

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

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

Committee Members present were:

Karl Wilson, Chairman	Mayors Association
Todd Christensen	Bureau of Land Management (BLM)
Marc Mortensen	Citizen at Large
Chris Blake	Environmental Organization
Jeff Morby	Local Development
Larry Crist	U.S. Fish & Wildlife Service (USFWS)
Reed Harris	Utah Dept. of Natural Resources (UDNR)
Bill Mader, Administrator	Washington County - HCP

No Committee Members were absent.

Also present were:

Kristen Comella	Snow Canyon State Park
H. Allan Carter	Carter Family Trust
Dallin Gardner	ELT Properties
Alan Gardner	Washington County Commission
Brad Young, Recorder	Washington County - HCP

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 at 1:03 P.M.

2. **CONSENT AGENDA**

- a. Approval of agenda
- b. Review and approve minutes
 1. February 26, 2008
 2. March 25, 2008

<p>MOTION by Larry Crist to approve the Consent Agenda. The Motion was seconded by Todd Christensen. There was no discussion, a vote was taken and the motion was unanimously passed.</p>
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3. **PRESENTATIONS**

Chairman Wilson noted new members to the Committee. Bill made the introductions.

Chris Blake was appointed to the Committee by the Washington County Commissioners on April 15, 2008. Chris represents environmental issues and is a member of the Virgin River Land Trust Association. Chris was also the first chairman of the HCAC.

Todd Christensen is the District Manager for the Color Country District of the Bureau of Land Management. The Saint George area is part of the Color Country District. Todd is in the process of hiring to fill Jim Crisp's position. Jim recently retired from the BLM.

4. **UTILITY AND DEVELOPMENT PROJECT REVIEWS**

None.

5. **GENERAL BUSINESS**

- a. Annual Election – Vice Chairman

Chairman Wilson opened the nominations for the position of Vice Chairman.

Jeff Morby nominated Chris Blake for the position. Chris accepted and there were no other nominations.

MOTION by Jeff Morby to close the nominations and elect Chris Blake as the Vice Chairman. The Motion was seconded by Marc Mortensen. There was no discussion, a vote was taken and the motion was unanimously passed.

- b. Initiatives to acquire ELT properties (HCAC)

Bill said that agenda items 5b and 5i were linked together. He explained that he has been in communication with Allan Carter, Bob Brennan and Dallin Gardner regarding the process of hiring a facilitator to work on the 'super land exchange.' Bill added that there are no Section 6 funds available.

Allan Carter suggested combining agenda items 5b and 5i and discussing them together. Chairman Wilson agreed.

Bill summarized the Committee's motion on February 26, 2008, to hire a consultant to begin the facilitation of a 'super land exchange'. The County Commissioners approved the hiring on March 18, 2008. Bill further explained that after the commission's approval, there were thoughts of joining partnership with BLM to begin the land exchange

process. Bill suggested using the hiring monies to fund a person in BLM to facilitate the process. Bill said that this idea requires discussion. Chairman Wilson opened the subject for discussion.

Allan Carter said that when he first heard of this idea, he thought that it may have some merit. He has spoken with Todd (Christensen) and Jeff (Morby) about it. Mr. Carter said that there are some issues that concern him.

First, Mr. Carter explained that his experience with BLM, and other federal agencies that deal in land, have been good, but he's not certain that someone can be in BLM and fairly serve the interests of all parties. Mr. Carter promoted Randy Massey because of his long history with the HCP and his experience with land management in BLM, and because he cost less. Mr. Carter added that they (ELT Properties) are currently delaying paying property taxes of \$600,000.00 per year and he does not believe that it would be inappropriate for Washington County to pay one-tenth (\$60,000.00) to hire someone (Randy Massey) that would be consistent, has a proven track record and has the experience. Mr. Carter acknowledged that a BLM employee may be more efficient at getting the job done, but may not be there for the long haul and whose loyalties would be to the government and not to the land owners.

Todd Christensen said that in his opinion BLM is the solution and needs to step up and make it a high priority – especially when everyone is willing to contribute. He added that as District Manager he will assure continuity and Todd stressed that a BLM employee would be more economical and efficient.

Chris Blake asked about the duties of the proposed BLM employee. He clarified that the employee's duties would only be the land exchange and not things like recreation management or other obscure functions. Todd said that the employee would be committed to the land exchange and added that the process would take a very long time, but in the end, a BLM employee would do the job quicker and more economical.

Mr. Carter asked Todd if the position could be a level 11 real estate professional. Todd agreed and added that it (hiring) requires confirmation by the state director. Todd doesn't envision any serious obstacles.

