

**HABITAT CONSERVATION ADVISORY COMMITTEE**  
for Washington County Habitat Conservation Plan (HCP)

The regular meeting of the Habitat Conservation Advisory Committee (HCAC) was held  
at the Washington City Council Chambers on June 24, 2008.

Committee Members present were:

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

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> )
Dallin Gardner	ELT Properties
Alan Gardner	Washington County Commissioner
Lynne Scott	Bureau of Land Management (BLM)
Chuck Gillette	City Engineer, City of Ivins
Bob Sandberg	Washington County – HCP
Tom Webster	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 1:04 P.M. Marc Mortensen's brief absence was excused. He joined the meeting at 1:36 P.M.

2. **CONSENT AGENDA**

- a. **Approval of agenda**
- b. **Review and approve minutes**
  - 1. May 27, 2008

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

### **3. PRESENTATIONS**

#### **a. Tom Webster, Coordinator – Outreach and Education Program**

Tom provided a brief history of the program and an overview of the program's mission. He described himself as an ambassador of good will. Tom presented a PowerPoint presentation to the committee members. Exhibit 3-a-1 HCAC – 062408 is a printout of his slides. Tom emphasized the methods, mediums and techniques currently being utilized, and planned, to reach out to the public.

Larry Crist asked Tom if he routinely met with the city officials who deal with the developers and assure that the developers are aware of the protocols for clearances and those sorts of issues. Tom said that he meets as often as possible with mayors and managers to discuss the public use plan. Tom added that many developers are supporters of the reserve.

### **4. UTILITY AND DEVELOPMENT PROJECT REVIEWS**

None.

### **5. GENERAL BUSINESS**

#### **a. Trail management discussion (HCAC)**

Chris Blake began the discussion by saying this issue is on the agenda because at the last meeting the members discussed how woefully we're managing the trail system. He added that the last human impact monitoring study showed a 70% increase in off-trail impact. Chris further added that the primary purpose for the reserve is for the protection of the tortoises and that recreation is a bonus.

Larry voiced agreement with Chris. He added that he's not ready to approve new trails until we can show improvement in managing the current trails.

Jeff Morby responded that people do have a place in the reserve, but wants to assure that we are welcoming people to the reserve in the right way. Jeff stressed that the first and primary reason for the reserve is the protection of the tortoises.

Todd Christensen agreed with Chris, Larry and Jeff. He stressed the focus point should be on education and added that the volunteers will yield great benefits.

Reed Harris suggested modifying the contract with Northern Arizona University (NAU) to do in-the-field surveys of reserve users to determine who they are, where they're from and their level of understanding of the reserve. Tom said the recently completed survey has some of those types of questions in it. Reed asked if there were any surveys conducted of persons actually in the reserve. There are none currently.

Chris and Larry agreed that the off-trail damage is significant and perhaps irreparable. Larry emphasized that everyone must participate in the efforts to assure compliance.

Marc asked about a trail map for the reserve. He would like to see one that is easily and readily available, and free. Tom explained to Marc that during the Outreach and Education Presentation (Agenda item 3-a) he told how there are plans to enhance our overall hand-out literature, and that redoing the map is part of that process.

Chris added that the BLM has recently upgraded their website and there are maps there that can be downloaded on 8 X 10 paper; Chris suggested that we do the same. Lynne Scott said she is doing the BLM website for the St. George Field Office and that in addition to the Red Cliffs Desert Reserve site and their maps, any trails on BLM land will also be on the BLM website, and that it will be downloadable – for free. Marc stressed the importance of a map that can be “grab and go.”

Chris suggested that this be an on-going project. Reed replied that it could be a scope-of-work item. Karl indicated these types of projects should be an on-going regular meeting agenda item and tasked to individual committee members. Reed distributed a sample project work plan (Exhibit 5-a-1 HCAC – 062408 (three pages)).

A new item will be added to the meeting agenda for regular updates on the various on-going projects.

