

HABITAT CONSERVATION ADVISORY COMMITTEE

for Washington County Habitat Conservation Plan (HCP)

September 23, 2008

The regular meeting of the Habitat Conservation Advisory Committee (HCAC) was held at the Washington City Council Chambers on September 23, 2008.

Committee Members present were:

Karl Wilson, Chairman	Mayors Association
Chris Blake	Environmental Organization
Jeff Morby	Local Development
Larry Crist	U.S. Fish & Wildlife Service (USFWS)
Reed Harris	Utah Dept. of Natural Resources (UDNR)
Jimmy Tyree	Bureau of Land Management (BLM)
Bob Sandberg, Acting Administrator	Washington County - HCP

Committee Members absent and excused were:

Marc Mortensen	Citizen-at-Large
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Also present were:

Kristen Comella	Snow Canyon State Park (SCSP)
Ann McLuckie	Utah Div. of Wildlife Resources (UDWR)
Cheryl Decker	Zion National Park
Joe Allen	Rock climber
Dallin Gardner	ELT Properties
Kathy Abbott	Bureau of Land Management (BLM)
Lynne Scott	Bureau of Land Management (BLM)
Larry Blake	Southern Utah Title Company
Frank Jackson	Property owner, Leeds, Utah
Tom Webster	Washington County - HCP
Brad Young	Washington County – HCP
Bryan Thiriot	Senator Bennett's office
Marreen Casper	Senator Hatch's office
Mike Empey	Field Representative for Congressman Jim Matheson

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 1:05 P.M.

2. CONSENT AGENDA

- a. **Approval of agenda**
- b. **Review and approve minutes**
 - 1. **Work meeting August 26, 2008**
 - 2. **Regular meeting August 26, 2008**

The following change was made to the regular meeting minutes:

(page 3, paragraph 4, sentence 2): changed,

From: "Mr. Blake and Mr. Jackson were agreeable to that removal."

To: "Mr. Larry Blake and Mr. Jackson were agreeable to that removal."

MOTION by Chris Blake to approve the Consent Agenda with two changes:

- 1. Delete agenda item 3 b.
- 2. One change to the regular meeting minutes.

Seconded by Larry Crist.

Discussion: None.

Vote was taken: All voted.

Motion passed.

3. PRESENTATIONS

c. **Rock climbing proposal – Joe Allen**

Mr. Allen made a proposal to allow rock climbing at a location known at the *Bluff Street Cracks*. This area is generally located at the north end of 400 W. in St. George. Mr. Allen presented several photos showing the overall area, the specific area for the rock climbing, and the approach trails to the base of the bluffs.

Mr. Allen acknowledged the concerns regarding nesting raptors in the vicinity.

In his proposal, Mr. Allen suggested that the interested climbers could conduct a 'rock climbers' clean-up day' in the area. Mr. Allen also proposed that the climbers could clean up the approach trails by removing some of the trail braiding. Mr. Allen did not know who owns the trail access property.

Jeff Morby asked about the ownership of the cliffs. Mr. Allen did not know; it may be BLM or private ownership, and he was unclear if it is actually in the reserve. Lynne Scott said that she believes the property is owned by the BLM.

Reed Harris asked Mr. Allen if he had consulted the Technical Committee – he had not. Reed wants a clarification on property ownership, and he has concerns about wildlife in the area.

At the end of his presentation Mr. Allen added that the *Bluff Street Cracks* are listed in a rock climber's guide book – *Rock Climbs of SW Utah and the Arizona Strip* by Todd Goss.

Two aerial photos showing the general location of the *Bluff Street Cracks* were later added to the record as Exhibits 3-c-1 and 3-c-2 HCAC – 092308. Additionally, an Internet reference to Todd Goss' book was added as Exhibit 3-c-3 HCAC – 092308.

a. Herbicide (Plateau®) use – Cheryl Decker, Fire ecologist, Zion National Park

Ms. Decker used a PowerPoint presentation to facilitate her presentation and discussion. A printed copy of the 43-slide PowerPoint presentation is included as Exhibit 3-a-1 HCAC – 092308.

Cheryl began by pointing out that cheatgrass, red brome, and other invasive grasses are a significant fire fuel problem, especially in Zion Nation Park and Zion Canyon – which is a box canyon.

Cheryl discussed the use of Plateau® in reducing these invasive grasses and thereby reducing the fire fuels. She explained that Plateau® does not affect wildlife, only plants with three specific amino acids.

