Ivins City Staff Report
City Council Meeting 8/20/20

Agenda Item: Discuss and consider approval of expenditure for Archaeological Data Recovery and Biological Assessment in support of the required Environmental Assessment necessary to acquire real estate from the BLM.

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

Recommended City Council Action:
Approve expenditure for Archaeological Data Recovery and Biological Assessment in support of the required Environmental Assessment necessary to acquire real estate from the BLM

BACKGROUND:
Staff has been working with the Bureau of Land Management (BLM) to apply under the Recreation & Public Purposes Act (R&PP). This application is for the 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.

To fulfill the requirements of the 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.

As part of the EA, biological and cultural surveys were conducted on the property. These surveys resulted in finding dessert tortoise and an eligible cultural resource site. Due to these findings, the EA must also include a Biological Assessment (BA) and a Historical Properties Treatment Plan (HPTP) to continue forward toward public comment on the EA.

It should be noted that if/when the BLM provides a positive Record of Decision (ROD) on the property there will be three additional tasks required for the eligible cultural resource site. These additional tasks include Pre-fieldwork Coordination, Fieldwork, and Laboratory Analysis and Report of the findings. Once a ROD has been made Staff will seek approval of additional expenditure for these tasks. Preliminary cost estimates for these tasks are approximately $28,000. It should also be noted that Native American observation may also be required during the actual field work portion of the data recovery. Staff does not have a current estimate for this potential cost.

Staff has requested a cost estimate for the BA and the HPTP. Our consultant, SWCA, provided the estimates included with this report.

FINDINGS AND ANALYSIS:
Biological Assessment - $15,309
Historical Property Treatment Plan - $7,069

Staff is recommending that Council approve expenditure of $22,378 to complete these two tasks required by the EA.

SUPPORT MATERIALS:
SWCA Services Agreement HPTP and BA

FINANCIAL IMPACT:
The expense has been budgeted for:
GL 51-42-747 (40%): $8,951
GL 52-42-747 (30%): $6,713
GL 43-42-747 (5%): $1,119
GL 10-60-747 (25%): $5,595

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

Content Review: _____
Dale Coulam, City Manager

SWCA®
ENVIRONMENTAL CONSULTANTS

SERVICES AGREEMENT CHANGE ORDER

Albuquerque Office
5647 Jefferson Street, NE
Albuquerque, New Mexico 87109
Tel 505.254.1115 Fax 505.254.1116
Tax I.D. Number 860483317

Project Name: Ivins City EA/ESA

Project Number: 56770

Client: Ivins City

Date : August 12, 2020

SWCA Project Manager: Gretchen Semerad

The purpose of this Change Order is to reflect certain modifications to the contract for services ("Agreement") entered into between SWCA, Incorporated ("SWCA") and the client identified above ("Client") pursuant to which SWCA agreed to provide certain services to Client. SWCA and Client agree to the following modifications:

Changes in Scope of SWCA Services: The following describes any changes in the scope of services to be provided by SWCA: [describe any additional services, reductions in scope or other modifications]

Two new tasks will be added to the original scope of services:

Historic Properties Treatment Plan: A Class III cultural resources survey in support of the Ivins City Environmental Assessment (EA) resulted in the identification of two previously recorded sites (42WS626 and 42WS3709). BLM has determined 42WS626 is eligible for the National Register of Historic Places under Criterion D, and that granting the lease under the Recreation and Public Purposes Act to Ivins City would result in an adverse effect to the site. SWCA will prepare a historic properties treatment plan for 42WS626, as described in the attached scope of work.

Biological Assessment: A biological resources survey in support of the Ivins City EA resulted in the identification of four Mojave desert tortoise (Gopherus agassizii) individuals within the project area, along with two pallets. SWCA proposes to engage the Bureau of Land Management and U.S. Fish and Wildlife Service in informal Endangered Species Act Section 7 consultation and draft a Biological Assessment for agency review and effects determination, as described in the attached scope of work.

