

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 26, 2010**.

Committee members present were:

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

Absent and excused was:

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

Brad Young	Washington County HCP
Ann McLuckie	Utah Div. of Wildlife Resources (UDWR)
Mike Empey	Congressman Matheson's office
Cameron Rognan	Washington County HCP
Alan Gardner	Washington County Commissioner
Lori Rose	Virgin River Land Preservation Association
Kai Reed	Citizens For Dixie's Future
Paul Van Dam	Citizens For Dixie's Future
Lisa Rutherford	

1. CALL TO ORDER

Chairman Wilson noted that at least five committee members were present and a quorum existed. Chairman Wilson also excused Reed Harris. The meeting was called to order at 1:03 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**
- b. **Review and approve minutes**
 - 1. November 24, 2009
- c. **Next meeting date**
 - 1. February 23, 2010

MOTION by Chris Blake to approve the Consent Agenda.

Seconded by Marc Mortensen.

Discussion: None.

Vote was taken:

All voted aye.

Motion passed.

3. **PRESENTATIONS**

None.

4. **UTILITY AND DEVELOPMENT PROJECT REVIEWS**

None.

5. **GENERAL BUSINESS**

a. **Land acquisition efforts**

Jimmy Tyree noted that pursuant to the Land Bill (Omnibus Public Lands Management Act of 2009) the first set of parcels to be sold will total approximately 640 acres. There are 12 parcels in this first go-around. Funding has been secured for processing the parcels for auction. Cadastral surveys must be completed and Jimmy anticipates the parcels will be auctioned in 2011 or early 2012. Jeff Morby asked about the timing – 2011 or early 2012. Jimmy explained that it just the process of getting parcels ready for auction.

b. **Utah Division of Wildlife Resources MOU (Exhibit 5-b-1)**

Bob Sandberg explained that there are three separate agreements in the MOU proposed by UDWR. The first is the annual tortoise population monitoring for \$80,000. The second is the Southwest Willow Flycatcher nesting success evaluation for \$30,000. Bob added that this is a three-year study and that the Virgin River Program funded it the first year and HCP the second year (2009). Bob expects a product and report after this, the final year (2010). The third element of the agreement is for fencing and systematic clearances. Bob explained that the objective is to complete the boundary fencing and then systematically clear the adjacent *take* areas not previously cleared. This would be done ahead of development. Anticipated cost is \$25,000. Bob asked the members for a recommendation from the HCAC that would be presented to the County Commissioners.

Jeff Morby asked about the funding. Bob explained that the funds are in the 2010 approved budget. \$30,000 for the nesting evaluation would come out of the budgeted \$50,000 in the Other Species fund; \$25,000 for the clearances would come out of the fencing fund; and the \$80,000 is budgeted in the UDWR Reserve monitoring fund.

Larry Crist asked if this was the final year of the Southwest Willow Flycatcher nesting survey and Ann McLuckie said that it was.

MOTION by Chris Blake to recommend approval of the agreement with UDWR to the County Commissioners.

Seconded by Larry Crist.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

c. Appraisal of 166 acres owned by Ken Anderson adjacent to Confluence Park (Exhibit 5-c-1)

Chris Blake related to the members that when Confluence Park was created several years ago there was an attempt to get this parcel included in the Park, but the owner was reluctant to sell at that time. Chris added that in 2007 the HCAC recommended that the appraisal be funded using Other Species funds and that the County Commissioners approved it by a majority vote. Chris introduced Lori Rose to the committee members.

Lori presented a two-page handout, later labeled as Exhibit 5-c-1 & 2 HCAC – 012610. The exhibit is a map showing the 166-acres parcel and a funding request for \$10,000. Lori described the map and explained that the red cross-hashed area in the center is the Anderson property and the yellow hashed area is the Red Cliffs Desert Reserve.

Lori further explained that Ken Anderson is very interested in selling the property and having it added to Confluence Park. She added that the property has significant frontage on Ash Creek and the Virgin River and would be important in blocking in the habitat. Lori further added that \$10,000 is adequate for the appraisal which includes \$8,000 for a *Yellow Book* appraisal, \$1,650 for a survey and \$350 for a title search.

Lori talked about securing funding to purchase the property. She said that the Virgin River Land Preservation Association (VRLPA) may seek Section 6 funds with the matching funds provided by VRLPA. Larry Crist noted that State funds (Quality Growth Commission) are tight and Lori said that there may be other sources, particularly for the matching funds. She estimates that the value of the property may be between \$10,000 and \$12,000 per acre.

Larry Crist said that he sees value in the property, not only to the HCP but to the Virgin River Program as well because it creates an additional habitat buffer. Bob Sandberg

commented that there is \$50,000 budgeted in the Other Species fund and if \$30,000 were spent on the Southwest Willow Flycatcher nesting success evaluation and \$10,000 on this appraisal, that would leave \$10,000 remaining in the fund. Larry Crist added that getting a good appraisal is important in seeking funding, so this appraisal is an integral first step towards securing additional habitat protection. Lori Rose further added that the land owner is motivated to sell and that this property would provide additional riparian habitat protection.