Reed Harris asked who pays for the position. Alan Gardner said that it has already been approved by the County Commissioners – to use HCP funds for the position. Jeff Morby asked if there was a dollar amount approved. The figure of \$30,000.00 was discussed. Chris said that is not enough for a GS-11 and asked who will pay the balance. Todd said that BLM has some obligations and help is needed – especially if the Land Bill passes. Todd was asked how soon an employee could be hired. He replied a few weeks to three months. Todd added that it would be an easier sell if the proposed position's responsibility was exclusively to facilitating a 'super exchange.'

Larry Crist suggested that such a position could cost \$100,000.00 per year, and that if Washington County would split the cost at \$50,000.00 then it may be more acceptable. Chris agreed with Larry and added that someone outside of BLM working on a 'super exchange' would still have to go through BLM so it is better to start with someone in BLM to begin with. Todd explained that the proposed BLM employee would be looking at lands for exchange throughout Utah.

Mr. Carter said that if BLM could hire a person at the level discussed, and if the county could pay half of the costs, and if the person were there just for the HCP, and if there were no holds barred, then there would be more support, but not if this person were to be just another body. Todd confirmed that Randy Massey is currently doing some work for SITLA. Todd also added that he recently had a meeting with SITLA and that they are evaluating the possibility of assisting in funding a (BLM) position – which may or may not be related to this discussion.

Mr. Carter and Todd Christensen discussed the amount of properties that may be considered or available for exchange to satisfy SITLA's needs and to resolve the ELT dilemma. Todd clarified that the BLM employee would report to the field manager in St. George.

Bill Mader said that he agrees with the concepts discussed and clarified that the person's main charge will be the ELT properties, but added that there are other small landowners who also have interests that cannot be ignored. Bill cited Mr. Gibson as an example. Bill explained that even when the ELT property problem is resolved, there will still be other property owners that we have an obligation to deal with.

Dallin Gardner asked about a time frame to get the BLM employee brought on board. Ninety days was discussed. Todd said that it might be fast-tracked, but could not commit to 90 days. He wants to get the best person, but needs the time to do it. Larry agreed.

MOTION by Chris Blake to support hiring a BLM employee to facilitate land transactions to resolve the ELT properties disparity, and to authorize Todd Christensen and Commissioner Alan Gardner to work out the details and report back in one month. Seconded by Larry Crist.

Motion amended by Jeff Morby to include 1:1 matching monies from Washington County and BLM to fund a GS-11 position, and the person hired must have land exchange experience. The amendment was agreed to by Chris and Larry.

A vote was taken and the motion was unanimously passed.

- c. Review/Approval of Technical Committee's Brooks Nature Park recommendation (Exhibit A-1 HCAC – 022608)

Technical Committee Chairperson Kristen Comella summarized the presentation given to the HCAC on February 26, 2008. She added that the Technical Committee unanimously supports a trail connecting Cox Pond and the Owen's Loop Trail. Kristen reiterated the recommendations cited in bullet form on Exhibit A-1 HCAC – 022608.

Marc Mortensen asked who from the City of St. George is involved. He was told that Zach Kocejka is participating.

Bill Mader suggested that the last bulleted recommendation by the Technical Committee be modified to state that the HCP Outreach Coordinator (Tom Webster) work with the BLM Landscape Architect (Lynne Scott) to install a wayside educational exhibit at the trailhead and coordinate content and design standards.

MOTION by Chris Blake to accept the Technical Committee Report (Exhibit A-1 HCAC 022608) and to implement the connecting trail according to the Technical Committee recommendation, and as modified by Bill Mader. Seconded by Marc Mortensen. There was no discussion, vote was taken and the motion was unanimously passed.

d. Status of Red Hills Parkway Expansion (HCAC)

Larry Crist said that as far as he knows everything is on track and there are no major roadblocks. Marc Mortensen agreed and added that the City of St. George has purchased the needed property (for mitigation) and the project is progressing. Larry added that Renee Chi is working on a few details.

e. Land Acquisition Reports (HCAC)

Larry Crist reported that there is nothing new because of the absence of any Section 6 monies for 2008.

f. Administrator's Report (Bill Mader)

1. Quarterly Report – 1st Qtr – 2008

Each committee member has a copy of the report. Bill said that he can answer any questions about it now, or next month after there has been time to review it. Accepting the report will be on next month's agenda.

2. Fencing agreements

Bill explained that he has been in contact with the Sterling family in Leeds. Bill is attempting to enter into a fencing partnership agreement for an area on the north side of Zone 4.

3. Cattle in the Reserve

In Zone 5 there are about eight head of cattle in the Reserve on BLM property. The cattle are not supposed to be there, but in the short term, there may be a benefit from the cattle removing fire fuels. The problem is further compounded because the cattle owner has an expectation that the cattle can remain within the Reserve. Bill and Bob Sandberg are exploring various options to resolve the problem.