Changes in Fees for SWCA Services: The following describes any changes in the amount of fees payable to SWCA: [describe any additional fees, reductions or other modifications; describe whether additional fees are to be billable as provided in original contract or on another basis (e.g., fixed fee or time and materials)]

The fixed fee cost for the proposed historic properties treatment plan is $7,069.
The fixed fee cost for the proposed biological assessment task is $15,309.

Please see attached scopes of work for details.

Changes in SWCA Cost Reimbursement: The following describes any changes in costs reimbursable to SWCA: [describe any changes in the nature or amount of reimbursable costs]

None.

Changes in Payment Terms: The following describes any changes in payment terms for fees and costs payable to SWCA: [indicate whether payment terms are same as original contract or whether payment terms are being modified]

Payment terms are the same as the original contract.

Other Changes: The following describes any other changes in the terms of the Agreement: [describe any other significant changes such as changes in estimated completion date]

The original contract with Ivins City expires on October 31, 2020. It is anticipated that these tasks will require a six-month extension of the contract period, with the new period ending April 30, 2021.

Except as modified by this Change Order, the terms of the Agreement shall remain in full force and effect. This Change Order is hereby incorporated into the Agreement.

Client:

SWCA Incorporated, an Arizona corporation	
By:	**By:**
(*signature*)	(*signature*)
Name:	**Name:**
Title:	**Title:**
Date:	**Date:**

Proposal: Development of a Historic Properties Treatment Plan for 42WS626 in Washington County, Utah

SCOPE OF WORK

Ivins City filed a Recreation and Public Purposes (R&PP) Act application with the Bureau of Land Management (BLM) St. George Field Office in September 2018. The application is for a lease under the R&PP Act for approximately 109.6 acres of land for an outdoor recreation area, public works facility and yard, and a public city cemetery. The outdoor recreation area would likely be an open park concept and would consist of sport courts, tree groves, grassy areas, playgrounds, pavilions, trails, parking, and restroom facilities. In addition, there would be a disc golf course, a junior mountain biking course, and a trail system that connects to the existing Cholla Trail. The public works facility and yard would consist of an office, fleet maintenance facility, various storage areas, covered employee parking, and a public garbage area. The public city cemetery would include burial areas, an interior roadway, grass, and landscaping.

A Class III cultural resources survey in support of the Ivins City Environmental Assessment (EA) resulted in the identification of two previously recorded sites (42WS626 and 42WS3709). BLM has determined 42WS626 is eligible for the NRHP under Criterion D, and that granting the lease under the R&PP Act to Ivins City would result in an adverse effect to the site. To mitigate adverse effects to 42WS626, SWCA proposes to conduct archaeological data recovery excavation of the site. Prior to conducting data recovery, SWCA will develop a Historic Properties Treatment Plan (HPTP). Other tasks such as pre-field coordination, fieldwork, laboratory analysis, and the completion of a report will be outlined in a separate scope of work after the EA Record of Decision has been signed.

HISTORIC PROPERTIES TREATMENT PLAN

- SWCA will prepare an HPTP that will detail the purpose, research objectives, planned methodology, and anticipated results of archaeological data recovery excavation at 42WS626.
- The HPTP will be submitted to BLM for approval and then submitted to the Utah State Historic Preservation Office (SHPO) for comment and concurrence.
- Once approved by BLM and SHPO, the HPTP will provide the overall plan for mitigation of adverse effects to 42WS626.

COST ESTIMATE

Our not-to-exceed cost to prepare the HPTP for mitigation of adverse effects to 42WS626 as described above is **$7,069**. If changes occur that would lead to additional costs, the SWCA Project Manager will discuss the situation with Ivins City before incurring any additional costs.

COST AND SCHEDULE ASSUMPTION

- SWCA will receive no more than one round of comments from BLM and SHPO to be addressed prior to finalizing the HPTP.

