

# HABITAT CONSERVATION ADVISORY COMMITTEE

for the Washington County Habitat Conservation Plan (HCP)

A **regular meeting** of the Habitat Conservation Advisory Committee (HCAC) was held at the Washington City Council Chambers on **MARCH 22, 2011.**

Committee members present were:

Karl Wilson, Chairman	Mayors Association
Chris Blake, Vice Chairman	Environmental Organization
Larry Crist	U.S. Fish & Wildlife Service (USF&WS)
Jeff Morby	Local Development
Reed Harris	Utah Dept. of Natural Resources (UDNR)
Bob Sandberg	HCP Administrator
Marc Mortensen	Citizen-at-Large

Absent and excused:

Jimmy Tyree	Bureau of Land Management (BLM)
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Also present were:

Amber Stocks	HCP
Cameron Rognan	HCP
Mike Empey	Congressman Matheson's Office
Ann McLuckie	UDWR
Alan Gardner	County Commissioner
Chris Hart	Ivins City Mayor
Judy Gubler	Ivins City Manager
Chuck Gillett	Ivins City
Benny Sorensen	Ivins City
Jena Jorgensen	Detailing for USF&WS
Sandy Johnson	RCDR Trail Steward
Lisa Rutherford	Citizens for Dixie's Future
Mike Small	Citizens for Dixie's Future

## 1. **CALL TO ORDER**

Chairman Wilson noted that a quorum existed and called the meeting to order at 1:08 P.M. Member Tyree was excused. Amber Stocks was welcomed as the HCP Administrative Assistant.

## 2. **CONSENT AGENDA**

The Consent Agenda is a means of expediting routine matters which come before the committee for approval. The consent portion of the agenda is approved by one (1) non-debatable motion. If any member wishes to remove an item from the consent portion of the agenda, then that item becomes the first order of business on the regular agenda.

- a. **Approval of the agenda**
- b. **Review and approve minutes**
  1. February 22, 2011

Approved HCAC meeting minutes – March 22, 2011

- c. **Next meeting date**
  - 1. April 26, 2011

**MOTION** by Chris Blake to approve the Consent Agenda.  
**Seconded** by Jeff Morby.  
**Discussion:** None.  
**Vote was taken:** All voted aye.  
**Motion passed.**

### 3. **PRESENTATIONS**

#### a. **Ivins City (C. Hart)**

Mayor Chris Hart referred to a power point presentation shown as Exhibit 3-a-1 HCAC 032211. Over the past 15 years the Tuacahn Detention Basin has gone through the approval process and has been brought before the council at least two other times.

Mayor Hart explained that when the project began, Ivins City's original approval was an earth detention dam meandering footprint and re-vegetated soil to blend with the landscape. As Ivins City has gone through various planning processes, it has evolved into something quite different. Currently the dam structure is dramatically larger in size with a much more obvious spill-way than the original plans.

Since the beginning there has been apprehension to have a detention dam put in place. However, after the drainage study was completed over 15 years ago, it was determined that a dam would be the most effective solution to potential flooding problems existing below the structure. It was determined back then by Ivins City Council to pursue the dam.

Ivins City received consent by USF&WS, State Parks, and the HCAC to pursue a solution to the potential flooding problems. A diagram showing how the dam has evolved can be viewed through Exhibit 3-a-1 HCAC 032211. When first under consideration, the project started at approximately \$400,000. Now it is over \$1,500,000. Ivins City has spent well over \$200,000 plus an un-quantified amount of staff time. Ivins City is now finalizing the approvals and have a potential source of funding with the Natural Resource Conservation Service.

Mayor Hart made it clear he is not speaking for Ivins City Council. He has the approval to discuss the matter with the HCAC and to make a proposal, with no authorization to abandon the dam. Mayor Hart expressed his belief that those who have an interest in this subject do not want the dam to be built, however, there needs to be a solution.

During beginning stages of the dam, engineers proposed a few alternative solutions, one of which is being looked at. The alternative is not considered to be as effective, but it could be a route to protect tortoise habitat and the view shed.

Mayor Hart expressed a need to determine what should happen and act upon it now. He made an appeal to the HCAC to find a solution together. Expenditure of time and money has been spent on the project, so unless there is a reason, he believes it should not be abandoned.

Ivins City proposed that if they drop what they have invested in this project and pursue another solution to the drainage problem then they would ask the HCP to pave a portion of the Toe trail just north of the Citadel development and along the dike. On the east end, this trail would also connect to a future Ivins City trail paralleling Tuacahn Drive.

