

HABITAT CONSERVATION ADVISORY COMMITTEE

for Washington County Habitat Conservation Plan (HCP)

The regular meeting of the Habitat Conservation Advisory Committee (HCAC) was held at the Washington City Council Chambers on **MARCH 24, 2009**.

Committee members present were:

Karl Wilson, Chairman	Mayors Association
Chris Blake, Vice Chairman	Environmental Organization
Jeff Morby	Local Development
Larry Crist	U.S. Fish & Wildlife Service (USFWS)
Reed Harris	Utah Dept. of Natural Resources (UDNR)
Marc Mortensen	Citizen-at-Large
Bob Sandberg	Washington County HCP

Absent and excused was:

Jimmy Tyree	Bureau of Land Management (BLM)
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Also present were:

Steve Meisner	Virgin River Program
Dallin Gardner	ELT Properties
Allan Carter	Carter Family Trust
Alan Gardner	Washington County Commissioner
Mike Empey	Congressman Matheson's office
Greg Sharp	JBR Environmental Consultants
Brent Gardner	Alpha Engineering
Bob Douglas	Bureau of Land Management (BLM)
Ann McLuckie	Utah Div. of Wildlife Resources (UDWR)
Tom Webster	Washington County HCP
Lauren Hunt	Washington County HCP
Brad Young	Washington County HCP

1. CALL TO ORDER

Chairman Karl Wilson noted that at least five committee members were present and a quorum existed. The meeting was called to order at 1:04 P.M.

2. CONSENT AGENDA

a. Approval of the agenda

b. Review and approve minutes

1. February 24, 2009

In behalf of Jimmy Tyree, Chris Blake offered a clarification to be added to page 2, section 5-a of the February 24, 2009, minutes. The clarification is of a comment on page 2, section 5-a of January 27, 2009, minutes concerning candidates for the Realty Specialist position being added to BLM's Saint George Field Office. Rather than state that there were no qualified candidates, it is more accurate to state that there were fewer than expected qualified candidates. The position was upgraded and republicized in an effort to attract more qualified and experienced candidates.

c. Next meeting date

1. April 28, 2009

MOTION by Chris Blake to approve the Consent Agenda with the clarification statement.
Seconded by Reed Harris.
Discussion: None.
Vote was taken: All voted aye.
Motion passed.

3. PRESENTATIONS

None.

4. UTILITY AND DEVELOPMENT PROJECT REVIEWS

- a. Proposed water storage tank at Kayenta** (Cover memo and Exhibits 4-a-1, 4-a-2, and 4-a-3 HCAC – 032409) (B. Sandberg and Brent Gardner)
 1. Technical Committee recommendation (TC Assignment 020909)

Bob Sandberg provided some background information on the proposed project. He explained that the tank is necessary for additional water storage and is also necessary for mixing water from the Gunlock wells with other waters to dilute the Gunlock water which has a high arsenic content. The Technical Committee (TC) has been given an assignment (#020909) to evaluate the proposal and provide a recommendation to the HCAC.

Ann McLuckie presented the TC's recommendation (Exhibit 4-a-4 HCAC – 032409) and read the five points of recommendation. Ann added that the TC feels that mitigation for habitat disturbance in Zone 1 requires clarification by the U.S. Fish & Wildlife Service. Ann referred to the special management provisions for Zone 1 in the HCP. Larry Crist said that he would discuss the issue with Renee Chi when she returns from maternity leave.

Chris Blake commented that he does not recall all of the details, but he does recollect that mitigation in Zone 1 is not required; perhaps because there are very few tortoises, there was little disturbance to the habitat at that time, and because the area was left as

a migration corridor. Ann added that there is a low density of tortoises in the area. Larry clarified the question, is mitigation in Zone 1 required? Bob Sandberg read section 3.3.1.2 on page 27 of the HCP regarding management in Zone 1. Bob added that JBR Environmental Consultants will submit an Environmental Assessment (EA) when the final locations for the tank and water lines are determined. The EA is required because there is a federal nexus. Larry restated that he'll either discuss the issue with Renee or research the issue himself and report back at the next HCAC meeting.

Brent Gardner explained to the members why the tank is proposed where it is, and that the participating entities are Ivins City, the City of Saint George, and the Washington County Water Conservancy District (WCWCD). Brent also briefly described two alternate tank sites that were considered and rejected. Brent also clarified that there will be 16" of topsoil on the tank instead of 24". This change is necessary because 16" of topsoil is sufficient to support the revegetation, and because it will reduce the weight on top of the tank.

5. GENERAL BUSINESS

a. **Proposed water storage tank at Kayenta (HCAC)**

1. Review and discuss
2. Consider the Technical Committee's recommendation

Larry Crist said the USF&WS will address the special management of Zone 1, and any required mitigation, in the EA.

