

Date of Report: April 9th, 2001**USDA - FOREST SERVICE / BURNED - AREA REPORT**( *Reference FSH 2509.13* )**PART 1 ... TYPE of REQUEST****A. Type of Report**

- ☒ 1. Funding request for estimated WFSU - SULT funds
- ☐ 2. Accomplishment Report
- ☐ 3. No Treatment Recommendation

**B. Type of Action**

- ☐ 1. Initial Request  
( Best estimate of funds needed to complete eligible rehabilitation measures )
- ☒ 2. Interim Report # 2 ... ( Mourning Dove Fire )
- ☒ Updating the initial funding request based on more accurate site data and design analysis
- ☐ Status of accomplishments to date
- ☐ 3. Final Report - following completion of the emergency work

**PART 2 ... BURNED - AREA DESCRIPTION and FIRE LOCATION**

**A. Fire Names:** Mourning Dove  
and Yance Canyon

**B. Fire Numbers:** P44020 ... later included within  
the entire Oldroyd Complex ( P44030 )

**C. State:** Utah

**D. Counties:** Millard / Juab

**E. Region:** R4 / Intermountain

**F. Forest:** Fishlake

**G. District:** D1 / Fillmore

**H. Date Fire Started:** 07-22-2000 @ 1120

**I. Date Fire Contained:** 08-07-2000

**J. Time Fire Contained:** @ 1800

**K. Suppression Costs:** \$ 4,300,000 ... as of 8-7-2000 according to Glen Parker / Finance

**L1. Fire Suppression Damages Repaired with EFFF - PF12 Funds:** ( Mourning Dove Fire )

- ◆ Fireline Waterbarred ( miles )    43 ( cat line and hand lines )
- ◆ Fireline Re-seeded ( miles )    43 ( cat line and hand lines )
- ◆ Other Damages ... ( identify )    2 miles fence re-construction, 2 ponds, 6 broken water lines etc.

**L2. Fire Suppression Damages Repaired with EFFS - PF12 Funds:** ( Yance Canyon Fire )

- ◆ Fireline Waterbarred ( miles )    2 ( cat line and hand lines )
- ◆ Fireline Re-seeded ( miles )        2 ( cat line and hand lines )
- ◆ Other Damages ... ( identify )      N/A

**M. Watershed Number:**    16030005 / Lower Sevier River

**N1. NFS Acres Burned:** 11,340                      **Total Acres Burned:** 11,626 ( Mourning Dove Fire - CIR )

Other Land Ownerships ... list as follows: ( acres )

( X ) Private ( 4 )    ( ) State of Utah ( 0 )    ( X ) USDI - BLM ( 282 )    ( ) Other ( 0 )

**N2. NFS Acres Burned:** 414                      **Total Acres Burned:** 414 ( Yance Canyon Fire - GPS )

Other Land Ownerships ... list as follows: ( acres )

( ) Private ( 0 )    ( ) State of Utah ( 0 )    ( ) USDI - BLM ( 0 )                      ( ) Other ( 0 )

<b>O. Vegetation Types:</b>	<p>Most of the native vegetation consumed by these unwanted wildland fires consisted of pinyon - juniper and Gambel oak occurring on both moderately steep upland hillsides and steep to very steep mountainsides; also included within these burned-areas were vegetative communities consisting of mountain big sagebrush and perennial grasses located upon strongly sloping alluvial fan terraces, moderately steep upland hillsides and gently sloping mountain valleys at the higher elevations over 7,000 feet; a component of black sagebrush was intermixed with stable stands of pinyon - juniper on the shallow upland foothills; a few distinct areas supported scattered stands of mixed conifer including white fir, Douglas fir and aspen located on moderately steep to very steep mountainsides -- especially upon north and east aspects; the remaining sites had a mix of riparian vegetation -- including a component of Rocky Mountain maple.</p> <p>( <b>Note</b> ) -- A few areas occurring within the recent Mourning Dove Fire Incident were actually supporting a mixture of native and introduced grasses that were seeded into this portion of the Canyon Mountain Range following the Black Willow Fire Incident in 1994 and the Leamington Canyon Fire Incident of 1996.</p>
<b>P. Dominant Soils:</b>	<p>The contrasting wildland soils identified within these burned-areas consist of Lithic Argixerolls, Lithic Haploxerolls and Lithic Xerorthents occurring on steep to very steep mountainsides and ridgetop areas; in addition, Aridic Calcic Argixerolls, Aridic Argixerolls, Typic Argixerolls and Typic Calcixerolls were mapped along the strongly sloping to moderately steep upland hillsides within these burns; a few small areas of moderately steep terrain to steep mountainsides at higher elevations have Typic Argicryolls and Mollic Haplocryalfs occurring on both north and east aspects under scattered stands of mixed conifers.</p>

<b>Q. Geologic Types:</b>	Most of the wildland soils occurring within the Canyon Mountain Range of the Fishlake National Forest were formed in colluvium and residuum derived from limestone, conglomerate, quartzite and Precambrian rocks along with mineral deposits of dolomite. The remaining soil resources were formed in mixed sediments of alluvium and a few small, but distinct areas, have deposits of eolian type materials.

