

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 **APRIL 24, 2012**.

Committee members present were:

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| Karl Wilson, Chairman | Mayors Association |
| Chris Blake, Vice Chairman | Environmental Organization |
| Chris Hart | Local Development |
| Bob Sandberg | HCP Administrator |
| Marc Mortensen | Citizen-at-Large |
| Reed Harris | Utah Dept. of Natural Resources (UDNR) |
| Larry Crist | U.S. Fish & Wildlife Service (USFWS) |
| Jimmy Tyree | Bureau of Land Management (BLM) |

Also present were:

| | |
|-----------------|--|
| Amber Stocks | HCP - Recorder |
| Cameron Rognan | HCP - Biologist |
| Alan Gardner | County Commissioner |
| Tim Croissant | Technical Committee (TC) Chairman |
| Ann McLuckie | Utah Division of Wildlife Resources (UDWR) |
| Mike Empey | Congressman Matheson's Office |
| Marreen Casper | Senator Orrin Hatch's Office |
| Eric Clarke | Deputy County Attorney |
| Kristy Bianiz | Citizens for Dixie's Future |
| Lisa Rutherford | Citizen |
| Paul Van Dam | Citizen |
| Craig Shanklin | Friends of Snow Canyon State Park |
| Kristen Comella | Snow Canyon State Park |
| Eric Holt | JBR |

1. **CALL TO ORDER**

Chairman Karl Wilson noted that a quorum existed and called the meeting to order at 1:00 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. March 27, 2012
- c. **Next Meeting Date**
 1. May 22, 2012

Approved HCAC Meeting Minutes – April 24, 2012

d. Declaration of conflicts of interest

Chairman Wilson suggested that the agenda be changed to move item 5-d to the beginning and to move 3-a and 5-a below 5-d.

MOTION by Chris Hart to approve the consent agenda with the changes noted.
Seconded by Chris Hart.
Discussion: None.
Vote was taken: All voted aye.
Motion passed.

5. GENERAL BUSINESS

d. Discussion of properties inside the Reserve for acquisition

Bob Sandberg showed exhibit 5-d-1, a map of the land status within the Reserve. Jimmy Tyree explained the BLM is ranked fourth in the country to receive \$4 million from the Land and Water Conservation Fund (LWCF) in 2013. The BLM plans to distribute those funds proportionately to inholdings within the Reserve, based on appraised values. The BLM has been told that they will continue to receive LWCF money yearly until the purchases are complete.

In addition, the BLM is working with Mr. Brennan and Mr. Carter (who have inholdings in the Reserve) on some land exchanges. The BLM has seven parcels, just less than 100 acres, in St. George to auction within the next 12-18 months. The money generated from these auctions will be put towards the inholdings. Reed Harris stated the Reserve inholdings are too expensive and cannot all be bought out. Land exchanges need to be done for ELT and SITLA. Jimmy replied that SITLA is pursuing a different option and the committee reviewed the property ownerships shown in exhibit 5-d-1.

3. PRESENTATIONS

a. Silver Reef Historic Trail

Chris Blake explained that the Leeds Historical Society approached the Virgin River Land Preservation Association with hopes of receiving help on a trail project. Exhibit 3-a-1 shows some interpretive work the Society has done along with a White Reef map. The Historical Society would like to connect their trails to White Reef, ensuring that they are continuous trails. The Historical Society would like to have their board and interns meet with the TC to coordinate trail designs for the area. They are prepared to design the trails in 2012 and build them in 2013. Chris Blake explained the Leeds Historical Society has ideas of where they want the trails to go but they will not design them until their interns arrive in the late spring.

5. GENERAL BUSINESS

a. Silver Reef Historic Trail

Bob Sandberg explained the trails in White Reef are existing trails that have gone through the TC and which the BLM has identified as designated trails. Stepovers have been provided to access those trails from outside the Reserve. Chris added the Historical Society doesn't want to work in the Reserve; they just want to tie their trails into the already existing Reserve trails.

Jimmy Tyree stated these trails will need to be considered in the BLM planning process. The Historical Society has been working with the BLM on including those connections to make sure they are part of the Red Cliffs National Conservation Area (NCA) Resource Management Plan (RMP). Chris stated that meeting with the TC will help train the interns and make sure that they don't put the trails in the wrong place.

