52-acre lease/patent under the R&PP Act for the development of a new city park including trails, a trailhead, a disc golf course, pavilions, and interpretive

sites. During the development of the EA, the BLM received public comments on the project that required the BLM to take a more detailed look at how the issuance of the lease/patent may affect several threatened and endangered species. SWCA worked with the BLM to develop a strategy for addressing these issues that included completing necessary surveys and habitat assessments and revising the EA to meet all regulatory requirements while minimizing costs for the City of Santa Clara and allowing the project to continue. (January 2017–present)

WASHINGTON COUNTY SPECIAL SERVICES DISTRICT #1 LANDFILL EXPANSION EA AND PHASE I ESA

On behalf of Washington County Special Services District #1, SWCA completed an EA, cultural resources survey, threatened and endangered plant survey, and Phase I ESA to support the BLM St. George Field Office's issuance of a 65-acre patent under the R&PP Act for the expansion of an existing landfill facility. During the preparation of the EA, the BLM determined that a portion of the land included in the application for the R&PP patent contained designated critical habitat for a plant species listed under the Endangered Species Act. SWCA worked with Washington County Special Services District #1 and the BLM to revise the project area to exclude this designated critical habitat, allowing the BLM to proceed with the EA and Washington County Special Services District #1 to be able to meet their needs for the landfill expansion. (January 2017–August 2017)

KEY STAFF

Central to SWCA's qualifications are the professionals we use to manage and execute our client's projects. Below are some of the key specialists that would be directly involved on Ivins City's R&PP project. If additional resources are needed, SWCA's Salt Lake City Office has over a hundred specialists available to contribute. We have no need for subcontractors to get the work done.

Reid Persing – Natural Resources Director. Mr. Persing has 14 years of experience in NEPA, federal land management, complex natural resources issues, and management of natural resources in western landscapes. He was project manager for both the Santa Clara and Washington County R&PP EA and ESA projects and leads SWCA's efforts on the Washington County HCP/Northern Corridor.

Gretchen Semerad – Project Manager. As a NEPA practitioner, Ms. Semerad has over 16 years of experience contributing to and managing EAs and EISs for the BLM and many other land management agencies. She currently manages the Green and Colorado Rivers Comprehensive Management Plans for the State of Utah and manages SWCA's contract with the BLM's National Training Center for the NEPA courses SWCA offers field offices nationwide.

Tom Hale, CEP, PMP – Senior NEPA Specialist & QA/QC. Mr. Hale has 29 years of experience with environmental planning, NEPA analysis and documentation, and natural resource management programs. He has managed the development of EAs and EISs for the BLM's Utah State Office and Field Offices throughout the state.

Dr. Kelly Beck – Archaeologist & Principal Investigator. Dr. Beck is an archaeologist and principal investigator with more than 23 years of experience conducting archaeological fieldwork, crew supervision, and report production. He was Principal Investigator for the BLM St. George Field Office's Class III Linear Cultural Survey.

Joe Carlo – Biologist. Mr. Carlo is a Certified Ecologist and Professional Wetland Scientist with over 9 years of experience. He leads projects in survey coordination; wetland and stream delineation, reporting, and permitting; Section 7 consultations, surveying, and reporting, and construction oversight. He was the biologist for the Santa Clara Recreation Park R&PP EA and ESA project.

Landon Bott – Environmental Compliance Specialist. As an ASTM qualified environmental professional, Mr. Bott performs property investigations including ESAs and site characterizations. He completed the Phase I ESA on both the Santa Clara Recreation Parks and Washington County R&PP EA and ESA projects.