**R1. Miles of Stream Channels by Order:** ( Strahler 1952 method ... Mourning Dove Fire )

1st: 32.2                      2nd: 13.8                      3rd: N/A                      4th: N/A

**R2. Miles of Stream Channels by Order:** ( Strahler 1952 method ... Yance Canyon Fire )

1st: 0.4                      2nd: N/A                      3rd: 1.8                      4th: N/A

**S. Transportation Systems:** ( occurring within the fire perimeters ) ... Mourning Dove Fire -- no transportation systems occur within the Yance Canyon Fire Incident

Trails ... 10 miles

Roads ... 6.0 miles ( FS / Maintained )

Roads ... 6.5 miles ( FS / 4WD Roads )

Roads ... 3.0 miles ( BLM / Maintained )

Roads ... -0- miles ( BLM / 4WD Roads )

## **PART 3 ... WATERSHED CONDITION / NFS PROBLEM INVENTORY**

**A1. Mapping of the Fire Intensity Zones:** ( Mourning Dove Fire ... acres )

2,478 High                      2,428 Moderate                      6,111 Low                      609 Unburned

**B1. Estimation of Water-Repellent soils occurring within the different Fire Intensity Zones:** ( acres )

1,363 High ( 55 % )                      242 Moderate ( 10 % )                      -0- Low

Overall Total = 1,605 acres ( Mourning Dove Fire )

**C1. Rating Soils for Erosion Hazard Potential within the Burned-Area:** ( Mourning Dove Fire ... acres )

Very High	High	Moderate	Low
<u>1,743</u> ( 15 % )	<u>4,069</u> ( 35 % )	<u>5,232</u> ( 45 % )	<u>582</u> ( 5 % )

**D1. Potential for Accelerated Erosion Losses without applying emergency rehabilitation treatments:**

1<sup>st</sup> Year

2<sup>nd</sup> Year

3<sup>rd</sup> Year

4<sup>th</sup> Year

2.53 tons/acre/year

0.55 tons/acre/year

0.11 tons/acre/year

0.02 tons/acre/year

Overall Total = 37,319 tons

( Mourning Dove Fire ... additional erosion over a 48 month period )

**A2. Mapping of the Fire Intensity Zones:** ( Yance Canyon Fire ... acres )

147 High

44 Moderate

223 Low

-0- Unburned

**B2. Estimation of Water-Repellent soils occurring within the different Fire Intensity Zones:** ( acres )

125 High ( 85 % )

7 Moderate ( 15 % )

-0- Low

Overall Total = 132 acres ( Yance Canyon Fire )

**C2. Rating Soils for Erosion Hazard Potential within the Burned-Area:** ( Yance Canyon Fire ... acres )

Very High

High

Moderate

Low

147 ( 35 % )

44 ( 11 % )

105 ( 25 % )

118 ( 29 % )

**D2. Potential for Accelerated Erosion Losses without applying emergency rehabilitation treatments:**

1<sup>st</sup> Year

2<sup>nd</sup> Year

3<sup>rd</sup> Year

4<sup>th</sup> Year

4.50 tons/acre/year

0.98 tons/acre/year

0.20 tons/acre/year

0.04 tons/acre/year

Overall Total = 2,368 tons

( Yance Canyon Fire ... additional erosion over a 48 month period )

**E1. Average Sediment Potential:** 217 cubic yards / mile <sup>2</sup> assuming a 25 % delivery coefficient  
( Mourning Dove Fire )

**E2. Average Sediment Potential:** 54 cubic yards / mile <sup>2</sup> assuming a 10 % delivery coefficient  
( Yance Canyon Fire )

**PART 4 ... HYDROLOGIC DESIGN FACTORS with  
CALCULATED RISK and CLIMATIC EVALUATIONS**

( Mourning Dove Fire )

- A. Estimated Vegetative Recovery Period: 10 years
- B. Design Chance of Success: 80 percent
- C. Equivalent Design Recurrence Interval: 50 year
- D. Design Storm Duration: 6 hours
- E. Design Storm Magnitude: 1.9 inches
- F. Design Flow: 10.6 ft<sup>3</sup> / sec / mi<sup>2</sup>
- G. Estimated Reduction in Infiltration: 10 percent
- H. Adjusted Design Flow: 11.6 ft<sup>3</sup> / sec / mi<sup>2</sup>

## **PART 5 ... SUMMARY OF SURVEY & ANALYSIS**

### **A. Describe the Watershed Emergency:**

- ◆ **THREATS TO HUMAN LIFE AND PROPERTY** ... The photographs included in this section were taken in the area of Wild Horse Canyon during 1996 immediately following the Leamington Canyon Fire Incident within the Canyon Mountain Range of the Fishlake National Forest. At that time, the Fishlake BAER Team identified these disturbed areas as high intensity burn zones with a STRONG degree of water repellency along with having a HIGH rating class for hydrophobicity. Several months after these pictures were taken ... some of the residents living in Fool Creek, Utah ( i.e. Grayson Roper, Paul Finlinson, Gene Snow etc. ) experienced threats to human life and property when a flush of water actually flooded their homes located approximately ¾ mile NW of the mouth of Wild Horse Canyon. Specifically ... the storm event caused a capture of the existing stream channel, due to its large volume of water, and remains a genuine concern for the current residents of Fool Creek in light of the recent Mourning Dove Fire Incident.



The northern part of the recent Mourning Dove wildfire has RE-BURNED some of the upland landscapes occurring within the Wild Horse Canyon drainage. Much of this area was starting to restore its site hydrologic function ... as water repellent conditions were becoming much less apparent to non-existent within the top 6 inches of the mineral soil. The recent burning disturbance once again poses a threat to the families of Fool Creek, Utah in the form of flooding from the Wild Horse Canyon area. The Fishlake / BAER Team is recommending specific channel treatments in an effort to “ ... *prevent the emergency from occurring* ” rather than trying to control it during an upcoming storm event.

