

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 **AUGUST 23, 2011**.

Committee members present were:

Karl Wilson, Chairman	Mayors Association
Larry Crist	U.S. Fish & Wildlife Service (USFWS)
Bob Sandberg	HCP Administrator
Jimmy Tyree	Bureau of Land Management (BLM)
Reed Harris	Utah Dept. of Natural Resources (UDNR)
Chris Blake, Vice Chairman	Environmental Organization

Absent and Excused:

Chris Hart	Local Development
Marc Mortensen	Citizen-at-Large

Also present were:

Amber Stocks	HCP
Cameron Rognan	HCP
Alan Gardner	County Commissioner
Ann McLuckie	UDWR
Mike Empey	Congressman Matheson's Office
Marreen Casper	Senator Orrin Hatch's Office
Steve Meisner	Virgin River Program
Ellen Schunk	Senator Michael Lee's Office
Sandy Johnson	Citizen
Lisa Rutherford	Citizen
Christi Biniaz	Citizens for Dixie's Future

1. **CALL TO ORDER**

Chairman Wilson noted that a quorum existed and called the meeting to order at 1:00 P.M. Chairman Wilson welcomed Ellen Schunk from Senator Lee's office.

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. July 26, 2011
- c. **Next meeting date**
 1. September 27, 2011

Approved HCAC meeting minutes – August 23, 2011

MOTION by Chris Blake to approve the consent agenda with the note that the committee will discuss Willow Flycatcher under other business.

Seconded by Reed Harris.

Discussion: None.

Vote was taken: All voted aye.

3. PRESENTATIONS

a. Red Hills Desert Garden (Steve Meisner)

Steve Meisner began with an explanation on the Red Hills Desert Garden. The garden is a cooperative project between the Virgin River Program, Washington County Water Conservancy District (WCWCD), the city of St. George, and the HCP. The gardens will have an area to showcase native and fish and vegetation.

Steve showed a map (Exhibit 3-a-1 HCAC 082311) of the area west of the WCWCD which will be used for the garden project. He also showed a power point presentation (Exhibit 3-a-2 HCAC 082311). He explained how an artificial stream will be created, allowing a display of native fish from the Virgin River. Around the stream will be different planting areas, trails, and educational opportunities featuring the local area.

As part of the initial plans there has been some accommodation in case the HCP decides to place a building near the gardens. The current design for the garden includes two phases. Phase one will be the stream, phase two will be the remainder of the park with the trails, vegetation, and everything else. Exhibit 3-a-2 shows an area of stream components and elevations such as pools, ripples, and runs of the stream. If for some reason the pumps shut off, the design includes various pools where fish can be safe for a period of time.

There will be a fish viewing location where the public can walk up to an aquarium type experience and see fish in a deep pool. The stream is intended to flow from .5 – 4 cfs and will be approximately 500 feet long throughout all the twists and turns. It will be two feet wide in some areas to 50 feet wide in some of the corners with a waterfall at the head of the stream. Part of the challenge is finding a way to separate fish in the stream from fish in the existing pond which is the water source for the stream. There will probably be a screen in the waterfall section preventing fish in the stream from getting into the pond and a screen at the bottom preventing fish from moving out of the pond.

Section A-A in the power point presentation shows the park, stream, and loop trail. The landscape will include vegetation along the stream banks with large trees and plants. There is an existing mixing station for culinary purposes which is separate from the stream and garden, which will require interpretation explaining what it is, its purpose and importance.

Section B-B shows a shade structure and rope bridge across a “slot canyon” which will lead to the fish viewing facility. The fish viewing facility will have a wall of glass that people can look through into the deep section of stream. It should typically be cooler than other areas which will help draw fish to that area for people to see.

Section C-C shows minor trails, plantings and vegetation. Reed Harris asked if the plan includes water efficiency and Steve answered yes.

Steve reiterated the first phase is for the stream. There is work right now on the grading plan which will begin sometime in October with final stream construction to occur winter of 2011. There should be fish in the stream by spring of 2012. A challenge in the design is the screen used to make a bed layer with a liner on top. The liner will be made of a bentonite clay material sandwiched between layers of plastic. The liner can be torn which means the stream will be hands only with the public, nothing like a splash pad water park.

Stream funding is provided by the Virgin River Program and park funding will be provided by the WCWCD. The city of St. George is donating staff time and resources to help with a lot of planning and design work. The restrooms which are being looked at are also shown in the power point presentation. Bidding for the work will go out in the next few weeks.

Reed Harris asked where the HCP stands in regards to placing a building in the gardens. Bob said there has been talk about the HCP having an education center with offices in the building. In the current and upcoming budget there is money set aside for planning and upfront work. Reed noted that planning has been going on for the last 15 years. Bob added there has been ongoing work and proposals by the WCWCD and St. George City. The HCP has been invited to stay involved and phase two would include building a center for the HCP if the county commission approves.

