

# 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 **OCTOBER 25, 2011**.

Committee members present were:

Karl Wilson, Chairman	Mayors Association
Renee Chi (for Larry Crist)	U.S. Fish & Wildlife Service (USFWS)
Chris Hart	Local Development
Bob Sandberg	HCP Administrator
Marc Mortensen	Citizen-at-Large
Jimmy Tyree	Bureau of Land Management (BLM)
Chris Blake, Vice Chairman	Environmental Organization

Absent and Excused:

Reed Harris	Utah Dept. of Natural Resources (UDNR)
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Also present were:

Amber Stocks	HCP
Tim Croissant	BLM
Ann McLuckie	UDWR
Mike Empey	Congressman Matheson's Office
Marreen Casper	Senator Orrin Hatch's Office
Lisa Rutherford	Citizen
Christi Biniaz	Citizens for Dixie's Future
Jeff Norton	Citizen
Marshall Topham	Citizen

**1. CALL TO ORDER**

Chairman Wilson noted that a quorum existed and called the meeting to order at 1:00 P.M.

**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**

Chairman Wilson suggested having the committee add a declaration of interest to the consent agenda. He explained, HCAC is not a governing body, it is an advisory committee. The county attorney's office expressed that conflict of interest regulations don't kick in unless there is a personal or family financial interest of someone who sits on the board.

- b. Review and Approve Minutes**
  - 1. September 27, 2011
- c. Next meeting date**
  - 1. November 22, 2011
- d. Declarations of conflict of interest**

**MOTION** by Chris Blake to approve the consent agenda.  
**Seconded** by Chris Hart.  
**Discussion:** None.  
**Vote was taken:** All voted aye.  
**Motion passed.**

### **3. PRESENTATIONS**

- a. Award of Service – Marshall Topham**

Marshall Topham was not in attendance, the chairman moved the agenda.

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

None

### **5. GENERAL BUSINESS**

- a. Consider Appointment to Fill the Local Biologist Position**

Chairman Wilson turned the time over to Bob Sandberg. Bob reminded the committee that Marshall Topham has resigned his position as a member of the Technical Committee (TC) and the TC local biologist position is vacant. Jeff Norton has been contacted by the HCP Administrator, and is willing to serve. Bob asked the HCAC to consider recommending Jeff to the County Commission for appointment. Since there is no agency or anyone to nominate a person, this person is simply appointed by the Commission.

Jeff thanked the HCAC for the opportunity to be considered to serve on the TC. Jeff stated he graduated from Utah State University in freshwater fishery biology with an emphasis in botany and zoology. He was employed as a fishery biologist for the state then went through the police academy to become a conservation officer/game warden at Bullfrog, Lake Powell. Jeff currently works as a landscaper in St. George. He has served 12 years on a parole board for the division of youth corrections and feels the importance of serving.

**MOTION** by Chris Blake to recommend Jeff Norton as the local biologist.  
**Seconded** by Marc Mortensen.  
**Discussion:** None.  
**Vote was taken:** All voted aye.  
**Motion passed.**

**b. Land Acquisition Efforts**

Jimmy Tyree reported there are not many changes that will happen in the near future with regard to land acquisition. This year's paperwork has been submitted for the Land and Water Conservation Fund (LWCF) so it is now a wait and see situation. On the property still available for disposal, the contracts have been initiated and awarded. The few parcels left around town to dispose of will be prepared for auction within the next 18 months. The BLM is very pleased with the work that has been done with Bob Brennan and Alan Carter by the Trust for Public Lands as facilitator.

Bob added he was contacted by Mr. Brennan. Mr. Brennan wanted to know if the board ever discusses ELT land, land acquisitions, how to find money, and how to purchase or exchange the inholdings. Bob and Mr. Brennan discussed the work and effort the BLM has been doing, along with the LWCF. The work has been done with the congressional delegation and the efforts of the County Commission. Mr. Brennan wanted Bob to convey to the board his frustration with how long it is taking to purchase his property. Bob told Mr. Brennan it is on the agenda every month. Mr. Brennan mentioned he will come to a meeting at the first of the year.

