

# **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 **February 26, 2013**.

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
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
Tim Croissant	Bureau of Land Management (BLM)
Ann McLuckie	Technical Committee Chairman (UDWR)
Kristen Comella	Snow Canyon State Park (SCSP)
Ellen Schunk	Congressman Jim Matheson's Office
Gary Webster	Congressman Chris Stewart's Office
William Swadley	Senator Orrin Hatch's Office
Eric Holt	JBR
Sandy Johnson	HCP Trail Steward
Lisa Rutherford	Citizen
Mike Small	Citizen

**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 Agenda**
- b. Review and Approve Work Meeting Minutes**
  1. January 22, 2013
- c. Review and Approve Regular Meeting Minutes**
  1. January 22, 2013

- d. **Next Meeting Date**
  - 1. March 26, 2013
- e. **Declaration of Conflicts of Interest**

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

2. **PRESENTATIONS**

- a. None

4. **UTILITY AND DEVELOPMENT PROJECTS**

- a. None

5. **GENERAL BUSINESS**

- a. **Election of Committee Chair for 2013**

**MOTION** by Chris Blake to recommend Karl Wilson as the 2013 chairman.  
Seconded by Larry Crist.  
Discussion: None.  
Vote was taken: All voted aye.  
Motion passed.

**MOTION** by Jimmy Tyree to recommend Chris Blake as the 2013 vice-chairman.  
Seconded by Marc Mortensen.  
Discussion: None.  
Vote was taken: All voted aye.  
Motion passed.

Bob Sandberg noted that in 2014 all four appointed terms will expire.

- b. **Land Acquisition Update (Jimmy Tyree)**

Jimmy Tyree reported that the BLM continues to work on their three prong approach.

- 1.) The Land and Water Conservation Fund award of \$4 million;
- 2.) Land Exchange – the BLM is in the process of getting appraisals done. It appears to be an 18-36 month process;

- 3.) Land Sales – environmental work is being done on parcels identified in the 1999 Resource Management Plan. Once that is completed the BLM will move forward with an auction of those parcels. Proceeds will be used to buy out inholdings.

Larry Crist noted that the HCP staff submitted a grant proposal for section 6 funding. The request has been received favorably and has been forwarded to Washington D.C.

**c. Request for Funding Assistance (Jimmy Tyree)**

Jimmy Tyree reported that the BLM needs to have appraisals and an environmental assessment done for the in-holdings. Jimmy requested \$50,000 from the HCAC to cover the costs of completing NEPA work and appraisals on land exchanges. Bob Sandberg asked Jimmy if the money would need to be transferred to the BLM or if the HCP could facilitate by sending out bids, doing surveys and so forth. Jimmy replied that it would be best to set up a separate account that the BLM could pull from. Bob mentioned that sometimes those accounts have as high as an 18% overhead on the funds. Jimmy responded that he will request to have that waived. Bob added that the HCP has money in the budget to assist with land acquisition facilitation.

**MOTION** by Chris Blake to recommend an expenditure of \$50,000 with the details of the disbursement being worked out between the County and the BLM.

Seconded by Henry Maddux.

Discussion: Chris Hart stated that there isn't a material difference between transferring the money to the BLM (if the overhead provision is waved) and paying the bills. He favors having the HCP pay for the appraisals and surveys. Jimmy stated the appraisal process needs to go through the BLM's Office of Evaluation Services. The environmental work may be something that can be done by the HCP. Chris Hart asked for a provision in the motion that the discussion will carry forward. Chris Blake added that the actual disbursement will take some negotiating.

Vote was taken: All voted aye.

Motion passed.

**d. Discussion and Possible Approval of 4<sup>th</sup> Quarter Report**

Bob Sandberg reported that exhibit 5-d-1 was submitted to the HCAC at the January meeting. Bob asked for the committee's approval of the report. See agenda item 5-e for the motion.

**e. Discussion and Possible Approval of Annual Report**

**MOTION** by Chris Blake to accept the 4<sup>th</sup> Quarter and Annual Reports.  
Seconded by Marc Mortensen.  
Discussion:  
Vote was taken: All voted aye.  
Motion passed.

Henry Maddux asked if the DWR audits can be changed from “none” to “not required” in the report. It was mutually agreed upon that the County and the DWR would work together on clearances so that audits are not required.

