

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 23, 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 (USF&WS)
Jeff Morby	Local Development
Jimmy Tyree	Bureau of Land Management (BLM)
Reed Harris	Utah Dept. of Natural Resources (UDNR)

Also present were:

Brad Young	HCP
Renee Chi	USF&WS
Dallin Gardner	ELT Properties
Ann McLuckie	Utah Div. of Wildlife Resources (UDWR)
Mike Empey	Congressman Matheson's office
Marreen Casper	Senator Hatch's office
Alan Gardner	Washington County Commissioner
Paul Van Dam	Citizens for Dixie's Future
Lisa Rutherford	Citizens for Dixie's Future
Bill McMurrin	

1. CALL TO ORDER

Chairman Wilson noted that at least five committee members were present and a quorum existed. The meeting was called to order at 1:01 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. February 23, 2010
- c. Next meeting date**
 1. April 27, 2010

MOTION by Chris Blake to approve the Consent Agenda.

Seconded by Larry Crist.

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 said there are no noteworthy changes. He added that BLM is moving forward on the Frei exchange; the conclusion of that exchange is several months out due to the appraisal process. The other properties (being prepared for disposal) are moving steadily forward as well. Reed Harris asked about those parcels. Jimmy explained that BLM selected the parcels that will move most quickly – there are 12 of them that total approximately 600+ acres. They are not yet at the appraisal stage. Jimmy added that the disposal of those parcels should be complete in 18 – 24 months, depending on funding. Reed asked about the NEPA process for the parcels and Jimmy explained that the information will be posted on the environmental electronic bulletin board.

b. Trail assessment

1. Review the field trip taken this morning

The members met at the HCP office at 9:00 A.M. and proceeded to The Gap trailhead to hike the Paradise Rim and Turtle Wall trails. Attending the field trip was: Larry Crist, Jimmy Tyree, Marc Mortensen, Karl Wilson, Chris Blake, Bob Sandberg, Cameron Rognan, Renee Chi, Ann McLuckie, Lynne Scott, Lisa Rutherford and Paul Van Dam.

Bob Sandberg asked the members for their thoughts or ideas regarding the field trip to the Paradise Canyon area and the Pioneer Rim trail. Larry Crist said that he had two observations. First he noted significant improvements in the area since the field trip a couple of years ago. On that field trip to the 'Toilet Bowl' there was a lot of 'spider-webbing' and a lack of signage. The improvements since then are considerable and complimented the HCP. Larry's second observation was a suggestion for additional signage to help users stay on the correct trails.

Renee Chi also noted that there are improvements in some areas, while there are other areas that may be a headache in the future.

2. Technical Committee progress – update

Renee Chi told the members that the Technical Committee continues to evaluate and assess the trails, and that the assessment will continue for the next several months.

3. Changes to the visitor map from trail review

Bob Sandberg referred to Exhibit 5-b-3-a and talked about the current combined visitor map and trail guide, which includes futuristic concepts of trails and trailheads. Bob added that some trails and trailheads shown on the current map do not exist, and some trail locations have changed or are different than what is shown on the current trail map.

Bob further explained the blue lines (shown on the new map) and the red lines (shown on the old map). The red lines will not be shown on the new map. The new map won't show trails that are really roads or trails that truly don't exist. Also, only trailheads that are lawful and that actually exist will be shown on the new map. He cited the Winchester trailheads as examples. And, with new technology, additions or corrections can be made as they develop. Reed Harris asked for clarification on trails that won't be shown. Bob explained that trails on ELT property, for example, won't be shown because there may not be a legal easement. The new map will only show trails where there is lawful access.

Commissioner Gardner asked about the Winchester North and Winchester South trailheads. He asked if the South trailhead will remain because there is some use by horse riders – there and on the west side by Snow Canyon State Park. He also asked if the trailhead isn't shown, will it be eliminated? Bob Sandberg said that he certainly hopes not and added that the process of changing trails or trailheads must be in compliance with the Public Use Plan (PUP).

Bob further explained that the existing map will be used as an overall goal and guidance for development and the new map will be a trail guide and show what currently exists. Bob also explained that the Winchester North trailhead is more problematic than Winchester South because the South trailhead is slated to be accessed by a road in *The Ledges* subdivision. The Technical Committee will be working on the trailhead issue during the course of their trail assessment.

Chris Blake complimented the process on only showing trails or trailheads that actually exist.