**b. Review/Approval of Technical Committee Buckskin Wash recommendation**

Exhibit 5-b-1 HCAC 062408 was distributed for review.

Chris began the discussion by stating that he, and others, are not opposed to trails, but are opposed to poorly managing the existing trails. He added that the Technical Committee has recommended *no trail*, but he wants to see if there is any win-win for recreation. Larry agreed but tends to support a *no action* until we can show that we're managing the trails we have. Larry said he is not ready to support a new trail in Buckskin Wash at this time, but is willing to revisit the issue when we can prove that we are properly managing the existing trails in the reserve.

Todd suggested tabling the issue until there are more alternatives. There was brief discussion about tabling an item. An item is tabled indefinitely until the chairperson or two members bring it back. Larry supports tabling the item until there is a proven track record or demonstrated improved ability to manage the trail system.

Chris asked if there is anyone currently using the proposed routes, or is it something that we're hoping to use? Kristen explained that there is some evidence of use. She added that the 2007 NAU study showed there was some use down in the wash. But, the 2008 data won't be available for several months.

Reed asked if there was someone looking for another solution or alternatives; are there other ideas or suggestions? Stacy Young said he thought he was supposed to get another invitation to go back to the Technical Committee.

Chris Blake clarified tabling the issue. Alan Gardner supports tabling the issue to provide opportunity to do more work on it. He also supports Kristen's idea of having a trail on the other side of Highway 18.

Marc commented that as the area develops, they (recreationists) will get into the wash. He foresees three or four thousand homes in that overall area and we will have to do something. Marc favors tabling the issue.

Jeff reviewed Exhibit 5-b-1 and commented that the committee had made a turnaround because at one time the issue was the amount of the (seasonal) closure for the trail – not if a trail was approved – just the amount of the closure. Jeff added it seems we are punishing the developer because we have failed to manage existing trails. He thinks there should be some possibility of a compromise.

Chris explained that what changed is the tortoise use of the habitat and that the habitat is more significant than first thought. Stacy said this issue has become a moving target from one meeting to the next. He thought everything was OK on the field trip. He added that it seemed everyone agreed it would be better not to fence across the wash in two places. And now, eight months later, everything is up side down and he doesn't know what the real issues are.

Ann McLuckie replied that a lot of the confusion in the whole process was due to misrepresentation. She believes that Lori Rose pushed for things that she wanted for her personal agenda. Ann added the Technical Committee has gained additional information from going out on the ground and walking the whole wash. Stacy disputed that there were any deals with Lori. Chris asked Ann if, in their most recent field trip, the Technical Committee found more significant habitat than was thought eight months ago. Ann said the Technical Committee members always thought there was critical habitat in the wash, but had hoped there was a chance for a northern trail, but during the field trip for the northern trail they found tortoise and Gila monster sign. Stacy argued that in the agreement they almost had, there was almost 20 acres of good habitat that would come into and benefit the reserve.

Jeff clarified there would have been almost 20 acres come into the reserve and not fence through the wash twice. Ann said the Technical Committee felt the additional acreage did not compensate for the impacted habitat, especially since the acreage had been cleared (of tortoises). Stacy argued that very little of the acreage had been cleared and suggested another field trip to review the fence line and habitat.

Larry said there seems to be an impasse and there needs to be more work. He added that the biological issues have not been resolved. He favors tabling until there are other alternatives developed.

Chris asked what Stacy has to do to convince whomever that there is justification for a northern trail. Jeff suggested a second field trip. Kristen interjected that we keep coming back to the issue of recreation management. She advocates a recreation management plan in addition to the public use plan. She added that we've created a park – a park without oversight. Ultimately, the habitat and tortoises must be protected. She further added there is no other opinion likely coming from the Technical Committee and that recreation is ruining the reserve.

Reed asked about the 20 acres and do we want it, and is the Technical Committee willing to forego the 20 acres in lieu of a trail? Ann reiterated that the 20 acres do not compensate for the trail impacts. Kristen pointed out how strongly the Technical Committee is concerned about recreational impacts – they are willing to forego the 20 acres. Stacy reminded everyone that the vote was three to two with one abstention.

