

**BOARD OF SUPERVISORS**  
**GILA COUNTY, ARIZONA**

Date: April 12, 2005

**JOSÉ M. SANCHEZ**  
Chairman

**JOHN F. NELSON**  
Clerk of the Board

**TOMMIE C. MARTIN**  
Vice-Chairman

By: Marian Sheppard  
Chief Deputy Clerk

**SHIRLEY L. DAWSON**  
Member

Gila County Courthouse  
Globe, Arizona

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PRESENT: Jose M. Sanchez, Chairman; Tommie C. Martin, Vice-Chairman; Shirley L. Dawson, Member; Jacque Griffin, Assistant County Manager/County Librarian; Marian Sheppard, Chief Deputy Clerk; and, Bryan Chambers, 2<sup>nd</sup> Chief Deputy County Attorney.

The Gila County Board of Supervisors met in Work Session at 10:00 a.m. this date. Steve Stratton led the Pledge of Allegiance and Ken Hein of the Claypool Methodist Church delivered the Invocation.

Chairman Sanchez called on Steve Stratton for discussion regarding structural flood control measures in the unincorporated areas of Gila County.

Mr. Stratton provided a history on local floods dating back to 1992-93. He advised the audience that Ms. Kathy Whitman, Principal of Westland Resources, Inc. located in Tucson, Arizona, accepted an invitation to attend today's meeting in order to gather information on the County's current situation with local creeks and dikes, and to listen to citizen's concerns. Mr. Stratton advised that Ms. Whitman represents local mining companies on engineering and environmental issues. He advised that one of the biggest problems at hand for the County is that most people do not have an understanding of the constraints placed on the County to rebuild the dikes. Mr. Stratton advised that the County has the equipment to repair the dikes;

however, repairs to the dikes are not allowed because HURF (Highway User Revenue Funds) funds, VLT (Vehicle License Tax) funds and revenues from the County's half-cent sales tax are restricted to roads. He also said that in-house repairs may not exceed approximately \$175,000 per the Achen-Gardener Act. An assessment of the dikes needing repair was conducted by the Public Works Division and it has been determined that approximately 6,912 lineal feet of dikes need to be repaired. Repairing the dikes to a height of 10 feet and a width of 12 feet at the top of the dike and 48 feet at the bottom of the dike would require approximately 9.9 yards of material per linear foot. In order to rebuild the dikes to their previous condition, it will cost an estimated \$311.13 per lineal foot or a total of \$2,150,532.29. Mr. Stratton advised that the end result would be that the dikes, after repair, would not hold. He advised that most of the dikes needing repair would have to be designed for a flood to occur 25 years and the Roosevelt Lake Estates area would have to be designed for a flood to occur every 100 years. He stated, "*We have the latitude (to make repairs) under a state of emergency, if there is a danger to life or property. Because we do that, it is assumed by residents that the County should do precautionary measures. We can't do that because of HURF and situations with the (United States Army) Corps of Engineers (hereinafter referred to as USACE).*"

Chairman Sanchez inquired whether the County has the authority to repair dikes if they are located on private property. Mr. Stratton replied that the County would only be able to repair dikes on private property if an easement was obtained and that a majority of the dikes are located on land owned by mining companies and the USDA (United States Department of Agriculture) Forest Service. He stated, "*In order to get 404 permitting (referring to Section 404 of the Clean Water Act), you almost have to go through a NEPA (National Environmental Policy Act) process.*" Mr. Stratton called on Steve Sanders, Public Works Deputy Division Director, to address the Board. Mr. Sanders provided the Board with a handout of a chronological accounting of efforts made by the County from 1996 to present to re-channel and remove

vegetation from Pinal Creek and Tonto Creek. The sequence of events is summarized as follows:

Early 1996 – The County began work in Pinal Creek to channelize and remove vegetation.

May 6, 1997 – The County received a letter from the USACE requesting that all activities in Pinal Creek cease immediately because the County had not obtained a “404 Permit”. The County was also advised that violation of the 404 permitting process could result in criminal fines and penalties. USACE requested that within 30 days, aerial photographs of the area showing the disturbance caused by the County must be submitted.

