

**HABITAT CONSERVATION ADVISORY COMMITTEE**  
for Washington County Habitat Conservation Plan (HCP)  
January 22, 2008

The regular meeting of the Habitat Conservation Advisory Committee (HCAC) was held at the Washington City Council Chambers on January 22, 2008.

Committee Members present were:

Karl Wilson, Chairman	Mayors Association
Jim Crisp, Vice-Chair	Bureau of Land Management (BLM)
Marc Mortensen	Citizen at Large
Gary McKell	Environmental Organization
Jeff Morby	Local Development

Committee Members absent and excused were:

Larry Crist	U.S. Fish & Wildlife Service (USFWS)
Reed Harris	Utah Dept. of Natural Resources (UDNR)

Also present were:

Bill Mader, Administrator	Washington County - HCP
Tom Webster	Washington County - HCP
Kristen Comella	Snow Canyon State Park
Ann McLuckie	Utah Div. of Wildlife Resources (UDWR)
Stacy Young	QRS Developers ( <i>The Trails</i> )
Dallin Gardner	ELT
Alan Gardner	Washington County Commission
Brad Young, Recorder	Washington County – HCP

Eric A. Holt	JBR Environmental Consultants (attended but did not address the Committee)
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1. **CALL TO ORDER**

Chairman Karl Wilson noted at least five Committee Members were present and a quorum existed. The meeting was called to order by Chairman Wilson.

Term expirations were briefly discussed. Gary McKell's term has expired and he has chosen to be replaced. The County Commissioners will make that appointment. Chairman Wilson's term has also expired and the Mayors' Association has asked that he be reappointed. Also, Jim Crisp will be retiring soon. Bill Mader submitted a chart showing the current members and their respective terms. That table is included.

## HCAC Member Terms

NAME	ORGANIZATION	DATE APPOINTED	LENGTH OF TERM	TERM ENDS
Jim Crisp	BLM	March 1996	N/A	N/A
Reed Harris	UDNR	May 2005	N/A	N/A
Larry Crist	USFWS	June 2006	N/A	N/A
Gary McKell	Environmental Org.	Feb. 2006	2 year	Feb. 2008
Marc Mortensen	Citizen at Large	Feb. 2006	3 year	Feb. 2009
Jeff Morby	Local Realtor	Feb. 2006	3 year	Feb. 2009
Karl Wilson	Mayor's Association	Jan. 2007	2 year	Feb. 2008*

**\*Karl Wilson took over Denny Drake's term which expires Feb. 2008.**

### 2. APPROVAL OF MINUTES

The minutes of the meeting of November 27, 2007, were reviewed and no changes or corrections were made.

**MOTION by Jim Crisp, second by Gary McKell to:  
Approve the minutes of the meeting of November 27, 2007, as written.  
There was no discussion, a vote was taken and the Motion passed unanimously.**

### 3. PRESENTATIONS

#### a. **Technical Committee Report – Assignment #010407 – Buckskin Wash Trail**

Technical Committee Chairperson Kristen Comella presented the Committee's recommendation. She presented a three-page handout – HCAC 1/22/08 Attachment A.

Chairperson Comella recapped the assignment and clarified that the assignment is in three parts: Boundary change, Buckskin Wash Trail and fencing removal and cost share. She said that despite the fact that they have chewed on this issue for several months, the Technical Committee (TC) approached it as a new assignment. She read into the record paragraph two of Attachment A.

Kristin continued, referring to page three of the handout, by explaining that the TC sat down and reviewed the diagram and recommends that the boundary be moved to the No-Disturbance line. She said that, regarding the two dotted lines on the map, if the HCAC approves and the developer is willing, the TC would meet on site and look closer at how the canyon rim falls in relationship to their proposed open space as well as the homes sites that they have platted. She reiterated that the initial recommendation of the

TC is to move the (Reserve) boundary (westward) to the No-Disturbance line shown. All with the understanding that the boundary change not decrease the number of acres in the Reserve and ideally that the change incorporates more of that Southeastern corner of the development.

