

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 **JANUARY 25, 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)
Jimmy Tyree	Bureau of Land Management (BLM)
Bob Sandberg	HCP Administrator

Absent and excused:

Marc Mortensen	Citizen-at-Large
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Also present were:

Brad Young	HCP
Cameron Rognan	HCP
Mike Empey	Congressman Matheson's office
Dawna Ferris-Rowley	BLM
Paul Van Dam	Citizens for Dixie's Future
Lisa Rutherford	Citizens for Dixie's Future
Alan Gardner	County Commissioner
Ann McLuckie	UDWR
Renee Chi	USF&WS
Eric Holt	JBR
G. Scott Hansen	RCDR trail steward

1. **CALL TO ORDER**

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

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**

Approved HCAC meeting minutes – January 25, 2011

1. November 23, 2010
- c. Next meeting date**
1. February 22, 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. HCP review (R. Chi)

Renee Chi began the presentation by informing the committee that this was a presentation on Part 4 of the HCP review and that it was not the final presentation, but that a final overview would be provided at a later date.

Renee used a PowerPoint presentation (Exhibit 3-a-1 HCAC – 012511) to facilitate her review. She told the members that she would outline the purpose and process of clearances and translocations, and the responsibilities of the Utah State Division of Natural Resources (UDNR), specifically Parks and UDWR, and the responsibilities of the U.S. Fish and Wildlife Service (USF&WS).

Renee explained the purpose of the clearances, which are:

- 1) Minimize direct mortalities, and
- 2) Minimize impacts on the Upper Virgin River Desert Tortoise Recovery Unit Population.

She further explained that, according to the 7-prong approach described in the Plan, HCP administration is required to develop controls to minimize take with county-wide ordinances, fees, education, enforcement, and a translocation program. Specifically, the objective of the translocation program is to attempt to preserve individuals which would otherwise be killed. Renee described three classifications of lands defined in the HCP:

- 1) Lands likely to have tortoises = “incidental take areas”
- 2) Lands with tortoise habitat = “potential habitat areas”, and
- 3) Non-tortoise habitat.

Renee noted that the HCP provides the HCP administrator with the authority to modify the incidental take areas and the potential habitat areas after the Plan’s initial designation.

Renee described the process and protocols for conducting presence/absence (P/A) surveys and clearances, and she defined the *active seasons* and the reason for the designation. She used Middleton Ridge (East Black Ridge) as an example. Reed Harris asked why the middle slope of the ridge between the developments on top of the ridge and the developments at the base of the ridge was or was not cleared. Renee explained

that the objective is to remove tortoises from harm's way but that there was no requirement to clear areas that were not going to be developed or that were undevelopable. Ann McLuckie added that there was no requirement to construct a fence between the developed areas and the uncleared areas; only along the Reserve boundary. Renee briefly described the Technical Committee's recent discussions regarding reexamining the defined incidental take areas, potential tortoise habitat areas, and other areas that may require protection.

Bob Sandberg explained that some tortoises do enter the developed areas. These tortoises are picked up by either HCP staff or UDWR staff. The tortoises are blood tested and either placed into nearby Reserve or translocated to Zone 4.

Renee continued her presentation by briefly talking about instances of development within an incidental take area without a P/A survey or formal clearance. She noted that only Washington County has adopted an ordinance requiring a P/A survey and/or formal clearance – none of the cities have. She added that in the few situations of development without a clearance, either the land owner or the city's permitting staff may not have been aware of the requirement Renee described HCP's outreach efforts to educate developers, landowners, and city staff.

Renee also described the incremental implementation process of development within incidental take areas and the mitigation ratios. Reed Harris clarified that one of the objectives of the Plan is the concurrent land acquisitions within the Reserve and permitted development within the incidental take areas. The members briefly discussed the balancing of the amount of land developed, the amount remaining to be developed, and the amount that cannot be developed due to contour or terrain. Renee added that HCP staff is working to identify specific areas and appropriate designations for known tortoise habitat and potential tortoise habitat and other areas that may need protection. The end result of the review will be an acknowledgement of the conditions and plan amendment recommendations to the HCP administrator.