Larry Crist commented there are endangered plants in the area which the TC should consider. Bob Sandberg added that before the fences were placed there were issues with vehicles coming into that portion of the Reserve and there are still people who occasionally cut the fence. The BLM ranger and HCP Field Technician repair the fence when needed. Law enforcement has been involved and vehicles illegally entering the Reserve has decreased. The TC discussed the areas with listed plant species when the fence was put in. Bob mentioned the plant species were considered and will still be considered with the Leeds Historical Society. Bob felt it would be good to have the TC coordinate with the Historical Society to ensure that the trails connect for people to access the Reserve on identified trails.

MOTION by Chris Blake to allow the interns and people associated with the Leeds/Silver Reef trail to meet with the Technical Committee and our staff to coordinate proposed trails in the Silver Reef Mining area.

Seconded by Marc Mortensen.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

b. Discussion of Fieldtrip to Firebreak Project

The HCAC went on a fieldtrip to Cottonwood Road and Bob Sandberg reported on what the committee saw. At the beginning of April the D'Goat Ranch had their goats begin grazing along the sides of the road in an attempt to widen the footprint, serving as a better firebreak. Inmates have also been helping by weed-whacking the area. The goats are doing a better job for a firebreak; however, both are making a difference and there should be less chance of a fire spreading from the road. The fieldtrip was a good opportunity to compare the two methods to help decide if these options should be continued in coming years.

Chris Blake mentioned his surprise by the amount of fire load in the Reserve. Chris was pleased to see the noticeable difference the goats and inmates are making and he wondered if there are ways to make other firebreaks within the Reserve. Reed Harris agreed more should be done with respect to fire and this may need to be approached in a more aggressive way. While some may like to take incremental steps, Reed doesn't want the Reserve to burn in the interim. There haven't been many alternatives other than weed whackers and goats but there needs to be a balanced approach so the goats won't rip up every piece of vegetation. Pete Kuhlman, Washington County Emergency Services director, stated during the fieldtrip that wetting the ground could slow down a fire. Reed noted that fires and land ownerships are the two big issues in the Reserve.

Jimmy Tyree reported the BLM is working on a RMP for the Red Cliffs NCA. In the alternatives the BLM is trying to determine what flexibility is needed for different brome management strategies. The BLM is looking at different things along with research which can be implemented and instigated. Tim Croissant added the BLM is looking at using herbicides and different methods of reseeding to improve the success rate of seeding, which may give cheat grass a natural suppression.

Jimmy stated the BLM is working with FWS. Larry asked if other options have been looked at with herbicide use and how soon that tool would be ready to use. Jimmy replied the BLM needs to visit the issue from a workload standpoint in regards to National Environmental Policy Act (NEPA) work that needs to be done. BLM staff is currently stretched thin and focused on completing the planning effort. They could talk about it from a priority standpoint and whether or not something can be initiated prior to the RMP completion.

Ann McLuckie stated that other methods are being researched including the five fingers of death (A fungus which renders the seed unviable). The goats are great but they're also creating a fantastic seed bed for cheat grass next year. Now that goats have been used there is an obligation to continue to use them until the seed bed is gone. Bob explained that using the goats could create a more conducive seed bed unless something else is started. This seed bed will go away after a few years. Ann added the disturbed soil needs to be sprayed as it becomes a great place for new seeds to grow.

Kristen Comella stated that about three years ago the TC worked with Color Country Fire and came up with a priority list of corridors and options for fire control. Nothing ever happened with the proposal due to a multitude of different factors, including funding. Reed Harris stated there is a lot of risk in not moving forward. If there are alternatives out there which include research, the HCAC should look for ways to fund it.

Bob mentioned that Agriculture Research Service (ARS), USGS, BLM and universities were all involved with this plan. There was difficulty in accomplishing the plan due to limited time to obligate funding. There were disagreements and the funding was lost. Bob added there are things that can be done without becoming too large of a project. Mojave Desert Initiative (MDI) is doing a lot of work along with universities on the five fingers of death and other things. The HCP has been working with ARS and DWR at

the Turkey Farm to put in 2,000 plants in a plot. ARS planted a dozen different types of plants and is very interested in doing more work next fall and spring. The HCAC can gain from their knowledge and expertise and ARS wants to develop more of their own expertise with which plants will establish in this environment.

Jimmy stated the BLM wants to use native species as much as possible. It may be worth trying to revive the previous plan and pull out parts that would be worth trying. During the last MDI meeting, Ron Bollander was asked to follow up on that plan and see if there are portions that could be revived. Reed stated the HCAC and the TC should be able to decide and implement those things that are chosen.

