

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 **JUNE 22, 2010.**

Committee members present were:

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

Absent and excused was:

Karl Wilson, Chairman	Mayors Association
Jimmy Tyree	Bureau of Land Management (BLM)

Also present were:

Brad Young	HCP
Cameron Rognan	HCP
Drew Mills	HCP intern
Renee Chi	U.S. Fish & Wildlife Service (USF&WS)
Ann McLuckie	Utah Div. of Wildlife Resources (UDWR)
Mike Empey	Congressman Matheson's office
Marreen Casper	Senator Hatch's office
Paul Van Dam	Citizens for Dixie's Future
Jane Whalen	Citizens for Dixie's Future
Sherrie Reynolds	Interested citizen
Stacy Young	QRS Development
Alan Gardner	County Commissioner

1. CALL TO ORDER

Vice Chairman Blake noted that at least five committee members were present and a quorum existed. The meeting was called to order at 1:02 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**

Approved HCAC meeting minutes – June 22, 2010

1. May 25, 2010
- c. Next meeting date**
1. July 27, 2010

MOTION by Marc Mortensen to approve the Consent Agenda.
Seconded by Reed Harris.
Discussion: None.
Vote was taken: All voted aye.
Motion passed.

3. PRESENTATIONS

There were no presentations and the Vice Chairman moved the agenda.

4. UTILITY AND DEVELOPMENT PROJECT REVIEWS

There were no project reviews and the Vice Chairman moved the agenda.

5. GENERAL BUSINESS

a. Land acquisition efforts

Bob Sandberg said there have been no significant developments since last meeting. Bob added that BLM continues to prepare properties for sale or trade. Also, there's no word on the BLM application to the Land and Water Conservation Fund.

Bob referred the members to Exhibit 5-f-4-a and explained that it is a draft one-page informational handout intended to solicit support from the congressional delegation for purchasing inholdings – particularly the ELT properties. Bob asked for their feedback. Mike Empey noted that it must be a good, concise summary of the issue and request. Bob further explained that Cameron Rogan continues to refine the document, and there was a suggestion to leave space for the commissioner's signatures.

Reed Harris suggested including a comment on *'taking'* tortoises and allowing continued development within the county. Reed emphasized that the permit must remain viable; it is the permit that allows continued development within the county. Larry Crist stressed the permit's importance to the economic development of the county.

Bob Sandberg clarified that the request to the congressional delegation for support will come from the county commissioners. Reed asked if the request was for a grant, or does it require matching funds? Larry explained that matching funds are not required.

Reed noted that lands purchased with Land and Water Conservation Funds cannot be managed by a federal agency, and UDNR has enough lands to manage and doesn't need any more. Lastly, Reed noted that Section 6 monies may be sought for the HCP, but they require matching funds.

b. BLM planning update

Vice Chairman Blake noted that Jimmy Tyree is excused so he's not present to speak about BLM's scoping process. Bob Sandberg did explain that there were four scoping meetings held last week, and that there were about 155 attendees for the meeting in St. George, 50 at the Hurricane meeting, 35 in Salt Lake City and 14 for the Mesquite meeting. The meetings were held to gather scoping information regarding the Red Cliffs NCA plan, the Beaver Dam Slope NCA plan, and the St. George Field Office Resource Management Plan (RMP). As part of that BLM is seeking input on route designations – which drew considerable interest at the meetings. Bob added that BLM had interactive maps available with the capacity for the viewer to add comments and their name. Bob was uncertain about the feedback that BLM had received so far. The comment period lasts until July 19th. Comments can be made on the BLM website and at the St. George field office.

Reed Harris asked about the purpose of the scoping; is it a total revision of the RMP or information on public use? Bob explained that the Land Bill (Omnibus Public Land Management Act of 2009) requires development of management plans for the NCAs. The designated wilderness areas and wild and scenic rivers will also need management plans. This will necessitate revising and amending the existing RMP.

c. HCP review update (L. Crist)

Larry Crist noted that he doesn't have a lot to report; Renee Chi has been busy on other issues. Larry asked that this agenda item be added to next month for a presentation. Renee added that it is undecided which section will be reviewed next.

d. Red Hills Parkway update (M. Mortensen)

Marc Mortensen explained that there are two projects under design. The first is the interchange at Snow Canyon Parkway and SR 18 and the second is the Red Hills Parkway redesign and widening. Marc added that the construction is scheduled to begin right after next year's Ironman competition event and be finished by the 2012 event.

