

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 **OCTOBER 19, 2010**.

Committee members present were:

Karl Wilson, Chairman	Mayors Association
Chris Blake, Vice Chairman	Environmental Organization
Larry Crist	U.S. Fish & Wildlife Service (USF&WS)
Reed Harris	Utah Dept. of Natural Resources (UDNR)
Dawna Ferris-Rowley	Bureau of Land Management (BLM)
Bob Sandberg	Washington County HCP Administrator

Absent and excused was:

Marc Mortensen	Citizen-at-Large
Jeff Morby	Local Development
Jimmy Tyree	Bureau of Land Management (BLM)

Also present were:

Brad Young	HCP
Cameron Rognan	HCP
Renee Chi	U.S. Fish & Wildlife Service (USF&WS)
Mike Empey	Congressman Matheson's office
Paul Van Dam	Citizens for Dixie's Future
Lisa Rutherford	Citizens for Dixie's Future
Kai Reed	Citizens for Dixie's Future
Ann McLuckie	UDWR
Alan Gardner	County Commissioner

1. **CALL TO ORDER**

Chairman Wilson noted that a quorum existed and called the meeting to order at 1:00 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. Work meeting – September 28, 2010

Approved HCAC meeting minutes – October 19, 2010

2. Regular meeting – September 28, 2010
- c. Next meeting date**
1. November 23, 2010

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

3. PRESENTATIONS

a. HCP review

Renee Chi used a PowerPoint presentation to facilitate her HCP review (Exhibit 3-a-1 HCAC – 101910). This review is Part 4 and will focus on land acquisition, recreation management, and BLM's responsibilities. Renee began with **land acquisitions** and stressed the importance of this element of the Reserve. Renee said that on page 10 of the HCP there is a 7-prong approach for habitat conservation in Washington County. The first prong is to place all lands in the Reserve into state and federal ownership. Renee explained the four methods of land acquisition, they are:

- 1) Consolidation of lands through exchange
- 2) Purchase of lands by Land and Water Conservation Funding (LWCF)
- 3) Purchase of conservation easements
- 4) Land donations to the Reserve

Renee further explained that the HCP originally identified approximately 15,778 acres of private or SITLA lands that need to be acquired. Later, in the Public Use Plan (PUP) it identified approximately 18,600 acres to be acquired. Renee continued by describing what has been accomplished so far – approximately 9,639 acres have been acquired, there may be some discrepancy due to record keeping. Renee listed the acquisitions by zone, they are:

Zone 1 – 0 (none identified)
Zone 2 – 2,952
Zone 3 – 4,256
Zone 4 – 214
Zone 5 – 604.

Renee noted that there was a BLM Legislative exchange of 1,603 acres in Zones 2 and 3, but she did not have detailed information on how many acres in each zone.

Renee detailed the methods of acquisition used:

BLM land exchange - 4,868 acres
BLM LWCF – 1,272 acres
Section 6 monies – 2,848 acres
Donations – 612 acres, and
Other – 40 acres.

Renee talked about what has been done successfully; which is the acquisition of approximately 9,639 acres at a cost of \$78,572,132. Renee explained that over \$75 million dollars has been spent to acquire lands within the Reserve boundaries. She added that when the HCP was being written, it was estimated that to acquire all the lands through purchase, a daunting task, it would take about \$20 million – an amount that was impossible to imagine at the time. With that perspective, although not all the lands within the Reserve have yet been acquired, we have spent above and beyond what was originally thought humanly possible.

Then Renee talked about what has not been done – one large land exchange with private owners, and using Section 6 monies to acquire lands. Renee explained that these have not happened for two reasons. The first is that land exchanges did not work and land values skyrocketed to prices that were never imagined.

Renee briefly mentioned a possible exchange that BLM and SITLA are discussing. This involves approximately 225 acres.

The presentation continued with Renee explaining that the boundary of the Reserve needs to be meticulously identified, along with any inholdings that remain.