- ◆ **FLOOD AND FLOOD-BORNE DEBRIS** ... The small community of Fool Creek, Utah is located at the base of an alluvial fan terrace previously formed by both Fool Creek and Wild Horse Canyon. Several houses in the community were flooded in 1997, following the Leamington Canyon Fire Incident, when debris

flowing down Wild Horse Canyon was intercepted by the road in the canyon bottom and re-routed toward the community. The drinking water supply for both Fool Creek and Leamington along with a portion of their irrigation supply comes from the Fool Creek watershed. An irrigation ditch crosses the Forest boundary and blocks the natural channel of Fool Creek at the top of the alluvial fan. It should be noted, the Wild Horse Canyon watershed has not fully recovered from the 1996 fire! An additional portion of the watershed ( 660 acres ) was burned as part of the Mourning Dove Fire. Flooding and flood-borne debris remain a threat to several houses in the community of Fool Creek!

The dominant channel-forming event is periodic floods carrying high volumes of sediment and rock for varying distances down channel or onto the alluvial fan. Debris transport and deposition are natural in this system; however, hydrophobic conditions following a fire can increase both the runoff and sediment during an intense rainstorm. Fifty-six percent of the Fool Creek watershed is burned; 14 % at a high intensity; and approximately 9 % with hydrophobic conditions. This increases the possibility of a debris-laden flood originating in the Fool Creek watershed. “ The irrigation ditch at the Forest boundary blocks Fool Creek’s natural channel and could route flood flows into the community of Fool Creek. However, the community members wish to retain the ditch and are willing to take responsibility for breaching the ditch if necessary. ” ( *original text from the Initial BAER Report of 08-14-2000* )

- ◆ **LOSS OF WATER CONTROL** ... There is a genuine threat that a loss of water control will occur along Utah State Highway # 125 about ¼ to ½ mile NE of Fool Creek Point and in the immediate vicinity of the small hamlet named Fool Creek, Utah. The source of these floodwaters would be from 1) the South Leamington subwatershed # 160300050805 in the area of Wild Horse Canyon and 2) the Fool Creek subwatershed # 160300050804 along the Fool Creek drainage. Accelerated rates of erosion, resulting in the detachment and transport of suspended sediments, could cause existing culverts to become plugged with soil material and damage to the road surface. In addition, FS Roads #'s 088, 421, 424 and 1652 are susceptible to surface damage from increased flows during storm runoff events.
- ◆ **LOSS OF SOIL PRODUCTIVITY** ... Approximately 45 % of the wildland soil resources observed within the burned-areas were shallow sites having a rooting depth of < 20 inches over a lithic or paralithic type contact. These locations have a soil loss tolerance of ~ 1 ton/acre/year; accelerated rates of erosion resulting from either natural or human caused disturbances, that exceed this listed threshold, will result in an adverse impact to long-term soil productivity -- which is not consistent with the R4 / Soil Quality Standards ( FSH 2509.18 ) under the guidelines of 1) SEVERELY BURNED SITES and 2) INSUFFICIENT PROTECTION with respect to existing ground cover. Most of the contrasting soils observed within the moderate and high intensity fire zones exhibited a moderate to strong degree of water-repellency at the depths of about 1 to 3 inches below the ground surface. This temporary condition has modified the existing site hydrologic function to the point that ... infiltration will be restricted or ( in some cases ) prevented at the soil surface -- resulting in sheet, rill and gully erosion; these moderate to high fire intensity sites are recognized as potential flood source areas!

## **B. Emergency Treatment Objectives:**

Simply stated ... the objective of emergency rehabilitation is to initiate “ **prompt action** ” for the immediate treatment of damaged watersheds following incidents of wildfire in order to minimize the detrimental impacts of the burn. The emergency treatments being recommended by the Fishlake BAER Team are specifically designed to achieve the following results:

- 1) to reduce the possibility of flood flows into the nearby community of Fool Creek, Utah and thereby minimize threats to human life and property
- 2) to stabilize the upland hillsides affected by these unwanted wildland fires by using broadcast seeding within most high fire intensity areas; this land treatment will increase surface infiltration and promote

the subsequent percolation of water downward through the soil profile ... which will moderate flash flood hazards during the first, second and third years after the burning disturbance

- 3) implement a strategy for the protection of the existing road surfaces within the Mourning Dove Fire and prevent a loss of water control
- 4) use broadcast seeding in small areas of the Yance Canyon Fire in order to maintain long-term soil productivity and site hydrologic function ... consistent with the current R4 / Soil Quality Standards & Guidelines approved by the Regional Forester

In addition the Fishlake BAER Team recommends that the areas being treated with land, channel or roading treatments be monitored for a period of up to 3 years in order to determine the overall effectiveness of these emergency measures. This action would include the monitoring of TES plant populations, exotic species - such as cheatgrass along with known and suspected locations of noxious weeds.