**4. UTILITY DEVELOPMENT AND PROJECT REVIEWS**

No discussion items.

**5. GENERAL BUSINESS**

**a. Review/Approval of the Technical Committee Buckskin Wash Trail recommendation**

Jeff Morby said that on the ownership maps that he has seen, there is no reflection of the straight (north-south wedge) line shown. Ann McLuckie argued that the HCP document does describe the boundary with the wedge line. Jeff said that the Reserve maps and the ownership lines are the same. Ann said that there are discrepancies between what is in the HCP document and what is in the Reserve boundary maps. She added that page 62 shows the wedge. Kristen asked Bill Mader if there were recent maps showing the boundary as described in the HCP. Jeff asked if the fencing along the property line, as shown without the wedge, currently exists, and further asked that we're now telling the developer to move the fence? Kristen said that the information has just come to light.

Bill Mader asked to hear from Stacy Young, the developer, about his perspective on this issue. Stacy said that in his view, starting over was a huge step backward. Stacy added that there are three alternative locations (boundaries) to discuss. One is based on the west rim of the canyon, one is this wedge and one has to do with the minutes of the meeting in which it was discussed with Commissioner Gardner. Stacy explained that they are three years into this development and it is unfair because this boundary dispute has suddenly been dropped on them in the last year. Stacy further stated that it is basically unfair, and what's more, none of the three descriptions are legal descriptions. Mr. Young recapped – a trail was proposed and recommended approximately a year ago with certain conditions, one caveat being a seasonal closure. Stacy argued that considerable money has been spent, time invested and there is still no solution. Stacy submitted, for the record, a three-page document including a map – HCAC 1/22/08 Attachment B. This document summarizes the developer's position.

Bill Mader asked Mr. Young about his idea of a solution. Stacy said that he wants to finalize the cooperation agreement, develop a legal description of the boundary, identify a donation parcel of ~23 acres, and negotiate a seasonal closure. Mr. Mader asked Stacy what he felt about a trail off of the north side. Mr. Young said that he just doesn't see a great benefit for that trail.

Jim Crisp noted that some portions of the Wash are easy (to hike) and some are very challenging. Mr. Crisp asked Mr. Young how he would perceive handling hikers who ventured into the Wash. Stacy said that within the boundaries of the project they are going to have different levels of trails as well as maps and printed materials directing people to the right trail. They will be put on notice about the difficult trails.

Kristin Comella reiterated that the recommendation of the Technical Committee is no trails in the lower portion of Buckskin Wash. She added that they want to sit down and explore the alternative of a connecting trail to the north. Ann McLuckie explained that some hikers will want to go off of the trail, which would be entering very sensitive tortoise habitat areas.

Alan Gardner suggested that a trail could go up and out of the Wash. Ann McLuckie and Alan Gardner discussed site for a possible trail. Ann said that the TC would like to go out on site and Alan said that he'd be happy to go along.

Bill Mader suggested it would be helpful to review an aerial photo of the area that shows boundary and fence lines, with proposed revised boundary and fence lines, then go out and meet on site. Bill emphasized an effort to work together to get resolution. Alan Gardner said that the Washington County GIS could assist in providing those aerial photos and maps.

Stacy Young expressed his frustration with the process and time that it is taking and not getting closer to resolution. Jim Crisp said that this situation has regressed. He emphasized that any trails must be clearly identified. He added that the terrain is extremely rougher than first imagined and that the easier section in the south portion of the Wash is a much higher quality desert tortoise habitat.

Jeff Morby asked about the approximate 23 acres – are they good habitat? Kristin Comella said that it does include up to the Do Not Disturb line. She reiterated that this new start is because of the new information on the boundary discrepancies and that the biological impacts must be considered carefully with a balance between trails, recreation and biological impacts. She added that the Technical Committee feels that there should be some creative avenue for all to sit down and look at alternatives which serve the recreation needs without putting tortoise habitat in peril.