Jeff Morby asked about the Green Springs trailhead. Bob Sandberg described where the trailhead is and that there is just a gate and a stepover – no developed parking area. He continues to work with SITLA because it is on their land. Bob also talked about the Mill Creek trailhead and access to the Mill Creek and Bone Wash trails. Jeff asked

about what will happen to those trailheads when the properties are developed – will there be room for parking and access? Bob said that he has a verbal agreement with SITLA that there will be accommodations for space. He also mentioned that he's working with SITLA on a lease agreement for the Grapevine trailhead and hopes that will be complete in the next year or so.

Renee Chi asked about changes in Zones 4 and 5 – that are not shown on the exhibit. Bob explained that there are changes, just not shown on the exhibit because it is intended to show the concept of the changes and the purposes of the existing map and the new trail guide. The committee expressed agreement with the concept.

c. HCP review – update

Renee Chi used a PowerPoint presentation to explain how the HCP review will progress through the seven steps that she described last meeting. She talked about the responsibilities of the HCP administration and the HCAC. First, the HCP document is intended to provide a comprehensive approach to preserving and protecting Mojave Desert tortoise habitat in Washington County, while at the same time allowing controlled growth and development in those portions of desert tortoise habitat which are less essential to the species.

Renee went on to talk about the responsibilities of the HCP administration, one of which is fencing. There are three primary purposes for fencing:

1. Reduce human-related desert tortoise mortality;
2. Prevent diseased desert tortoises from outside the Reserve infecting desert tortoises within the Reserve, and;
3. Prevent desert tortoises leaving the Reserve and being harmed or killed.

She also discussed the types of fencing. The fencing type is dependent on the purpose, listed above. There is also language in the Implementation Agreement that defines the fence location, type, and the party responsible for construction. Renee listed some of the responsible parties as shown on pages 9 and 10 of the Implementation Agreement.

Renee referred to Exhibit 5-c-1-a and focused on the western portion – Zones 1 and 2. She used this portion of the exhibit to show examples of the various types of fences. Colored lines show various fence types and a black line is no fence.

Renee then focused on Zone 3. She explained that as recently as a couple of years ago there were pockets of tortoises and nearby gaps in the fencing through which the tortoises were escaping and being harmed. In the last 18 months the HCP has done well to close those holes and prevent additional harm.

Zones 4 and 5 were discussed next. Renee talked about the northwest perimeter of Zone 4 that borders Leeds, and the eastern perimeter that borders LaVerkin and Toquerville where range fence is required to control ATVs. Renee was complimentary of the HCP's fencing efforts and results. She said that HCP has gone above and beyond.

Renee further talked about fencing costs. The HCP states that fencing costs are estimated at \$2,000,000 and that HCP administration would be responsible for one-fourth - \$500,000. But, in the years 2005 through 2009 HCP administration has spent \$261,000 on new fencing and fence maintenance, and this does not include half of Justin's salary.

Jeff Morby asked about adjacent landowner responsibility concerning fence construction and maintenance. Renee explained that the responsibilities are unclear because of developer and landowner turnover, and because maintenance is not clearly addressed in the HCP, which is a shortfall in the document. There was further discussion about fence maintenance responsibility depending on who constructed the fence – developer, landowner, or the Reserve.

Reed Harris asked if all of the fencing had been constructed where it was necessary, with some exceptions in Zones 4 and 5 to control ATVs. Renee said that it was and agreed with Reed that we are just about done with new fence construction.

Jimmy Tyree asked about future fence maintenance. Bob Sandberg said that the party that constructed the fence is responsible for maintenance, but in reality it is better if HCP makes immediate repairs to damage and vandalism – thus providing better protection for tortoises and habitat.

Reed asked about the success of the fencing in keeping tortoises in the Reserve and in keeping sick and infectious tortoises out of the healthy population. Ann McLuckie responded by talking about pre-fencing road kill tortoises and the reduction of harmed tortoises after fencing. Reed asked if the fencing along Cottonwood Road had reduced the number of injured tortoises. Bob Sandberg said that it has, but the fencing has also separated the tortoise population within Zone 3.

Jeff Morby talked about co-ownership of fences and co-management or shared maintenance depending upon where the fence was constructed – on the common property line or on one side or the other. This led Renee to talk about fencing agreements with adjoining property owners and shared responsibility.

Renee continued to discuss responsibilities – particularly the responsibilities of the HCAC. She addressed each of the responsibilities listed in paragraph one of Section 6.2.3 of the HCP. Those responsibilities include:

- Oversee the administration of the HCP;
- Serve as an advisory body to the county commission regarding county-wide threatened, endangered, and candidate species matters;
- Interprets the HCP document;
- Directs the activities of the administrator (subject to the final review of the commission);
- Review and approve the annual work plan and quarterly and annual reports;
- Oversee the expenditure of mitigation monies;
- Review and make recommendations regarding the appropriateness of proposed

- amendments to the HCP, and;
- Provide problem-solving and advice to the HCP administrator.