4. UTILITY AND DEVELOPMENT PROJECTS

None

5. GENERAL BUSINESS

a. Consider Approval of 2nd Quarter Report

Bob stated the idea was to see if the HCAC was willing to approve the 2nd Quarter Report.

MOTION by Chris Blake to approve the 2nd Quarter Report.

Seconded by Larry Crist

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

b. Consider Approval of 2012 Budget Recommendation

Bob stated the only change from last month's budget was an increase in employee salaries and benefits of \$6,000. The amounts are subject to change slightly as the clerk makes adjustments. The budget is flat, with the contingency in 2011 going from \$420,000 to \$425,000 in 2012.

Bob mentioned some of the contingency amount includes \$50,000 for an education center, land purchases and land acquisition. If the money is in the contingency fund it can be carried forward to the next year. Bob stated he is not aware of any big purchases that will need to be spent from the contingency account; however, it could depend on land acquisitions, fires, etc...

Chairman Wilson explained to the audience that the HCAC recommends the budget to the county commission. The county commission is the entity that passes the budget. He explained that the HCAC has handled all budget discussions in the regular meetings; there were not any separate work meetings scheduled to prepare the budget.

MOTION by Chris Blake to adopt this as the tentative budget and forward it to the County Commission for approval.

Seconded by Reed Harris.

Discussion: None.

Vote was taken: All voted aye.

c. Land Acquisition Efforts (J. Tyree)

Jimmy Tyree has had discussions with Bob Brennan and Alan Carter to pursue different options with their inholdings. Jimmy stated that contact was made with Jim Doyle a few months ago. He reported that the BLM is maintaining contact with all land owners within the Red Cliffs Desert Reserve and feels there is a good chance the BLM will receive funding in 2013 from the Land and Water Conservation Fund application. The Trust for Public Lands is also working with property owners to see what kind of a package can be put together to take care of some of the private inholdings.

Reed asked if funding is in the form of exchanges or money from a county land bill. Jimmy answered there is not money attached to the land bill. The bill allowed the BLM to proceed with the sale of lands identified in the 1999 plan. Over the last 15 years the Land and Water Conservation Fund is the entity which has made the majority of inholding purchases. The BLM is looking at a few different options to take care of the inholdings. They are looking into putting together a few BLM disposable properties as a form of exchange for the 1,200+ acres of private inholdings.

d. Planning Update (J. Tyree)

Jimmy noted the Resource Management Plan has been taking time throughout the summer to finalize some baseline data before the Alternative Development Phase

continues. Most of the summer has been used to work with the Nature Conservancy for landscape forecasting within the Beaver Dam NCA and the Red Cliffs NCA. There is a final workshop with the Nature Conservancy for the next three days. The workshop will include modeling ethics and data function. The Alternatives Development Workshop will happen again in October. This summer has been mainly about getting information.

e. Technical Committee Report (C. Rognan)

Cameron reported that the TC met and received a rough cost estimate from Kristen Comella with Snow Canyon. Kristen had met earlier with an engineer who looked at paving a portion of the Toe Trail in Ivins. Cameron explained that the cost estimate is split into two options. A paved trail of concrete and a boardwalk trail. The boardwalk trail estimate is \$414,500 and the paved eight foot asphalt trail with bridges over the washes is \$183,450. Cameron felt the amounts are higher than anticipated but reminded the committee that these are rough estimates and if taken out to bid there might be more competitive bids.

Reed asked about the length of the trail and he was told the trail is about 1,700 feet, or 1/3 mile.

f. Administrator's Report (B. Sandberg)

1. Education Outreach Position

The HCP filled the position for a new outreach coordinator. Cornell Christensen has been hired and will start September 12th. He will be introduced after he starts working.

2. HCP Revenues and Expenditures report

Exhibit 5-f-1 HCAC 082311 shows the revenues and expenditures. The HCP continues to stay within and a little below budget, especially with the contingency funds.

Chris Blake asked if there has been an increase in revenue. Bob answered there hasn't been an increase so far. The HCP has received \$164,000 in 2011 with 58% of the year elapsed. Impact fees are not turned in promptly from all the communities especially when there's a down cycle in building.

3. County Fair Booth

Exhibit 5-f-3 HCAC 082311 shows an analysis of the county fair. In regards to outreach and education, the analysis shows the cost per person educated. Although there wasn't a traffic counter, there was a lot of traffic, roughly 1,480 people who came to the Red Cliffs Desert Reserve (RCDR) booth. The calculation to determine the cost per person contacted or educated was figured by taking all costs and donations and dividing by the number of people, which was \$2.15 per person. The good amount of traffic and interest led to good conversations about the Reserve. The UDWR allowed the RCDR staff to

display a freeze dried Gila monster which was a great attraction. A lot of kids knew what the Gila monster was over their adult parents. It showed that somebody, whether it is the HCP or some other combination of groups, have been reaching the kids at the schools. Bob also mentioned there was a live tortoise at the booth.