Alan commented that comparing potential impacts in Buckskin Wash to those impacts in the Paradise Canyon area is unfair because the trails in Paradise Canyon were in use before the HCP was created. Kristen debated the off-trail use and human impacts. She emphasized that she is not anti-recreation.

Marc said the Technical Committee's recommendation is a short-term remedy and in the long term, the use is going to happen. He supports a recreation management plan. Kristen said the public use plan has some pieces of a recreation management plan, but more is needed, such as: on-the-ground law enforcement and limits on the technical changes. Kristen expanded on the biological and scientific position of recreation and habitat management.

Marc asked about other places in the state or in the region where there has been success in keeping people on designated trails only, and what they did and how they did it to achieve success. Kristen stressed education, law enforcement and signage. Marc said he'd really like to see some examples of successful trail management so we could see what success looks like.

Stacy said he thought that he and the county were negotiating a recreation management plan for *The Trails* and Buckskin Wash and that it included a seasonal closure, signage and informational kiosks. He really thought the proposal was reasonable and incorporated good trail management.

There were no other comments or discussion.

**MOTION** by Jeff Morby to table this item, and to encourage continued conversation towards alternative resolution.

Seconded by Larry Crist.

Discussion: None.

Vote was taken: Six voted aye and one voted nay – Chris Blake.

Motion passed.

**c. Initiatives to acquire ELT properties**

Bill explained that Washington County has moved forward with a MOU with BLM to pay half of a new position to facilitate land exchanges. Todd said he's received a working copy of the agreement. Todd explained that BLM has taken steps to streamline and expedite land sales and exchanges. To that effect, BLM has filled an additional position, a Land Law Examiner, who will assist the Realty Specialist. The Realty Specialist position has been also been approved.

Todd added that meanwhile, three processes have been assigned to Kathy Abbott. Todd further added that, 1. He has signed a Scoping Letter for the sale of approximately 145 acres in the Washington Dome area, 2. He has submitted a feasibility report to the state office for nine acres formerly known as the Kent Frei property and, 3. He has also met today with the appraisers for the T-Bone Mesa exchange. And, as soon as the new Realty Specialist comes aboard, it will help accelerate these processes.

Chris asked specifically about the person responsible for facilitating the exchanges or sales for acquiring the ELT properties. Todd explained that all members of the realty staff in the St. George field office will be working to facilitate land sales and exchanges.

Dallin Gardner asked for elaboration on the Washington Dome exchange. Todd explained there are approximately 145 acres involved in the sale - not an exchange. Dallin asked about the T-Bone Mesa exchange. Todd said he was uncertain about the specific amount of land involved, but that it was an exchange with SITLA.

**d. Land Acquisition Reports**

Larry said he has nothing new to report. Bill asked if there was anything we could do to realign ourselves to get a better shot at funds. Larry explained that we're one of the early HCPs and the new emphasis is on multi-species HCPs, so short of a new HCP or adding a species there really wasn't much. Despite this, he'll continue to try.

**e. Status of the Ivins Detention Dam**

Bill began by explaining this item is on the agenda for a status report. Larry said the USF&WS will be doing an internal audit to determine the understandings of the USF&WS and the City of Ivins at the time the property was purchased for the detention dam. Larry and Renee Chi may make a trip to Ivins and discuss the matter with city officials in an attempt to resolve the issue.

Jeff asked about the funding sources for the dam. Chris believes the City of Ivins is funding the total project.

Chris explained that this detention dam is not a water tank or a road – it is flood control. He questioned why mitigation is necessary when the City of Ivins is trying to save 15 acres of tortoise habitat from flood damage. And, the dam may not be necessary

because the City of Ivins is installing oversize culverts. Chris emphasized that they're not taking habitat – they're preserving it. Chuck Gillette added comments about the project that were not clearly audible.