#### C. Expected Probability of Completing Treatments Prior to First Major Damage-Producing Storm:

Land ... 80 %                      Channel ... 90 %                      Roads ... 90 %                      Other ... N/A

#### D. Probability of Accomplishing Treatment Success:

< ----- Years after Treatment ----- >			
	1	3	5
◆ Land	60 %	75 %	90 %
◆ Channel	90 %	85 %	80 %
◆ Roads	80 %	80 %	80 %
◆ Other	N/A	N/A	N/A

**E. Cost of Taking No-Action:** ( including loss ) \$ 1,237,500 ... ( approximated w/ District Staff 08-08-2000 )

( **Note** ) -- The values-at-risk include potential impacts to Utah Highway 125 along with FS roads 088, 421 and 424; the culinary water supply for the hamlet of Fool Creek, Utah along with the community of Leamington, Utah; damage to surrounding farms and homes occurring within the vicinity of Fool Creek, UT; the irrigation water supply for the farms located at Fool Creek, UT; repair to the utilities adjacent to Highway 125; impacts to the permittees currently using the Fool Creek, Oak Creek and Wild Horse grazing allotments etc.

**F. Cost of Selected Alternative:** ( including loss ) \$ 350,000

#### G. Skills Represented on Burned-Area Survey Team:

( X ) Soils ( 2 )	( ) Geology	( X ) IC Staff	( X ) TES Plants ( 2 )
( X ) Hydrology ( 2 )	( X ) Range ( 2 )	( ) Wildlife	( X ) Fire Management
( X ) Ecology ( 2 )	( ) Fisheries	( ) Research	( X ) Archeology
( X ) GIS Staff ( 3 )	( X ) USDI - BLM	( X ) District Staff ( 3 )	( X ) Engineering ( 2 )
( X ) Contracting	( X ) USDA - NRCS	( X ) Utah - DWR	( X ) Biological Tech.



**Team Leader: Michael D. Smith / Soil Scientist**

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## **Fishlake BAER Team**

### **Rationale for Requesting Additional WFSU - SULT Funds**

April 9th, 2001

On August 22nd of CY 2000, the Fishlake National Forest submitted an Interim BAER Report ( # 1 ) to our Regional BAER Program Manager ( R4 - Jeff Bruggink ) for the Mourning Dove - Yance Canyon Fire Incident; this report updated our initial request for estimated WFSU - SULT funds and was used to ask for another authorization to spend additional dollars based upon more accurate site data and design analysis. Specifically, the document identified the need to construct a permanent concrete diversion structure in the Pole Canyon area of the Fool Creek drainage on the Fillmore Ranger District.

On September 1st of last year, the Washington Office / WSA Staff sent a letter of approval to the R4 / Bio - Physical Resources Staff indicating a total of \$ 253,000 had been authorized for the Fishlake Forest based upon our Initial and Interim #1 BAER Reports for the Mourning Dove - Yance Canyon Incident. Some of the specific language used in the approval letter was as follows:

*“ ... We approve funding of \$ 20,237 for the construction of an emergency diversion structure on National Forest System lands to protect life and property at the mouth of Pole Canyon. We understand the project is being developed in cooperation with the Fool Creek Irrigation Company and that the company and / or town of Fool Creek will be responsible for maintenance of the structure. This funding is contingent upon having such a maintenance agreement. ”*

( Note ) -- the actual allocation of WFSU - SULT funds was really as follows:

salary for BAER Team member ... \$ 487

stabilization of road surface at Pole Canyon ... \$ 2,000

design and construction of a concrete diversion structure ... \$ 17,750

**TOTAL ... \$ 20,237**

During October of 2000, the Forest Service contacted the USDA - Natural Resources Conservation Service ( NRCS ) in Cedar City, Utah on behalf of the Fool Creek residents for technical assistance in designing the concrete diversion structure. A few weeks later, Mr. John Esplin ( 0802 - GS - 11 / Civil Engineering Technician ) delivered a set of preliminary drawings to the Engineering Staff Group here on the Fishlake National Forest. Both Dave Jeppsen ( Forest Engineer ) and Steve Rodriguez ( Civil Engineer & Contracting



Officer's Representative for this project ) reviewed the draft plans and elected to make a few changes in the overall design of the project. These modifications involved making several visits out to the site; during these trips, it was decided to utilize another location positioned further up the stream channel in order to alleviate the need for installing approximately 500 feet of 24 inch PVC pipe identified in the NRCS plan. Secondly, it was decided to reduce the size of the diversion structure ( wall height ) from what had been displayed in the original drawings. It is estimated ... these changes reduced the cost of the project by approximately \$ 10,000 and allowed for the construction of a more efficient structure. The draft plans were subsequently developed into a final set of plans having a design standard meeting all of the necessary specifications for a FS construction contract. The revised work plan was finally made available to the Fishlake / BAER Team about January 2nd of this current calendar year.

On January 4th of this year, BAER Team Leader / Michael D. Smith in cooperation with Steve Rodriguez signed a **REQUEST FOR CONTRACT ACTION** to initiate the process of obtaining competitive bids from local individuals and excavating companies by the Utah Procurement Center for the diversion project. FYI ... the cost of construction was estimated at \$ 31,437 by the Fishlake Engineering Group. Our official contact and Contracting Officer ( CO ) at the Procurement Center has been Ms. Janie Durk. A **REQUEST FOR QUOTATION** on this project was set for 1-29-2001 and the overall process was closed to all bids effective 2-27-2001.

As requested, the staff of the Fillmore Ranger District prepared an **OPERATION AND MAINTENANCE PLAN** for the concrete diversion structure during January of 2001. This document was signed by both Robert S. Gardner ( FS - District Ranger, Fillmore, Utah ) and Jon A. Finlinson ( President, Fool Creek Irrigation Company, Fool Creek, Utah ) on 1-7-2001. Simply stated ... it indicates that the Fool Creek Irrigation Company will be responsible “ *... for all future maintenance of the diversion structure, now and long - term, to coincide with the existing special use permit date and subsequent renewals in the future.* ” FYI, a copy of this document has been attached to this report following the Part 7 - Approvals or signature page.