Proposal: Biological Assessment in Support of Ivins City Environmental Assessment

SCOPE OF WORK

Ivins City filed a Recreation and Public Purposes (R&PP) Act application with the Bureau of Land Management (BLM) St. George Field Office in September 2018. The application is for a lease under the R&PP Act for approximately 109.6 acres of land for an outdoor recreation area, public works facility and yard, and a public city cemetery. The outdoor recreation area would likely be an open park concept and would consist of sport courts, tree groves, grassy areas, playgrounds, pavilions, trails, parking, and restroom facilities. In addition, there would be a disc golf course, a junior mountain biking course, and a trail system that connects to the existing Cholla Trail. The public works facility and yard would consist of an office, fleet maintenance facility, various storage areas, covered employee parking, and a public garbage area. The public city cemetery would include burial areas, an interior roadway, grass, and landscaping.

A biological resources survey in support of the Ivins City Environmental Assessment (EA) for the R&PP application resulted in the identification of four Mojave desert tortoise (*Gopherus agassizii*) individuals within the project area, along with two pallets. Suitable habitat for Holmgren milkvetch (*Astragalus holmgreniorum*) and dwarf bear-poppy (*Arctomecon humilis*) was considered marginal and no individuals of either species were observed in the project area. SWCA plans to engage the BLM and U.S. Fish and Wildlife Service (USFWS) in informal Endangered Species Act (ESA) Section 7 consultation and draft a Biological Assessment for agency review and effects determination.

TASK 1: AGENCY COORDINATION

- Our team will coordinate with the BLM and the USFWS (through the BLM) to provide an analysis of the impacts of the agency-preferred alternative on all required species. BLM will initiate informal consultation with the USFWS prior to coordinating SWCA (before drafting the Biological Assessment) to ensure formatting and content are consistent with agency review expectations.
- The results of BLM's informal consultation with USFWS and coordination with Ivins City will determine the species required for inclusion in the Biological Assessment. SWCA will coordinate with BLM and Ivins City to include specific features discussed during consultation, including avoidance and minimization measures and potential conservation measures.

TASK 2: BIOLOGICAL ASSESSMENT

- SWCA will prepare a defensible Biological Assessment that meets BLM and USFWS ESA Section 7 consultation requirements. An SWCA biologist will prepare a Biological Assessment detailing potential effects to federally listed ESA species with potential to occur in the project area.
- Using the results of the already completed habitat assessment and field surveys and in consultation with the BLM, SWCA will complete a Draft Biological Assessment for the project, evaluating the project's impacts on relevant threatened, endangered, and BLM sensitive species as determined by consultation with BLM and Ivins City.
- The Draft Biological Assessment will define the action area and describe the biotic conditions of the area including vegetation, topography, and soils. The document will identify the species that may occur in the action area, describe associated habitat conditions, establish presence or absence of the species in the action area, and describe how the proposed action may affect the resource. In conclusion the document will

establish an anticipated affect to the resource within the following determination criteria; “no effect”, “may affect, but not likely to adversely affect”, or “may affect, and is likely to adversely affect”.

- SWCA will submit the Draft Biological Assessment as indicated by the informal consultation process to Ivins City and BLM and respond to one round of comments from Ivins City, and one round of comments from the agencies prior to producing a Final Biological Assessment.

COST ESTIMATE

Our not-to-exceed cost to prepare a biological assessment as described above is **$15,309**. This cost is broken down in Table 1 by task. If changes occur over the course of the project that would lead to additional costs, the SWCA Project Manager will discuss the situation with Ivins City before incurring any additional costs.

Table 1. Proposed fixed fee cost breakdown by task.

TASK	ESTIMATED COST
Agency Coordination	$3,288
Draft Biological Assessment	$8,568
Final Biological Assessment	$3,453
Total	$15,309

COST AND SCHEDULE ASSUMPTIONS

- This task does not include formal consultation with the USFWS.
- All necessary field work and data collection required to write the Biological Assessment was completed during the biological resources survey conducted in support of the EA.
- SWCA will attend up to three conference calls as needed during the informal consultation process with the BLM and USFWS.
- SWCA will provide necessary materials including maps and agendas for informal consultation communication with the agencies.
- SWCA will provide one Draft Biological Assessment to BLM and Ivins City for review, and following one round of comments, submit a Final Biological Assessment.