Marc further added that the city intends to demolish the apartments southeast of the Snow Canyon/Bluff Street interchange and rehabilitate the habitat.

Reed Harris asked about the proposed desert garden connections. Marc explained that the city is still working out the details of an agreement with the Washington County Water Conservancy District (WCWCD). Marc added that the widening of the parkway and the construction of the desert garden may not line up. Bob Sandberg added that the WCWCD wants to proceed with the water feature and piping this fall. Marc said that it may be this fall or this winter.

e. Technical Committee report (C. Rognan)

1. Gila monster sighting report form/insert (Exhibit 5-e-1-a)

Cameron Rognan displayed the Gila monster pamphlet and explained the new sticker that is being added with UDWR's new address and phone number. He also explained the observation form (Exhibit 5-e-1-a) that is being inserted. Cameron added that the public is not being encouraged to actively search for Gila monsters, but that observation information would be appreciated. UDWR will collect and store the sighting data.

2. *The Trails* subdivision property

Cameron explained that the Technical Committee is seeking an opinion from the HCAC regarding the purchase of approximately 3.3 acres of property that is for sale. The property is in *The Trails* subdivision but is also within the definition of the Reserve being 20 feet west of the west rim of Buckskin Wash. Ann McLuckie added that it is very good tortoise habitat.

Bob Sandberg was asked about where this property fits with the other inholdings that need to be acquired. Bob explained that this property is a challenge. First, because like Ann said, it is very good tortoise habitat. And second, because it is competing with the necessity to acquire the ELT properties. Bob further explained how the definition of the Reserve boundary (20 feet west of the west rim of Buckskin Wash) cuts into *The Trails* property – in more than one place. Bob also explained the difficulty in specifically defining the Reserve boundary because the west rim of Buckskin Wash is not clearly defined in all places. Bob additionally explained that the boundary along the property line has been fenced, effectively fencing a portion of the Reserve into the subdivision. And, the area fenced into the subdivision has been cleared of tortoises. Bob also explained that the St. George City ordinances prohibit building within a 'no build' zone near the rim of the wash. Lastly, Bob reiterated the quality of the tortoise habitat.

Ann McLuckie explained that the area is excellent tortoise habitat and that there are some burrows and deep dens in the area being discussed. Chris Blake asked if the 3.3 acres is all, or is there additional property that should be considered. Bob said that there is more and it would be very beneficial to the Reserve but acquiring the ELT properties is clearly the priority. Reed Harris talked about the past practice of sellers like ELT allowing their property to be bypassed and other lands acquired, but ELT should have right of first refusal. Reed suggested an appraisal to get an idea of the cost. Larry Crist agreed adding that there may be other funding sources available.

MOTION by Marc Mortensen to proceed to get an appraisal and then bring that back to HCAC for evaluation, acknowledging that acquiring the ELT properties is the priority, and that the property value may not be all that great because it is not developable.

Seconded by Reed Harris. Discussion: None.

Vote was taken: All voted aye. Motion passed.

Bob Sandberg was granted license to proceed with arranging for an appraisal.

f. Administrator's Report – Bob Sandberg

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

Bob referred to Exhibit 5-f-1-a HCAC – 062210 and explained that the reserve account (23-1100-000) has dwindled in the last couple of years due to decreased revenues. So far this year (1st quarter 2010) HCP has collected only about \$50,000. In comparison, in the 1st quarter of 2009 HCP took in \$32,000, in the first quarter of 2008 it was \$151,000 and for all of 2008 it was \$523,000. Bob talked about being hopeful that revenues will increase. Bob added that as of May 31, 2010, 41% of the year has elapsed and HCP has spent 28% of the allotted budget.

2. *The Cliffs* HOA

Bob explained that he recently met with representatives from the City of St. George and *The Cliffs* homeowners association regarding an access to the Reserve from within the gated community. Bob explained that there is a gate in the back of the development for utility access and the nearby residents want to use it to access the Scout Cave trail. Bob noted that the property behind the subdivision (northerly) is Snow Canyon State Park (SCSP). Bob said that he told the HOA representatives about the Public Use Plan (PUP) and the designated trails and access points. He basically told the HOA, no, they couldn't have access through the gate. The reasons are, *The Cliffs* is a private gated community, the access point was not designated in the PUP, and the access would be into SCSP. Bob added that the HOA was not satisfied with his denial and they may come to the HCAC. Meanwhile, they'll visit with SCSP officials.