Prior to February 27th, all of the work considered necessary in preparing the channel for building the diversion structure -- listed as equipment rental in the original proposal, was removed from the offer sheet as the contract was amended on 2-14-2001. This action was taken because prospective contractors and bidders were concerned about 1) the types of equipment necessary to complete the task and 2) controlling the number of hours used by the heavy equipment operators. At that time, both the R4 / Contracting Officer ( CO ) and our Forest Engineer made the decision to modify the existing contract offer; their rationale was ... the work could be completed by local Forest Service personnel in a timely manner with more versatility and better control of the final product. The value of the channel work completed by the Fishlake National Forest / Road Crew was determined to be about \$ 6,500 in services; this number is included as one of the entries in the attached worksheet.

To my understanding, 15 different individuals and companies contacted Janie Durk and submitted bids for the Fool Creek Diversion Project. On March 5th, a meeting was held here in Richfield, Utah with the Contracting Officer and representatives from the Fishlake / Engineering Staff to determine both the dollar amounts and appropriateness of the bids. When everything was said and done ... the group located at Dutson Supply Company of Delta, Utah was awarded the contract with a low bid of \$ 18,885 for the job. It should be noted, the difference between their low bid of \$ 18,885 for this project and the actual authorization of \$ 17,750 for building the diversion structure ( based upon Interim Report # 1 ) was \$ 1,135 -- another line item on the attached worksheet. The pre-work conference for this project was scheduled for 3-7-2001. At that time, it was agreed upon between the Contracting Officer and Dutson Supply Company that ... in the event a large volume of water flows into the channel during construction of the diversion structure -- the existing contract would be modified. Once again, a copy of the **POSTAWARD ORIENTATION** form has been included with this document as a supporting attachment. Please see the “ Comments Section ” of this attachment at this time.

Well ... as luck would have it, the construction site was impacted by both a large storm event and spring

snowmelt runoff conditions on 3-23-2001 and work on the diversion project was halted for a short period of time until the weather cooperated once again and the site was cleaned-up of debris and repaired for damages. The actual source of these floodwaters was the severely burned uplands surrounding the Dry Fork of Fool Creek; according to local residents, this intermittent drainage had been without any significant flow of water for a period of the previous 10 years. Please see the 2 attached photographs with supporting captions at this time. The following paragraphs contain some the informal correspondence I received from Dave Jeppsen a few days ago as a short message on the IBM computer concerning recent developments on the Fool Creek / Diversion Structure.

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3-29-2001

Mike - We had some problems on the project that will require additional funds. During the forming of the structure, there was a rainstorm that resulted in some runoff down the channel that caused some damage to the contractor. The full cost of the damage cannot be finalized at this time, but we have a good estimate. A change order has been finalized for part of the damage at a cost of \$ 1,800. Cost to settle the rest of the damage claim is not expected to exceed another \$ 4,200. Please add these unexpected costs to your BAER report and let us know if it is okay to finalize the change orders.

Also - The road crew has completed the channel work and we have charged the project for the planned \$ 6,500 for this work. There has been some discussion on a Ford Crossing ( planned cost of \$ 2,000 ) on the road near the Concrete Diversion Structure - we did do some work on the road as part of the channel work and that action has improved the control of the water where it crosses the road.

David Dean Jeppsen  
Forest Engineer  
Fishlake National Forest  
435-896-9233  
email - [djeppsen@fs.fed.us](mailto:djeppsen@fs.fed.us)

Much to our surprise, as of 4-6-2001, the contractor is requesting a total of \$ 8,025 in supplemental funding ( see attachment ) from the FS in compensation for damages to the work site; this demand includes 1) financial support for new expenditures related to the use of his equipment while cleaning - up the flooded site and 2) money to be applied towards the loss of his supplies as a direct result of the storm event last March 23rd. Simply stated ... a meeting is scheduled for tomorrow ( 4-10-2001 ) in Delta, Utah to negotiate and determine exactly how much of this amount will be paid to the contractor.

April 10th, 2001

Just got the word from our Fishlake Engineering Staff that the R4 / Contracting Officer - Janie Durk has modified the existing contract with Dutson Supply Company and is providing compensation in the amount of \$ 6,000 to Mr. Larry L. Dutson for both additional work and loss of supplies related to the recent storm event. A copy of the Amendment of Solicitation / Modification of Contract has been attached to this document for your review.

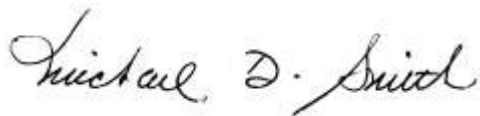
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In addition, the Contracting Officer for this project had previously agreed ( 3-26-2001 ) to pay the contractor another \$ 1,800 in order to construct a temporary diversion ditch in close proximity to the work site ( see attachment ) to protect this location from other episode of flooding. This modification includes back-filling the open trench once construction activities have been completed at the job site.

Included on the attached worksheet are additional entries for FS employees Steve Rodriguez and Mike Smith. The line item for Steve Rodriguez is considered necessary in order to cover the costs associated with his work on re-designing the project plans and participating as COR on this project; it has been mutually

agreed upon, his expenditures are NTE \$ 5,500 for these 2 tasks -- which started during late November of CY 2000 and are expected to continue until about 4-18-2001. The final line item is for Mike Smith to pay for both the gathering of information along with the preparation of this Interim BAER Report, submitting an accomplish report along with providing Jeff Bruggink with a Final BAER Report following completion of the emergency work.

