

# **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 **AUGUST 24, 2010.**

Committee members present were:

Chris Blake, Vice Chairman	Environmental Organization
Larry Crist	U.S. Fish & Wildlife Service (USF&WS)
Jeff Morby	Local Development
Reed Harris	Utah Dept. of Natural Resources (UDNR)
Marc Mortensen	Citizen-at-Large
Jimmy Tyree	Bureau of Land Management (BLM)
Bob Sandberg	Washington County HCP Administrator

Absent and excused was:

Karl Wilson, Chairman	Mayors Association
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Also present were:

Brad Young	HCP
Cameron Rognan	HCP
Mike Empey	Congressman Matheson's office
Marreen Casper	Senator Hatch's office
Kai Reed	Citizens for Dixie's Future
Alan Gardner	County Commissioner
Ann McLuckie	UDWR
Dawna Ferris-Rowley	BLM

## **1. CALL TO ORDER**

Vice Chairman Chris Blake noted that at least five committee members were present; a quorum existed, and he called the meeting to order at 1:04 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. July 27, 2010
- c. Next meeting date**
  1. September 28, 2010

Approved HCAC regular meeting minutes – August 24, 2010

**MOTION** by Larry Crist to approve the Consent Agenda.

Seconded by Jimmy Tyree.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

### **3. PRESENTATIONS**

None.

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

None.

### **5. GENERAL BUSINESS**

#### **a. Land acquisition efforts**

Vice Chairman Blake called on Jimmy Tyree to provide an update. Jimmy started by saying that his update also applied to agenda item 5-f-3. Jimmy explained that the status of BLM's application for funds from the Land and Water Conservation Fund is unknown, and probably won't be known for quite a while.

Bob Sandberg added that the letter from the county commissioners was sent to the Utah congressional delegation and that since then he has visited with Marreen Casper and Mike Empey. Bob has learned that Senator Hatch has sent a letter to the Secretary of the Interior supporting BLM's request. Also, Congressman Matheson is composing a similar letter. Mike Empey added that a letter from the full delegation will be worked on after the recess when the members return to Washington, D.C.

Jimmy Tyree noted that most of the preparations for sale of the first set of parcels identified for auction have been completed. The few remaining tasks can be accomplished without requiring additional funding.

#### **b. BLM planning update**

Jimmy Tyree told the members that there is not a lot of change since his last report. He added that BLM is reviewing the scoping report and will be submitting comments to the consultant in the next few weeks.

Jimmy further added that the alternatives development process will begin in late September. The various management partners and entities will be involved in the process. The process for developing the transportation plan is also progressing. Input on that will be included in the package being prepared for sending to the consultants.

There were no other questions or comments and the Vice Chairman moved the agenda.

**c. Review and discuss the 2011 HCP budget (HCAC)**

Vice Chairman Chris Blake explained that the county is in the early stages of developing the annual budget. Chris further explained that the committee held a work meeting this morning to discuss the proposed budget. Chris added that the bulk of the meeting dealt with land acquisitions, because in the formation of the HCP it was never intended that impact fees and the HCP budget be used for acquiring inholdings – that was left to the federal agencies through Section 6 funding and land exchanges. Chris further added that the members discussed the possibility that some HCP funds may be needed to help BLM with the costs of preparing lands for disposal.

Chris also explained that there appeared to be consensus in that the HCP administration should submit a bare bones operating budget, and in a separate category a list of things to accomplish, provided there is time and opportunity.

Reed Harris complimented Bob on his budget management, and Chris added that 2/3 of the year has elapsed, revenues are only 10% of the anticipated amount, and Bob has spent just 35% of the approved budget.

Bob asked about another budget work meeting in September. Jimmy suggested that there be another work meeting. The members decided to meet at 10:00 A.M. on September 28<sup>th</sup>.

**d. Review and discuss the 2<sup>nd</sup> Quarter Report**

Vice Chairman Blake opened the agenda item for comments, questions, or suggestions regarding the quarterly report submitted last month. Bob Sandberg also asked for any feedback from the committee members regarding the report, contents, or format. Larry Crist said the report does meet the needs of the Service, but as Renee continues her review of the HCP there may be some adjustments necessary.

There were no other comments or questions.

<p><b><u>MOTION</u></b> by Reed Harris to accept the HCP report for the 2<sup>nd</sup> Quarter of 2010. <u>Seconded</u> by Marc Mortensen. <u>Discussion:</u> None. <u>Vote was taken:</u> All voted aye. <u>Motion passed.</u></p>
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**e. Technical Committee report (C. Rognan)**

Technical Committee Vice Chairman Cameron Rognan began by stating that there were three issues upon which to report.

First, Cameron reported on the TC's progress with setting limits of acceptable change. Cameron explained that the TC has been working on this issue for some time and they have decided to backtrack slightly and begin with an established nine-step process that will result in a recommendation going to BLM.

Cameron next reported on the Red Hills Parkway expansion. The TC members have learned that a shoulder parking area on the west side of the roadway south of the Pioneer Hills trailhead will be eliminated. The members have discussed access points and parking for the areas near Pioneer Hills, Rusty Cliffs, and Pioneer Park. The TC has a field trip to the area scheduled for September 9<sup>th</sup>.

Lastly, Cameron reported on the proposal made to take 4<sup>th</sup> and 5<sup>th</sup>-grade students from Hurricane Elementary School into the Reserve. The TC has reviewed the proposal before handing it over to BLM. The TC's recommendations include, at least initially, having an HCP representative participate in the field trips, limit group size, and the school providing an appropriate adult-to-student ratio.

