

MINUTES OF SPECIAL MEETING OF THE TOWN COUNCIL
Thurs., April 21, 2005, at 9:00 AM
Community Building, #2 Castle Valley Drive, in Castle Valley

1. Meeting called to order at 9:37AM

2. Discussion and possible action concerning hiring a well driller for the monitoring well study.

Mike Lowe has suggested that the Town accept the well drilling bid from WDC Exploration and Wells, out of Phoenix, AZ. John Brimms, from Jerry Kinghorn's legal office, will write up a contract and then run it by Mike Lowe to be sure it covers everything. The contract specifically must remove the clause that if there are any problems, the price would go up.

Bob suggested that Brimms be asked to include wording to address ecological concerns, i.e., to indicate that work should be done with an effort towards leaving "the smallest footprint" possible. Discussion ensued. A remediation clause, or a liquidated damages clause, was thought to be too daunting for this relatively small contract. The intent of the wording is to address "what the Town expects", e.g., minimal disturbance of fragile desert soils, avoidance of oil or other pollutants being introduced into the environment, avoidance of worsening of the ongoing and expensive weed problem, avoidance of excessive damage to the land and/or contributing to future erosion problems, and adherence to all existing regulations re: waste disposal.

Jerry Bidinger moved, and Bob Lippman seconded, to approve the bid of \$48,200 from WDC Exp& wells. The vote was unanimous in favor of the motion.

3. Discussion and possible action concerning pipeline construction disturbance at Castle Creek.

[Please note: this was a relatively lengthy and circuitous conversation, so the minutes have been written to reflect the meaning and main points accurately and to eliminate repetition.]

Concern was voiced about the degree of ecological disturbance recently caused in connection with the burying of an 18" water pipeline by the Seventh Day Adventists from the diversion with Castle Creek to the irrigation pond. The "swath of damage" was described as 30'-40' wide, generally, and ranging up to 100' wide. Trees were knocked over, soils bladed, and the entire creek encapsulated in a pipeline for two miles. The pipeline is not inside the town boundaries, so it is not specifically a jurisdictional problem, but the pipeline work does affect Castle Valley significantly.

The problems and potential problems identified in association with this damage and dirt work are that the wildlife and the cottonwood trees are denied water except for *two* wildlife watering outlets which are to be installed, desert soils have been permanently disrupted and compacted, soil erosion potential has been seriously increased, heightened flood potential is in question, pine beetle infestation is more likely, live vegetation has been damaged, weed growth will follow the disturbance, fire hazards will increase due to the weed growth and dead trees.

Bob suggested that something be done to avoid such problems in the future, to raise awareness in the area about ecological priorities, and to formulate proactive responses rather than to continue reacting to issues that have already arisen. He suggests looking at the watershed holistically. Discussion ensued about felt resistance to a holistic approach, culturally specific approach styles, current reactive approaches, and habitual attachment to fear of offending notions of civil liberties. Bob spoke about making an effort to turn around attitudes and approaches institutionally and through interagency cooperation.

Bruce spoke about continuing to do groundwork with all of the stakeholders to better enable everyone to work together on a Watershed Management Plan. He commented that building communication skills has had a positive effect in the processes of working with State Lands over the past few years. **There was agreement that a meeting of the water stakeholders every few months could be very useful,** i.e., SITLA, BLM, Forest Service, Castle Valley, the Seventh Day Adventists, Castleton, etc. Ideas for topics included what projects the different stakeholders have underway, issues that affect the watershed,

discussion of both shared and divergent opinions, perspectives, expertise, and concerns on issues, a mutually beneficial avoidance of any potential litigation, discussion/clarification of mutual interest, and the general concept of creating incentives for pumping less water. Jerry suggested **an hour and a half meeting twice a year with the constituents, with someone working hard between meetings to pull together information for group.**

Bruce has spoken with SITLA about the current damage problem. SITLA's standard easement is 30'. The digging did not follow the existing ditch. Bruce had indicated that they should be asked to remediate. SITLA indicated that they (*7th Days? SITLA?*) are going to revegetate the area. SITLA didn't feel that anything the digging has done affects SITLA's (*land sales?*) situation.

A letter will be addressed to Trust lands as the managing agency expressing the Town's concern about remediation around the pipeline.

There was concern about involvement/lack of involvement of the Department of Wildlife Resources (DWR). Bob raised the question whether DWR was consulted at all before this pipeline project began. He sited a situation in the past where a fire break was run right through a fawning area that DWR paid SITLA money to create. **Bob will contact DWR.**

There was discussion about what course of action to take in addressing the current damage with the Seventh Day Adventists. At Jerry's suggestion, **Bob and Bruce will talk to Jerry Harris who runs the school or Tom who runs the farm, and go out and walk the area with them, as the first step. After meeting with Jerry Harris, a letter will be sent to SITLA and a copy circulated to the Adventists. There will then be a follow-up on the ecological rehabilitation by the Town.**

Discussion ensued on the question of the aquifer recharge rate, as an example of trying to legislate for mutual benefit in the long-term without creating new problems in the process. Bruce noted that the protection of our groundwater volume is improved by this pipeline because the best recharge will come from the protected pipe rather than from a pond with a clay bottom. Bob suggested that mutual planning for restraint and responsible thinking to avoid a crisis was advisable over primarily focusing on building relationships in order to better react to an eventual crisis. Bruce commented that the watershed ordinance itself may not be a sufficient basis for addressing all of the "myriad problems" relating to water. Discussion ensued on the type of legal obligation set up when an ordinance is adopted and some concerns voiced by the Seventh Day Adventists about the Town of Castle Valley extending control outside the town boundaries. Jerry commented that an emphasis should be placed on "mutual benefit" with the "other straws" and that starting out to change other's minds may have pitfalls. The philosophic question arose whether one should one plan for a worst case scenario, or plan for the most likely scenario, and whether these might be the same?

4. Adjournment.

Jerry moved, and Bob seconded, a motion to adjourn the meeting. Motion passed by unanimous vote. Meeting adjourned at 10:34 AM.

ATTEST:

APPROVED:

REBECCA MARTIN, CLERK/RECORDER