

HABITAT CONSERVATION ADVISORY COMMITTEE
for Washington County Habitat Conservation Plan (HCP)
May 27, 2008

The regular meeting of the Habitat Conservation Advisory Committee (HCAC) was held
at the Washington City Council Chambers on May 27, 2008.

Committee Members present were:

Karl Wilson, Chairman	Mayors Association
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

Committee Members absent and excused were:

Todd Christensen	Bureau of Land Management (BLM)
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Also present were:

Kristen Comella	Snow Canyon State Park (SCSP)
Ann McLuckie	Utah Div. of Wildlife Resources (UDWR)
Stacy Young	QRS Developers (<i>The Trails</i>)
H. Allan Carter	Carter Family Trust
Dallin Gardner	ELT Properties
Tom McNeils	Castle Rock subdivision resident
Alan Gardner	Washington County Commissioner
Bob Sandberg	Washington County - HCP
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 1:06 P.M.

2. **CONSENT AGENDA**

- a. Approval of agenda
- b. Review and approve minutes
 1. April 22, 2008

MOTION by Reed Harris to approve the Consent Agenda. The motion was seconded by Marc Mortensen. There was no discussion, a vote was taken and the motion was unanimously passed.

3. PRESENTATIONS

a. Buckskin Wash – Technical Committee recommendation

Kristen Comella made the presentation in behalf of the Technical Committee. She distributed Exhibit 3-a-1 HCAC – 052708. Kristen gave a brief summary of the history of the Technical Committee's assignment regarding a proposed trail in Buckskin Wash. She explained Alternative 1, Alternative 2 and Alternative 3. She also explained the considerations for all three alternatives. Kristen said that the Technical Committee recommends Alternative 3 – no trail.

Kristen explained the Committee's reasoning for recommending Alternative 3. She stated that many of the committee members were surprised at the quality of tortoise habitat – particularly in the upper portions of the slope. She added that fencing along the *Trails* boundary would be a lesser impact than allowing recreational use in the Wash, which would likely result in degradation of critical habitat, and possible tortoise take. She said that the habitat is too sensitive and too pristine to allow recreation in the area. Kristen cited the Human Impact Monitoring studies of 2005, 2006 and 2007 which showed a 37% increase in human impact. She added that the majority of the committee felt that allowing recreation in such a pristine and critical habitat was not a viable option.

Kristen acknowledged that there were two dissenting votes and one member who abstained. She explained that the minority voted for Alternative 2 because it provided an opportunity to select a trail location for management purposes and because it would provide for centralizing recreational use and discouraging unauthorized use.

b. Tom Webster, Coordinator – Outreach and Education Program

Tom was unable to attend and make his presentation due to illness. This item was tabled.

4. UTILITY AND DEVELOPMENT PROJECT REVIEWS

None.

5. GENERAL BUSINESS

a. Review/Approval of Technical Committee Buckskin Wash recommendation

Reed Harris asked if the trail required a modification of the Public Use Plan (PUP). Kristen said that it would not. Ann McLuckie added that it is not Adaptive Management because there is tortoise habitat impact. Reed asked about how to manage recreation opportunities and protect tortoise habitat. Kristen cited the NAU Human Impact Monitoring studies which show significant increases in recreation use, particularly in off-trail use. Kristen added that we shouldn't add more trails, especially in such high-quality habitat, when the current trails are not being well-managed. Ann cited again the abstract from the Garber/Burger study (Exhibit 3-a-1 TC – 050808).

Reed asked if a new trail would be heavily used like those near Paradise Canyon, or would it be seldom used. Kristen said that it has the potential of a lot of use because it is adjacent to a development. She cited again the Human Impact Monitoring which shows an upward trend in recreation use and off-trail impacts.

Jeff Morby asked about the voting and if anyone of the Technical Committee voted for Alternative 1. Kristen said that there wasn't. Jeff asked about the abstaining vote. Kristen explained Marshall Topham's reasoning for his abstention. Jeff clarified that the voting was three votes for Alternative 3 and two votes for Alternative 2. Jeff asked to hear from Stacy Young.

Stacy said that he is disappointed in the recommendation and thought that, in the bigger picture, there was an opportunity to have some acreage come into the Reserve in consideration for a limited-use recreation trail. Stacy argued that this is not the same as Paradise Canyon and added that the proposed trail is for hiking only and that the topography limits the trail use to robust hikers. He prefers Alternative 2.