4. Clearances

Two clearances were conducted. The first was on the Jeff Glines property in the Green Springs area. This clearance has been completed. The first phase of a clearance on Water District property north of Zone 4 has been completed. Bill has talked with Rick Fridell and they have agreed that the property needs to be double checked.

5. Gibson meeting

Bill explained that he has a meeting scheduled with a representative of Mr. Gibson who owns property within the Reserve. The meeting is scheduled for Friday, April 25, 2008.

6. Utility development

Bill briefly recapped the field trip this morning to the proposed site for a new Washington City water tank. He explained that Washington City's Well #3 continues to be a problem. And, Bill added that the work on the Ivins Retention Dam is scheduled to begin this winter.

- g. Fencing of Red Cliffs northern boundary (Bill Mader)
 - 1. Exhibit 5-g-1 HCAC – 042208

Each committee member has a copy of Exhibit 5-g-1 HCAC - 042208. Bill used the Exhibit to explain the problems that are occurring ENE of the Red Cliffs Campground. The problem is wide-ranging and serious habitat degradation is being caused by ATVs, and the problem is escalating. The property boundary along the north and east sides of Section 14 has been recently surveyed and it is well-flagged.

Bill suggested fencing the north and east boundaries, but there is a north-south RS2477 road that is being used by the ATVs. Bill explained that two obvious options are to fence the boundary, install a gate and stepover and leave the gate open, or fence the boundary, install a gate and stepover and lock the gate. Bill asked for thoughts and suggestions.

Todd Christensen asked if the County has any issues with gating and locking the gate. Bill said that he'd spoken with Commissioner Gardner and Commissioner Drake and

they wanted to hear from the HCAC. Bill added that they expressed reluctance about gating and locking on a road they consider to be an RS2477 road.

Bill said there was another idea about fencing both sides of the road (cherry-stemming) within the Reserve, but it is impracticable. Larry Crist quickly agreed and added that he'd like to hear from the Commissioners about how they feel about gating and locking.

Chris asked where the road originates. Bill said that it comes from upscale private property near Leeds and Silver Reef. Bill added that ATVs are also accessing the Reserve from the valley on the right. Bill further added that there are threatened and endangered plant species in the valley on the right. Todd is aware of those species.

Chris stated that the property must be protected. The property was purchased to go into the Reserve to protect T&E plant species and any tortoises in the area. Chris expressed a profound desire to protect the habitat. Marc asked Chris if he preferred a locked gate. Chris said that he would, but that may be a problem for the county.

Alan Gardner said the road is considered to be an RS2477 road and that there are legal issues with locking it.

Chris asked if the road just goes into the Reserve property. Karl asked for clarification about just what is an RS2477 road and when it should or should not be locked? Commissioner Gardner said that it is about right of passage. There was discussion about the property being accessed originally being BLM land and put into the Reserve or private ownership purchased and then put into the Reserve. Commissioner Gardner suggested a trip to the area, Bill agreed.

There was further discussion about the sensitivity of public access. Larry asked about other RS2477 roads within the Reserve. Bill explained that there might be another RS2477 road in Diamond Valley, but it is gated at some point. Alan Gardner asked about fencing both sides of the road (cherry-stemming). Bill said that it is about a mile on each side of the road. Chris expressed concern about leakage off of the roadway.

Reed asked about the ATVs and where they are coming from. Bill explained that the ATVs are coming from the north into the Reserve and continuing as far as the campground. They are not off-loading in the campground and going out. Marc agreed. Chris added that the ATVs are just using the hillsides as a playground. Reed said that is what we cannot allow. Chris asked about what process is used to close off the road? Alan Gardner said that it needs to go through a formal road closure, and agreed that RS2477 roads are a hot issue – for both sides. Alan asked about signage on the roadway. Bill explained that there is no signage at this time, as the survey has just been completed. Bill further explained that some may not know that they have entered the Reserve, and some that know, may not care.

Larry suggested using a two-stage process. Step 1 is to fence the boundary, install signs and monitor for compliance. Then, Step 2 is to consider closing the road if justified. Bill clarified: Fence the northern boundary, install a gate but leave it open, install a stepover, and install signs to the effect that motorized vehicles must stay on designated roads, and it is patrolled by the Sheriff.

Alan Gardner supported using these steps before closing the road. Bill added that the valley on the right needs to be completely fenced off. He explained that fencing and closing the valley and road on the right will protect T&E plants, any tortoises in the area and eliminate another access for the ATVs. Furthermore, the road on the right is not an RS2477 road.