Ms. Decker discussed the formation and results of the Joint Fire Science Project and the Kolob Fire in June 2006. This fire spread through the rangeland and Pinyon pine and (Utah) Juniper woodlands because of the presence of invasive weeds. Portions of the burned areas were treated with Plateau® from October 28, 2006, and November 2, 2006. Cheryl discussed the results of the spraying and reseeding efforts. She also discussed the Dakota Hills Fire Complex of July 2007. Seeding and spraying rehabilitation efforts are underway and the results are not in yet. She also discussed the costs of rehabilitation for the Kolob and Dakota Hills fires – approximately \$50.00 per acre for helicopter application of herbicide.

Reed Harris asked about any unanticipated environmental impacts. Cheryl said the use of Plateau® resulted in a monoculture in some areas, but in the absence of the red brome and erodium, the native grasses are coming back.

Larry Crist asked about the toxicity to invertebrates and if any studies have been conducted. Cheryl said that the EPA had certified the use of Plateau® and that it was safe to use in wildlife habitat. She added that the only question was its possible effect on birds, any effect was unknown.

b. Grazing and possible effects to tortoise habitat – Renee Chi, USF&WS

This agenda item was deleted because the presenter was unavailable.

4. **UTILITY AND DEVELOPMENT PROJECT REVIEWS**

None.

5. **GENERAL BUSINESS**

a. **Discussion/review of presentation regarding the use of herbicides in reducing fire fuels.**

Larry Crist asked about the use of Plateau® in a post-fire environment and on existing cheatgrass infestations. Cheryl said that Plateau® does work on existing cheatgrass, but the dose must be higher. She went on to discuss how best to apply herbicides on existing invasive grasses.

The members discussed fire fuel vegetations and the development of an action plan. Chris Blake suggested that we compose an environmental assessment for the use of herbicides ahead of having a fire so rehabilitation actions could be taken soon after to restore fire damaged habitat.

Reed Harris said that he wants to hear from the Technical Committee regarding the use of herbicides and an action plan. Ann talked about the use of Plateau® and cited the Great Basin Study. Kristen talked about the Technical Committee's discussions in their last meeting (September 11, 2008). Ann added that the TC will be able to provide the HCAC with action items. Bob Sandberg noted that the BLM fire restoration plan (Programmatic Wildland Fire Emergency Stabilization and Rehabilitation Plan) must be considered.

Chris Blake asked Kristen if a motion was needed for the Technical Committee to understand their task. Kristen replied that she didn't feel a motion was needed. (Not all of Kristen's reply was audible.)

Karl Wilson summarized that it appears that the general consensus is to move forward in that direction and to continue working with staff.

b. **Discuss/review the rock climbing proposal**

There were no further questions or discussions in addition to those made during the presentation (agenda item 3c.)

MOTION by Chris Blake to assign the rock climbing proposal to the Technical Committee to consider.
Seconded by Jeff Morby.
Discussion: Jeff asked that we make sure the property owner(s) is determined and contacted.
Vote was taken: All voted.
Motion passed.

c. Initiatives to acquire ELT properties

There was no one present in the audience representing Jim Doyle, ELT Properties or the Carter Family Trust properties.

Jimmy Tyree offered the only update to the progress/process of resolving this issue. He said that he attended an update meeting with Dallin Gardner and Alan Carter the previous week. Jimmy added that there seemed to be some miscommunication several months ago. Jimmy further added that he looking into getting some answers about the availability of properties in Utah.

Jimmy said that background checks are being made on the Realty Specialist candidate(s), and he's hopeful that hiring can be completed by the end of the year.

d. Status of the Frank Jackson boundary adjustment/land exchange

Jimmy said that staff had reviewed the Resource Management Plan (RMP) and that in this case, purchase of the property by Mr. Jackson is not an option. According to the RMP the trespass must be resolved by either removing the offending trespass (structures) or perform a land exchange. The land exchange process takes two to three-years, and may not even be permitted because the parcels involved are so small.

Kathy Abbott added that the Technical Committee has evaluated the properties and favors a land purchase and a simultaneous land donation. (Not all of Kathy's statement was audible.)

Larry Blake said that he still wants the property removed from the HCP and then traded, and that an appraisal is the next step. He suggested a boundary change so the property could be dealt with more easily. The parcel must also be removed from the Land Bill (Washington County Growth and Conservation Act of 2008). Larry said he understood that Alan Gardner is working with Senator Bennett's office in Washington D.C. to have it removed (Bryan Thiriot confirmed).