Larry Crist asked if the Technical Committee considered allowing a trail with a seasonal closure. Kristen replied in the affirmative.

Commissioner Gardner said that from the Commission's perspective, that he's disappointed with the recommendation. He favors that option that allows for a trail up through the middle (Alternative 1). He stressed that public use is very important and added that Paradise Canyon was getting heavily used before the HCP was created.

Chris Blake said that over the years he has come to respect the Technical Committee, even at times when he has disagreed with them. Chris expressed concern that we have created the best park in Utah, but it is not being managed as the best park. He explained that trails need to be managed as trails and not simply as an access point to the Reserve. He stressed more aggressive management of existing trails.

Jeff Morby respectfully disagreed. He feels that adding 23 acres to the Reserve and allowing a trail with a seasonal closure is a good alternative. He favors Alternative 2.

Kristen said that she wants to pursue extending the Gila Trail – maybe not a trail on the east side of Highway 18, but one possibly on the west side that may connect past JEL Ranches up to *The Ledges* and the north end of the (Snow Canyon State) Park. She described the possibility of trails on the east side from Red Hills Parkway to Winchester Hills, a bike trail and then a trail on the west side from Paradise Canyon all the way to the top of the Park. She favors habitat protection.

Ann clarified that the addition of 23 acres is not correct since five acres are going to be purchased in the southeast corner, leaving 18 acres to be considered in Alternative 2.

Larry asked if there was discussion about how much impact could be expected if Alternative 1 or 2 were selected and which one has the least. Ann said there was discussion and both alternatives caused impact – particularly off-trail. Kristen explained that the NAU data supports increased human impact if a trail were allowed.

Stacy clarified that Alternative 3 means a fence bisecting the Wash in two places.

Larry expressed his concerns. His main concern is about desert tortoises and their habitat – which is why the HCP was created. He agreed with Reed that there should be public use, but is concerned about off-trail impacts and non-legitimate uses. Chris asked if this requires amending the Public Use Plan and is there a way to mitigate the impact in this area. He supports involving the public and getting public input.

Kristen said that she doesn't want to be seen as against public recreation, but stressed properly managing existing trails before adding more trails – particularly in such a sensitive habitat area. She stressed that she is not anti-recreation. Ann stressed listening to the Human Impact Monitoring data and it is telling us that we're not ready for a trail right now. Kristen added that the data does not support a new trail. Ann said the impacts are just too great and emphasized that we're just not ready.

Marc Mortensen asked for clarification on how off-trail use results in tortoise mortality. Ann explained that the degradation of the habitat impacts tortoise health. She emphasized the quality of habitat is paramount to tortoise health, as the habitat is degraded then the tortoises are stressed and their health affected. Kristen added that off-trail use also results in loss of native vegetation, introduction of non-native species, garbage and human waste. Marc expressed frustration with the concept of how humans impact the habitat when he sees as many tortoises near Pioneer Park as anywhere and how fires, drought and disease impact the tortoises more.

MOTION by Chris Blake to reject the Technical Committee's recommendation and accept Alternative 2 - knowing that will require an amendment to the Public Use Plan and provide a mechanism for discussing public use. Seconded by Jeff Morby.

Discussion: Larry Crist asked for clarification from Chris on opening up the PUP. Chris explained that he wants to discuss the broad issue of public use within the Reserve. Larry said that the biological opinion will have to be reviewed and other conservation measures may be necessary. Reed said that he doesn't support opening up the PUP. He favors addressing the problem without opening the PUP, and using adaptive management. He suggested using the good trails and closing the harmful ones.

Roll call vote: Mortensen – nay; Morby – aye; Crist – nay; Blake – aye; Harris – nay.

Motion failed.

Jeff asked about the majority needed for passing a motion. Chris recalled that it requires five votes to pass a motion. Jeff said that what he thought.

MOTION by Reed Harris to support the Technical Committee and sustain the recommendation. Seconded by Chris Blake.

Discussion: Jeff asked how will the *no trails* alternative affect the fencing. Kristen said there would be no affect. Cost-sharing in the SE corner has been agreed upon. Jeff asked about the property boundary issue. Stacy said there has been discussion to purchase the property. Larry said that he supports the Technical Committee and asked about having a mandated trial period (for a new trail) with heavy monitoring. He summarized what he has heard; that we're not adequately addressing trail impacts, that we're not adequately monitoring it, and we're not adequately controlling it. He suggested a 3-5 year trial period and if there are adverse impacts, then close it. Kristen said that it has been discussed and found not to be feasible because of fencing costs and property marketing, and then the possibility of the trail being closed after five years. She said that Stacy needs firm plans. Stacy asked about a land transfer and fencing possibilities. He needs flexibility on fencing if there is a trial period. He supports allowing trail use with plenty of education.