Reed Harris asked if the acres acquired figure includes the Harrisburg addition, inholdings in Zone 4, and the former Moroni turkey farm. Renee said that the figures do include those acquisitions. Renee added that there are approximately 7,730 acres that still need to be acquired – that includes approximately 1,300 ELT acres, the remainder is SITLA and private property. Bob Sandberg commented that there is a parcel in Zone 4 that is questionable if it is private or not, all properties in Zone 2 have been acquired, and no properties in Zone 1 have been identified for acquisition.

Reed Harris talked about land exchanges being the best alternative to use for land acquisitions. Renee said that Chuck Valentine's position is intended to aid in acquiring inholdings. Dawna Ferris-Rowley commented that Chuck Valentine has been working hard for over a year on land acquisitions; the problem with land exchanges is in the appraisal stage. She explained that there is often an inequity in the appraised land values. Dawna added that the Milkvetch exchange with SITLA is back on and it is at the appraisal stage – the problem is again, the difference in appraised values.

Larry Crist asked about the number of in-holdings acres currently being negotiated for acquisition and if it is a significant percentage of the almost 8,000 acres remaining to be acquired. Dawna Ferris-Rowley said the only exchange currently being worked on is the one with SITLA for approximately 225 acres. Reed Harris talked about approaching the BLM State Director regarding state-wide land exchanges. Dawna Ferris-Rowley said that the State Director, Juan Palma, was here last week and that she knows that meetings were held with various entities regarding the ELT properties and land exchanges. Dawna explained that she only knows that there were meetings but cannot speculate on the results. Reed commented that the acquisition of the remaining 7,700+ acres is critical in having a successful HCP because it is some of the most critical habitat.

The committee members agreed that it is important and essential to complete the land acquisitions. They also agreed that land prices are a very difficult issue.

Renee continued the HCP review presentation by talking about **recreation use and recreation management** and that it is a very large component of the Reserve. She talked about the three plans that guide recreational use. The three plans are:

- 1) HCP/Implementation Agreement
- 2) BLM Dixie Resource Area Management Plan (1998)
- 3) Public Use Plan

Renee expanded on the HCP provisions regarding recreational use. The HCP states that we should, "Remove competing and other consumptive uses within the Reserve which may potentially adversely impact the desert tortoise..." (Pg10); and that, "Hiking, equestrian, hunting and "other non-consumptive recreational activities should be restricted to designated trails.'" (Pgs 30, 34, 40, 41, 43)

Renee stressed that the goal is desert tortoise conservation, and the question is, "Is recreation consumptive, non-consumptive, or a competing use?" She said that the bulk of the research shows that recreation has a negative impact on resources, and some research has indicated that recreation is the #2 cause of T&E species decline.

Renee continued by discussing the BLM Resource Management Plan (RMP). That plan requires that the desert tortoise and its habitat be protected and preserved, that OHV use be restricted to designated routes, and that a public use plan be developed.

Renee discussed the Public Use Plan (PUP), its creation, main concerns with recreation impacts, adaptive management, and the enforcement provision. Renee elaborated on the recreational impacts to wildlife and habitat. She said that monitoring is called for, as well as determining limits of acceptable change, and the development of a human impact monitoring (HIM) plan. Renee talked about Dr. Pam Foti's HIM being performed without the benefit of a limits of acceptable change monitoring plan. Renee explained that is the reason the Technical Committee is challenged by the task of setting limits of acceptable change and then recommending management actions.

Reed Harris questioned how to protect the resources and habitat from users when it is obvious there are negative impacts from use. Renee talked about incremental and justifiable management actions.

Ann McLuckie talked about the political challenge of imposing management actions, and that the actions must be based on sound biological data. Renee discussed having a system of incremental actions, and that when some limits of acceptable change are set and then the threshold exceeded; the appropriate management action is then implemented. Reed stressed that recreational users are supporters of the Reserve. He added the HIM needs to have a practicable application. Bob Sandberg explained that the Technical Committee is dealing with the problem so a suite of management actions can be recommended when necessary.