Chris Hart stated it would be good for the TC to give recommendation as to which procedures would be practical to consider. Larry added there has been a great start with the weed whackers and goats. The TC has prioritized ideas and it wouldn't be a big step to see where we stand.

Bob mentioned that a budget has been provided to hire inmates and pay for the goats. The HCP can do whatever the TC feels is a priority and whatever the BLM and NEPA will allow. Whatever is decided upon will remove the fire fuel and allow the herbicide to get into the ground, effectively reducing the germination of cheat grass. Kristen stated it may be good for the TC to assign a point person to help get to the next step. Reed stated the point person should be Bob's responsibility as HCP Administrator. If he overspends the budget trying to cure a major problem in the Reserve, he can come to the HCAC and get the budget expanded.

Jimmy stated the BLM should discuss from a workload standpoint the feasibility and authority the BLM has to do certain work in the NCA. Bob explained the HCP has been operating on Tim Croissant's EA to put the goats on the Cottonwood Road right-of-way. Reed suggested that additional work might be done by doing a supplement to the current EA. Jimmy replied it would be something that would need to be discussed between the BLM and FWS. Chris Hart stated the structure is already in place. Bob is the point man, the HCAC is a County resource and assignments can be made. The TC felt they have access to enough information and studies to determine further priorities.

Jimmy Tyree left at 1:55 p.m.

**c. Discussion and possible action on James Doyle's proposal
continued from 3/27/12**

Chairman Wilson stated the board members present during the previous meeting wanted the BLM and the FWS to have input before finalizing a decision on Mr. Doyle's request and to concur with previous discussion. Reed Harris summarized the previous meeting, stating that Mr. Doyle gave a presentation in January but the HCAC does not feel it is responsible to use HCP funds which have been set aside for running and operating the Reserve to fulfill Mr. Doyle's request. The County's responsibility is to

fund and operate the Reserve; therefore, that should be the HCAC's focus, to use those funds for that purpose and not for buying land. Larry Crist agreed with this approach.

Reed continued, it is the federal government's responsibility to purchase the lands and it is the HCP's job to facilitate when possible. Larry added the HCP was set up with the idea that the County would operate and maintain itself through impact fee collections. There was commitment from federal agencies to try to acquire the properties necessary. Larry agreed that HCP funds need to go towards operating and maintaining the Reserve, such as fighting fire as opposed to acquisition of properties with the limited budget available. The FWS has had initial discussions with the Washington office about how to move forward with renewing a HCP. The easiest thing to do would most likely be some type of renewal. If the HCP expires and must be re-written, there will probably be requirements similar to other current HCPs which make the communities responsible for land acquisition.

Chris Hart stated it would be good to know what FWS is doing, or what they can be doing to acquire these inholdings. Larry responded the FWS has put forth a significant effort, contributing about \$45 million for land acquisitions and the BLM contributed another \$40-\$50 million. From conversations Larry has had with the Washington office and from the limited amount of funding and the number of priorities that are out there, it is unlikely this HCP will see any more Section 6 funding. The FWS has supported the BLM and we are lucky there is money coming through the LWCF. More applications for Section 6 money can be made but there is a low probability of success.

Commissioner Gardner addressed the HCAC and stated that he appreciates all the efforts that have been made at this point. He added that he has problems shifting this responsibility back to the County. There should have been a bigger effort on the front end with some money or something else. These lands are a whole lot more expensive than they were when the HCP was started due to inflation and everything else that caused property values to go up considerably. He reiterated that he has some real issues with shifting that responsibility back to the County.

Larry Crist stated he does not propose to shift that responsibility. As we look to the future at the end of the permit, there is quite a bit of *take* left in the existing permit and we could look at pursuing a path of extending the existing permit as opposed to creating a brand new one. There is no guarantee but we can move in that direction.

Commissioner Gardner added that maybe the current property owners need to be leaned on more to look for exchanges. If the new permit looks at shifting the acquisition responsibility to the County, Commissioner Gardner would have some real issues against it. It's time to start looking at renewing the permit and hopefully it won't take as long as it did last time (5 yrs). He stated that SITLA will probably need a major land exchange and the County will not have enough money to acquire it.