MOTION by Jeff Morby to approve the water storage tank and to accept the Technical Committee's recommendation, pending satisfaction of the mitigation issue by all parties in the EA.

Seconded by Chris Blake.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

b. **Initiatives to acquire ELT properties (HCAC).**

Chris Blake asked for an update on the hiring of the Realty Specialist. Bob Sandberg commented that Jimmy Tyree wasn't at today's meeting because he is involved in the interview process for filling the position.

Allan Carter spoke for a few minutes about the process of resolving the issue with ELT properties and the Carter Family Trust properties within the Reserve. He noted that since the March 2008 HCAC meeting they've been trying to get a position (Realty Specialist) filled, and if the bill (Omnibus Public Lands Management Act of 2009) passes next week, is there anything standing in the way of moving forward to dispose of lands and procure funds for purchase of the properties mentioned? No member knew of anything which would prohibit moving forward.

Mr. Carter contended that much of the Jim Doyle property is not significantly impacted by the species (Mojave Desert Tortoises) and that if he knew in 1995 what he knows today, he would have pushed for a different zone designation and development status.

Jeff Morby noted that the land market will be one of the determining factors concerning land disposal and the procurement of funds. The members discussed the available lands that may be sold by BLM.

Mr. Carter proposed a field trip just to see the ELT properties and the absence of tortoises (600 - 700 acres). Ann McLuckie commented that UDWR has been monitoring the Reserve since 1997 and that there are tortoises present on all of the ELT properties.

Mr. Carter asked that all possible solutions be explored to resolve the issue – including perhaps a separate zone designation. Larry Crist explained that there was a procedure, but revising an existing HCP or creating a new HCP within would be a very long process.

1. Statement clarifying minutes of January 27, 2009 (J. Tyree)

See item 2-b-1 above.

c. The Omnibus Public Lands Management Act of 2009 – status (HCAC).

Mike Empey informed the members that Senate Bill 22 has been changed into House Resolution 146 and that it is scheduled for a vote in the House tomorrow (March 25, 2009). The bill may pass, and if it does, will then be sent to the President's desk.

d. Fire Management Plan development and scope of work projects (TC).

1. Fire Management Plan (Exhibit 5-d-1-a HCAC – 032409)

Ann McLuckie distributed a handout entitled, "Habitat Management Plan" and dated, March 24, 2009. This two-page document (Exhibit 5-d-1-b HCAC – 032409) is the introductory statement and the top 10 priorities discussed by the TC on March 12, 2009. Ann explained the reason for changing the name to the Habitat Management Plan.

Ann cited the two primary goals of the plan (Exhibit 5-d-1-a HCA C – 032409) – Protecting unburned tortoise habitat and Restoring burned habitat. She talked about each objective within each goal. Ann informed the members that based on the objectives, the TC has prioritized the top ten action items which are intended to result in the development of a scope of work for each – all of which will be integrated with the Mojave Desert Initiative and BLM's Programmatic Wildland Fire Emergency Stabilization and Rehabilitation Plan. Ann went down the list of priority action items informing the members of the progress of each. Priority action item #3 – Create Islands of Vegetation is the next agenda item.

2. Restoration polygons – scope of work (Exhibit 5-d-2-a HCAC – 032409) (A. McLuckie).

Ann distributed a handout entitled, “Scope of Work: Restoration Polygons.” This handout (Exhibit 5-d-2-b HCAC – 032409) is a later version than Exhibit 5-d-2-a, which was included in the member’s packets for this meeting.

Ann explained that this scope of work requires refinement because the cost estimates are incomplete.

3. Monitor reseeded polygons – scope of work (Exhibit 5-d-3-a HCAC – 032409) (A. McLuckie).

Ann talked about the scope of work for Reclamation Monitoring – Exhibit 5-d-3-a. This is Priority action item #6 – Monitor treated areas. She advocated for JBR Environmental Consultants (JBR) doing the three-year monitoring because they set up the reseeded polygons in December 2007 for the City of Saint George.

Chris Blake asked about funding. Bob Sandberg replied that funding is available in the current budget. Bob added that JBR is not a sole-source vendor because there are other environmental consulting firms capable of performing the monitoring. Bob further added that the monitoring contract must be sent out for proposals and comply with the county’s procurement procedures.

Chris Blake noted that we must monitor what has been done and do more of what is successful. He asked Ann how long the monitoring will take before success can be determined. Ann replied that it can be done in three years, but should start as soon as possible to get the best results.

Chris revisited the sole-source issue. The members discussed sole-source vendors, time constraints, the experience of JBR, and procurement procedures. They agreed that consistent information is critical.

MOTION by Chris Blake to issue a request for proposals and to acquire bids in compliance with the county’s procurement process.

Seconded by Larry Crist.

Discussion: None

Vote was taken: All voted aye.

Motion passed.