Dawna Ferris-Rowley added that whatever the Technical Committee comes up with regarding limits of acceptable change and recommended management actions they must be able to dovetail with the Snow Canyon State Park management plan and with other public lands and with lands managed by BLM. Dawna stressed this because BLM is in the process of developing a Resource Management Plan for the Red Cliffs NCA. Dawna explained that dealing with HIM data and setting limits of acceptable change is in some ways beyond the training and education of a traditional biologist. She further explained that recommending management actions and gauging the quality of a recreational experience is a science of recreation management and typically done by professional outdoor recreation planners. Dawna added that the PUP set up a trail system that cannot be used by all users. Some trails are suitable for one class of user while other classes cannot negotiate the trail due to the thread of the trail and other conditions. This leads to *social trailing*. She further explained that the Technical Committee staff is dealing with their own biological components, as well as the whole science of recreation and benefits-based management; that is why Lynne Scott, with her training and experience in trail design and management, has been participating with the TC.

Renee continued the review presentation by discussing the enforcement approach outlined in the PUP. The education component includes presentations, an education center, and signage. Education may be followed by a citation in appropriate cases that are beyond warnings.

Renee also talked about if and when there are significant impacts or where overuse is occurring, then some of the management options may include limiting the number of users, or seasonal or permanent closures of the impacted area.

Renee continued by saying that the HCP is not specific about recreation management but simply refers to the PUP. The Biological Opinion issued by the USF&WS is also non-specific because the population expansion and intense recreational use was not fully anticipated. Furthermore, the HCP staff and the law enforcement staff are not adequate to administer and manage the Reserve due to its size and intensive use. Renee noted that signage is not sufficient at trailheads and access points. Renee added that the TC is grappling with the question of, "When is a management action needed?" This question is why the TC is developing limits of acceptable change. The TC will then be able to provide a recreational management framework to BLM that will contribute to consistency with HCP management.

The third part and final segment of this HCP review deals with **BLM's responsibility**. Renee told the committee members that one of BLM's responsibilities as stated in the HCP is land acquisition. To accomplish this, it is BLM's responsibility to enter into a Memorandum of Understanding (MOU) with SITLA to do land exchanges, conduct land exchange (envisioned as one large transaction) with private land owners within the Reserve, and acquire inholdings using Land and Water Conservation Fund (LWCF) monies. Specifically, in Zone 2 it is BLM's responsibility to acquire SITLA lands and transfer to UDNR and acquire the AMSCO property for an Education Center. In Zone 3 it is BLM's responsibility to acquire SITLA lands and manage for desert tortoises.

BLM's management responsibilities (until the Reserve is designated a NCA) include:

Zone 1 – Management of BLM lands,

Zone 2 – Request mineral withdrawal,

Zone 3 – Manage the entire zone including, preparing a management plan for the area, acquire and retire grazing permits, and request mineral withdrawal,

Zone 4 – Manage the entire zone including, roads, utilities, recreation, research, grazing, hunting, and mining, and

Zone 5 – Manage entire zone as desert tortoise reserve for non-consumptive recreation on designated trails, utility and road corridor maintenance, allow new utility easements, vehicles restricted to designated roads, fire fighting allowed, research allowed, translocation, and no grazing.

Renee next talked about law enforcement and BLM's responsibilities. The HCP calls for BLM, funded by HCP, to provide a full-time law enforcement officer to enforce within the Reserve until NCA designation. After NCA designation, BLM will fund its own law enforcement. And, law enforcement reports will be submitted to the HCP administrator each quarter. Dawna Ferris-Rowley commented that the first situation (BLM law enforcement officer funded by HCP) changed in 2001. Dawna added that there are now two BLM law enforcement officers working out of the St. George Field Office. Neither officer is specifically assigned to the Red Cliffs NCA or the Beaver Dam Wash NCA, but they do patrol the NCAs, wilderness areas and other BLM lands.