Bill Mader suggested an on-site visit, using the best maps available, with Stacy Young, Kristin Comella and the HCAC members in an attempt to sort out the issues and come up with two or three alternatives. He suggested that the informal meeting be held in the morning of the February HCAC meeting and then in the formal afternoon meeting, discuss the options and formulate a resolution. Kristin said that she supports this. Stacy Young stated for the record that it must be clear that he is talking about pedestrian only trail use – no horses, no dogs, no bicycles and closed seasonally, and for the general exclusive use by nearby residents. He doesn't envision trails like those near Paradise Canyon.

Marc Mortensen wished to clarify for the next meeting. He expects options presented at the next meeting so a resolution may be reached. Marc also clarified that the fence was put in according to what they (the developer) were directed to do. There was brief discussion about fence costs. Kristin said that money issues were not necessarily within the scope of the Technical Committee's biological mission.

There was a discussion about any legal restrictions on the property titles. None were known.

There was further discussion about the 'grey areas' of the boundary and which areas are suitable for habitat and which areas are not. There needs to be an on-the-ground inspection.

Kristin Comella said that trail access and a trail head needs to be away from an area that is biologically sensitive, but yet supports recreational opportunity. She is seeking a win-win situation.

Chairman Wilson said that a work meeting is necessary to have the Technical Committee and the developer agree on alternatives so the HCAC can make an informed decision. He asked for at least three alternatives.

Jim Crisp said that the boundary is well established and must be dealt with. He added that the developer should have known that a part of the development was within the Reserve.

Bill Mader said that this is not the first error and it must be worked through with the establishment of a new boundary that is defensible.

Jeff Morby asked if boundary changes are reflected in actual legal descriptions and are recorded documents. The answer is that they are.

Kristin Comella asked about how to get the aerial photos and maps. Alan Gardner indicated that County GIS could help put it together. The next Technical Committee meeting is scheduled for Thursday, February 14 at 9:30 AM. Aerial photos and maps must be available for discussion and field trip.

**MOTION by Marc Mortensen and seconded by Gary McKell to have HCP Administration, the Technical Committee, and the Developer, Stacy Young, meet to develop and propose alternatives and a recommendation regarding access to a trail, and boundaries, and fencing. There was no discussion, vote was taken and the motion was unanimously passed.**

**b. Status of the Ivins Retention Dam**

Bill Mader briefed the Committee on this issue. He said that the test pits will be done this year and that the project is due to start in the winter of 2008. Kristen Comella added that the last documents from the USF&WS and the State of Utah are coming soon and work will be scheduled. Chairman Wilson encouraged the Committee to keep moving forward as scheduled.

**c. Consideration of boundary change near Hurricane regarding the Ash Creek Special Service sewer line**

Bill Mader briefed the Committee and submitted a two-page letter dated December 26, 2007, that describes the emergent situation regarding the replacement of the pipeline – HCAC 1/22/08 Attachment C. The Attachment includes a map showing the area.

Bill explained that prior documentation implied that the pipeline was outside of the Reserve. However, subsequent research shows that the pipeline clips two corners of the Reserve boundary. Bill asked that the Committee consider adjusting the boundary so that none of the pipeline is in the Reserve. Bill explained that other property will be added to the Reserve so the land exchange is a 1:1 swap. Bill asked that an assignment be made to the Technical Committee to make a recommendation.

Jim Crisp noted that lands north of the section line is still BLM land and is considered critical habitat. BLM has chosen not to patent the land to the City of Hurricane.

**MOTION by Jim Crisp and seconded by Marc Mortensen to send an assignment to the Technical Committee to determine to what extent aliquot parts of the townships may be considered for exchange and to determine what, if any, impacts are there and where other land may be added into the Reserve – northerly of the golf course but not used by the golf course.  
Discussion – It was clarified that the golf course driving range does not go to the cliff face, and that the aerial photo is about 1 ½ years old.  
A vote was taken and the motion was unanimously passed.**

**d. Initiatives to acquire ELT properties**

Briefing by Bill Mader. Selma Sierra said that she is trying to facilitate funding for the land acquisition. Jim Crisp added that she has been talking with some folks but the conditions for land acquisition through land exchange are not favorable. He added that the federal bureaucracies in Washington D.C. must be dealt with, and that there are other national competing interests, but ELT has local priority due to the habitat conservation necessity. Jim explained that the Washington County Land Bill is proceeding which would provide a substantial source of funding.

