

# 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 **October 23, 2012**.

Committee members present were:

Karl Wilson, Chairman	Mayors Association
Chris Blake, Vice Chairman	Environmental Organization
Henry Maddux	Utah Dept. of Natural Resources (UDNR)
Larry Crist	U.S. Fish & Wildlife Service (USFWS)
Marc Mortensen	Citizen-at-Large
Bob Sandberg	HCP Administrator
Dawna Ferris-Rowley	Bureau of Land Management (BLM)

Absent and excused:

Chris Hart	Local Development
Jimmy Tyree	Bureau of Land Management (BLM)

Also present were:

Amber Stocks	Washington County HCP - Recorder
Cameron Rognan	Washington County HCP – Biologist
Alan Gardner	Washington County Commissioner
James Eardley	Washington County Commissioner
Tim Croissant	Technical Committee (TC) Chairman
Ann McLuckie	Utah Division of Wildlife Resources (DWR)
Kristen Comella	Snow Canyon State Park (SCSP)
Nathan Brown	U.S. Fish & Wildlife Service (USFWS)
Jodi Borgeson	County Attorney's Office
Jane Whalen	Citizens for Dixie's Future
Jim Raines	Bush and Gudgell

## 1. **CALL TO ORDER**

Chairman Karl Wilson called the meeting to order at 1:00 p.m. noting that a quorum was present.

## 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. September 25, 2012
- c. **Next Meeting Date**
  1. November 27, 2012

**d. Declaration of conflicts of interest**

**MOTION** by Chris Blake to approve the corrected minutes.  
Seconded by Larry Crist.  
Discussion: None.  
Vote was taken: All voted aye.  
Motion passed.

**3. PRESENTATIONS**

a. None

**4. UTILITY AND DEVELOPMENT PROJECTS**

a. None

**5. GENERAL BUSINESS**

a. **Parking Lot and Sand Dunes Restoration Discussion & Possible Action**

During the September HCAC meeting the committee requested to have the TC review the Snow Canyon State Park (SCSP) parking lot and sand dunes restoration proposals. Tim Croissant, chairman of the TC, informed the HCAC of the TC's fieldtrip to the proposed areas. Tim read the proposals and the TC's recommendations (exhibit 5-a-1 which included supporting the parking lot expansion but not supporting the sand dune expansion). He also showed exhibit 5-a-2, imagery of the dunes during 1977 and 2011.

Commissioner Gardner addressed the HCAC and stated the commission is disappointed in the TC's recommendation. Although the dunes don't need to be as large as originally identified, the commission would still like to see them expanded. He requested to have the TC re-evaluate the original proposal and come up with a compromise.

Henry Maddux responded that although it is unknown what happened early on (between 1938 and 1952), the dunes have been nearly the same size since 1977. Commissioner Gardner added that the dunes aren't as enticing as they used to be. There is brush growing inside the current dunes structure and the parking lot is further away, forcing people to walk through the brush to get to the dunes. The original parking was alongside the road.

Larry Crist felt that whether 15 acres or 33 acres are expanded there is the same problem. There should be no incidental *take* within the Reserve, however, maintaining the dunes to avoid vegetation encroachment could be utilized to achieve some of the

objectives. Ann McLuckie added the TC feels okay removing invasive native and non-native plants with hand tools. The TC also approved expanding the roadside parking from three stalls to nine. She explained that the TC looks at proposals but doesn't create proposals. Nathan Brown added that maintaining the dunes isn't considered *take*.

Marc Mortensen felt it would be good to clear the vegetation from the parking lot to the dunes. He asked if tortoises can burrow in the sand. Ann answered that tortoises can burrow in sandy areas and some sand can be stable.

**MOTION** by Chris Blake to have the HCAC make a fieldtrip to the sand dunes before any action is taken.

Seconded by Larry Crist.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

Henry added that although Kristen Comella has recused herself from the TC recommendation, he would like to have her attend the HCAC fieldtrip because she is the Snow Canyon State Park manager.

#### **b. Toe Trail Access Discussion & Possible Action (Walt Plumb/TC)**

Jim Raines from Bush and Gudgell represented Walt Plumb, a developer in Ivins. Jim explained that less than two acres of the developer's land (shown in exhibit 5-b-1) is behind the existing HCP tortoise fence. HCP maps include this piece of property but it is private property. Mr. Plumb is willing to donate this land to the Reserve in exchange for a stepover which would connect Toe Trail to a city park south of his property. This amenity would be available to the public as well as an asset to his development. If this is not desired, he would like to have it cleared of tortoises and re-fenced.

Bob Sandberg explained that the HCP maps include this property but the County Recorder's office shows it as private property. It belongs to Mr. Plumb and it is on the tax rolls. Bob added that he could not find any records with agreements for this land.

Chris Blake explained that maps today are better than when the Reserve was fenced. At the corner of the triangular piece of land there is a wash. Chris suggested that the boundary was meant to follow the wash. (The recorder didn't pick up what he had to say here, it was muffled). Bob added there is a survey marker at the north east corner of the property and the fence does not come to that corner. The actual description from the county recorder takes the property to the section corner and back along section line. Cameron Rognan stated the HCP document lists and shows 1.5 acres of property that was originally owned by Weston Hafen Family who sold it to the Hart development. While it is included as a part of the Reserve, it is still privately owned.