MOTION by Larry Crist to: 1) Fence the boundary as shown on Exhibit 5-g-1, 2) Install signs along the boundary and at the RS2477 road prohibiting motorized vehicle use except on designated roads, 3) Compliance monitoring by HCP staff and/or County Sheriff's Office, 4) Take action as necessary following monitoring. Clarification: Marc asked for confirmation that the signs will clearly prohibit motorized vehicle use, except on designated road(s). Bill replied in the affirmative. Motion seconded by Chris Blake.

Discussion: Jeff asked about funding. Bill replied that he believes that there are adequate funds available, but won't know for certain until the bids are received. Marc asked about stepovers to accommodate hikers and horsemen. Bill replied that at least one stepover is necessary in the valley on the right. Larry clarified that monitoring would be at least a basic survey and photographs to quantify if the fencing and signs were accomplishing the intended purpose.

There was no further discussion. A vote was taken and the motion was passed unanimously.

h. Fencing Red Mountain Trailhead (Bill Mader)

Bill explained that the Red Mountain Trailhead is on the west side of SR 18 up beyond the north entrance to Snow Canyon State Park. Bill said he has received numerous complaints from agitated callers about illegal and unrestrained access by ATVs in the Wilderness Study Area. The ATVs are accessing the north side of the Park and the overlook. Bill added that the problem is compounded by trying to install a nice-looking Lodgepole fence that will tie into existing fences and keep out the illegal ATVs.

Bill further explained that he and Todd had recently visited the site and concluded that there is a way to install a trailhead perimeter fence and tie into the UDOT right-of-way fence. This will stop the unlawful ATVs, and installing a stepover will allow hikers lawful access. Bill added that a locked gate would also be installed to permit firefighting access.

Chairman Wilson called for discussion and/or recommendations. Chris asked Bill what he wanted. Bill suggested a motion to install, with Commission approval, the trailhead perimeter fence made of Lodgepole and Juniper, and to tie in with range fence to the UDOT right-of-way fence – with a stepover and locked gate.

MOTION by Chris Blake to install a trailhead perimeter fence at the Red Mountain Trailhead to tie into the UDOT Highway 18 right-of-way fence and include a stepover and locked gate. Seconded by Reed Harris. There was no discussion. A vote was taken and the motion was unanimously passed.

- i. Discussion of partnership with BLM to facilitate transfer of ELT properties.

The agenda item was previously discussed jointly with agenda item 5b.

- j. Discussion to purchase lot for trailhead at Castle Rock (Bill Mader)

Bill explained that there is an idea to purchase a residential lot immediately adjacent to the Reserve in the Castel Rock subdivision. There is a 15-foot wide trail access into the Reserve between vacant lots 187 and 188. Bill added that according to Stacy Young, there are currently ten lots for sale and there have been no lots sold since September 2007. The price of the ten lots varies from \$134,000.00 to \$269,000.00 each. The highest value lots are those adjacent to the Reserve.

Bill further explained that there is a problem of hikers parking their cars in the (public) street for several hours at a time. The reason that this is being brought up now is because lot prices are depressed and if purchased later the price will be higher or the opportunity may be lost.

Chris asked if there was a trailhead. Bill said there wasn't and added just street parking and Lodgepole fencing guiding hikers into the Reserve. Jeff Morby asked about adjacent landowners and brought up the issue of land use. He said that we need to check the Castle Rock Conditions, Covenants and Restrictions. Jeff agreed with Bill that adjacent landowner agreement, land use and price could all be showstoppers. Jeff said that landscaping and adjacent landowners' buy-in were essential. He said that a development agreement may also be a problem. Chris suggested that Jeff help Bill work through the concerns. Jeff said that if we really want to do this, we should get the property tied up and then work through the issues because property values are likely going up in the future.

Larry Crist asked about property and landscaping costs. He further asked where this fit with budget and priorities. He wants to look at the overall issues. Marc suggested reviewing priorities at the May meeting. Jeff asked about revenue and budget reports. Bill explained that revenues (impact fees) are coming in but have declined. He said

there is a reserve fund just for such fluctuations. Jeff agreed with Larry that priorities and budget need to be carefully looked at. Marc suggested seeing what the nearby property owners want – as far as parking and amenities. Karl suggested making an offer, with conditions.

MOTION by Jeff Morby that he and Bill Mader pursue the details of the purchase of property adjacent to the Reserve access and report back next month regarding C, C & R's, landowners and the feasibility of pursuing the purchase, and the availability of funds. Seconded by Chris Blake. There was no discussion. A vote was taken and the motion was unanimously passed.

6. **OTHER BUSINESS**

Next meeting was set for Tuesday, May 27, 2008. A field trip was discussed.

7. **ADJOURN**

There was no other business to discuss.

MOTION by Reed Harris to adjourn. Seconded by Marc Mortensen. There was no discussion. A vote was taken and the motion was unanimously passed.

The meeting was adjourned at 2:15 P.M.

Minutes prepared by Brad Young.