Bob stated his concern with the FWS and the BLM not having enough money for acquisition. That would leave us with land exchanges as the only option and exchanges

take a long time along with frustration from property owners. Commissioner Gardner addressed the exchange issue. Washington County is very difficult for land exchange because of many problems with cultural resources and other things. A lot of the better ground has already been exchanged so we may need to look outside our area.

Larry stated it is more difficult to do land exchanges across state lines but it may not be impossible. Reed added that given where our country is today with budgets, it seems land exchanges are the only way to accomplish this purpose; we can't spend our way out of it. As a former FWS employee, Reed felt the FWS hasn't given enough support in the last five years from the Washington D.C. level. He continued, this is their HCP and they need to support it. If LWCF is received yearly and if it continues to help Mr. Doyle, Mr. Carter, and Mr. Brennan, then maybe they'll be willing to accept it short term until a land exchange can be done.

Marc Mortensen asked if 20 years ago when the permit was put together it was expected that not all properties would be acquired by the expiration date of the permit. Bob answered the expectation was that all would be acquired before the end of the permit. They may have been overly optimistic, yet they felt it was going to happen in the first five to ten years. They also thought the NCA was going to happen in five years.

Commissioner Gardner stated that one of the issues with the appraisals came from some North Western states who threw a monkey wrench in any of the exchanges. All appraisals had to go through Washington D.C. and it really gummed up the works. Reed added the land value has gone up ten times what it has been in the past. When the HCP was originally done it felt like the land inside the Reserve could be purchased for about \$20 million and now it's closer to \$90 million. The County has met their obligations by obtaining the funds they said they'd acquire.

Chairman Wilson summarized, the HCAC had a work meeting and this is the third meeting this has been discussed. A lot of information has come out and there is a consensus from the board and the County as to what this County HCP should and should not do with the funds.

MOTION by Chris Blake to respond to Mr. Doyle's request that the HCAC take action and regrettably decline; it is not the responsibility as an HCAC or the County to acquire lands. It is the federal government's responsibility.

Seconded by Chris Hart.

Discussion: The committee recommended that the County respond to Mr. Doyle. Chris Blake noted that the HCAC is a recommending body and this is the County's permit.

Vote was taken: All voted aye.

Motion passed.

Chris Blake noted that the federal government is working diligently on this and has been for years. They have not ignored this issue. Chris Hart mentioned that the point has

been made repeatedly that any attempt made to satisfy one land owner should apply to all land owners equally. Reed Harris added the BLM has the right approach with respect to any funding they get from the LWCF that should be divided up according to how much is left in the Reserve on a percentage basis.

e. Technical Committee Report (T. Croissant)

Tim Croissant reported the TC had a fieldtrip which was postponed until the May meeting. The committee discussed the City Creek trail connector which the TC previously recommended would stay next to the highway and not enter the Reserve on the North side of the highway. Engineers feel there may be some health and safety risks with the trail that close to the highway and have proposed a trail which would be approximately 200 yards within the Reserve. The TC looked at the pros and cons (shown in the TC minutes) and still prefers the original alignment but wants an independent assessment from another engineer for alternate advice.

In a previous meeting, Kristen Comella had been tasked with adjusting the seasonal closure with Johnson Canyon to protect the biological resources there. The TC suggested reducing the total closure by six weeks from March 15th through September 15th. Chairman Wilson noted the TC may make a formal recommendation to the HCAC.

The TC discussed mitigation for the Red Hills expansion project. The TC prefers to use the old dumpsite off Cottonwood Road as mitigation. This site has previously been used as mitigation and the TC is trying to determine if it can be used twice for mitigation. The BLM is looking at revisiting the previous mitigation efforts to see if the terms and conditions were met. Mark Mortensen inquired about other mitigation used with the Red Hills Parkway. Bob Sandberg answered the identified mitigation was not enough to satisfy the whole need of the project. This restoration is mitigation from temporary impacts and was identified early on in the Biological Opinion (BO). In looking at it, the TC felt the old dump site would make more sense for reclamation and rehabilitation than the Pioneer Hills trailhead area, which was originally identified for reclamation in the BO.

The TC briefly discussed the Eager mining claims, which basically has no further progress. Tim expressed his need to work with Nathan Brown on the consultation to make sure that Mr. Eager is doing everything legally. Mr. Eager has agreed to not do any work during the active season so this is currently on the back burner.

The TC discussed trail work that will be done July 21st through tortoise habitat in Springdale on City land. Reserve staff will help with tortoise and construction related issues.

