

# 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 **FEBRUARY 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 (USFWS)
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	USFWS
Eric Holt	JBR Environmental
Dallin Gardner	ELT Properties
Dawna Ferris-Rowley	BLM
Tim Croissant	BLM biologist
Brian Ahern	<i>The Spectrum</i>

## 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. January 26, 2010
- c. **Next meeting date**
  1. March 23, 2010

**MOTION** by Chris Blake to approve the Consent Agenda.

Seconded by Jimmy Tyree.

Discussion: None.

Vote was taken:

All voted aye.

Motion passed.

### **3. PRESENTATIONS**

#### a. HCP review – overview (R. Chi)

Renee Chi began her presentation by saying that ideally a review would have been conducted half way through the period of the permit, but due to circumstances the review was delayed until now. Renee used a PowerPoint presentation (Exhibit 3-a-1 HCAC – 022310) to facilitate her explanation of the review process.

Renee first described why the review is necessary and being conducted at this time. She described the objects of the review as:

- Identify any inconsistencies between what the HCP states and what practices and procedures are actually being used. Explore the options to resolve the inconsistencies by amending the HCP or the practices and procedures.
- Revisit identified responsibilities. With the changeover in HCP staff it is prudent to revisit and remind everyone of the responsibilities outlined in the HCP.
- Get “ducks in a row” in preparation expiration, amendment or extension of the permit in 2016.
- Ensure compliance with HCP document.

Renee provided a brief background of how the HCP was created. She noted that Reed Harris and Chris Blake are the only persons present today when the HCP was created 14 years ago. Her points were:

- Prior to the creation of the HCP private landowners had to develop individual HCPs.
- Individual HCPs were very time-consuming, expensive, and done with a micro-perspective.
- Creating a county-wide HCP provided a landscape perspective.
- A county-wide HCP is more effective in conservation and recovery of desert tortoises.

Renee continued by describing the seven-prong approach as detailed in Section 1.6 of the HCP (pages 10 and 11). The seven prongs that she discussed are:

1. Acquire all private in-holdings within the Reserve boundary. Much of this has been accomplished, but clearly not all.
2. Remove all competing and consumptive uses, and fencing. Competing and consumptive uses include such things as grazing, and completing the Reserve perimeter fencing eliminates the need for a buffer.
3. Develop controls to minimize take. Those controls include county-wide ordinances, establishing fees, environmental education, enforcement, and development of a translocation program.
4. Acquire NCA status by year five (5).
5. Assist BLM and UDWR in Reserve management.
6. Develop a monitoring program for desert tortoise populations (UDWR).
7. Fund surveys and implement proactive actions to protect other sensitive or candidate species.

Renee explained that the review outline will generally follow the seven prongs, but perhaps not in the same order. She will be working closely with HCP staff. She added that she will report progress to the HCAC at the monthly meetings from now through July 27<sup>th</sup>, and beyond if necessary. She further added that conducting the review now is timely because the Fish & Wildlife Service has recently received a Freedom of Information Act (FOIA) request from the Center for Biological Diversity. The F&WS is in the process of clarifying the specifics of the information request.

The goals of the review were explained as follows:

- Document on-the-ground inconsistencies.
- Identify and prioritize responsibilities.
- Clarify everyone's roles and responsibilities.
- Increase understanding of the HCP.
- Make plans for the future smoother.

Renee remarked that the review process will include dividing the HCP into understandable pieces, and that minor amendments may be necessary to resolve issues that are identified during the review. She added that as different sections of the HCP are reviewed and her progress reports made, she will identify the specific pages of the HCP that are being discussed.

Larry Crist noted that this is one of the first county HCPs developed and since then other HCPs have a requirement for periodic review. Reed Harris briefly talked about completing the implementation of the HCP when there are lands still to be developed, so there is room for renewal of the permit. Bob Sandberg remarked that from the county's perspective it would be desirable to renew, or amend and renew the permit because it is working and there are still areas to be developed. Jeff Morby clarified that if the permit were not renewed each developer or landowner would have to go through the individual HCP development and implementation process.

The members briefly discussed the areas that are clearly outside the tortoise habitat and where no HCP is required. The Town of Virgin is not participating, but Rockville, Springdale and Apple Valley are. Reed added that Gunlock also does not participate.

Reed said that his personal feeling is that the county and the Service have done a great job, except for purchasing the lands inside the Reserve. He added that we are trying very hard to complete the acquisitions. Renee talked briefly about some of the early verbal agreements to exchange lands that were never followed through on. Dallin Gardner remarked that there is still 1,350 acres of private land that has not been purchased. Reed added quickly that those acres are in addition to the 10,000 acres belonging to SITLA. He further explained how the county has been successful in land acquisitions, with a few exceptions – and those are a high priority.

Lastly, Renee talked briefly about the relationship between land acquisition inside the Reserve and land development outside the Reserve.

4. **UTILITY AND DEVELOPMENT PROJECT REVIEWS**

None.