**3. a. Award of Service – Marshall Topham**

Chairman Wilson revisited 3.a. on the agenda when Marshall Topham arrived. Marshall was presented with a plaque as a token of appreciation in behalf of the County Commission, the HCAC, and the TC. Bob related that Marshall has given great service to the HCP for many years. Marshall gave thanks for the opportunity to serve the community and replied that making great friends is payment enough.

**4. c. Planning Update**

Jimmy reported towards the end of October the BLM is reconvening the ID team with a consultant firm, reassessing where they are. The BLM has quite a bit of work to do in the next 90 days. The BLM will try to complete another phase of alternative development with consultants facilitating in the next 2 ½ months. They will correlate new schedules and endeavor to have them tracked out by next summer for the TNC plans and the BLM agreements.

**d. Technical Committee Report**

Tim Croissant, the TC vice-chairman, reported on the meeting held October 20<sup>th</sup>. The TC discussed the Ivins City dike and gate. There have been some access issues with the Search and Rescue teams within their normal duties. There are concerns with emergency vehicles on the dike; specifically the dike could be damaged if they travel on the sides. Another concern is allowing emergency personnel to enter good desert tortoise habitat. Snow Canyon State Park (SCSP), the BLM, and emergency personnel have been working on better communication. When using motorized travel, they will stay on top of the dike. Whenever possible they will have runners in front of the vehicles to search for tortoises.

In regards to the Ivins Detention Dam and the hardening of Toe Trail, Kristen Comella with SCSP is working on alternatives for the trail construction, design, and materials. Her initial costs were higher than what Ivins anticipated since she accounted for long term maintenance issues.

The TC discussed the following projects:

1. The Red Hills Parkway expansion preconstruction meeting is being held today. They will break ground very soon.
2. The BLM is starting work on the Cottonwood Road fence next week. They had a preconstruction meeting and tortoise training with the contractor. Tim will flag out the route early next week. Cameron will help Tim clear out tortoises on October 31<sup>st</sup>.

The DWR recently obtained 1,900 plants, consisting of creosote, desert almond, and sand sage. Plantings were done at Turkey Farm and along the Middleton Powerline road to rehabilitate burned lands. The DWR is not planning on any supplemental water so there is some uncertainty as to the survival of the plants. The TC discussed some lower cost monitoring methods associated with the plantings.

**e. Administrator's Report (B. Sandberg)**

**1. Fencing projects**

Bob referred to a map shown as Exhibit 5-e-2. Bob explained there is an unfenced area between SCSP property and Ivins City property. Initially with the detention basin discussions there was talk of using some of the property behind the dike as mitigation property for the detention basin. The area is now in limbo and tortoises continue to leak out of the Reserve, down to Ivins City. The HCP and SCSP have decided to fence the Reserve boundary so the escaped tortoises can be returned. On October 21<sup>st</sup> the tortoise mesh was up and the rest of the fence work should be completed soon.

Another fencing issue shown in Exhibit 5-e-2 is of the Tuacahn wash. The fence over the wash has been washed out for some time and tortoises go up the wash, get out on Tuacahn Drive, and some have been killed. SCSP helped to install a break-away fence which has now been completed.

**2. SR-18 widening**

Utah Department of Transportation (UDOT) wants to add another lane from the junction of Snow Canyon Parkway and Red Hills Parkway up to the Ledges with two lanes both directions. The HCP met with UDOT in a meeting to coordinate efforts. UDOT will need to put in a temporary fence on the east side of Buckskin wash so they can work on the culvert that goes under the roadway. All work will take place within the current ROW. UDOT wants to send out bids in December.

**3. HCP revenues and expenditures report**

Exhibit 5-e-3 shows the revenues and expenditures report for the last month.