Rather than requiring the HCAC to purchase the property, it would be included in this trail proposal so that Ivins City wouldn't be in the middle of all the approvals and technical issues.

There is sufficient value to the community by means of interconnecting a variety of trails through a future Ivins City Park. The detention dam is imminent; when the funding comes it'll be the decision of Ivins City Council to proceed forward with the construction of the dam.

Mayor Heart asked the committee how they feel about the detention dam now, whether or not it is a negative and if so if it has become a greater negative. Is it worth exploring an alternative solution with Ivins City agreeing to deal with the drain issue in some other fashion than the proposed dam?

The committee then opened up into a discussion found in 5-a.

#### **4. UTILITY AND DEVELOPMENT PROJECTS**

None.

#### **5. GENERAL BUSINESS**

##### **a. Discuss Ivins City Presentation**

The committee discussed various ideas. They discussed the current design of the flood control structure, where the material would come from, where the property is located, alternatives, and land exchanges.

The committee expressed support to further investigate, conveying the desire to help Ivins City solve this issue. The committee further expressed their desire to have the trail, provided it is less of an impact than a detention dam.

**MOTION** by Larry Crist to move that the HCP work with Ivins City to examine alternatives and have the Technical Committee (TC) review the alternatives to the Detention Basin, bringing a recommendation back to the HCAC.

Seconded by Marc Mortensen.

Discussion: None

Vote was taken: All voted aye.

Motion passed.

**b. Discuss Gila Trail Field Trip**

The objective was to have the TC give the HCAC an opportunity to look at a trail that didn't have as much impact as some other trails. The Gila Trail opened September 2010. It is primarily used by hikers, and in one section it is open to equestrians, however, it is closed to mountain bikers due to rough terrain. It travels through an area which has not been as braided by human activity as some of the other areas the HCAC has been to before. Larry Crist questioned if the trail will be monitored, Ann McLuckie said that it would.

**c. Land Acquisition Efforts (HCAC)**

1. The BLM has continued to follow up with parties having in-holdings. The BLM applied for Land and Water Conservation Funding (LWCF) last year. The congressional delegation was involved but BLM was not funded. The BLM is working with their leadership team to develop multiple strategies for moving forward including exchanges, land sales and LWCF funding. The BLM has applied for LWCF funding again, that if approved would be awarded in fiscal year 2013.
2. The Frei exchange is still working thru the process slowly.
3. The committee asked Michael Empey what funding will be available, in any rational amount, for land purchases. Mr. Empey explained the budget for the rest of the year is a developing story. The committee conversed how exchanges might be the only way to get funding given the situation in Congress.

The desire of many people is to control the LWCF. A continuing resolution never gives people their desired control. Perhaps future grants will be given, but until then the HCAC needs to push for exchanges where legislative mechanisms are in place for getting it done.

4. Another item of concern is the local BLM office capability. This office needs support from the state and national offices in order to make significant progress. They have done a great amount of work over the years; however, it has been a long slow process.

**d. Planning Update**

The BLM has been developing a preferred alternative and other alternatives to the proposed action. The BLM has been having meetings and will continue its focus on alternative development processes.

There were no questions or comments and the Chairman moved the agenda.

**e. Request from the Nature Conservancy**

Exhibit 5-e-1 HCAC 032211. Bob Sandberg reported that The Nature Conservancy received \$50,000 from the HCAC and County Commission to construct fencing around the White Dome in order to protect the Bear Claw Poppy. The agreement was amended once to extend the time frame. The fence has been completed as planned, and currently \$5,500 remains with a request to expend the remaining funds for additional fence maintenance, gate repair, and replacement on the White Dome as well as a piece of property on Shinob Kibe for the same Bear Claw Poppy.

**MOTION** by Chris Blake to allow the Nature Conservancy to keep the remaining balance of \$5,500 to maintain fencing.

Seconded by Larry Christ.

Discussion: None

Vote was taken: All voted aye.

Motion passed.

**f. Report on Management Oversight Group (MOG) Meeting 3-10-11**

HCAC members reported that the main focus of the MOG meeting was on the proposed Recovery Implementation Teams (RIT) and the timing of the release of the Revised Recovery Plan for the desert tortoise. At the meeting a detailed discussion regarding RIT's took place. RIT's will be established for the various recovery units throughout the range of the tortoise. Recommendations from USFWS staff were that the Upper Virgin River Recovery Unit have its own RIT with make up being in keeping with the existing HCP, plus members from the Desert Tortoise Recovery Office. There should be no major change in direction from what Washington County is doing right now.