Ann finished discussing the remainder of the priority action items by informing the members of the progress of each.

e. Harrisburg addition – zone designation (TC Assignment 021209).

Ann McLuckie informed the members that the TC had received the assignment (#021209) and had discussed the issue on March 12, 2009. Treating the addition as part of Zone 4 was discussed, as well as treating it as an extension of Zone 3, or making it a new zone. The merits of each idea was discussed and debated. The TC voted to include the addition in Zone 3 with a lowland designation, and that the area be included in the Public Use Plan and managed with consideration given to threatened and endangered species. The TC also discussed a name for the addition and agreed that it will hereafter be referred to as the Harrisburg addition.

MOTION by Chris Blake to accept the Technical Committee’s decision and include the Harrisburg addition as part of Zone 3.

Seconded by Reed Harris.

Discussion: None

Vote was taken: All voted aye.

Motion passed.

f. Administrator’s Report (Bob Sandberg).

1. Budget reduction

Bob informed the members that the county commissioners had requested that each county department reduce their respective budgets by 5% – which amounts to \$78,000.00 for the HCP. Bob detailed the reductions that he had provided to the commissioners:

Salaries and benefits	-\$40,000.00 due to the vacant administrator’s position
Recreation Management	-\$10,000.00
BLM Reserve Management	-\$3,000.00
Contract Access Points	<u>-\$25,000.00</u>
	\$78,000.00

Jeff Morby inquired about line item #23-4149-445 – BLM Realty Specialist position funding. Jeff asked if that line item could be reduced because we are well into the fiscal year and the position hasn’t been filled yet. The members discussed the county’s fiscal year, the state’s fiscal year and the BLM (federal) fiscal year. The committee members debated if and how much the line item could be reduced based on when the position is filled. There was no clear answer.

MOTION by Chris Blake to concur with the budget reductions detailed by Bob Sandberg.

Seconded by Marc Mortensen.

Discussion: None

Vote was taken: All voted aye.

Motion passed.

2. Fencing projects

Bob informed the members about some of the recent fencing projects that had been completed and others that are in progress. Bob talked about:

- The Robert Stirling fencing agreement. HCP paid \$7,360.00 to add tortoise mesh to 3,630 feet of range fence on a common boundary between Stirlings and the RCDR.
- \$3,200.00 was paid for the installation of 750 feet of range fence with tortoise mesh near Middleton.
- 300 feet of range fence with tortoise mesh was constructed along the RCDR boundary near the Dixie Mobile Estates subdivision. The cost estimate is \$1,350.00.
- RCDR has committed to a cost share with Snow Canyon State Park in the construction of a post and rail fence near Beck Hill. The HCP share will be approximately \$1,950.00.
- Another fence in Zone 5 is anticipated but not yet under construction.

Ann McLuckie suggested using the UDWR Dedicated Hunter Program to assist in fence construction if possible.

3. Law Enforcement activities

Bob talked briefly about the recent quarterly meeting with law enforcement representatives. The participating entities are the Washington County Sheriff's Office, USF&WS, UDWR and BLM. After the meeting there was a tour in the Reserve of hot-spots.

Chris asked if any of the cities participated. There are none currently. He suggested including Ivins City Police because they have Zone 1 responsibilities.

4. Annual human impact monitoring study by Northern Arizona University – April 1-5, 2009

Bob briefly related to the members that Dr. Pam Foti and students from Northern Arizona University will be conducting the annual human impact monitoring on various trails in the Reserve beginning on April 2, 2009.

5. Outreach and Education Presentations.

Bob said that Tom Webster and Lauren Hunt have been giving presentations and have several more scheduled. Tom talked about recent presentations and more that are on the horizon, including a Mojave Max appearance at East Elementary and Coral Canyon Elementary on Monday, March 30, 2009. This presentation will be attended by about 180 4th and 5th-graders. Tom commented that he was surprised that some elementary schools that he contacted were not interested in the program.

6. New RCDR map.

Tom noted that there was not much progress to report at this time and hoped that next month he could report significant strides.

6. **OTHER BUSINESS**

a. **New RCDR interpretive center.**

Bob Sandberg gave a brief update to the members on the concept and design of a new interpretive center. He has recently met with county staff on the design and construction process and procedure. This meeting was later followed by a tour of the new Washington County Library Branch in Washington City. Several ideas were gained during the meeting and the later tour.

There will be a meeting with HCP staff and City of St. George staff on Thursday, March 26, 2009. Defining the building's purpose is still in progress. Jeff Morby offered any assistance.

There was no other business to discuss.

7. **ADJOURN**

<p><u>MOTION</u> by Larry Crist to adjourn. <u>Seconded</u> by Marc Mortensen. <u>Vote was taken:</u> All voted aye. <u>Motion passed.</u></p>

The meeting was adjourned at 2:26 P.M.

Minutes prepared by Brad Young.