Jeff Morby commented that he understood that the Technical Committee was to look at the proposed boundary adjustments and report back to the HCAC. Kristen said the Technical Committee had reviewed it, but afterwards were told that the sale of the parcel to Mr. Jackson and then a donation of land to the reserve was not an option.

Larry Blake reiterated that the properties still need to be appraised, whether it is a sale and then a donation or an exchange, and the (offending) land still must come out of the HCP and the land Bill. Larry went on to talk about an exchange ratio. Ann McLuckie said the Technical Committee has determined that there is no negative biological impact.

Larry Blake asked the HCAC if they would be willing to remove the (offending) property from the reserve so they could go forward with an exchange.

Larry Crist said the he is unclear about why the property must be removed from the HCP first so they could move forward with an exchange. Larry Crist added that he'd be willing to enter into an agreement, in principle, to an exchange whereby the property stays in the reserve pending a successful exchange with BLM and when the exchange is finalized, the old property comes out and the new property goes in.

MOTION by Chris Blake to go on record as being in favor of a boundary change, the details of which will be determined when the exchange with BLM is underway.

Seconded by Jeff Morby.

Discussion: Jimmy Tyree clarified that there can be no guarantee that a land exchange will occur, only that BLM can look into it. There can be no guarantee that such an exchange will be approved.

Vote was taken: All voted.

Motion passed.

e. Scope of work projects

1. Fencing and clearances (Karl Wilson)

Ann commented that the University of Nevada – Reno is putting together a (GIS) layer to show gaps in the reserve perimeter fence.

2. Living museum (Chris Blake)

Chris Blake suggested that because the living museum proposal and the botanical garden idea are similar, he will work with Marc Mortensen and Laura Taylor to put together a working document of what needs to be done to move these ideas forward.

3. New reserve map (Marc Mortensen)

Tom Webster offered comments about the progress of the reserve map update and a recent meeting (September 8, 2008) with Marc Mortensen regarding map features and costs. Verifying the accuracy of the reserve boundary and land ownership within the reserve is important, and in progress.

4. Southwestern Willow Flycatcher nesting study (Reed Harris)

No comment at this time.

f. Draft 2009 budget

Exhibit 5-d-1 HCAC Reg Mtng – 082608 was distributed for discussion. Reed Harris distributed Exhibit 5-f-1 HCAC – 092308, a revised scope-of-work for the Willow Flycatcher, and asked that this project be considered. He noted that the project cost was reduced by \$3,000.00 to \$30,000.00.

MOTION by Reed Harris to accept the 2009 Virgin River Scope-of-Work and added \$30,000.00 in the Other Species line item (#319) to fund the project.
Seconded by Chris Blake.
Discussion: None
Vote was taken: All voted.
Motion passed.

Kristen Comella commented that the Technical Committee must review the proposed budget, and it wasn't submitted to them. She also asked about funds for the Fire Management Plan that the TC is discussing.

Larry Crist asked for a placeholder in the budget for fire prevention and post-fire rehabilitation. Chris suggested a placeholder of \$50,000.00. Larry suggested at least \$100,000.00 to fund on-the-ground fire prevention, studies and post-fire restoration. Reed proposed a compromise of \$100,000.00 for research and preliminary work. Larry asked about monitoring existing study plots. Ann said that it is something that the TC wanted and should be monitored.

MOTION by Larry Crist to add \$100,000.00 for fire-related activities to the 2009 HCP budget.
Seconded by Chris Blake.
Discussion: None
Vote was taken: All voted.
Motion passed.

Jeff asked for a consolidated budget report.

Larry suggested that extra effort be made to fully involve the Technical Committee in future annual HCP budget preparations.

g. Status of a botanical garden partnership

Neither Chris nor Bob had anything to add and Marc was excused. Reed asked if we're going to go ahead with a partnership. Bob explained that the idea of a botanical garden partnership was still just a concept. Chris asked if the Water District needs to do this or do they just want to do it. Karl said he thought it was a want to not a need to.

No motion was necessary. Chris and Reed urged Bob to move forward and explore the partnership options.

h. 'Flex' schedule for HCP staff

Bob Sandberg introduced Exhibit 5-h-1 and explained that there are options for HCP staff to work something different than Monday-Friday 8-5. Reed said that the idea has merit and added that the State has gone to Four 10's.

Jeff asked if there was a county initiative. Bob said there wasn't and added that the County Commissioners wanted to know how the HCP felt about a flex schedule. Bob further added that HCP's intent was to have five-days per week coverage regardless of individual shifts. Jimmy Tyree commented that BLM's 'maxi-flex' schedule works well and that they actually have better coverage.