Bob talked with Ivins City who is willing and prepared to insure public access from the City Park to the Reserve prior to approving the development of the property.

**MOTION** by Marc Mortensen to approve the land donation as described with incorporating the TC recommendations as proposed in this document (exhibit 5-b-1).  
**Seconded** by Chris Blake.  
**Discussion:** Marc read the TC recommendation.  
**Vote was taken:** All voted aye.  
**Motion passed.**

**c. Land Acquisition Update (Dawna Ferris-Rowley)**

Dawna Ferris-Rowley reported that congress has not decided yet how much Land and Water Conservation Funding (LWCF) will be available in 2013. The BLM is poised to receive some LWCF. The BLM is under a continuing resolution for federal budget dollars. The office of management and budget has given the agency supplemental information on how to proceed. They have been told to stay on course until something happens in January.

For land exchanges, the BLM is working on mineral reports. The BLM's geologist has looked at the mineral potential on exchange tracts and the BLM is still working through cultural resource related issues. There will be notification of the grazing permittee concerning the exchange parcel since the BLM is required to give notification two years in advance of a possible disposal.

**d. Technical Committee Report (Tim Croissant)**

Tim Croissant reported that the TC went on a fieldtrip to SCSP to look at the sand dunes, parking lot and Toe Trail issues discussed in agenda items 5-a and 5-b. During the regular TC meeting the committee talked about these issues and then discussed the Ivins detention basin. The city of Ivins is moving forward with their flood control structure. Initially they were authorized a 12 foot wide access route to deposit their fill material. This would allow for only one truck to go in at a time. Ivins would like to widen the access route to 24 feet in some areas to allow for two-way truck access. This would help the project move along much faster, would be more efficient and would reduce the duration of the disturbance. A silt fence will be put in place to keep the tortoises out of the construction area. The route will not cause any disturbance to vegetated areas, or to places that would not recover quickly from disturbance. The TC briefly discussed mitigation for this project.

The TC talked about some erosion damage in a wash near Abigail Park in Ivins. There is a proposal to build a 160 foot rip-rap wall, four feet tall with basalt boulders and to remove two desert willows from the wash. The wash is on the edge of the Reserve and

building a rip-rap wall would protect some housing developments there. The TC looked at this as a utility development project and approved the proposal as long as they follow the UDP.

In the November HCAC meeting, Nathan Brown, with the FWS, will give a presentation on calculating tortoise compensation ratios based on the Managers Oversight Group (MOG) document. This is in response to the HCAC's request in September to better understand the ratios and methodology behind them.

Lastly, the TC discussed the Back Country Horsemen's (BCH) proposal for a new stepover design to be placed at four different trailheads in the Reserve. The TC looked at the design and approved it and the BCH has now installed all four stepovers.

**e. Administrator's Report (Bob Sandberg)**

**1. HCP revenues and expenditures report**

Bob Sandberg showed exhibit 5-e-1, the revenues and expenditures report. The balance sheet shows the expenses exceed the revenues, however, after this report printed the current impact fees report shows that for the first time in four years the revenue exceeds the expenses. There are still six cities that need to send in their impact fees for the third quarter. The HCAC requested a meeting at the beginning of the year to better understand the financial report and 2013 budget.

**2. UT/AZ workgroup meeting**

Bob Sandberg mentioned that the Utah and Arizona workgroup of the Northeast Mojave Recovery Implementation Team (RIT) met in Las Vegas for a productive two day workshop. This was the first RIT meeting with the entire recovery team. The RITs were broken out into workgroups. The UT/AZ RIT has four subunits and was not able to get through all the material as it was a challenge to get through all the recommended recovery implementation projects that had been submitted. The RIT tried to talk about every recommendation that would help recover desert tortoises. Discussions were very involved and detailed. The FWS Desert Tortoise Recovery Office is going to work through some redundant suggestions from subunit to subunit. This RIT doesn't necessarily affect the Reserve, but it does affect the rest of the County's tortoise habitat. The RIT for the Reserve is scheduled to have their two day workshop on December 12<sup>th</sup> and 13<sup>th</sup>.

**3. 3<sup>rd</sup> quarter report 2012**

Bob Sandberg presented the 3<sup>rd</sup> quarter report for 2012 to the HCAC for their consideration and will request approval during the next HCAC meeting (exhibit 5-e-3).

**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**

Bob Sandberg shared a map of Confluence Park, exhibit 7-a-1. The Park had an official park opening celebration on September 24, 2012. The Park now has a parking lot, restroom facilities and a kiosk. Chris Blake requested to have Confluence Park added to the next HCAC agenda to discuss how to acquire an additional parcel for the Park. There is also a possibility to acquire water for irrigation of the recent restoration efforts. Henry Maddux added that the Park is a great asset to the County.

**8. ADJOURN**

**MOTION** by Larry Crist to adjourn the meeting.

Seconded by Chris Blake.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 1:47 p.m.  
Minutes prepared by Amber Stocks.