The fair had 40,000+ visitors over a four day period. The booths were in horse stalls which have been cleaned up to look like a booth. A lot of good pictures of the Reserve and wildlife were displayed and the HCP staff felt it was well worth the effort.

4. Toe Trail / Ivins Detention Dam

Last month the HCAC asked Bob to find out the value of the Ivins Detention Dam property. Bob talked to appraisers who said they could give a restricted appraisal, which could not be viewed by others. Bob was told a summary appraisal would cost roughly \$2,000 and would not meet federal standards. The yellow book standards appraisal would cost \$3,000-\$3,500. The county assessors put a rough value on the property of \$20,000 per acre. Ivins City and Snow Canyon cannot find the original appraisal from when Ivins purchased the property.

Reed asked if the appraisal would include the downturn in the economy in terms of what the land value currently is. Bob said yes, however, a large amount is in a wash and wouldn't be usable to develop. Since the property is inside the Reserve it also is limited in who can purchase the property. A full appraisal would meet the yellow book standards and take into account today's land values. Reed explained to the group that the appraisal is a federal appraisal and requires a second appraisal, basically a review of the original appraisal.

Reed stated long ago there was a law passed that said when values inside the Reserve are evaluated it should be done as though there were no tortoises on the property. In this case, there are 7.8 acres worth roughly \$160,000. From an inholdings standpoint, purchasing the property should be looked at seriously just like other acreages within the Reserve. A new appraisal will need to be done since appraisals are generally not valid after one year. Reed expressed the need to have an appraisal done then look at purchasing the property.

Larry Crist agreed with Reed and stated his support for paving the trail as long as it doesn't impact tortoises. Larry feels an acquisition of the detention basin would be important to the long term viability of the Reserve and he would like to see it move forward. Chris suggested the HCAC should request another meeting with Ivins City to see what they want to do.

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. Southwest Willow Flycatcher

Chairman Wilson turned the time over to Larry who reported that region two announced last week a proposed change in critical habitat for the Southwestern Willow Flycatcher. This came about as a result of a lawsuit by an environmental group. There are proposed changes in critical habitat for the flycatcher in parts of Arizona, California, Nevada, and Utah. For instance, in Washington County there was a proposed addition of critical habitat along the Virgin River, to move the critical habitat upstream six or seven miles from Washington Fields diversion to Berry Springs.

Other proposed changes in Utah include a small part of the Paria River near the Arizona border, and also the San Juan river on the Navajo Indian Reservation. Range wide there were some substantial changes and increases to critical habitat. This proposed stage may exclude some areas under certain criteria. Comments are still being accepted on biological aspects and whether they're valid or not. People can access the USF&WS website then look up Region two. There they can find a link to comment on the Southwestern Willow Flycatcher and the proposed changes to critical habitat.

Chris asked if this change in critical habitat has any effect on the Virgin River Program. Steve Meisner answered "no" and mentioned he is managing the area as if it was critical habitat. Steve said the Flycatcher and two endangered fish overlap in critical habitat. Reed asked if in the historical range birds have been found upstream and Larry said there have been some birds. He stated there are a number of recovery units that calculate the amount of habitat needed within each recovery unit.

Reed inquired as to why there is an expansion of critical habitat and why now? Larry answered that some information is based on historical data and a lot is based on trying to match current knowledge of where they occur now.

b. GRAMMA request from Darrell Hafen

Bob reported to the committee that he had received a GRAMMA request from Mr. Darrell Hafen who claims to own all ELT property. Mr. Hafen requested any and all records and files from the HCP. Bob turned the request over to the county attorney.

c. Iron County HCP

Reed reported he is actively working with Iron County on their HCP. He explained that because the HCP in Washington County is functioning well, they have been seeking advice or information from us that may be applicable to their situation. Iron County questioned specifically how to fence around the Parowan airport. The fence has to be

buried in a way to prevent prairie dogs from getting on to the middle of the run-way. Reed suggested that Washington County support Iron County as they struggle through the HCP process.

d. HCP Review

Larry reported that Renee Chi is completing her review of the HCP and will be done sometime this fall. The completion of the HCP review will provide a good basis for the HCAC to think about what to do when the permit expires in 2016. Larry reminded the committee how HCP's can be a torturous process to get them moving and in place. He suggested that starting next year the HCAC should implement discussions with the county and all partners in terms of current HCP goals and future needs after the permit expires.

8. ADJOURN

MOTION by Chris Blake to adjourn.
Seconded by Larry Crist.
Discussion: None.
Vote was taken: All voted aye.
Motion passed.

The meeting was adjourned at 1:54 P.M.
Minutes prepared by Amber Stocks.