**f. Discussion and Possible Action on Report Contents (DWR Audits)**

Bob Sandberg showed exhibit 5-f-1, an excerpt from the HCP which lists the report requirements. The DWR Audits are on the reports because of this listing. When the clearance and survey forms were created, they were made to have signatures from the HCP and DWR. When the DWR signs the forms they are in effect auditing the HCP and stating their comfort with the way the clearance or survey was completed. The signatures have to be in place before the property is released for development. Quite often the DWR and HCP conduct clearances and surveys together.

The DWR can do a formal audit of the County to make sure everything is being done appropriately and in accordance with the protocols. Ann McLuckie reiterated that the DWR signs off on the form before the property can be released for development. Ann assumed the DWR Audits were for formal law enforcement audits.

The HCAC discussed individual audits that are performed with each clearance and survey and the option to remove the audit from the reports.

**MOTION** by Chris Blake to remove the DWR Audits from the quarterly and annual reports. They are not necessary due to the individual audits made on each clearance and survey.  
Seconded by Larry Crist.  
Discussion: None.  
Vote was taken: All voted aye.  
Motion passed.

**g. Discussion on Boundary Fencing**

Bob Sandberg reminded the HCAC of the fencing discussion in the January 2013 meeting. Exhibit 5-g-1 shows fencing around the Red Cliffs Desert Reserve. The southern boundary is either fenced or it has a natural barrier. The northern boundary in most parts has not been fenced because of topography and there aren't tortoises at the northern boundary. On the east and west side of Zone 4, topography is such that it is

not a big priority.

The Technical Committee (TC) feels comfortable with most of the fencing. Ann McLuckie suggested adding range fence to the already existing tortoise mesh fence along Red Hills Parkway, with the exception of areas where the topography is a natural barrier. She has noticed incidents of people parking on the side of the road and stepping over the tortoise mesh to access the Reserve. Ann added that the Tuacahn area is not completely fenced.

Marc Mortensen noted that the fencing along Red Hills Parkway was fenced according to specifications. People aren't supposed to be parking along the roadway unless it's an emergency. The improved parking is the preferred parking, however, people can legally park along the roadway. Bob added there was miscommunication with the fence; some assumed it would be range fence. The Red Hills Parkway contractors did everything correctly. Larry suggested leaving fencing the way that it is unless it becomes more of an issue.

#### **h. Technical Committee Report (Ann McLuckie)**

Ann McLuckie reported that Steve Meisner (Local Coordinator for the Virgin River Program) talked to the TC about an invasive plant species, Arundo. He wanted to discuss issues the TC might have removing the Arundo within the Red Cliffs Desert Reserve, along the Virgin River. They plan on cutting and carrying out most of the Arundo. In isolated areas of the Reserve that would be difficult to remove, the TC recommended temporarily storing Arundo in piles and burning them in more remote areas under BLM firefighters supervision. Crews should receive tortoise training when in the Reserve.

The TC had a field trip to the Tuacahn area and later had an extensive fencing discussion. There is a chain link fence southeast of Tuacahn that bisects the Reserve, cutting tortoises off from good habitat. The TC talked about the pros and cons of removing the fence. A motion was made to leave the fence in place but to pursue another option of fencing along Tuacahn, which would need Tuacahn's approval first.

The TC discussed the Tuacahn Detention Dam. The construction crews completed their work on schedule.

Pam Foti from NAU will not be conducting trail monitoring in the Reserve this year. She can pull a crew together but would not be able to join them. The TC discussed having another school monitor for 2013 on an experimental basis. Larry Crist highly recommended continuing some level of trail monitoring. Ann added that Nathan is contacting SUU to see if they are interested. Bob Sandberg stated that the HCP was not aware that NAU would be unable to monitor the trails this year until recently. It is not anyone's intent to skip a year of monitoring. We get a good economic deal from NAU as they are only paid a per diem. The TC discussed a type of monitoring program

that would not be dependant of a specific individual. Henry Maddux agreed it would be good to look at other options with Dixie or SUU.

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

**1. HCP revenues and expenditures report**

Bob showed exhibit 5-i-1, the revenues and expenditures report. The 2012 information should be available at the March HCAC meeting. Most of the 2013 revenue will be backed into 2012.