The presentation continued with a discussion of the translocation process and the temporary care facility (TCF). Basically, tortoises taken from incidental take areas are primarily translocated to Zone 4, with some tortoises occasionally returned to adjacent Reserve areas.

Lastly, Renee described the responsibilities of UDNR and the USF&WS as defined in the HCP.

Jeff Morby asked if the ELT properties were included in the approximate 12,000 acres designated as incidental take areas. The answer is no, the ELT properties (Doyle, et al.) are included in the Reserve; SITLA lands, ELT properties and other smaller private in-holdings constitute approximately 9,000 acres. Another approximate 9,000 acres of in-holdings within the Reserve have already been acquired.

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

b. Proposed new trail (G. Scott Hansen)

Mr. Hansen began by introducing himself and then used Exhibit 3-b-1 HCAC – 012511 to facilitate his proposal of a new recreation trail in the Paradise Canyon area.

Scott described the proposed new trail route and added the possible benefits of adding this trail to the Reserve. He also suggested possible names for the trail and the connecting trails.

Ann McLuckie informed the committee that the Technical Committee reviewed the Paradise Canyon area trails, and this trail in particular, about two or three years ago. According to Ann this trail was closed and two or three smaller loops were approved by the TC. The trail was closed because it went through sensitive tortoise habitat. Ann also mentioned that Gila monsters are also within this sensitive habitat area.

Chris Blake noted that issues like this are typically referred to the TC for a recommendation.

MOTION by Chris Blake to assign the Technical Committee the task of reviewing Mr. Hansen's proposal, and their previous research and decision regarding this trail, and report their conclusions to him.

Seconded by Jimmy Tyree.

Discussion: Larry Crist asked if an official recommendation to the HCAC was necessary. Chris said no, just a history report.

Vote was taken: All voted aye.

Motion passed.

4. UTILITY AND DEVELOPMENT PROJECT REVIEWS

None.

5. GENERAL BUSINESS

a. Land (inholdings) acquisition efforts

Chairman Wilson asked Bob Sandberg to relate any new developments. Bob said that there was nothing new to report. Bob added that the county and HCP continue to support BLM's efforts to acquire Land and Water Conservation Fund (LWCF) monies for land acquisitions. Jimmy Tyree added that he recently met with Bob Brennan and that they are evaluating options. Future meetings are planned now that the ELT properties bankruptcy has been resolved.

b. BLM planning update

Jimmy Tyree reported that BLM is in the alternatives and analysis portion of the planning process, and that a newsletter should be hitting the streets soon.

Jimmy briefly talked about the new project, Landscape Forecasting, and the use of landscape models provided by The Nature Conservancy. The models are intended to provide a cost/benefit projection of landscape improvements by the application of a set amount of funds over time in an effort to see what desired future conditions will result.

c. Technical Committee report

Technical Committee Chairman Cameron Rognan told the members that the TC is working on proposed modifications to the incidental take areas. Maps will be developed and distributed.

Cameron noted that the TC has also approved a list of desired future conditions and that the list will be provided to BLM for their consideration in the NCA planning process.

Cameron also noted that the human impact monitoring (HIM) data will be tweaked in an effort to better utilize the data in evaluating impact to trails and habitat.

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

d. Discuss the proposed 2011 UDWR/HCP Cooperative Agreement

Bob Sandberg reminded the members that the funding of the scopes of work proposed by UDWR was approved by the HCAC in their recommendation of the 2011 budget, and the budget has subsequently been adopted by the county commissioners. The scopes of work detailed in the cooperative agreement include tortoise monitoring, systematic clearances, and Southwest Willow Flycatcher nesting success surveying.

Bob said that due to urgent hiring issues at the State level, it was necessary that all three scopes of work and the overarching cooperative agreement were submitted to the county commissioners. The agreement has been approved and sent to the State for signature so they can begin hiring. Chris Blake asked if the agreement was done each year. Bob said that it was and added that the annual agreement covers all three scopes of work for 2011.