MOTION by Chris Blake to express that the HCAC has no preference as to the HCP staff work schedule.

Seconded by Jimmy Tyree.

Discussion: None

Vote was taken: All voted.

Motion passed.

i. Discuss geocaching in the reserve.

Larry asked if the HCAC hadn't discussed this before. Bob explained that the county adopted the RCDR Recreation Ordinance and there is reference to geocaching in Section 7-2-6, but the PUP (page 59) does not address such activity. Lynne Scott explained that the county ordinance permits geocaching in the reserve, but the person wishing to place a geocash must contact Snow Canyon State Park if the location is in the park, or the HCP administration if it is not. Lynne added that she recalls when she and Lori Rose worked on this, the BLM must also be consulted if the site is on BLM property, because BLM has its own set of rules and regulations concerning geocaching.

Reed expressed concern about geocashers straying off-trail and causing negative impacts to the habitat. Ann agreed and cited prior studies.

Chris asked, if a geocashers wish to place a geocash, whom do they go to, only to the BLM if they own the property, or also to the HCP administrator? Kristen said they go to the land manager. Lynne said the person goes to BLM if they are the land owner and they will coordinate.

There was no further discussion.

j. Snow Canyon State Park Project Scoping

1. Johnson Canyon parking lot expansion

Kristen gave a PowerPoint presentation beginning with the history of Snow Canyon State park, its size, visitation, and recreational and special use opportunities.

She said there is a need to expand the Johnson Canyon parking lot to accommodate visiting school groups and special events that require more parking than is currently available.

2. Snow Canyon education facility

Kristen talked about a new education facility, and its construction, staffing and maintenance. She said a partnership with ASIA (Arizona Strip Interpretive Association) could be helpful in staffing a future education center. Kristen cited the benefits of placing an education center in the area of Upper Galoot. The concept at this time is for an education center with combined office space, retail area, indoor and outdoor exhibits and an outdoor classroom. Building space is roughly estimated at 7,000 – 8,000 sq. ft.

Kristen referred to the Snow Canyon Resource Management Plan and explained that there are specific processes for these kinds of improvements, but she doesn't want to get deeply involved in those processes and have to come back to the HCAC for some reason. So, no HCAC action is necessary at this time; Kristen is seeking guidance from the HCAC and providing the information as a courtesy.

MOTION by Larry Crist to have State Parks and the Technical Committee work together in the planning process.

Seconded by Chris Blake.

Discussion: None

Vote was taken: All voted.

Motion passed.

Jeff Morby suggested joining partners to consolidate resources. Chris Blake suggested an HCAC work meeting to consider a joint education center and living museum.

Chairman Wilson instructed that a work meeting be scheduled to discuss a combined botanical garden/education center/living museum. A work meeting will be so scheduled for 9:30 A.M. on Tuesday, October 28, 2008.

k. Discuss Technical Committee membership – HCP amendment

The amendment to Section 6.2.4 of the HCP has not been prepared to remove the National Biological Service as a member of the Technical Committee.

MOTION by Chris Blake to continue this agenda item.

Seconded by Jeff Morby.

Discussion: None

Vote was taken: All voted.

Motion passed.

I. Land Acquisition Reports

No one had anything new to report.

m. Status of Red Hills Parkway Expansion

Larry said that he and Renee Chi have been working with Marc Mortensen and the City of St. George. The project is crawling forward.

n. Status of Ivins Detention Dam

Chris has been trying to meet with the Ivins City Manager (Judy Gubler) and the City Engineer (Chuck Gillette).

MOTION by Chris Blake to continue this agenda item.

Seconded by Larry Crist.

Discussion: None

Vote was taken: All voted.

Motion passed.

o. Administrator's Report

1. Update on developer fencing agreements

A. The Ledges

Bob Sandberg said that the final fencing agreement has not yet been completed. Carson Wooley has been trying to get a meeting with the development owners.

B. Entrada

Bob indicated that Bill Mader has been working with Brain Chadaz, the developer's representative, and trying to get a gap in the fencing closed. The development owner's have asked for a letter specifying the type and description of the fence that HCP is requesting, and their options. The requested letter will be sent.

6. OTHER BUSINESS

1. Next meeting was set for Tuesday, October 28, 2008. A work meeting will begin at 9:30 A.M. and the regular meeting will be at 1:00 P.M.

7. ADJOURN

There was no other business to discuss.

MOTION by Larry Crist to adjourn.

Seconded by Chris Blake.

Discussion: None

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 3:19 P.M.

Minutes prepared by Brad Young.