Reed Harris asked about grazing and if it is any longer an issue. Renee said that the grazing rights have been bought out. Reed continued by asking about mining claims. Renee said that for the most part the mining claims have been withdrawn. Dawna added that the mining claims were withdrawn in 1996, and the 2009 legislation reinforced the segregation, with the exception of valid existing rights.

Lastly, BLM's responsibilities regarding other species include manage of plant reserves including: all competing uses and fence installation and maintenance.

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

b. Role and responsibilities of the NCA Manager

Dawna Ferris-Rowley began by distributing an information brochure about the National Landscape Conservation System (NLCS). Dawna talked in broad terms about NCAs in general. Nationally, there are 16 NCAs, which make up approximately 1.5% of BLM's land base. BLM also has 20 National Monuments (NM). NCAs are designated by Congress, and NMs may be designated by Congress, but are more often designated by Presidential proclamation. The Forest Service and the Park Service also manage National Monuments.

Dawna talked about the National Landscape Conservation System (NLCS) which is the caretaker for NCAs, NMs, and National Recreation Areas. About 10 years ago the BLM began to consolidate management of National Conservation Areas, National Monu-

ments, Wilderness Areas, Wilderness Study Areas, National Historic Trails, National Scenic Trails, and Wild and Scenic Rivers into the NLCS. She added that the Red Cliffs NCA and the Beaver Dam Wash NCA have a separate line item authority within the BLM budget. The Beaver Dam Wash NCA is approximately 63,000 acres and the Red Cliffs NCA is about 45,000 acres. The Red Cliffs NCA basically follows the boundary of the Red Cliffs Desert Reserve but does not include Snow Canyon State Park or other state or private lands – only federal lands.

Dawna explained that the Omnibus Public Land Management Act of 2009 (Land Bill) directed BLM to prepare a Resource Management Plan (RMP) for the Beaver Dam Wash NCA and the Red Cliffs NCA; and for the Red Cliffs RMP the Land Bill provides that the HCP, PUP, and BLM's existing RMP may be used to prepare the new RMP. She added that the RMP preparation process is well underway in the public scoping phase.

Dawna further added that the NLCS assigns a separate organizational code to each NCA which makes them separate from the local field office. She added that she is the NCA manager and no longer works for the field office. The Red Cliffs NCA has its own organizational code, budget code, and five employees.

The five employees include her, two park rangers (recreation technicians), an outdoor recreation planner, and a biologist. She hopes that in the future she can bring aboard a full-time Interpretive Specialist/Volunteer Coordinator. Dawna explained that this position is necessary because one of the focal points of the NLCS is public education, public outreach, and public enjoyment. Dawna is deeply involved in preparing RMPs for the Red Cliffs NCA and the Beaver Dam Wash NCA, as well as establishing a base-line budget for each NCA.

Reed Harris asked if the 45,000 acres in the Red Cliffs NCA included the 7,700 acres yet to be acquired. Dawna said that it does not and explained how the Land Bill authorized the use of land sales proceeds to purchase in-holdings within the NCA; that is why the NCA boundary is shown as it is.

Dawna added that BLM and HCP staffs meet regularly in coordination meetings; BLM is also encouraged to develop *friends* groups and *partners* groups, also to develop an advisory board, and initiate a volunteer program.

The HCAC members complimented Dawna on her hard work and her accomplishments.

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

4. UTILITY AND DEVELOPMENT PROJECT REVIEWS

None.

5. **GENERAL BUSINESS**

a. **Land (inholdings) acquisition efforts**

Bob Sandberg said that there have been no activities other than what has been discussed here today. Bob added that the LWCF application is being supported by Senator Hatch and Congressman Matheson.