Jeff Morby asked about the property to the west of the parcel. Lori explained that it is 200 acres in private ownership. She added that the property to the east of the blue line down the middle is in LaVerkin and the property to the west is in unincorporated Washington County.

Jeff Morby asked about any other presses on the Other Species fund. Bob Sandberg said he is not aware of any at this time.

MOTION by Jeff Morby to recommend approval to the County Commissioners on spending \$10,000 (\$8,000 for the appraisal, \$1,650 for surveying and \$350 for a title search) on appraising the 166-acre parcel owned by Ken Anderson.
Secoded by Larry Crist.
Discussion: None.
Vote was taken: All voted aye, except Chris Blake who abstained because it is the organization that he represents who proposed the expenditure.
Motion passed.

d. Independence Day trail run in Zone 5 (Exhibit 5-d-1)

Jimmy Tyree asked that this agenda item be tabled until next meeting while BLM considers the proposal. Chris Blake asked if he wanted it tabled indefinitely, or continued to the next meeting . . . continued.

MOTION by Chris Blake to continue this agenda item to the next meeting.
Secoded by Marc Mortensen.
Discussion: None.
Vote was taken: All voted aye.
Motion passed.

e. Trail assessment

Bob Sandberg informed the members that he had given an assignment to the Technical Committee (TC) to evaluate trails using the Human Impact Monitoring (HIM) study data compiled by Northern Arizona University. Bob explained that it appears prudent to evaluate high-impact trails considering the NCA status, BLM's planning efforts, updating the map/trail guide and the Public Use Plan (PUP). Bob added that he has made the assignment so the TC can make recommendations to the HCAC on any trail adjustments. Bob further explained that this issue is on the agenda today to make the HCAC aware and acquire approval or make modifications.

Ann McLuckie informed the members that the TC will use the HIM data and identify the five trails with the most significant impacts and evaluate how to reduce these impacts. She will report progress at the next HCAC meeting.

Larry Crist said that he supports managing recreational impacts while still preserving the habitat. There were no other comments and the committee took no action. Chairman Wilson moved the agenda.

f. HCAC membership (Exhibit 5-f-1)

Bob Sandberg explained that there are two members' whose terms expire next month – Karl Wilson and Chris Blake. Bob added that nomination for reappointment to the HCAC is made by the represented organization nominating their representative to the County Commissioners. Chairman Wilson noted that the next meeting of the Mayors Association is February 5th.

Marc Mortensen suggested holding the annual elections in February. The discussion migrated to the next agenda item.

g. HCAC annual elections

The members discussed timing. The February HCAC meeting is set for the 23rd. There is a County Commission meeting on the 16th and the agenda deadline for that meeting is at noon on the 10th. So, it is up to the Mayors Association and the Virgin River Land Preservation Association to nominate their representative before the 10th.

h. Administrator's Report – Bob Sandberg

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

The committee members reviewed and discussed Exhibit 5-h-1. Bob explained that HCP spent approximately \$610,000 in 2009 while revenues were about \$310,000. Which means that we spent approximately \$300,000 more than we took in – which will have to be taken out of the reserve account.

Bob further explained that the 2010 budget is approximately \$1,200,000 and if the revenues remain flat at about \$300,000 then we will spend nearly \$900,000 out of the reserve account. Marc Mortensen asked what portion of the 2009 budget was actually spent. Bob replied a little less than 50% and added that the 2010 budget is more realistic and that HCP could spend nearly most of it.

2. Middleton 24 project update

Bob briefly reminded the members that this project involves replacing old wood power poles with new wood poles and upgrading the transmission line capacity. Bob said that all of the new pole holes have been drilled and that ½ to ¾ of the new poles are

installed. The project is currently shut down due to weather and Rocky Mountain Power emergencies elsewhere. It is anticipated that the project will be completed before the inactive season ends.

3. St. George City Middleton water line break update

Bob described the water line break and the damage to the pipeline. Bob also described how the city workers are digging up, repairing and re-bedding the pipe.

4. St. George City utility yard entrance (Exhibit 5-h-4)

Bob described St. George City's request to alter the boundary fence line across (northerly) the road (Waterworks Drive) from the city's utility yard to allow for a greater turning radius for large trucks entering and exiting the utility yard. Bob explained how the TC is involved in evaluating the request. Bob told the members how he has gone to the city and the county in attempting to verify the RCDR boundary in the area of the request. Bob has not found a recorded legal description of the boundary. He added that the current fence does not exactly follow the GIS lines; in some places the fence is more or less than the boundary line shown by GIS. The next step in the process is for St. George City to stake what they need and then it will be a process of adjusting the boundary.