Basically ... I still think we've got a good project here. The job will be completed in a timely manner and the structure will function as intended to protect both the residents and property surrounding Fool Creek, Utah from imminent threats related to episodes of flooding associated with the recent Mourning Dove Fire Incident. The maintenance agreement has been signed ... and the Fool Creek Irrigation Company understands it is solely responsible for any upkeep on the diversion structure once the initial construction phase is completed. While the cost associated with this project may have changed over time ... the structure being built on-the-ground will meet our expectations with respect to 1) allowing the local residents to direct the flow of water into their irrigation canal during periods of good weather -- consistent with their existing water rights and special-use permits or 2) allowing local residents to re-directing flood waters back into the natural drainage channel during periods of inclement weather -- allowing for the water to dissipate upon the surrounding alluvial fan terraces away from the Fool Creek community.

A handwritten signature in cursive script that reads "Michael D. Smith". The ink is dark and the signature is fluid, with a large 'M' and a long, sweeping 'S'.

Soil Scientist / BAER Team Leader  
Fishlake National Forest

# PART 6 ... EMERGENCY REHABILITATION TREATMENTS & SOURCE OF FUNDS BY LAND OWNERSHIP(s)

( Interim Report # 2 ... Mourning Dove Fire Incident )

## A1. Primary Land Treatments

NFS Lands

Other Lands

Line Items	Units	Unit Cost \$	Number of Units	WFSU-SULT \$	Other \$	Number of Units	Fed \$	Non – Fed \$	Total \$

## B. Channel Treatments

<u><b>FS Road Crew</b></u> ( preparation of the channel for construction of the diversion structure ... completed 3-8-2001 )	Job	\$ 6,500	1	\$ 6,500					\$ 6,500
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## C. Roads, Trails and Other Treatments

## D. Structures

Construction of a Permanent Diversion Structure <u><b>Steve Rodriguez</b></u> ( additional design work & COR duties )	Job	\$ 5,500	1	\$ 5,500					\$ 5,500
<u><b>DIFFERENCE</b></u> ( between authorized total from Interim BAER Report # 1 and actual bid of 3-5-2001 )	Bid	\$ 1,135	1	\$ 1,135					\$ 1,135
<u><b>CONTRACT ( # 1 )</b></u> ( change order issued 3-26-2001 for building a temporary diversion ditch near the project site )	Change	\$ 1,800	1	\$ 1,800					\$ 1,800
<u><b>CONTRACT ( # 2 )</b></u> ( change order issued 4-10-2001 for contractor damages incurred due to inclement weather conditions on 3-23-2001 )	Change	\$ 6,000	1	\$ 6,000					\$ 6,000

***E. Interim BAER Evaluations / Implementation & Support Services / Monitoring***

<b><u>FS / BAER Team</u></b> ( M.Smith ... salary )	Day	\$ 325	7	\$ 2,275					\$ 2,275
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<b>F. TOTALS</b>	---	---	---	\$ 23,210					\$ 23,210
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**Mourning Dove - Yance Canyon BAER fund code ... P49073**

**PART 7 ... APPROVALS**

1. Acting Forest Supervisor: /s/ Guy Pence

Date: 4-11-2001

2. Regional Forester: \_\_\_\_\_

Date: \_\_\_\_\_

1 - 7 - 2001

## OPERATION AND MAINTENANCE PLAN

Fool Creek Flood Diversion Structure  
Location: SE1/4, Section 11, T. 16 S., R. 4 W.

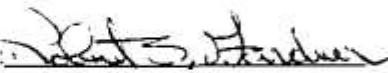
Funding for this particular project was acquired by the Fishlake National Forest during 2000 in connection with the Burned-Area Emergency Rehabilitation Plan (Interim Request #1) submitted for the Mourning Dove Fire Incident. Specifically, our authorization to use WFSU - SULT funds is intended to protect threats to both human life and property by potential flooding hazards; this action will be accomplished by stabilizing, rehabilitating and eventually restoring watershed areas damaged by severe burning disturbances - it can not be used for the future maintenance of the concrete diversion structure.

The Fool Creek Irrigation Company will be responsible for all future maintenance of the diversion structure, now and long term to coincide with the existing special use permit date and subsequent renewals in the future. Future maintenance involves, but not limited to the upstream channel, downstream channel, water intake structure, and appurtenances of water structure.

Conduct yearly inspections, or more often as needed, and perform necessary maintenance and repairs annually before operation:

1. Clean out sediment from intake structure and flush pipeline.
2. Check steel grate to ensure it is secure, clean, and not been damaged.
3. Check for cracks in the concrete and repair as needed.
4. Operate inlet gate valve to make sure it fully opens and shuts, and gate stem is secure and not obstructed.
5. Check for erosion around structure and for under cutting of the structure and repair with compacted fill as needed.
6. Check the drainage ditch and remove any debris or vegetative growth that could cause blockage.

The company is to notify the Forest Service in advance of any equipment use that might be needed for maintenance or repairs, i.e., tractor, crawler tractor, etc.