Chris asked about the process for making a substitute motion. Instead, Reed asked that his motion be withdrawn. Chris, as second, agreed.

Motion withdrawn.

Chris proposed that the committee not make a decision today, but instead wait two months because there is a larger issue to discuss - trail management. He believes that a good trail (in or near Buckskin Wash) is still possible, but is concerned about the critical habitat. He recognizes that this is some of the best (tortoise) habitat in the Reserve and also believes that the area will be used, whether we build a trail or not.

MOTION by Chris Blake to table this item for two months, and then come back and solve the issue of how to build a trail that is also biologically feasible. Seconded by Marc Mortensen.

Discussion: None on a motion to table.

A vote was taken: All voted aye, except Reed Harris who voted nay, and Larry Crisp who said that while he agrees with Chris, he needs to have some idea of how long this process will continue and not go on forever. Chairman Wilson explained that an item *tabled* remains tabled until brought back by the chairman or the administrator, but if *continued*, the item is brought back on the next agenda.

Chris asked that the motion be withdrawn. Marc, as second, agreed.

Motion withdrawn.

MOTION by Chris Blake to continue this item to the next meeting. Seconded by Marc Mortensen.

Discussion: None on a motion to continue.

Reed Harris expressed concern that a decision is not being made. He said there are developers who come before the HCAC who need answers, and he's not convinced that the biologists will change their opinion.

A vote was taken: All voted aye, except Reed Harris who voted nay.

Motion passed to continue for one month. The item is to be placed on the next agenda.

Jeff asked Stacy if he could come to the next meeting with some ideas or suggestions, knowing the position of the Technical Committee, that the HCAC could consider. Stacy is agreeable to that. Larry added that many of the ideas and suggestions have already been considered and found to be unworkable. Kristen said that we've created a park without proper management and oversight. She supports a recreation management plan, including law enforcement, education, and "bodies on the ground." Chris asked if that would be done by opening the PUP. Kristen said that it does not and re-emphasized "bodies on the ground."

Chairman Wilson asked that a trail management discussion be placed on the next agenda – ahead of the Buckskin Wash recommendation review/approval.

b. Initiatives to acquire ELT properties (HCAC)

Bill said that he has talked with Todd Christensen and learned that BLM has internally approved jointly filling a BLM position. The position will be advertised soon. A Memorandum of Understanding will be signed by BLM and Washington County. Bill added that according to Todd, internal resources within BLM are being lined up to make land exchanges easier.

Allan Carter spoke about the position. He stressed that the employee hired by BLM must have a high level of competency in land exchanges. He wants to see the hiring process continue to move along.

A copy of the State of Utah, Department of Natural Resources, 2007 Regional Desert Tortoise Monitoring Report (Publication Number 08-19) was provided to Mr. Carter per his request of February 26, 2008.

Alan Gardner added that the County has approved the funds and has had discussions with Todd (Christensen).

c. Discussion to purchase lot for a trailhead in the Castle Rock subdivision

Bill introduced Exhibits 5-c-1 through 5-c-4 HCAC – 052708. He explained that the assignment given to Jeff and he was to examine the possibility of purchasing one of the lots in the Castle Rock subdivision adjacent to the trail access. Jeff cited the Castle Rock subdivision Covenants, Conditions and Restrictions (C, C & R's) Paragraph 1. – Land Use and Building Type, "None of the property or lots shall be used except for residential purposes." He added that changing the C, C & R's is not likely, and the cost of the lot is a big issue. The lot is too expensive and the process too difficult for the benefit. He suggested using the monies for something more beneficial.

Bill agreed with Jeff. He said that purchasing the lot for ten parking spaces is not cost-effective and there are no guaranteed results. He added that it was worth answering the questions and doing the analysis. He agreed with Jeff and recommended not proceeding further.

Larry agreed and added that monies should be spent on higher priorities. Chris liked the idea but agreed that it is cost-prohibitive.

MOTION by Chris Blake to let this issue expire. Seconded by Jeff Morby.