Larry asked about the original intent of the project. Chris explained that when they first started the project there were undersized culverts in the roads, but now the culverts will be approximately 3' X 10'. Chuck added the culverts will still not be big enough. Chris said the city is just trying to prevent flood damage from 25-year and 100-year floods and by doing so, will protect 15 acres of tortoise habitat.

Reed asked, if nothing happens (no catastrophic flood) then there are seven acres of privately held land within the reserve, do we have to purchase that land? Chuck offered an explanation about the original purchase of the land, but the answer is, yes, probably so. Chuck added that mitigation costs are very expensive. Larry said he'll have discussions with USF&WS staff and be in touch.

**f. Status of Red Hills Parkway Expansion**

No one had anything to contribute to an update.

**g. Fire season preparations**

**1. Use of water ponds near the reserve**

Bill told the members he and Bob Sandberg have spent considerable time in a proactive manner with BLM fire managers. Bill emphasized the first hours of a wildfire are very critical. Bill said HCP staff and BLM are identifying ponds and water sources for heli-tack water drops. Marc said the City of St. George has two possible sources. The first is across Cottonwood Road by the switchyard. A hydrant has been installed and in the event of fire, the crews will be able to construct a temporary pond and refill station. The second source is Skyline Pond adjacent to Red Hills Parkway, but prior notification is required so the pond can be secured for safety reasons. Marc added a third pond – the Tawa Pond near The Canyons. The prior notification requirement also applies to this pond. Bill said bucket drops are not allowed to be carried over the freeway, so identifying ponds in strategic locations is very important.

Jeff asked Bill about fire fighting fees. Bill said there are fees assessed, but he understands the County has fire insurance. He deferred to Commissioner Gardner for elaboration. Todd said the fees are assessed according to property ownership and whether or not it is in an unincorporated area. There is not a line item in the HCP budget for fire fighting but there is in the county budget.

**h. Administrator's Report**

**1. Kayenta road widening and fencing**

Bill told how he had discovered that some of the roads inside the reserve at Kayenta had been widened from 15' to 25' – there was no coordination with HCP. Bill and Bob met with the developer, Terry Martin. The meeting was very fruitful. They learned that the widened roads were pre-established pipeline roads. The widening was necessary for fire truck access and they create a wider fire break, and the pipeline along the road supplies sprinklers that further enhance the fire break. And, the wilderness boundary was fenced to control cattle.

Chris asked if the actions created any legal problems. Not really, Kayenta has a special designation inside the reserve because of low-impact development.

## **2. Northern Goshawks and Bio-Politics**

Bill explained he recently attended a personal education and development seminar conducted by the chief research scientist on Northern Goshawks. He learned about Goshawks and bio-politics.

Goshawks are not listed as threatened or endangered, but are regularly submitted for listing. Bill told how he learned that in the 1990's there was published information on Goshawks based on poor science. The Center for Biodiversity used the erroneous science to try to stop all logging in New Mexico and Arizona. The injunction was not granted but the Goshawk Plan was developed which has significantly reduced logging.

The take-home message is, always rely on good science and beware of litigation.

## **3. Condor Reintroduction Program**

Bill told of meeting with Chris Parish, who heads the Condor Reintroduction Program, at the Lead Contamination conference in Boise. Bill's message was that lead contamination affects people and condors. Lead contamination impacts people and those who consume game killed by lead bullets. The public needs to be aware of possible lead contamination and the benefits of switching from lead to copper bullets.

Larry and Reed commented on the funding provided by their respective agencies on public education and programs to encourage hunters to switch from lead to copper.

## **6. OTHER BUSINESS**

- a. Next meeting date
  1. July 22, 2008
    - a. 9:30 AM work meeting in the Commission Chambers. Revenue and Expense Reports for 2006, 2007 and YTD 2008 are required.
    - b. 11:30 AM lunch meeting.
    - c. 1:00 PM regular meeting in the Washington City Council Chambers.

Approved HCAC regular meeting minutes – June 24, 2008



- b. Scope of work projects will be included as line items in General Business.

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 2:56 p.m.

Minutes prepared by Brad Young.