

## Significant Miller Bird Refuge Issues

### Trees

- Hundreds of trees have been cut annually in MBR since 2014. Although described as “non-native and/or invasive” these trees have severely reduced what was once a much more abundant and thriving nature park. Between 2014-2018, attempts were made to replace lost trees, with nearly total failure, according to the city.
- During 2020 and 2021, the city acknowledged 600 trees were cut, but also acknowledged that none were replaced. The Great Salt Lake Audubon Society referenced the projected loss of 275 trees during renovation of the park in 2014. If you “do the math,” MBR has lost about 900 trees during 2014, 2020 and 2021. The city has not yet released figures about how many trees were removed between 2015-2019. **QUESTION: Please provide YNC with those statistics; trees removed between 2015-2019.**
- On two occasions in 2014, the city was asked to halt tree removal in MBR. Both requests were denied. One was made by Yalecrest residents who signed petitions and presented them to the City Council. The second request came from Heather Dove, president of the Great Salt Lake Audubon Society, who expressed concern that tree removal during nesting season would not only violate federal laws but destroy nests and kill unborn birds. That her measured and professional opinion was basically ignored, raises serious questions about who can best protect MBR.
- The city revealed that it hires seasonal park clean-up crews who work approximately from April-September. Any tree-cutting work in MBR between April-July, would be a violation of the federal Migratory Bird Treaty Act. **QUESTION: Please disclose if trees have ever been removed in MBR between April-July of ANY year in the past.**
- 2014 was one of the most drastic tree-cutting years in MBR because of a planned “restoration.” Included were many tall, healthy and mature black locust trees — destroying screech owl habitat. Other, tall, mature trees were also taken out of the park as part of the park’s reconstruction.
- Removal of the park’s canopy has encouraged the growth of cheatgrass which is more than a nuisance, it’s a serious problem for dogs, wildlife, and landscapes. Cheatgrass is a prolific spreader, using its barb-like seeds to grow just about anywhere. Cheatgrass seeds can get stuck in pet fur, skin, eyes, nose, ears, or mouth. It has been found in dogs’ lungs. The dense, dry, fine stalks of cheatgrass, which sets seeds and dries out by June, are particularly flammable fuel for wildfires.
- City officials have maintained that most trees recently cut are only 1.5-inch caliper and less than 5 feet tall, yet residents have recent visual evidence that truckloads of trees up to 16 feet tall were removed.
- Black locust trees were originally planted in the park by the pioneers who came to the Salt Lake Valley in the 1840s. They were banned in 2014 as part of an initiative to renovate the park after an oil spill. This policy was determined by a company hired by the city called Canyon Environmental, owned and operated by one individual, Christopher Jensen.\* He earned a master’s degree in agronomy from BYU. (Agronomy is

the study of field crop production and soil management.) On his Linked In page, Jensen describes his expertise as “permitting and compliance for energy, mining and utility development projects.” He also lists environmental site assessments and NEPA analyses” in his career experience. **QUESTIONS: Does he have the correct credentials to determine if black locust trees should remain or be removed from Miller Park? What have urban foresters, trained arborists or tree experts said about the black locust tree in Utah, especially in locations like MBR where they have existed since the 1840s? In other words, does the city stand by this decision in 2014?**

## **Birds**

- The health and size of the bird population is unknown to the city despite statements the city made in November 2021 that the bird population in MBR is “healthy” and “up.” YNC learned that no scientific data has ever been officially collected. The first official study conducted by Tracy Aviary in the summer of 2021 won’t be released to the public until early, 2022.
- One evidence of bird health is the screech owl. Residents say that screech owls were abundant and could be heard throughout the park in years past. Now, they are either nonexistent or rare, according to residents. In a December email, a conservation official with Tracy Aviary listed 53 bird varieties that had been “detected” in MBR, but no specific year or timeframe was given. A Western Screech Owl was on the list. **QUESTION: When and by whom were the 53 birds observed?**
- Residents saw city crews spraying an herbicide on cheatgrass in 2021 disturbing a nest of 9 quail and causing them to scatter. **QUESTION: How many times has the city sprayed herbicides on vegetation in MBR, specifically, the years and months it was applied, and the vegetation targeted, as well as the name(s) of the herbicide(s) used.**

## **Sprinklers and Irrigation**

- In 2012-2013, the head of Salt Lake City Parks Department decided that all irrigation systems in MBR be turned off, because “we live in a desert.” After some pressure, she later relented but then determined in 2013 that the MBR irrigation system must be replaced because it was “antiquated.” The existing commercial system, which relied on Toro 640 heads, had been operational without incident for less than 25 years. This same Toro equipment is used on golf courses throughout the region, where it has performed exceptionally for more than 65 years.
- The original Toro 640 system in MBR was replaced with a residential system that needs frequent maintenance. In some areas of the park, the sprinklers don’t work or only provide spotty coverage. Trees and vegetation are dying because of this poorly maintained system.
- The new irrigation system was not correctly installed and some parts are missing.
- Sprinkler heads and sprinkler boxes protrude vertically on the path, making it dangerous for walkers, runners, bikers and others.