5. **GENERAL BUSINESS**

a. **Land acquisition efforts**

Chairman Wilson noted that land acquisitions were just discussed. Jimmy Tyree added that a nine-acre exchange is in the process. These nine acres are in addition to the 640 acres that BLM is working on. The nine acres should be ready to go in the next few months. The survey, title report and assessor's report need to be completed.

b. **Trail assessment – update (Exhibit 5-b-1 (3-a-1 TC – 020410)) (R. Chi)**

Renee Chi was recently elected as the Technical Committee chairperson. She talked about TC Assignment #122909 and the TC's progress. She used Exhibit 5-b-1 (3-a-1 TC – 020410) to explain the human impact monitoring data provided by Dr. Pam Foti of the Northern Arizona University. The red dots represent the worst and the next to worst impacts, although the specific type of impact is not known. Renee told the members that the TC plans on visiting one or two trails each month, and she encouraged the HCAC members to see for themselves some of the impacts. She explained that maps are good but not as good as actually getting out on the ground. The HCAC members agreed to take a field trip to the Dino Cliffs area beginning at 9:00 A.M. on March 23, 2010.

Bob Sandberg noted that since the last TC meeting (February 4, 2010) the HCP staff has acquired access to the human impact monitoring data and will be attempting to interpret the data to determine what impact each red dot represents.

c. **Boundary adjustment – St. George City utility yard entrance (Exhibit 5-c-1)**

Renee distributed a handout which is the TC recommendation (Exhibit 5-c-2 HCAC – 022310) and a companion document to Exhibit 5-c-1 HCAC – 022310. She described the location of the current fence and where the fence will be moved to allowing for wide-turning trucks to ingress and egress the utility yard. Bob Sandberg added additional explanation about how the GIS boundary line will be moved to match the existing fence.

Marc Mortensen talked about the area behind (northerly) the animal shelter. He informed the members that the small dirt road northeast of the shelter leads to an area used to train the K-9 dogs, and there is a 'bomb hut' at the end of the road. The bomb hut is used to explode bombs or suspicious packages. The area is on St. George City property but inside the Reserve boundary and fence. Marc stressed that the use of this area for K-9 training and bomb disposal rarely occurs, but is very necessary. Larry Crist suggested that this and other similar issues be addressed in the HCP review – perhaps with a minor amendment.

**MOTION** by Reed Harris to support the Technical Committee recommendation as outlined (in Exhibit 5-c-2).

Seconded by Larry Crist.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

**d. Independence Day trail run in Zone 5 (Bob Sandberg)**

Bob Sandberg explained the discussion that took place last meeting concerning the proposed run, and that the item was continued to this meeting. Bob further explained that the run inside Zone 5 was inconsistent with the Public Use Plan and that BLM has offered some alternatives. Since then the sponsors have approached the Confluence Park Board and are making arrangements to have part of the run in the Park. Therefore, this is no longer an issue that requires the attention of the HCAC.

**e. HCAC membership**

Bob Sandberg informed the members that Chris Blake had been nominated by the Virgin River Land Preservation Association to serve another term and that the Washington County Mayor's Association had nominated Karl Wilson to serve another term. Both nominations were accepted by the County Commissioners and on February 16, 2010 Chris Blake and Karl Wilson were reappointed to the HCAC for a two-year term.

**f. HCAC annual elections**

Chairman Wilson opened the nominations for the position of chairman.

Chris Blake nominated Karl Wilson as chairman. The nomination was seconded by Larry Crist. There were no other nominees and the nominations were closed. A vote was taken for the position of chairman. All voted aye and Karl Wilson was elected chairman.

Chairman Wilson opened the nominations for the position of vice chairman.

Larry Crist nominated Chris Blake as vice chairman. The nomination was seconded by Reed Harris. There were no other nominees and the nominations were closed. A vote was taken for the position of vice chairman. All voted aye and Chris Blake was elected vice chairman.

**g. Review and discuss the 2009 4th Quarter Report**

Bob Sandberg asked if there were any questions or comments regarding the quarterly report. There were none.

**MOTION** by Marc Mortensen to accept the 2009 4th Quarter Report.  
Seconded by Chris Blake.  
Discussion: None.  
Vote was taken: All voted aye.  
Motion passed.

**h. Review and discuss the 2009 Annual Report**

Bob Sandberg asked if there were any questions or comments regarding the annual report. Chris Blake asked Renee Chi if the report was in a format that she found useful. She said that she had asked for some clarifications from HCP staff, which had been provided and that she found the annual report format useful because it was not necessary to go back into the quarterly reports to find the information.

**MOTION** by Chris Blake to accept the 2009 Annual Report.  
Seconded by Larry Crist.  
Discussion: None.  
Vote was taken: All voted aye.  
Motion passed.

**i. Administrator's Report – Bob Sandberg**

**1. HCP revenues and expenditures report (Exhibit 5-i-1)**

The committee members reviewed and discussed Exhibit 5-i-1. Bob explained that, even while it's early in the year, significant funds have been encumbered. He explained that the encumbered funds include \$80,000 for annual UDWR monitoring, \$30,000 for the Southwest Willow Flycatcher nesting success survey and \$25,000 for systematic clearances adjacent to the Reserve.