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

e. Technical Committee membership appointments (Exhibit 5-e-1-a)

Bob Sandberg referred to Exhibit 5-e-1-a HCAC – 012511 and described the necessary housekeeping issue. He noted that the UDWR representative, Ann McLuckie, and the local biologist, Marshall Topham, did not have to be nominated to the county commissioners because they had previously been nominated and approved – Ann McLuckie on May 18, 2004 and Marshall Topham on June 19, 2007. Bob noted that there are seven positions total on the Technical Committee. The seventh position can be filled according to the amendment to Section 6.2.4 of the HCP approved by the county commissioners on November 3, 2009.

MOTION by Chris Blake to recommend to the county commissioners the appointment of the following persons to the Technical Committee: Renee Chi representing the U.S. Fish and Wildlife Service, Tim Croissant representing the Bureau of Land Management, Kristen Comella representing Snow Canyon State Park, and Cameron Rogan representing the Habitat Conservation Plan.

Seconded by Larry Crist.

Discussion: Chris Blake suggested that when the list is submitted to the county commissioners a note be added that Ann McLuckie, representing the Utah Division of Wildlife Resources, and Marshall Topham, as a local biologist, have previously been nominated and approved and are currently serving on the Technical Committee, and that the seventh position is presently vacant.

Vote was taken: All voted aye.

Motion passed.

f. Fire fuel reduction

Bob Sandberg described the possible impending fire season due to recent late fall and winter precipitation and the prolific growth of grasses in the Reserve. He expressed concern about the amount of fire fuels. Bob noted that the TC's habitat management plan (HMP) suggests some actions. He added that one of the possible actions, herbicide application, is not a current option because the time frame for application this year has passed. Bob asked for any thoughts or suggestions regarding the livestock option.

The members discussed limited livestock grazing. This option may also be too late for this year, and there are problems with grazing livestock within the Cottonwood Road and Turkey Farm Road rights of way, and on the power line routes as well. A crew with weed whackers was discussed and seems to be the most viable option.

Larry Crist asked if the TC had any suggestions. Cameron Rogan said that the only option discussed by the TC was the livestock grazing along Cottonwood Road. Jimmy Tyree said that a special workshop meeting may be necessary but acknowledged that time is short. He added that BLM is the primary fire-fighting agency for lands within the Reserve. Ann McLuckie suggested mowing the right of way. Jimmy Tyree favored using inmates with weed whackers. Bob Sandberg noted that the active season begins February 15th and encouraged doing something, anything because there may be up to two or three thousand pounds of fire fuels per acre. Larry Crist suggested a conference call with the Technical committee members to discuss the few limited options.

The NEPA requirement was briefly discussed. The members also discussed fire fighting access protocols. Bob Sandberg said that the protocols were all in place and that fire fighters have unrestricted access to suppress fires.

The members did agree to a conference call but no date or time was set.

g. Administrator's Report

1. 2010 End-of-year budget report (Exhibit 5-g-1-a HCAC – 0112511)

Bob referred to Exhibit 5-g-1-a HCAC – 012511 and explained that the figures on the exhibit are not final because additional revenue and expenses are still in the pipeline. The revenue, or lack thereof, was discussed. Future revenue through subdivision development and building permits was briefly talked about.

2. Green Spring boundary report

Bob referred to Exhibit 5-g-2-a HCAC – 012511 and related the history of the fencing discrepancy as outlined in the memo.

3. Submit the 2010 4th Quarter Report

Bob submitted the quarterly report for review by the members.

4. Submit the 2010 Annual Report

Bob also submitted the annual report for review. Both reports will be on the next agenda for questions, discussion and acceptance.

5. HCP personnel

Bob noted that Brad Young will be leaving employment with the HCP and that a search for a replacement is underway. The committee members voiced their appreciation for Brad's work and added that he'll be missed.

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. HCAC membership terms

The members briefly mentioned HCAC membership terms. Bob said that there were no terms expiring this year and that the annual election of chairman and vice chairman will be on the agenda next month.

8. **ADJOURN**

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

The meeting was adjourned at 2:53 P.M.

Minutes prepared by Brad Young.