The last item the TC discussed was the weeds along the fence on Cottonwood Road. This is something the BLM needs to address. The TC suggested alternative resources for dealing with the weeds including trail stewards or school kids to help pull tumble weed when it comes up. Seeding strategies for the disturbed area was discussed along with what seed mixes might survive there.

Reed asked if there was discussion about widening the corridor along the roadway by using goats. Tim replied the EA covers 50 feet from the edge of the road. In retrospect it should have been done much wider. Reed asked in areas where the road is narrow if work can be done beyond the fence. Tim replied the right-of-way (ROW) is not a permanently defined ROW and is not well defined. Some of the improvements the County has done to maintain the road go out wider than where the fence is located. The fence line was simply built to follow pre-existing fence lines which are old range fences and the goats can graze on the habitat side of the fence, as long as they are within 50 feet of the road.

f. Administrator's Report (B. Sandberg)

1. HCP revenues and expenditures report

Bob Sandberg showed exhibit 5-f-1, the revenues and expenditures report and explained the HCP has spent over \$114,000 this year and has received a little over \$5,000 in revenue as of the end of March. There is expectation that this will change and balance out as more revenue comes in. Chairman Wilson noted from the original budgeted amount for 2012, the HCP has spent 8.8% of the budget. The budget has been run very well and fund equity has been decreasing slower than was last projected. Bob replied the HCP is still within budget but is spending more than what is brought in. This has been the way that the HCP has operated since 2008. Chris Blake reminded the committee that generally cities will not submit their quarter report until after the quarter is over, and Bob said the real picture is not quite this bleak.

2. 1st quarter 2012 report

Bob showed the 2012 1st quarter report to the committee and asked that the committee review the report and discuss it for approval at the next meeting.

3. Agricultural Research Service Plots

Bob noted that he previously explained the ARS plots in agenda item 5-b. Bob further explained that ARS made a miscalculation because they don't have experience dealing with Southern Utah desert. ARS is very experienced and knowledgeable with the Great Basin ecosystem. When they planted in the Turkey Farm area they used a polymer in the hole to absorb the moisture and then release the moisture slowly and keep the plant irrigated for a longer period of time. It rained while they planted and it rained again not long after they planted. The polymer in the sandy soil continued to absorb moisture and it popped those plants out of the ground like the thermostat on a thanksgiving turkey. HCP staff tried to salvage the plants and push them back into the ground, pulling out some of the polymer. There are some plants that are still surviving but there was a high mortality rate. ARS felt discouraged but wants to try again. They used multiple species, mostly native. They want to evaluate everything and find out what will survive and what can be planted. Then they want to expand to find out the best method for planting from containerized plants and from seeding (broadcast seeding, drill seeding etc.). ARS is

very interested in working in the Mojave Desert. They also have a plot on the Beaver Dam Slope that is not sandy like at Turkey Farm which gives them two different sites to compare.

4. HCP review and modified incidental take areas

Bob reported the FWS is working on a review and renewal of the HCP. As a result of that and from the experience the HCP has had from operating and doing clearances, there are known areas not included in the original *take* areas that have tortoises. There is also potential habitat that has been identified. The HCP allows us to modify take areas if our knowledge of tortoise habitat and known occupied locations improves. Cameron Rognan, the HCP Biologist has done a huge amount of work investigating potential habitat areas to determine whether they have tortoises or not. As part of this review process, there may be some modifications to the *take* areas.

Reed asked if those *take* areas are contiguous with the Reserve. Bob answered most are disbursed throughout the County. Cameron added most of the original *take* areas were next to the Reserve but a lot of the new ones will be further away from the Reserve. One of the main ones is by Bloomington in the Gap area. There are a lot of tortoises out there that were never known about 20 years ago. Reed asked if it makes sense to save those populations that are not contiguous. Cameron stated there are some populations that may be worth just keeping intact if there is no threat of development. There are others that will probably be developed and should become *take* areas so they can be moved to the Reserve or another safe area.

5. NAU trail monitoring

Bob reported that Northern Arizona University (NAU) completed their annual trail monitoring. Their reports will help us understand how to better manage trails and recreation.

4. UTILITY AND DEVELOPMENT PROJECTS

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.)

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

7. OTHER BUSINESS

8. ADJOURN

MOTION by Chris Blake to adjourn the meeting.

Seconded by Marc Mortensen.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 2:45 p.m.

Minutes prepared by Amber Stocks.