- Residents have personally witnessed the dismantling and removal of existing irrigation pipes, without any replacement of new equipment. In one instance, residents observed some of the original pipe was excavated, “new” equipment was laid in the trench, and, after city workers left the park, the company installing the new equipment removed it, placed it in their trucks and filled the hole with dirt. Told of the problem, the city did nothing. **QUESTION: Why is the irrigation and sprinkler system in MBR poorly maintained and/or non-functioning and why is there little or no accountability by the city with vendors that it contracts with, even when infractions are reported?**

### **Water flow in the stream**

- Last year was the hottest on record in Utah with almost no precipitation. Additionally, there was no water flow from Red Butte Creek in the park for 30-80 days last summer, according to residents living near the park. Water intended for the park is tied up in water right disputes with Mt. Olivet Cemetery. The city is negotiating with Mt. Olivet for a solution.
- An official in the adjudication office of The Utah Division of Water Right told YNC in December that water rights along Red Butte Creek are being adjudicated in Third District Court, which may effect the speed with which water rights in MBR are resolved.
- Some residents in Yalecrest have been told by responsible sources working with the VA on the Superfund PCE mitigation, they are “certain” Red Butte Creek water has been diverted by Mt. Olivet to Rowland Hall St. Mark's School.
- In the 1990's, the LDS Church's Garden Park Ward requested a short-term metered connection to a city hydrant on Yale Ave. The city determined the then-existing LDS water right had been utilized to fill an on-site pond for irrigation and must be relinquished to the city, and that future irrigation be connected to the city's culinary line. **QUESTION: What is the status of this?**

### **Pesticides and Chemicals**

- During the summer of 2021, residents observed city crews using pesticides to spray bushes on the Miller Park slope. During one spraying, a covey of quail — about nine — who had been nesting, immediately ran from the bush being sprayed. The incident was reported to the city but ignored.
- The city has used and may continue to use Picloram (commercial name: Tordon), a chemical sold by Dow Chemical to poison trees cut in MBR. It is one of the ingredients in Agent Orange, used in Vietnam. A USU forestry professor (Corey Ransom) and 40-year veteran with the US Forest Service (Eldon Guymon) both discouraged the use of this powerful chemical on trees — especially in a bird refuge. **The product is only recommended for use in forest sites, fence lines roadsides and rights of way — none of which apply to Miller Park. It also comes with this warning: “never apply within the root zone of desired trees as they will also be affected through root uptake and soil.”** Because of the way Tordon has been used in MBR, there is near certainty that neighboring trees, soil and vegetation have been contaminated or damaged.

QUESTION: Please disclose all chemicals used in MBR for the past 12 years, including Tordon, the last time it was/they were used and if it will be/they will be used in the future.

### **The Stream Bed**

- After the Chevron oil spill, the stream bed underwent major revisions, which changed the natural flow of the water. Residents remember when their children would ice skate from one end of the stream to the other in the winter, which is no longer possible because of all the “dams” and blockages placed in the bed.
- The actual flow-line is now obscured and well below the highly permeable cobble surface that precludes access by birds. During low flow events, Red Butte Creek disappears within 200' of 900 South.
- The chemistry and native habitat were altered by the installation of cobble and boulders from areas outside the Red Butte Creek watershed, namely Willard.
- Ironically, “dams” placed along the stream bed of the creek have dropped significantly and will continue to find a lower profile. Yet, impacts of the arbitrarily raised bed have already included dead trees due to submersion and the need to introduce additional retention to reinstate the lower path according to the CIP contract.
- Eldon Guymon, who worked with the U.S. Forest Service in Utah for 40 years, told residents in 2014 the mass removal of trees from MBR and the radical re-design of the stream bed would:
  - Pollute the stream bed
  - Undercut the slopes (caused by the boulders)
  - Destroy the canopy (because of the large number of mature trees removed)
- The arbitrarily widened channel violated the riparian overlay ordinance and has caused significant stream bank erosion. This was done, even though Chuck Call, the city's chief hydrologist, determined that the then 5' wide channel could easily accommodate all conceivable flood events, after consulting with FEMA.

From *The Salt Lake City Historic Landscapes Report about Miller Park*, 2016, written by JoEllen Grandy, Landmark Design.

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<sup>15</sup> The following species were recommended for removal based on a Botanical Evaluation/Assessment conducted by Canyon Environmental: Siberian Elm (*Ulmus pumila*), Tree-of-Heaven (*Ailanthus altissima*), and Black Locust (*Robinia pseudoacacia*) (Biohabitats).