Chris Blake asked what setting limits of acceptable change really means. Cameron explained that it is protecting habitat for tortoises and allowing recreational opportunities; essentially resolving conflict. Cameron added that setting limits of change are intended to trigger management actions. Cameron briefly described the nine-step process.

There were no other questions or comments and the Vice Chairman moved the agenda.

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

**1. Interlocal Agreements/Ordinances update**

Bob reminded the members that, in her HCP review, Renee Chi had brought up the issue of Interlocal agreements and the ordinances as required by the HCP. Bob explained how a suggestion had been made to contact the county attorney's office to talk about ordinances and the county's jurisdiction. The attorney's question is what authority does the county have from the HCP and do we really want to push it? The county attorney's office has requested copies of the Interlocal agreements, which we have, except for Hurricane City and Apple Valley.

Bob explained that all of the agreements are nearly the same. In the agreements the cities have agreed to abide by the HCP and to set and collect impact fees. Bob elaborated and added that in signing the agreements the cities have agreed to be bound by the provisions of the HCP and to support and further preserve and protect desert tortoises. Bob further added that the agreements do not specifically say that the city will join in the tortoise surveys and clearances, but it is clearly insinuated. Bob noted that it is not necessary that some of the cities adopt tortoise protection related ordinances. An example cited was LaVerkin is not expected to pass a speed limit ordinance because no portion of the Cottonwood Road or Tuacahn Road is in LaVerkin's city limits. Bob will continue his review of the expected ordinances.

Chris Blake asked if the county has sample ordinances that could be provided to the cities. Bob will follow up on that as well.

2. Recovery Implementation Teams

Bob informed the members that the HCP office had recently received a call from Dr. Catherine (Cat) Darst asking for contact information for the HCAC members. Cat explained that she was going to contact the HCAC about being a Recovery Implementation Team pursuant to the Revised Desert Tortoise Recovery Plan.

Larry Crist noted that some representation from the Technical Committee on the team would be appropriate. He added that the biological input would be valuable. Reed Harris commented that recovery programs that he's familiar with have two levels – an administration committee that deals with policy and a technical committee that deals with the day-to-day biology. Reed asked about the role of the Recovery Implementation Team – is it project planning or implementation? Larry said that he feels that it may be both and that is why representation from the TC would be welcome. Larry added that the details will be ironed out during the process.

3. LWCF funding request support

This agenda item was previously discussed. See item 5-a on page 2.

4. Seeding the PacifiCorp line

Bob explained that the reseeding of the disturbed areas is scheduled for this fall. Bob has had discussions with the contractor and the consultant, and the seed mix has been reviewed by the TC. The consultant is trying to determine the availability of the seed specified in the mix. The seeding will likely occur in October.

5. Zone 4 mining issue update

Bob updated the committee on the status of the incident. He explained that BLM law enforcement has issued citations and an initial court date of August 30<sup>th</sup> has been set. Bob will keep the committee updated periodically.

6. Blood testing nine tortoises for translocation

Bob explained that nine tortoises have been blood tested and the results are due soon. Depending on the test results, and after conferring with UDWR, the tortoises will be translocated. Reed asked if they would be translocated to Zone 4 – yes and perhaps two of the nine may go back into the Reserve. One of those two is from the Ivins area, but before it can be returned there is a fencing issue that needs to be resolved.

Reed further asked about the safety of tortoises in Zone 4 in light of the mining activity that has occurred. Ann McLuckie answered by saying that there are tortoises in the area

where the blading took place. Jimmy Tyree added that the mining claimant must abide by the protocols to prevent harm to tortoises or other sensitive species. Bob mentioned that translocated tortoises have been placed in other areas within Zone 4 away from the claimant's activities.

Reed asked about the water wells in the area and access to those sites by the Washington County Water Conservancy District (WCWCD). Ann explained that the well sites are on the east side of Zone 4 and are typically accessed using public roads.

Jeff Morby asked about the extent of the mining claims. Bob explained that there were some patented claims and some of those were purchased, some by UDNR, and other claims were withdrawn. In this particular instance there is one claimant and two separate claims. Reed asked about the claimant's intentions – is it to actually mine minerals or just to keep the claim open until we purchase it? Jimmy said that he wouldn't speculate on the claimant's intentions, but the claimant is just doing the minimum to keep the claim active, there is no mining production.

There were no other questions or comments and the Chairman moved the agenda.

**6. PUBLIC COMMENT & REQUEST FOR FUTURE AGENDA ITEMS**

This item is reserved for items not listed on this agenda. No action may be taken on a matter raised under this agenda item. (Three minutes per person.)

Vice Chairman Blake invited the public to comment or request future agenda items. No one came forward and the Vice Chairman moved the agenda.

**7. OTHER BUSINESS**

**a. Red Cliffs and Beaver Dam Slope NCAs manager**

Jimmy Tyree informed the committee that since the last meeting Dawna Ferris-Rowley is no longer the Assistant Field Manager, but instead is now the NCA manager. The committee congratulated her on her new duties.

Reed asked about the duties and responsibilities of a NCA manager and invited Dawna to provide a brief presentation next meeting.

**8. ADJOURN**

**MOTION** by Marc Mortensen to adjourn.

**Seconded** by Jimmy Tyree.

**Discussion**: None.

**Vote was taken**: All voted aye.

**Motion passed**.

The meeting was adjourned at 1:39 P.M. Minutes prepared by Brad Young.