

From: Tydon Oler <ty@tydon.com>
Sent: Monday, January 8, 2024 11:32 AM
To: Town of Rockville
Subject: Comment for Town Council Meeting Jan 10, 2004

Vicki,

Please read the following statement into the record of the Town Council Meeting for Jan 10, 2004...

As a Virgin River Property Owner I OPPOSE the introduction of the Virgin River Woundfin, a Federally Endangered Species, upstream above the Quail Creek Diversion (Study Area). The proposed Study Area is outside the Critical Habitat designated for this species and NO historical record of Woundfin has been previously established in this area - naturally or by human introduction.

While the WCWCD has received assurances that the introduction of Woundfin in the Study Area will not result in an expansion of the Critical Habitat Area designated for the Woundfin it is IMPOSSIBLE to guarantee this. The Federal Government and Environmental Lobby Groups have a history of, time and time again, expanding protection (or pushing the expansion of Critical Habitat at great cost in the courts) for Critically Endangered Species.

"In 1972, woundfin were transplanted into four locations in the Gila River system, but populations were not established. In 1985, the USFWS established a 10(j) ruling (50 FR 30188, July 24, 1985) for further woundfin reintroductions in the Gila River drainage. Fish released in that drainage would be considered an experimental, nonessential population. These fish would not be afforded full protection under ESA. In the Recovery Plan, the 9 USFWS recommended that the 10(j) ruling be withdrawn, due to the precarious status of the woundfin. We determined that all future reintroductions should receive full protection of the ESA. During the summer of 2007, the State of Arizona Game and Fish Department stocked hatchery reared woundfin in the Gila River drainage under the existing 10(j) ruling. As a result, the USFWS is not planning to withdraw the rule. We will continue to monitor this population and its contribution to recovery. (March 2008 Virgin River Fishes 5 Year Review: Summary and Evaluation - U.S. Fish and Wildlife Service)

As stated previously, though the WCWCD has received assurances through a "MEMORANDUM OF UNDERSTANDING," nothing in this document protects individual VIRGIN RIVER LANDOWNERS and indemnifies them from potential legal, financial, OR private property rights damages in the future (from either government or private environmental groups seeking to expand the range of this protected species). A "MEMORANDUM OF UNDERSTANDING" that the WCWCD can remove this test population will NOT prevent ANY interested party from filing for an injunction in the courts to prevent such removal (at a potential great cost to individual landowners). If, by introduction of this Critically Endangered Species outside of its historical range, landowners, ditch companies, and municipal water/sewer systems are indeed impacted, in any way negatively, the WCWCD and the State of Utah should be responsible to indemnify, defend, and reimburse these parties.

Thank You,

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