Chris Blake asked if it is an access road or part of the trail system. Bob explained that it is an access road that runs parallel to the Scout Cave and Johnson Canyon trails. Bob noted that the HOA recently donated common property to St. George City where there is a public access and stepover near Snow Canyon Parkway. Chris asked about amending the PUP to allow for private access to a public trail. Bob said that a minor amendment may be possible, but that an aerial photo may be most helpful in understanding the situation.

3. Mining claim work in Zone 4

Bob said that last week Justin Neighbor found a road bladed into old mining claims. Bob said that everyone thought that the mining claims had been closed out but that apparently some still exist. Law enforcement has contacted an individual who has admitted grading the roads. Bob added that Cameron Rognan has spent time GPSing the bladed roads. It appears from the preliminary survey that no tortoises were harmed but perhaps one den was damaged. There was approximately two miles of grading – mostly vegetation scraping. Bob further added that follow-up is necessary to determine

if there was any legal right to blade the roads. BLM has letters and documentation that shows that a plan is required and that protocols be followed. Bob will continue to follow up and report.

Cameron Rognan added that during the survey he found about one dozen burrows and pallets, and five or six tortoises living in the vicinity, and one Gila monster.

Reed Harris said that he thought the zone had been withdrawn from mining. Bob said that BLM still has one patented claim and that BLM is still researching the issue. Bob explained that the claim was filed after the HCP was created but before the mining was withdrawn. Jim Crisp will be asked what he recalls about the claims. Additionally, there is a letter from Jim Crisp to the claimant in 2006 that states that the claims cannot be developed unless there is a plan submitted and approved.

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

4. LWCF funding request support

This agenda item and Exhibit 5-f-4-a were discussed previously. See page two.

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

5. Intern Drew Mills

Bob introduced Drew Mills. He is a summer intern assisting HCP staff. Drew attended the Color County Natural Resources Camp the last two years, and last year Drew was an intern assisting UDWR with fish-related work.

6. Website update

Bob invited everyone to visit the RCDR website and see the improvements that have recently been made. Bob asked for feedback on the changes.

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

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.)

Vice Chairman Blake introduced this new agenda item and asked if there were any comments or suggestions from anyone. Chris noted that Stacy Young had joined the meeting after *The Trails* had been discussed and asked him if he had any questions or comments. Stacy declined adding not now, maybe later.

7. **OTHER BUSINESS**

a. **Budget timing**

Jeff Morby asked about the timing of the annual budget preparation. Bob explained that the TC is scheduled to complete their recommendation in July, which is submitted to the HCAC later in July, and that there may be an HCAC budget work meeting in August. The budget recommendation is then finalized by the HCAC in September and submitted to the County Clerk/Auditor's office in October. The budget is reviewed and revised by the County Commissioners in November and approved in December.

b. **Confluence Park budget**

Reed Harris asked about budgeting for Confluence Park and the possibility of getting additional water at the park for riparian habitat, vegetation and fish. Reed suggested that an agreement may be needed between the county and the Virgin River Program to fund the water improvements. He suggested that maybe up to \$20,000 from each to benefit species and the residents. Chris Blake asked Reed if a short work meeting to discuss the issue would be useful. Reed asked if we were still going to be able to meet Ash Creek's (Ash Creek Special Services District) time frame. Bob Sandberg explained the ongoing meetings with Ash Creek and the timing of the application for grant monies from the LeRay McAllister fund. He added that the TC should have a budget recommendation after their July meeting. Reed stressed that timing was important and that this is the best opportunity.

The members briefly discussed how much water would be available in the proposed pressurized irrigation system.

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

8. **ADJOURN**

<p><u>MOTION</u> by Larry Crist to adjourn. <u>Seconded</u> by Marc Mortensen. <u>Discussion</u>: None. <u>Vote was taken</u>: All voted aye. <u>Motion passed</u>.</p>
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The meeting was adjourned at 2:02 P.M.

Minutes prepared by Brad Young.