By:   
District Ranger  
Fillmore Ranger District  
Fishlake National Forest

By:  , President  
Fool Creek Irrigation Company

# POSTAWARD ORIENTATION (FAR 42.5)

Contract No.: 43-84N8-1-0060  
 Contractor: Dutson Supply Co.  
 Project: Fool Creek Concrete Water Diversion Structure

## Postaward Conference

Chairperson: Janie Durk  
 Location: Delta Date: 3/7/01 Time: 10 AM  
 Representing Government: Steve Rodriguez, Janie Durk  
 Representing Contractor: Larry Dutson

### Sections Discussed:

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> B Schedule of Items          | 5. <input checked="" type="checkbox"/> F Deliveries or Performance |
| 2. <input checked="" type="checkbox"/> C Description/Specifications | 6. <input type="checkbox"/> G Contract Administration Data         |
| 3. <input type="checkbox"/> D Packaging/Marking                     | 7. <input checked="" type="checkbox"/> H Special Contract Clauses  |
| 4. <input checked="" type="checkbox"/> E Inspection and Acceptance  | 8. <input checked="" type="checkbox"/> I Contract Clause           |
|   | 9. <input type="checkbox"/> J List of Attachments                  |

### Comments:

Contractor concerned if have lot of water or flood come down the channel -- we stated we would have to deal with it & negotiate a mod. OOL Porters handled with. Notice to Proceed issued 3-12-01. Contractor mentioned he had left out \$500 for PVC pipe -- but if major changes + he require a change - okay for now. Discussed Davis-Bacon wages certification + contract release. Went over attached clauses. Discussed needing to locate water line - in order to adjust concrete structure as needed.

CONTRACTOR

Signature

Date

USDA FOREST SERVICE

Signature

Date





## **Fishlake National Forest**

**Fool Creek / Concrete Diversion Structure**

**( project ... being affected by floods and mudflows on 3-23-2001 )**


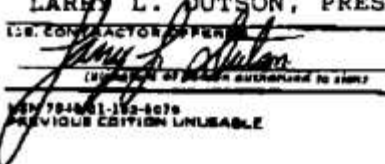
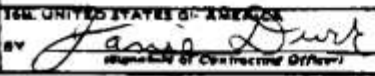


## **Fishlake National Forest**

### **Fool Creek / Concrete Diversion Structure**

**( site has been cleaned-up by the contractor  
and construction activities resumed on 4-2-2001 ... project  
remains on schedule -- expected completion date of 4-18-2001 )**



AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE		PAGE OF PAGES	
2. AMENDMENT/MODIFICATION NO. 01		3. EFFECTIVE DATE 3/23/01		4. REQUISITION/PURCHASE REG. NO.		5. PROJECT NO. (if applicable)	
6. ISSUED BY Utah Procurement Center 2222 West 2300 South Salt Lake City, UT 84119		CODE		7. ADMINISTERED BY (if other than item 6)		CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No. street, city, state and ZIP Code)  Dutson Supply Co. Attn: Larry Dutson 790 West Main Delta, UT 84624				9A. AMENDMENT OF SOLICITATION NO.			
				9B. DATED (SEE ITEM 11)			
				10A. MODIFICATION OF CONTRACT/ORDER NO. 43-84N8-1-0060			
CODE				10B. DATED (SEE ITEM 11) 3/6/01			
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input type="checkbox"/> The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of offers <input type="checkbox"/> is extended <input type="checkbox"/> is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or amendment, by one of the following methods: (a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By signed letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such offer may be made by telegram or letter, provided such telegram or letter makes reference to the solicitation and this amendment, and is received prior to the closing hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (if required) Increase P49073 by \$1,800							
 IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
<input checked="" type="checkbox"/> A. THIS CHANGE ORDER IS ISSUED PURSUANT TO (IDENTIFYING) THE CHANGES SET FORTH IN ITEM 14 AND MADE IN THE CONTRACT ORDER NO. IN ITEM 10A. <input type="checkbox"/> B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in pricing office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b). <input checked="" type="checkbox"/> C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: FAR 52.243-5 Changes and Changed Conditions <input type="checkbox"/> D. OTHER (Specify date of modification and authority):							
E. IMPORTANT: Contractor <input type="checkbox"/> is not <input checked="" type="checkbox"/> is required to sign this document and return <u>1</u> copies to the issuing office. 13. DESCRIPTION OF AMENDMENT/MODIFICATION (Describe by UCF version number, including subelement that subject matter where (added).) Fool Creek Concrete Water Diversion Structure, Fishlake NF is modified as follows: Contractor to construct a diversion ditch to divert water around work site and construct an earth dyke across the channel to divert water into the ditch; allowing concrete work to continue; backfill the trench & remove the berm at end of project to restore channel to pre-work status. Contractor responsible for controlling all future water flows around the work site and adhering to spec. page 26, SPS02219-2.05 Removal of Water & FAR 32.236-3 Site Investigation & Condition Affecting the Work. Mod. 1 - \$1,800 Contract Total is now \$20,665.00							
13A. NAME AND TITLE OF SIGNER (Type or print) LARRY L. DUTSON, PRESIDENT				13A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) JANIE DURK			
13B. CONTRACTOR OFFER 		13C. DATE SIGNED 03/26/01		13C. UNITED STATES OF AMERICA BY 		13C. DATE SIGNED 3/26/01	
13B. (Signature of person authorized to sign)				13C. (Signature of Contracting Officer)			
13B. (Signature of person authorized to sign)				13C. (Signature of Contracting Officer)			

Modification of Contract # 43-84N8-1-0060 dated 3-26-2001 signed by R4 / CO - Janie Durk allowing the contractor to secure another \$ 1,800 in funding to construct a temporary diversion ditch near the Fool Creek project site.