Mike Empey commented briefly on the recent meeting with BLM State Director Juan Palma. Mike said there were no new issues and that Director Palma was establishing lines of communication. Mike added that Congressman Matheson supports the LWCF application along with Senator Hatch, and Director Palma was going to encourage DOI Secretary Salazar to give serious consideration to the application.

b. **BLM planning update**

Dawna Ferris-Rowley told the members that the scoping reports are finished and should have been posted to the BLM website. She added that BLM is also working on ACEC nominations evaluations and considering alternatives, and developing their analysis of resource conditions. Also, a planning process update newsletter will be sent soon to those who are on the mailing list.

c. **Final review of the 2011 budget**

Bob Sandberg introduced Exhibit 5-c-1 HCAC – 101910 and explained that the proposed budget is the same as last meeting but with the addition of \$100,000 to line item 711 – Land Acquisition Facilitation. Bob added that instead of a flat budget it is up \$100,000 to \$1,292,000.

Larry Crist said that he thinks that having funds in the contingency line is a good idea because the funds are available if an opportunity arises for a sensible expenditure.

MOTION by Chris Blake to approve the budget and recommend adoption by the county commissioners.

Seconded by Larry Crist.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

d. **Recovery Implementation Teams**

Renee Chi provided some background information. She reminded the members that their contact information had been provided to one of the desert tortoise recovery coordinators as possible members on a recovery implementation team. Renee added that the contact information for the Technical Committee members will also be provided. She explained that once the Recovery Plan is in place there will be a Management Oversight

Group (MOG) meeting. That meeting will be this winter and afterwards the Recovery Implementation Teams will be formed. The number of members on each team and their roles is yet to be determined.

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

e. Technical Committee report

Renee Chi informed the members that the TC has provided some trail alignment recommendations regarding trails in the area of the Red Hills Parkway expansion; there is one alignment recommendation that the TC is going to wait on until the roadway is completed.

Cameron Rognan added that the recommendations have been provided to Phil Giles of Creamer & Noble (Project Engineers) and St. George City. The TC is going to wait until the final roadway shoulder is established and then try to make the new trail alignment as close as possible to the old trail.

Bob Sandberg explained that the TC has reaffirmed an earlier TC recommendation made to the HCAC in 2004. Bob added that the TC's recommendation in 2004 wasn't unanimous but the recommendation was accepted by the HCAC.

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 – 101910 and explained that it is a snapshot of HCP revenues and expenditures. The report is year-to-date as of October 6th even though the report says October 31. Approximately 83% of the year has elapsed and HCP has spent approximately 41% of the budget.

Bob noted that HCP anticipated approximately \$450,000 in revenue, but according to this report and some 3rd Quarter revenue, we have received approximately \$162,000; which is a long way from \$450,000. Due to the revenue shortfall we will be taking more out of the reserve account than we originally estimated.

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

2. Translocations

Bob related that HCP has translocated three more tortoises to Zone 4, and two others were returned to the Reserve. Bob added that as of last the HCAC meeting, HCP had six tortoises that were waiting on blood test results. Those results have come back and one of the six tortoises tested positive and is being retained and the remaining five have been translocated.

3. Necropsies

Ann McLuckie refereed the committee members to the UDWR Quarterly Report for details. She summarized that six live tortoises were sent to the Thompson-Bishop-Sparks State Diagnostics Laboratory in Alabama. Two other tortoises that had died were also shipped. All of the tortoises showed clinical signs of URTD. She explained that the preliminary analysis shows that all tested positive for mycoplasma agassizii and one tested positive for mycoplasma testudineum. The testing and analysis will continue and a final report will be sent to UDWR.

4. Submit the quarterly report

Bob submitted the 3rd Quarter Report for the members to review; the report included the UDWR contribution. The report is submitted for review and will be on the next meeting's agenda for consideration. Meanwhile, if there are any questions we'd be glad to answer them.

There were no other questions or comments and the 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.)

Chairman Wilson invited the public to comment or request future agenda items. No one came forward and the Chairman moved the agenda.

7. **OTHER BUSINESS**

None.

8. **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 2:12 P.M.

Minutes prepared by Brad Young.