Chris Blake asked Jeff Morby about the status of building and construction in the county. Jeff replied that the title companies do most of the tracking, and that there has been a slight upsurge in building permits issued – particularly in St. George. Jeff added that foreclosures are shrinking. He explained that there were approximately 800 foreclosures in 2008 and approximately 1,400 in 2009. In January 2010 there were 135 so that puts us on track for about 1,200 to 1,300 for 2010.

Jeff further added that homes in the \$200,000 to \$300,000 range are moving, but it is those in the \$150,000 range that are being built. Furthermore, the 2010 home show buying traffic was better than 2008 or 2009.

**2. Middleton 24 project update**

Bob Sandberg reminded the members that this project involves the replacement of wood power poles in the Upland Zone from Black Gulch to Diamond Valley. Weather

has delayed completion of the project but Rocky Mountain Power is about ready to energize the line. BAJA Broadband also needs to install replacement fiber optics line.

### **3. Red Butte to Middleton power line upgrade update**

Bob said that the majority of the project is completed. The new power poles are in and the line strung from the Dixie National Forest boundary south to the old turkey farm and from the Middleton substation north to the old turkey farm, except for two poles near an archeological site. These last two pole sites will soon be accessed and the project completed. Reseeding the disturbed areas will be done in the fall.

### **4. Grapevine trailhead development**

Bob told the members that this project has been delayed because, due to the economic downturn, the demand for a new water tank and connecting line has been reduced. But SITLA has agreed to accept an application to lease the necessary property. A survey is required.

## **6. OTHER BUSINESS**

### **a. Fire danger**

Larry Crist asked about the anticipated fire danger from this year's crop of cheatgrass, noting that recent moisture in the region will stimulate cheatgrass growth. Bob replied that, in his estimate, this year's crop of cheatgrass is already ½ as tall as last year's entire growth. Bob added that that he is making arrangements to attend a fire chief's meeting, and to meet with State Land and Forestry Fire Control and BLM officials. The objective is to make preparations for this year's fire season.

### **b. Gila monster listing petition**

Reed Harris talked about the recent petition to the Fish and Wildlife Service to list the Gila monster as a threatened or endangered species. He noted that this may affect the HCP, but that is the reason that the Other Species account was created. The listing could conceivably happen in a couple of years.

Larry Crist provided a brief update on the petition. He said that the petition is for listing the Gila monster in southern Utah only. The next step for the Service is to do a 90-day finding, which will probably happen in the next year or so. Then the Service will do a status review, depending on funding, in the next couple of years. If there is a finding of *warranted*, the final listing package could take another year. Reed commented that the distinct population segment (DPS) is for Washington County only and that DPSs are not usually based on geography alone.

Bob Sandberg noted that there have been discussions with UDWR on their conservation plan for the Gila monster, and the role that HCP has in it. There will be additional

education and outreach focus on the Gila monster. Reed stressed doing as much as possible to protect the Gila monster and its habitat, and provide funding along with education and outreach. Larry Crist said that he'd keep the committee updated on the status of the petition.

**c. Land donation**

Marc Mortensen related to the members that the City of St. George has received a land donation of about 15 acres in the Halfway Wash area. The donation was made by *The Cliffs at Entrada*. The city will be accepting the donation, and there are no strings attached. The city is interested in working with the Reserve in exploring the possibility of accessing Scout Cave. Marc will be meeting with Bob Sandberg and go from there.

There was a brief discussion about private access vs. public access and that this new land may provide an opportunity for public access.

**d. NLCS staff**

Jimmy Tyree noted that BLM has hired an additional biologist to help on the NCAs. Jimmy introduced Tim Croissant who was hired February 22, 2010. Jimmy plans to transition him into the Technical Committee to replace Bob Douglas.

**e. Outreach pamphlets**

Bob Sandberg mentioned the draft outreach pamphlets that were distributed last meeting (Exhibits 5-h-5-a – e HCAC - 012610) for comment. He asked for any feedback or comments on the pamphlets. The committee members were very complimentary of the pamphlets and Bob indicated that he would press forward with them.

**f. New map/trail guide**

Jeff Morby asked about the status of the new map/trail guide. Bob Sandberg said that there has been movement on it and that BLM has a contractor working on it, albeit they are slightly behind BLMs schedule. Dawna Ferris-Rowley said the contractor is *Wildways* and they are creating a GIS-produced map rather than an art-produced map.

**7. ADJOURN**

<p><b><u>MOTION</u></b> by Larry Crist to adjourn. <b><u>Seconded</u></b> by Marc Mortensen. <b><u>Discussion:</u></b> None. <b><u>Vote was taken:</u></b> All voted aye. Motion passed.</p>
--

The meeting was adjourned at 2:09 P.M.

Minutes prepared by Brad Young.