Dallin Gardner said that he is skeptical and asked if there was going to be a county employee to work on the Washington County Land Bill. He emphasized the urgency in getting a resolution and added that they have been at this for 11 years. Mr. Gardner said that the property is valued at 150 million dollars. He said that he is losing \$25,000.00 per day. He added that this is a significant impact on personal property and stressed the need for more communication. Mr. Gardner emphasized the seriousness of the problem and added that the County is delinquent in not aggressively pursuing a resolution. He wants a person assigned to regularly communicate with Washington County, Washington D.C. and the affected property owners. There was brief discussion about Bill Mader doing this, but Mr. Gardner said the he thought that Bill was too busy. Bill said that whoever it is must have 'pull' in Washington D.C. and other places. He added that the person must not just be a communicator, but a 'mover'.

Mr. Dallin Gardner explained that Mr. Brannon is becoming more of a property owner due to the debt, and as such, has certain rights. Bill referred to Ted Stevenson, former BLM project lead in Salt lake City, and stressed that another Ted Stevenson is needed.

Jeff Morby asked about adjusting the Reserve boundary to give the property back to the property owner. Bill Mader explained that it has been discussed in the past but the Permit requires the land because it is critical habitat.

The committee discussed the Chapter 11 bankruptcy. The property has been in bankruptcy for three to four years. Mr. Gardner added that originally the property was valued at \$29 million and that the value has increased to \$143 million six months ago.

Mr. Dallin Gardner reiterated that Washington County needs to be more active in having a person "find the key to unlock this door." His frustration was obvious. Jeff Morby asked how the (Washington County Land Act) bill was written, and if a land exchange was available instead of a purchase. Jim Crisp explained that, due to federal requirements, a purchase is much better than an exchange.

Jim Crisp and Commissioner Alan Gardner discussed the possibility of BLM land sales elsewhere to fund buying the ELT property. Jim explained that it is not easy adding that funding and other interests by property owners oppose land sales and acquisitions by BLM.

Mr. Dallin Gardner suggested that Washington County speak to and involve Governor Huntsman. The Committee felt that this may be a good idea.

**e. Status of the Red Hills Parkway expansion project**

Bill Mader told the Committee that progress is continuing. Marc Mortensen said that negotiations and the EA are moving forward. There is not much else new.

**f. Land Acquisition Report**

Jim Crisp reported that BLM has two land exchanges in process but both are hung up in *process*. He said that finishing these could bring in \$500,000.00 to \$750,000.00 that could possibly be applied to ELT. Jim added that BLM is negotiating with SITLA on exchanges, but the process is delayed.

**g. Quarterly Report**

The report was submitted. It will be reviewed and approved next month. Add this as an agenda item.

**h. Administrator's Report**

Bill reported that the City of St. George is working hard on the power line replacement. He added that there was some minor disturbance when a steel pole fell. Bill introduced Tom Webster and related some of the outreach projects he is working on. Bill provided an update on the status of the Washington City wells. Lastly, Bill said that State Parks is working on a resolution at The Cliffs.

**6. OTHER BUSINESS**

Jim Crisp said that the latest map of the Washington County Land Bill does not show the lands near Harrisburg. Jim added that the latest data is necessary to reflect the current documentation. He explained that the BLM and Washington County records are not the same and that there may be other areas also not in agreement. He stressed that accuracy is imperative.

**7. ADJOURN**

**MOTION by Marc Mortensen and seconded by Gary McKell to adjourn.  
There was no discussion. A vote was taken and the motion was unanimously passed.**

Minutes prepared by Brad Young.