Discussion: Tom McNeils brought to the attention of the committee members that Paragraph 27 (page 7) of the C, C & R's requires that the owners of lots 187 and 188 construct a five-foot fence, wall or combination wall and fence along the property boundary with the Reserve to protect the threatened or endangered wildlife. He added that he hasn't talked with any other Castle Rock residents who are opposed to the idea of a trailhead parking lot, but if approved he wants a privacy wall set back 20 feet from his property line with the buffer space nicely landscaped. Jeff noted that the downside (of not having the parking lot) is hikers parking in the street. Marc also noted that the streets in the area are public streets and therefore public parking, but it is not cost-effective for HCP to purchase a lot for parking.

A vote was taken: All voted aye.

Motion passed.

Lastly, Tom complained about horses going off-trail causing habitat degradation. Kristen responded to his comments. He also complained about fence construction materials left on one of the lots. Bill responded to this complaint.

d. Funding and priorities discussion (HCAC)

Bill said that this is a follow-up to last month's discussion. He introduced Exhibits 5-d-1 and 5-d-2 HCAC - 052708 and explained how impact fee revenues have declined, and how the HCP has spent funds on fencing so far this year. Bill added that there are other fencing projects in the works that are anticipated to be very costly. Bill invited discussion.

Chris suggested a work meeting next month in lieu of a field trip. Chairman Wilson suggested a schedule for developing the 2009 calendar-year budget.

The members agreed to have a work meeting beginning at 9:30 A.M. on Tuesday, June 24, 2008, in the County Commissioner's Conference Room.

MOTION by Chris Blake to continue the funding and priorities discussion to a work meeting next month and to include it on the next agenda. Seconded by Larry Crist.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

e. Status of Red Hills Parkway Expansion (HCAC)

Larry Crist said that the last couple of acres of mitigation are being worked out. Marc concurred.

f. Land Acquisition Reports (HCAC)

Bill said that he has nothing new to add. Larry also said that he has nothing to report. Chris asked if there was any idea when the BLM could actually get a person hired to work in the ELT land acquisitions. Bill speculated by late in the year. Chris hoped it could be sooner. Larry asked if the hiring would be a *term* employee or a *permanent* employee. Bill didn't know for certain but thought it was a permanent position.

g. Administrator's Report (Bill Mader)

1. **Lead contamination.** Bill summarized the lead contamination conference that he recently attended in Boise, Idaho. Bill spoke about how lead contamination affects California condors, and how California has banned lead bullets fired from center-fire cartridges in southern California. Bill also related how studies have found microscopic amounts of lead contamination in game, such as deer. Bill additionally related how the ancient Roman aristocracy were contaminated by lead from

the tableware that they used. And, if they became ill, the treatment was more lead. For the Romans, this caused serious neurological and reproductive problems which contributed to the fall of the Roman Empire. Furthermore, the English and French elites suffered from similar ailments, but the servants and commoners did not. Bill added that there is hunting within the Reserve, but is not advocating a ban at this time.

Reed commented that the UDNR has made contributions to hunting groups to facilitate changing from lead bullets to cooper bullets.

2. **Kayenta.** Bill said that he has spoken to Terry Martin, a local developer. Terry has widened some roads that are within the Reserve and a fence has apparently been built across the Wilderness boundary, also within the Reserve. And, there has been cattle grazing in the area. There is a need for state and federal representatives to participate in discussing these issues with Mr. Martin.

3. **Bob Sterling fence.** Bill is discussing a fencing proposal with Mr. Sterling. He lives east of Leeds. Bill will keep the committee members informed of the progress.

4. **Red Cliffs and Babylon Trailheads.** Bill said that Bob Sandberg has begun the preliminary work on getting the Red Cliffs Trailhead going. It is near Harrisburg. And, they have met with BLM and hope to get the Babylon Trailhead going soon.

5. **Recreation Ordinance.** Bill asked Marc about the status of the recreation ordinance working through the City of St. George's process. Marc will check and follow-up.

h. Review/Approve the Quarterly Report – 1st Qtr – 2008

Larry Crist commented that there may be some additional information required for permit purposes. He'll get the details as necessary.

<p>MOTION by Chris Blake to accept the quarterly report. Seconded by Larry Crisp. <u>Discussion:</u> None <u>Vote was taken:</u> All voted aye. <u>Motion passed.</u></p>

6. OTHER BUSINESS

Next meeting was set for Tuesday, June 24, 2008. A work meeting will begin at 9:30 A.M.

7. **ADJOURN**

There was no other business to discuss.

MOTION by Chris Blake to adjourn. Seconded by Marc Mortensen.

Discussion: None

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 2:33 p.m.

Minutes prepared by Brad Young.