REFERENCES

Name/Contact Information	Relationship
John Kellam Wildlife Biologist / Project Lead BLM St. George FO P: (435) 688-3333 jkellam@blm.gov	Mr. Kellam is our agency reference and served as the biological lead and planning and environmental coordinator for both the Santa Clara City Adventure Park EA and Washington County Landfill Expansion EA And Phase I ESA.
Brad Hays Parks and Recreation Director Santa Clara City P: (435) 705-0572 bhays@sccity.org	Mr. Hays was the primary contact representing the client for the Santa Clara City Adventure Park EA and Phase I ESA.
Neil Schwendiman District Manager Washington County P: (435) 673-2813 wcsw01@gmail.com	Mr. Schwendiman was the primary contact representing the client for the Washington County Landfill Expansion EA And Phase I ESA.

WHAT CLEINTS SAY . . .

"Thank you so much for all your hard work on this project. Your staff have been an extension of our ID-Team which has allowed us to continue working on our day to day workloads. I have really appreciated working with each of you. Your NEPA experience, skills, and talents has assisted us in preparing a professional document in a relatively short period of time."

Lance Porter
Canyon County District Manager
Bears Ears National Monument MMP/EIS Project

"Thanks for the timely/well written biological survey report."

John Kellam
Wildlife Biologist
BLM, Saint George Field Office
T&E plant survey and Mojave Desert Tortoise report for the Santa Clara adventure Park EA

FEE SUMMARY

SWCA proposes to complete the tasks listed below on a time-and-materials basis with a not-to-exceed total of $44,000 for the primary tasks, including the EA. To provide a better overview of contributing costs, we have broken each survey that was identified in the RFP or may be required by BLM out separately. Surveys required to complete the process are at the sole discretion of BLM. To reduce effort and cost, SWCA would conduct the endangered plant species surveys and Mojave desert tortoise surveys concurrently.

TASK		COST ESTIMATE
Project administration and meetings		$9,200
Environmental assessment		$29,500
Phase I environmental site assessment		$5,300
	Subtotal	$44,000
Class III cultural resources survey		$13,500
Paleontological resources survey (if required by BLM)		$7,100
Dwarf bear-poppy and Holmgren milk-vetch protocol surveys*		$12,000
Mojave desert tortoise survey*		$8,000
	Surveys Subtotal	40,600
	Total	$84,600

*The costs for these tasks assume that the surveys would be completed at the same time.

COST ASSUMPTIONS

In preparing our cost estimate, SWCA has made the following assumptions regarding the level of complexity and amount of work required to complete the EA within the desired timeline.

PROJECT ADMINISTRATION AND MEETINGS

- One face-to-face meeting in St. George or Ivins City involving SWCA's project manager. Additional specialists can call in.
- Up to 12 biweekly conference calls of approximately 30 minutes each with BLM/Ivins City will be conducted.
- Up to 8 written status reports will accompany SWCA's monthly invoice.

ENVIRONMENTAL ASSESSMENT

- The BLM will not require a public scoping period, or, if required, public scoping will be in the form of posting a notice on the BLM's ePlanning site. No public meetings will be required.
- Except for the survey data discussed below, all data to be collected will be provided by the BLM or will be readily available from public sources.
- No public comments will be received.
- Copies of the EA for agency and public review will be provided in electronic format only.
- The EA will complete one agency review cycle each for the preliminary draft EA, revised EA for publication, preliminary "final" EA, and "final" EA for publication.
- The administrative record will be provided in electronic format on a compact disc or flash drive.

- The BLM will be responsible for completing consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act and with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act, if required.
- A biological assessment will not be required.
- BLM will provide Decision Record/Finding of No Significant Impact (DR/FONSI)

CLASS III CULTURAL RESOURCES SURVEY

- SWCA will survey up to 100 acres of lands managed by the BLM, just outside the city of Ivins, Utah.
- Fieldwork will be unimpeded by weather, road construction, landowner restrictions, force majeure, or any other factor(s) outside of SWCA's control.
- The BLM will be the lead agency; no other agency consultation will be required.
- The BLM will conduct all Native American notifications and consultation.
- During the field survey, up to four archaeological sites will be identified and documented (either updated or newly recorded). Any additional cultural resources identified during the survey can be documented for an additional fee of $1,500 per resource.
- The survey will be conducted by a team of two archaeologists, over the period of 3 days.
- SWCA anticipates that there will be one round of agency review for the draft report, with one set of agency comments to address.
- SWCA will assist the BLM with their consultation process (as needed) and will provide all final documents and files in the appropriate e106 format (as required by the Utah State Historic Preservation Office).