Marc Mortensen recalled that several years ago the absence of a legal description for the RCDR boundary was an issue and that HCP was going to fix it. Marc asked if the fence follows the boundary line. Bob described the boundary line easterly from the Washington County Water Conservancy District (WCWCD) building, passed the animal shelter and over to the area across from the utility yard entrance. Bob explained that the fence and the boundary line are the same in some, but not all, areas. Marc said there may be latitude for an exchange.

The committee members agreed to proceed with the TC and HCP administration working out the details. Larry Crist suggested letting common sense apply.

5. New outreach pamphlets (Exhibit 5-h-5-a - e)

Bob informed the members that as of January 1, 2010, Tom Webster is phasing out and that his work status will change to a temporary employee on demand. Bob also explained that Lauren Pejza has developed some new pamphlets, Exhibits 5-h-5-a - e, aimed at the various school-age groups. Bob asked the committee for thoughts and feedback regarding pursuing this avenue. The members will review the draft pamphlets and provide comments or suggestions.

6. Submit the 2009 4th Quarter Report

Bob submitted the 2009 4th quarter report for review by the members. There will be an agenda item next month to discuss and accept, modify or reject the report.

7. Submit the 2009 Annual Report

Bob submitted the 2009 annual report for review by the members. Bob noted that HCP submitted all permit renewal requests on time to the USF&WS and UDWR. He added that there may be very minor differences in the annual report submitted to those agencies and the annual report prepared for today's meeting because the first report was done before the end of the year deadline and today's report was done after all of the pertinent data was available.

The members were complimentary of the reports and there will be an agenda item next month to discuss and accept, modify or reject the report.

8. Confluence Park development grant applications

Bob informed the committee members that HCP has hired Kathleen Nielson in a temporary capacity to work on grant applications and management for developments at Confluence Park.

9. 2008 and 2009 HCAC meeting minutes

Bob announced that the approved 2008 and 2009 HCAC meeting minutes have been posted on the RCDR website. (They can be found at: <http://redcliffsdeertreserve.com/involved/meeting-minutes>)

Chairman Wilson suggested also posting the corresponding agenda on the RCDR site, and the agendas and minutes on the state's website (www.utah.gov/pmn/index.html).

6. OTHER BUSINESS

- a. Tentative meeting dates for 2010:** March 23, April 27, May 25, June 22, July 27, August 24, September 28, October 19 and November 23.

The committee members noted the tentative schedule of regular meetings for the remainder of the calendar year – which are the fourth Tuesday of each month. Bob Sandberg briefly discussed the October 19th meeting date. This is actually the third Tuesday of the month but the meeting was set on that date because it is during budget season. The 2011 budget will be due to the clerk's office on or about October 22nd and there is a meeting of the county commission scheduled for the afternoon of the 19th. Bob explained that by having the HCAC meeting on the 19th it will provide an additional opportunity for the HCAC to review and comment on the proposed 2011 HCP budget.

Larry Crist said that he may have a possible conflict with another meeting on that date, but it is in the morning and he may still be able to get to St. George for this 1:00 PM meeting.

MOTION by Chris Blake to set the year's meeting dates as listed.

Seconded by Jimmy Tyree.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

b. HCP review by USF&WS

Larry Crist noted that about a year ago the U.S. Fish and Wildlife Service started a review of the Washington County HCP. The purpose is to evaluate compliance to the governing document. But the sage grouse listing interrupted the process and it is now time to get it restarted. Larry added that the review is necessary because: 1) It is good management, and 2) It is required for renewal of the incidental take permit. The review will need to be done, so it is better to do it now than during the renewal process.

Larry added that the review focus will be on any inconsistencies, i.e. tortoise surveys and take areas. Larry explained that Renee Chi will divide the review into sections and work with HCP and staff. Periodic progress reports will be provided to the HCAC.

Bob Sandberg asked about a time table. Larry replied that the review will be periodically over the next year. Larry mentioned the petition to list the Gila monster, and the re-evaluation of the Southwest Willow Flycatcher habitat.

c. NCA management

Jeff Morby asked about the NCA, management transition and county involvement. Jimmy Tyree explained how BLM is trying to create management plans for both NCAs (Red Cliffs and Beaver Dam slope). He added that there will be a series of public meetings beginning in the third or fourth week of March. The meetings will be held in Salt Lake City, St. George and Mesquite, Nevada. Jimmy noted that BLM will present options, but added that not much is broken so not much needs to be fixed. Jimmy further explained that BLM and HCP continue coordinating with ongoing workshops. Lastly, Jimmy said that he'll report progress each month. Jeff said that he supports continued involvement of the county in the management of the RCDR.

7. ADJOURN

MOTION by Larry Crist to adjourn.

Seconded by Marc Mortensen.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 2:03 P.M.

Minutes prepared by Brad Young.