April 6, 2001

**FOREST SERVICE JOB  
FOOL CREEK FLOOD CONTROL STRUCTURE**

**RE: EXTRA EXPENSES DUE TO WATER DAMAGE**

**EQUIPMENT**

Trackhoe (3/26/01) - 11 ½ hours @ \$120/hr.	\$1,380.00
Trackhoe (3/27/01) - 10 hours @ \$120/hr.	1,200.00
Water Truck - 12 ½ hours @ \$55/hr.	687.50

DCH Const. Backhoe 8 hours @ \$50/hr.	400.00
Trackhoe 2 hours @ \$120/hr.	240.00

**REBAR**

20 TON ROCK	160.00
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2- BOXES 10" TIES @ \$45/per box	90.00
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75 WALER CLAMPS @ \$5.25/each	393.75
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3,000 PINS @ \$.37/each	1,110.00
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**LABOR**

3/23/01	Larry Dutson - 8 ½ hours @ \$25/hr.	212.50
	Dan Harris - 8 hours @ \$18.75/hr.	150.00
	Travis Stanworth - 2 hours @ \$14/hr.	28.00
	Jim Cook - 2 hours @ \$12/hr.	24.00

3/24/01	Larry Dutson - 5 hours @ \$25/hr.	125.00
	Dan Harris - 4 hours @ \$18.75/hr.	75.00

3/26/01	Dan Harris - 8 hours @ \$18.75/hr.	150.00
	Travis Stanworth - 8 hours @ \$14/hr.	112.00
	Jim Cook - 8 hours @ \$12/hr.	96.00

	David Pehrson - 8 hours @ \$9.93/hr.	79.44
3/27/01	Dan Harris - 8 hours @ \$18.75/hr.	150.00
	Travis Stanworth - 8 hours @ \$14/hr.	112.00
	Jim Cook - 8 hours @ \$12/hr.	96.00
	David Pehrson - 8 hours @ \$9.93/hr.	79.44

<b>TOTAL</b>	<b><u>\$8,025.63</u></b>
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LARRY L. DUTSON, PRESIDENT  
DUTSON SUPPLY CO.

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Scanned copy of a fax document that was submitted to the Fishlake National Forest on 4-6-2001 by contractor Dutson Supply Company of Delta, Utah; it requests **\$8,025.63** in additional payments for damages incurred during the storm and related flood events of 3-23-2001. A meeting has been scheduled with Mr. Larry Dutson for 4-10-2001 involving FS employees Janie Durk, Dave Jeppsen and Steve Rodriguez to determine the actual amount the contractor will be paid vs. the claim amount he requested this past week.

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE	PAGE OF PAGES 1
2. AMENDMENT/MODIFICATION NO. 02		3. EFFECTIVE DATE 4/10/01		4. REQUISITION/PURCHASE REQ. NO.	
5. PROJECT NO. (If applicable)		6. ISSUED BY Utah Procurement Center 1222 West 2300 South Salt Lake City, UT 84119		7. ADMINISTERED BY (If other than Item 6) CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) Dutson Supply Co. Attn: Larry Dutson 790 West Main Delta, UT 84624				9A. AMENDMENT OF SOLICITATION NO. 9B. DATED (SEE ITEM 11) 10A. MODIFICATION OF CONTRACT/ORDER NO. 43-84N8-1-0060 10B. DATED (SEE ITEM 13) 3/6/01	
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS		<input type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended. <input type="checkbox"/> is not extended. (This must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: a) By completing Items 8 and 15 and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.)			
12. ACCOUNTING AND APPROPRIATION DATA (If required) Increase P49073					
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14					
14. A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A. B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b). C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: D. FAR 52.243-5 Changes and Changed Conditions E. OTHER (Specify type of modification and authority)					
15. IMPORTANT: Contractor <input type="checkbox"/> is not. <input checked="" type="checkbox"/> is required to sign this document and return <u>1</u> copies to the issuing office. 16. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by DCF section headings, including solicitation/contract subject matter where feasible): Pool Creek Concrete Water Diversion Structure, Fishlake NF is modified as follows: Extra Expenses due to Water Damage for lump sum of \$ <u>6,000.00</u> Add 5 cal. days Contract Total is now \$ <u>26,685.00</u>					
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.					
15A. NAME AND TITLE OF SIGNER (Type or print) President Larry L. Dutson		15B. CONTRACTOR/ORDER NO. (Signature of person authorized to sign)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) JANIE DURK	
15C. DATE SIGNED		15D. UNITED STATES OF AMERICA BY Janie Durk (Signature of Contracting Officer)		16C. DATE SIGNED 4-10-01	

NSN 7540-01-152-6070  
PREVIOUS EDITION UNUSABLE

30-105

STANDARD FORM 30 (REV. 10-83)  
Prescribed by GSA  
FAR (48 CFR) 53.243

**Modification of Contract # 43-84N8-1-0060 dated 4-10-2001 signed by R4 / CO - Janie Durk allowing the contractor to secure another \$ 6,000 in funding for damages and additional work related to the storm event of 3-23-2001.**

**Although the contractor had requested compensation in the amount of \$ 8,025.63 ... the actual payment was negotiated down to \$ 6,000 and agreed upon by all of the parties involved with the project; this meeting was held at Dutson Supply Company in Delta, Utah on 4-10-2001.**