May 29, 1997 – The County submitted an aerial photograph along with plans and pictures of the area. The plans showed how the County repaired the dike after the 1993 flood along with costs spent for repairs. The County explained to the USACE that the dike was damaged again by flooding in 1995 and the work currently underway was to repair that damage.

May –November 1997 – Discussions ensued between Gila County and USACE.

November 24, 1997 – Gila County applied for a 404 Permit for channelization and vegetation removal along Pinal Creek. The beginning of the project was the confluence of Pinal Creek and Miami Wash. The Permit was denied.

December 8, 1997 – Gila County applied for a 404 Permit with changes being made to the previous permit application for channelization and vegetation removal along Pinto Creek. The Permit was denied.

December 15, 1997 - Gila County applied for a 404 Permit for channelization and vegetation removal along Tonto Creek. The Permit was denied.

May 7, 1998 – One year after providing documentation to USACE regarding the work the County performed on Pinal Creek, the County was informed by USACE that the information provided was inadequate and a fee was being imposed in the amount of \$1,000 per acre of land disturbed. USACE designated the Superstition Area Land Trust as the beneficiary of the fine.

May 29, 1998 – Gila County issued a check in the amount of \$10,000 to the Superstition Area Land Trust. In addition to the fine, Gila County spent in excess of \$1,800 on the aerial mapping of the site.

Mr. Sanders stated that since the time the County was advised that its application for a 404 Permit was denied, the County has only worked in the creeks when there was a threat to life and/or property in an emergency situation. Supervisor Dawson inquired if the County applied for the 404 Permits with the help of a consultant and she stated that there must be a way to get into the creek beds. Mr. Sanders replied that previous 404 Permit applications were submitted to USACE without the help of a consultant and he reiterated the reason that Ms. Whitman was invited to today's meeting is to hopefully assist with any future 404 Permit applications that will be submitted to USACE. Mr. Stratton stated that Ms. Whitman contracts with mining companies, such as Phelps Dodge, to facilitate the 404 permitting process. He further stated that Ms. Whitman has extensive knowledge of Pinal Creek and Tonto Creek. He advised that the purpose of today's meeting is to inform the citizens of the efforts made and work performed by the County on the creeks and dikes; to let the citizens know that the County has an understanding and cares about the problems encountered by property owners; and, to communicate the County's future course of action on this issue. Chairman Sanchez inquired if Ms. Whitman was going to address the Board. Mr. Stratton replied that he invited Ms. Whitman to today's meeting to listen and gather information so that she may prepare and submit a proposal for a future course of action along with costs. Ms. Whitman's proposal will be reviewed by Mr. Stratton and his staff and a formal presentation will be made to the Board at a later date. The Board and Mr. Stratton entered into a discussion of possibly trading land with the USDA Forest Service to relocate property owners that could be affected by future flooding. Mr. Stratton advised that option was not feasible due to the cost because the Forest Service would accept a trade of 3 to 4 acres of Forest Service land for 1 acre of private land. Chairman Sanchez

advised that in the past there was discussion of the property owners forming a flood control district; however, he stated that the County has no authority over the subject channels of water even though the citizens continue to come to the Board to “fix” the situation.

Chairman Sanchez called for public comment at this time. A summary of the speakers’ comments are as follows:

Bruce Bunch, resident of Roosevelt – He asked whether USACE provided a reason for the denial of the 404 Permit and if the application can be amended and resubmitted. Mr. Sanders advised that the County is looking to Ms. Whitman, who will be instrumental in the 404 permitting process, so *“we won’t stumble as the County has in the past.”*

William A. Byrne, a resident of Globe – He advised that during the last heavy rainstorms, his family’s mobile home trailer park was flooded. Mr. Byrne also stated that in the past he wrote a letter to USACE and was advised that the 404 Permit was easily obtainable. He said that USACE *“put it back on the County floodplain administrators and said things can be done with the proper permitting”*. Mr. Byrne stated that without some repairs being made to the dikes surrounding the family’s property, the next flood occurrence will result in the loss of mobile homes, personal property and possibly lives.