**4. 3<sup>rd</sup> quarter report**

Exhibit 5-e-4 is a submittal of the 3<sup>rd</sup> quarter report. The full report is available in the HCP office.

**5. Red Hills Parkway mitigation property Conservation Easement**

The county attorney has looked at the conservation easement relative to the Red Hills Parkway and feels good about it. If the FWS and the city are comfortable with the easement, the next step is to put it on the county commission agenda. Renee Chi stated FWS needs to have their regional directors and solicitors take one last look before it is finalized.

**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. Lisa Rutherford addressed the HCAC, asking if the Red Hills Parkway expansion and Bluff Street work will happen at the same time. Marc Mortensen replied there are a lot of factors that go into planning a project. Because of the different variables to start each project and because of funding, the projects will overlap in time.

Lisa inquired as to the intention of the Red Hills Parkway surface being torn up. Marc replied that the chip seal road was built as a temporary road and was never meant to be permanent. The new road is the permanent fix. It will be a much improved road in all aspects.

**7. OTHER BUSINESS**

**a. Ken Anderson Property Appraisal**

Bob has been in contact with Bill McMurrin relative to the property appraisal done over a year ago for the Ken Anderson property near Confluence Park. Mr. McMurrin asked if the HCP would pay for an updated appraisal. The property has gone into bankruptcy and the assumption is that the bank will end up with the property. Mr. McMurrin would like to be in a position with an updated appraisal to enter into a purchase agreement and solicit funds to purchase a portion of the property.

Chris Blake stated when dealing with the agency for funding, they need current appraisals, no more than six months old. When the bankruptcy finishes in two weeks, the HCP will need to have an updated appraisal if it wants to purchase the property. When the HCP did the previous appraisal at Confluence Park, the Virgin River Land Preservation Association

agreed to facilitate the acquisition of the property and ultimately include it with the existing Confluence Park. Chris anticipates the same thing to happen again if the HCP is successful in acquiring the property.

Bob has visited with Free and Associates, the appraisal company that did the original appraisal and was in hopes to know the appraisal cost. The updated appraisal should be minimal in cost. Chairman Wilson supports getting the update; it puts the HCAC in a position to make decisions quicker when the time arises.

**b. Bob Brennan Background**

Chris Hart asked the chairman to explain the Bob Brennan issue from 5-b in the agenda. Jimmy answered and explained the work of purchasing this portion of inholdings has taken around 15 years. The case is starting to become sensitive because of the bankruptcy that was finally settled last fall. One thing Jimmy reminded Mr. Brennan of is that since the bankruptcy has been settled and the parcels have been dived up, more has been accomplished in the past year than in the previous 15 years. In reality the BLM has only been able to take action in the last 12 months since the settlement of the bankruptcy. Now business can go forward with the creditors (Brennan, Carter, and Doyle) receiving their pieces of land.

Bob summarized the issue further. The HCP has been in effect for 16+ years. The BLM did a ton of work early on in purchasing out inholdings within the Reserve. There was roughly 1,340 acres within the Reserve that was owned by Jim Doyle. Jim put the land into Environmental Land Technologies (ELT). Jim, the HCP, the BLM, and everyone that was involved couldn't come to terms on the appraisal value. It went back and forth and in the meantime ELT ended up in bankruptcy. While in bankruptcy, nothing could happen and the property was tied up. Now that the bankruptcy is complete, the creditors (Bob Brennan, Alan Carter, and State Institute of Trust Lands (SITLA)) have been given portions of ELT property as part of their settlement. The creditors and Jim Doyle are now looking for their inholdings to be purchased or exchanged.

**8. ADJOURN**

**MOTION** by Chris Hart to adjourn.  
**Seconded** by Marc Mortensen  
**Discussion:** None.  
**Vote was taken:** All voted aye.  
**Motion passed.**

The meeting was adjourned at 1:46 P.M.  
Minutes prepared by Amber Stocks.