**2. Ivins Detention Dam Completion**

Bob stated that the Ivins Detention Dam was completed before February 15<sup>th</sup>. Their reclamation work is either ongoing or has been completed at this time. The contractors stayed within the boundaries of the project and did a good job.

**3. Desert Tortoise Council Symposium**

The HCP staff attended the three day Desert Tortoise Council Symposium in Las Vegas. Cameron Rognan presented at the symposium and addressed fire management issues and the HCP's outreach program. Cameron summarized the symposium as follows:

- Desert Tortoise Conservation In An Area Of Information Overload – the presenter stated there is a ton of information available of what works and what doesn't work with tortoises. We need to implement management better rather than focusing on research.
- Predators and Predator Management – predation from coyotes and ravens is a big problem, especially in California and Nevada. Ravens have been found preying on adult tortoises by flipping them over and pecking at them. This is probably a learned behavior. Another presenter talked about using green lasers to scare off ravens.
- Translocation – The Desert Tortoise Conservation center will be closing in about a year. They have roughly 1,000 tortoises, many of which were pet tortoises. The FWS, BLM and state of Nevada will be translocating these tortoises to an area where the population has been depleted. The tortoises will have a health screening before they are translocated. This could open the door for something similar in Utah.
- URTD – two veterinarians who study Upper Respiratory Tract Disease debated this issue. One stated that the ELISA test is a real poor indicator if a tortoise has a disease. He said you can tell if a tortoise has the disease from clinical signs such as a wheezy nose and eyes. There was a lot of back and forth debate which shows that a lot remains unknown about the disease. Cameron felt it was

confusing to listen to the debate and think about what should be done to disease screen and test healthy tortoises before they are translocated.

- Solar Developments – A financial genius presented about the controversy of solar developments going up in the Mojave Desert. The presenter is good at looking into industries and following where the money is going. He painted a very sad picture of what's happening with taxpayer's money with solar energy. It doesn't look like a productive endeavor in the desert.

#### **4. DWR MOU**

Bob updated the HCAC about the DWR Memorandum of Understanding (MOU) that the HCAC recommended to the County Commission for tortoise monitoring, fencing, clearances, and the Southwestern Willow Flycatcher. The commissioners signed the MOU and forwarded it on to the DWR for their signatures.

#### **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**

##### **a. March HCAC Meeting**

Bob Sandberg asked if there will be a full quorum for the March HCAC meeting. Chairman Wilson suggested taking a poll closer to the meeting date. Electronic communication was suggested although it often changes the dynamics of meetings.

##### **b. HCP Visitor Center**

Chris Hart inquired where the HCAC stands on the location for the HCP visitor center. Over time it would be a real draw for visitors if the location could be elsewhere. Bob Sandberg replied that the HCP staff has had meetings with St. George City, the Water Conservancy District and everyone involved. The City has offered property on the Red Hill for the HCP to build on. The HCP document says there will be an education center. There have been many discussions with many options for locations of the education center. There has also been a lot of talk concerning the amount of money it would take to build a facility elsewhere. Having a location on Red Hills Parkway would change the dynamics of the way the office is now operated. There would be a lot more visitors and opportunity to educate them about the desert and what the HCP is about. The question is if we want to spend a lot of money on a new facility. Bob added he is not sure that the commission wants the HCP to spend money on a building while our expenses have been exceeding our revenues. The main concern is walking away from the amount of

money that has been spent on the current facility when the County has met its obligation to provide an education center.

**c. HCP Review**

Larry Crist mentioned that Nathan Brown will pick up on the HCP review where Renee Chi left off. Nathan will work with the TC and there will be discussions coming up about modifying the HCP.

Larry is trying to get Amelia, the FWS HCP expert to travel here for a meeting. She's extremely busy because she works on all the HCPs in the region. Bob asked how Amelia and Nathan dovetail together. Bob felt concern over time invested in digging through all the past information that has already been provided. Larry replied there may be a little backtracking. When Amelia comes out we should have a joint HCAC/TC meeting.

**8. ADJOURN**

**MOTION** by Chris Hart to adjourn the meeting.

Seconded by Chris Blake.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 2:00 p.m.  
Minutes prepared by Amber Stocks.