Tony Castaneda, a resident of Roosevelt Lake Estates – He expressed appreciation that the County is working on the issue and stated; *“it seems we are suffering from past mistakes and the dikes have not been maintained. We must work with the Corps of Engineers.”* His biggest concern is the current deteriorated condition of the dikes and the likelihood that another heavy rainfall could bring the water to the properties in Roosevelt Lake Estates, where he lives, and to other areas. He recommended that the County erect a building/station in the Roosevelt Lake area for emergency situations, as was done in the past.

Lawrence Center, a resident of Miami, AZ – Mr. Center advised that he has a home in Roosevelt Lake Estates. His concern is that when Roosevelt Lake gets

full, septic tanks and homes in Roosevelt Lake Estates will be flooded, except for six homes to the west side of the Estates. He suggests that the government move the homes within Roosevelt Lake Estates.

Elizabeth Etheredge, a resident of Roosevelt Lake Estates – Her property is level with the creek and she stated that reinforcing the dikes during the last heavy rain storm saved her property from being flooded.

Bonnie Weaver, Manager of Holiday Hills Mobile Home Park - She is thankful for all of the efforts the County has made to control flooding and she asked that property owners be apprised of any progress that is being made. She referred to a flood that occurred in 2003 and stated that the County put in 2 road culverts which caused severe damage to the mobile home park. She tried to find out whether the County or the State was responsible and she has been told by representatives of both agencies that it is the other agency's responsibility. Chairman Sanchez advised that Ms. Weaver will be notified which agency is responsible.

Barbara Godbold, a resident of Tonto Basin – She expressed a concern that an “emergency crossroad” needs to be erected across Tonto Creek and it is her understanding that a 404 Permit is required. She referred to an executive summary that was prepared by USACE for a potential bridge that will be built across Tonto Creek. She stated that the executive summary requires that a non-public sponsor would be needed and it could be through the Gila County Flood Control District, Gila County Public Works Division or the Arizona Department of Transportation.

Sue Hunsaker, a resident of Tonto Basin – She advised the Board that land was flooded directly below her property. She stated that realtors need to act more responsible by informing potential buyers of the problems that occur when Tonto Creek floods. She agreed that the 404 Permit needs to be obtained in order to provide an open channel within the creeks for the water.

An in-depth discussion ensued between the Board; Mr. Stratton; Mr. Sanders; Jacque Griffin, Assistant County Manager/County Librarian; and,

members of the public regarding the status of the proposed bridge to be built across Tonto Creek. Everyone agreed that the progress is slow and the process to build the bridge is unclear. Congressman Rick Renzi's efforts were acknowledged because he recently secured \$3M toward building the bridge. Mr. Sanders advised that Gila County could be the sponsor when the process gets to the point of actually building the bridge. Vice-Chairman Martin advised that the entity chosen to be the sponsor of the bridge will also be responsible for maintenance of the bridge. The discussion moved to the serious problems that exist for the people living near Tonto Creek each time it floods. It was mentioned that many people who have purchased property nearby Tonto Creek were never informed by realtors of the dangerous flooding conditions that exist. Chairman Sanchez asked Darde de Roulhac, Chief Engineer for the Gila County Flood Control District, to briefly address a comment that was made on flood warning sensors located on the creeks. Mr. de Roulhac advised that the County is in the process of building a flood warning system. Campaign Creek and Pinto Creek have been looked at to place a stream flow gauge; however, a stable location has not yet been found. He advised that a rain gauge has been installed at the Roosevelt Fire Station.

Mr. Stratton asked members of the audience to signify by a show of hands anyone that currently has flood insurance. He stated, "*A lot of people buy insurance and think they have flood insurance, but they don't. In order to be covered by FEMA (Federal Emergency Management Agency), you must have NFIP (National Flood Insurance Program).*" He then encouraged everyone to verify their insurance coverage. Mr. Center advised that flood insurance costs approximately \$500 per year and Supervisor Dawson said she was informed that it costs approximately \$400 per year. Mr. Stratton stated that it is now time for him and his staff to consult with Ms. Whitman in order to present a proposal of future actions to the Board. Mr. Stratton also advised that he would meet with County Manager and Assistant County Manager regarding the funding source to hire Ms. Whitman.

There being no further business to come before the Board, Chairman Sanchez adjourned the meeting at 11:39 a.m.

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José M. Sanchez, Chairman

ATTEST:

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John F. Nelson, County Manager/Clerk