The director considered delaying the revised recovery plan while trying to address new solar developments in the Mojave Desert. The feedback he received from the attending group was to finalize the plan, amending it later to address solar issues. The director agreed to a final revised recovery plan which will come out in May.

MOG is comfortable with the way Washington County HCP is set up in working to recover the desert tortoise. If the steps to recovering the tortoise are taken and accomplished it will be beneficial to the HCP and Washington County. However, recovery for desert tortoises will probably only come when they are recovered

throughout their entire Mojave range. Chances are not as good that the tortoise will be recovered range wide throughout California and Nevada. They don't have the population densities that exist in this area.

There will be a separate sister RIT formed for the Beaver Dam Slope area of Washington County and would include the Arizona Strip area as well. The work of both RIT's would be closely coordinated and would require some additional meetings but is not envisioned to create a significantly larger workload because the infrastructure is already in place for Washington County's RIT's.

**g. Technical Committee report**

Technical Committee Chairman Cameron Rognan told the members that the TC had two motions. The first regarding fuel reduction alternatives reads, "for the BLM to pursue with an EA, the most cost-efficient effective alternative between either grazing via goats or mowing or hand weed whacking." Both alternatives will most likely be approved within their EA. The TC will use the option which is most cost effective.

The Disney Commercial Use Proposal in Pioneer Park area was brought before the TC. The motion regarding this proposal reads, "to approve the shoot given that HCP staff will inspect for winter burrows and they will do another inspection prior to the shoot starting. Also that there will be a biological monitor on site from sunrise until sunset during the filming and Disney will coordinate any rock anchoring with the city of St. George." Cameron noted that with the rock anchoring Disney will fill any holes to match the rock color in order to make it unnoticeable. Cameron has completed the first inspection and plans on a second inspection before filming. Our belief is that Disney has hired biological consultants at JBR for April 5<sup>th</sup>-7<sup>th</sup>.

**h. Administrator's Report**

1. HCP revenues and expenditures report (Exhibit 5-h-1HCAC 032211)

Bob Sandberg referred to Exhibit 5-h-1 HCAC 032211 and explained there are not any expenditures out of the ordinary.

2. Fire fuel reduction update

Bob noted that the BLM is in the process of putting together the EA. Cameron discussed completion is hopeful before everything dries up. The area is immediately adjacent to Turkey Farm Road on both sides of the road.

3. Homeless camp cleanup

Bob mentioned, Cameron Rognan (HCP), Steve Drather (BLM), Justin Neighbor (HCP), and volunteer stewards cleaned up an abandoned homeless camp North of Red Hills

Parkway and East of SR-18. Six months ago Steve made contact with one of the persons in the camp. It appears there was more than one person living there. BLM posted a note for the people to remove all their belongings and the belongings remained. The people from the camp obviously have not lived there in quite a few months. The area looks good again after the cleanup.

Marc Mortensen requested St. George City Police be notified about this camp.

**6. PUBLIC COMMENT & REQUEST FOR FUTURE AGENDA ITEMS**

This item is reserved for items not listed on this agenda. No action may be taken on a matter raised under this agenda item. (Three minutes per person.)

Chairman Wilson invited the public to comment or request future agenda items. No one came forward and the Chairman moved the agenda.

**7. OTHER BUSINESS**

a. Larry Christ noted a 90 day finding on a petition for the Gila Monster in Washington County should be out in the next couple of months.

b. The committee discussed the 4(d) rule effect on this area. A 4(d) rule allows for greater management flexibility in authorizing a group or agency action that may involve “take” of a listed species. A 4(d) rule has to be written to benefit the listed species. In large open desert areas there is a demand for solar energy and other projects that look for a mechanism to allow for it. The 4(d) rule may accomplish that.

This area will most likely be excluded from the 4(d) rule, which only allows solar development in areas of the Mojave Desert with very low tortoise densities. If a proposal is given here it would go through normal consultation procedure. This area should not be affected because of good densities and high value habitats.

**8. ADJOURN**

**MOTION** by Chris Blake to adjourn.

Seconded by Marc Mortensen.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 2:07 P.M.

Minutes prepared by Amber Stocks.