PALEONTOLOGICAL RESOURCES SURVEY (IF REQUIRED BY BLM)

- Up to 48 acres of survey, based on area determined to be PFYC Class 4.
- Survey will concentrate on surface exposures of the PFYC Class 4 mapped geologic units; PFYC Class 2 geologic units will not need to be surveyed.
- There are no previously recorded paleontological localities in the project area.
- Documentation of up to two non-significant fossil track or petrified wood localities with three or less specimens each, any additional non-significant or significant will incur additional cost.
- Fieldwork will be unimpeded by weather, road construction, landowner restrictions, force majeure, or any other factor(s) outside of SWCA's control.
- One hard copy of the report (up to 60 pages) will be delivered to the St. George BLM Field Office and electronic copies of the report will be sent to the BLM State Office and the City.

DWARF BEAR-POPPY, HOLMGREN MILK-VETCH PROTOCOL SURVEYS

- SWCA will conduct surveys for the federally endangered dwarf bear-poppy and Holmgren milk-vetch within the proposed 100-acre project area and 300-foot buffer for a total of approximately 190 acres.
- Surveys will be completed using the methods for clearance surveys described in the U.S. Fish and Wildlife Service (USFWS) Utah Field Office Guidelines for Conducting and Reporting Botanical Inventories and Monitoring of Federally Listed, Proposed and Candidate Plants (USFWS 2011).

- Surveys will be completed in conjunction with the desert tortoise and general wildlife and habitat surveys. Travel and other expenses for all biological resources surveys are included under this task.
- Fieldwork will be unimpeded by weather, road construction, landowner restrictions, force majeure, or any other factor(s) outside of SWCA's control.
- SWCA will have access to lands within the buffer area; permissions to be obtained by Ivins City.
- Individuals or populations of these plants will not be located during the surveys.

MOJAVE DESERT TORTOISE PROTOCOL SURVEY

- SWCA will conduct surveys for the federally threatened Mojave desert tortoise within the proposed 100-acre project area and 300-foot buffer for a total of approximately 190 acres.
- Per the 2017 USFWS document "Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise (*Gopherus agassizii*)" the survey will be completed under the "Small Project Survey" guidelines.
- The tortoise survey will be conducted in conjunction with the endangered plant species survey and general wildlife and habitat surveys. Travel and other expenses for all biological resources surveys are included under the endangered plants survey task.
- Fieldwork will be unimpeded by weather, road construction, landowner restrictions, force majeure, or any other factor(s) outside of SWCA's control.
- SWCA will have access to lands within the buffer area; permissions to be obtained by Ivins City.

PHASE I ENVIRONMENTAL SITE ASSESSMENT

- Additional environmental issues or conditions in, on, or at the property and adjacent properties that are outside the scope of ASTM E1527-13 (non-scope considerations) are outside the scope of work described herein and include inquiries into business environmental risk, asbestos-containing building materials, biological agents, cultural and historic resources, ecological resources, endangered species, health and safety, indoor air quality unrelated to releases of hazardous substances or petroleum products into the environment, industrial hygiene, mold, lead-based paint, lead in drinking water, radon, and regulatory compliance.
- No additional records search information, beyond the standard environmental, physical setting, and historical records provided by a commercial environmental database vendor will be required to be purchased or reviewed by SWCA.
- SWCA will have reasonable access to the property to accomplish the site visit including access to the interior of any structures on the property.
- No physical or chemical sampling or laboratory analyses will be conducted.