The members briefly discussed and clarified their role as an advisory body to the county commission, and their role as a director of, and advisor to, the HCP administrator.

A progress report by Renee on the review of the HCP will be an agenda item until the review has been completed.

d. Systematic clearances

Ann McLuckie reminded the committee that UDWR presented the proposed work plan to the HCAC several months ago, and included the costs in the 2010 HCP budget. The work plan has two parts – identifying gaps in the fencing and identifying areas near those gaps outside the Reserve to be cleared. Ann added that UDWR hopes to complete the clearances this spring, and they are hiring a technician in May. The areas that will be concentrated on include the north end of Washington, east end of Zone 5 and the Middleton area.

Reed Harris asked about tortoises removed during the clearance process. Ann explained that those tortoises found immediately near the Reserve will be put inside the boundary and the others will be blood tested. Those found to be ELISA positive will be transferred to the Temporary Care Facility and those that are negative will be translocated to Zone 4. Reed asked if there were tortoises still being found in the *take areas*. Bob Sandberg talked about one tortoise found near 600 North in Hurricane (October 2009); Bob also mentioned the two tortoises found near the Hurricane Wal-Mart (September 2009).

Ann McLuckie talked about tortoises in the area from the Virgin River upwards to Zion National Park. Bob Sandberg explained that some tortoises travel in and out of the Park, but the Park is unable or unwilling to fence the boundary. Renee Chi talked briefly about the Red Hawk subdivision in Springdale and explained how the USF&WS had worked with the developer to include language in the covenants that residents must take specific measures to protect the nearby tortoises.

e. Administrator's Report – Bob Sandberg

1. HCP revenues and expenditures report

The committee members reviewed and discussed Exhibit 5-e-1-a. Bob explained that almost 25% of the year has passed and that the HCP has spent, or committed to spend, 19% of the allowed budget. There were no questions or comments and the chairman moved the agenda.

2. **Sand Hollow Wash**

Bob explained that at last month's meeting Marc Mortensen mentioned the City's acquisition of property in Sand Hollow. Bob elaborated that he has met with Kent Perkins and Laura Taylor from the City of St. George regarding the property. Bob added that there is an access to the Reserve at the north end of the property that provides access to the Scout Cave and Johnson Canyon trails. Bob will continue to work with the City on this property.

3. **Shan Gubler property**

Bob reminded the members that there has been a long-standing issue with Shan Gubler and some property in the area of *The Reserve at Entrada*. Bob explained that the original piece of property has been sold and that HCP is working with Shan and the current owner, Don Cannon, to acquire the land. If the land is donated and included in the Reserve, its ownership is still to be resolved.

Renee Chi asked if this property was part of the 14-acre settlement for the encroachment. Bob explained that it is separate, but may be connected.

4. ***The Spectrum* article**

Bob told the members that Brian Ahern, a reporter for *The Spectrum*, attended last month's HCAC meeting and has subsequently met with Bob for an interview regarding the history and purpose of the Reserve. Brian is doing an article that should be in this Sunday's edition. Brian has also contacted some of the HCP partners for their perspective.

5. **Meetings with city planning departments**

Bob told the members that he is trying to meet with the various cities' planning departments to provide updated *take area* information and maps. He has met with the City of St. George and the Town of Leeds. The planning managers have been very receptive.

6. **Outreach and Education**

Bob told the members that Tom Webster has pretty much left us and that Lauren Pejza is picking up the slack. He added that there are many outreach and education programs and presentations scheduled.

7. **Human impact monitoring**

Bob told the members that Dr. Pam Foti and the student monitors will be coming April 7 – 11 to conduct the annual human impact monitoring on various trails within the Reserve. There were no comments or questions.

8. Fire danger

Jeff Morby asked about the fire situation and the potential fire danger this season. Bob said that it is green – for now, but the green vegetation will dry out and become fire fuels. Bob added that from what he has seen the vegetation is not contiguous which may help if and when fires do occur.

Bob further added that he will be meeting with the area fire chiefs on April 6th. He is going to provide them an update and new maps, if there are substantial changes from the last maps. Bob is trying to take the proactive approach.

6. OTHER BUSINESS

a. New UDWR building

Reed Harris noted that there was an open house at the new UDWR building last week. He added that it is clearly a more efficient and effective place to work. He thanked the committee and the county for the support for the new facility.

7. ADJOURN

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

The meeting was adjourned at 2:11 P.M.

Minutes prepared by Brad Young.