

HABITAT CONSERVATION ADVISORY COMMITTEE

for the Washington County Habitat Conservation Plan (HCP)

A **work meeting** of the Habitat Conservation Advisory Committee (HCAC) was held at the Washington City Council Chambers on **May 28, 2013**.

Committee members present were:

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

Absent and excused:

Karl Wilson, Chairman	Mayors Association
Jimmy Tyree	Bureau of Land Management (BLM)

Also present were:

Amelia Orton-Palmer	U.S. Fish & Wildlife Service (USFWS)
Amber Stocks	Washington County HCP – Recorder
Alan Gardner	Washington County Commissioner
Denny Drake	Washington County Commissioner
Jim Eardley	Washington County Commissioner
Dean Cox	Washington County Administrator
Brock Belnap	Washington County Attorney
Jodi Borgeson	Washington County Attorney
Ann McLuckie	Technical Committee Chairman (UDWR)
Nathan Brown	Technical Committee (USFWS)
Cameron Rognan	Technical Committee (HCP Biologist)
Tim Croissant	Technical Committee (BLM Biologist)
Gary Webster	Congressman Chris Stewart’s Office
William Swadley	Senator Orrin Hatch’s Office
Ellen Schunk	Senator Jim Matheson’s Office
Shered Mullins	Bureau of Land Management (BLM)
Barbara Hjelle	Washington County Water Conservancy District
Lisa Rutherford	Citizen
Paul VanDam	Citizen
Georgia Barker	League of Women Voters in Utah
Myron Lee	Metropolitan Planning Office (MPO)
Mike Small	Citizens for Dixie’s Future

1. **CALL TO ORDER**

Vice Chairman Chris Blake called the meeting to order at 2:35 p.m.

Approved HCAC Work Meeting Minutes – May 28, 2013

2. DISCUSSION ITEM

a. HCP / Permit Renewal

Larry Crist gave some background of the 20 year permit of the Washington County Habitat Conservation Plan (WCWCP). When created, it was a foreign concept and was an attempt to resolve much contentious conflict. It was the first county wide HCP and it broke a lot of new ground. Now it is one of the first county HCPs to expire and come up for renewal. Washington County needs to figure out whether to amend, renew, extend or start a new HCP. The USFWS has been working on a review of the current plan which will help identify deficiencies and what needs to be resolved. This analysis will help to make sure the HCP has been working properly and that obligations have been or will be met. The draft has been distributed internally among administrative members for input; issues may come up that were not considered earlier and will need to be addressed.

Larry introduced Amelia Orton-Palmer as a USFWS HCP expert for this region who can provide guidance through this process. Amelia stated she would like to find the best way to streamline the process and make it as painless as possible. The first step is to analyze where we are at with the review. When an HCP is renewed the FWS uses the same set of criteria, rules and policies for instituting an HCP.

Throughout the meeting, those present indicated that this HCP started off very contentious. The County came together and found a way to work through difficult problems and find solutions. The group felt that the County and all its partners have done a great job accomplishing what was identified in the WCHCP. Most of the hostility from the early years has gone away. The group felt it would be good to have an outline of what needs to be accomplished. Everyone seems committed to see this permit renewed and to be a success.

Bob Sandberg inquired about a process to put the county in the best possible position for renewal of the WCHCP and permit. Amelia answered that the reason the permit needs to be renewed is because there is remaining and authorized *take*. The WCHCP is about half way through the *take* numbers and the county wants to keep that available when the permit expires. When the plan was created, the maximum amount of *take* that would occur was determined and covered. The remaining *take* can carry forward but if it's increased then an analysis will need to be done to cover all issuance criteria needed to minimize and mitigate. The HCP administrator has the ability to adjust the *take* areas as long as there is a balance. Larry added there is a big difference between adjusting and increasing *take* areas. The renewal process should be fairly easy if the *take* remains the same.

The Utah FWS field office is assessing what has been accomplished and what remains to be accomplished. If minor amendments need to be made then the public comment period is less than if a major amendment is needed. A major amendment may also

involve an Environmental Policy Act compliance review (NEPA) or NEPA supplement. The USFWS may also need extra documentation and a section 7 consultation may need to be reinitiated to amend the biological opinion (BO) and analyze the effects from the fires. An environmental impact statement (EIS) would not need to be done but an environmental assessment (EA) or supplemental EIS may need to be done. At some point an application will be submitted for the USFWS regional office to review. The USFWS will then sign off on the application and issue another permit. An approximate timeline for this process could take a year. Larry added that as long the WCHCP is working on this with good-faith negotiations it won't come to a screeching halt at the 2016 expiration date. As long as the application is submitted on time, the current permit can carry forward until the issues are resolved.

If everything is ready to go, the county could ask to amend the permit and extend it for a length of time that is felt adequate. The permit duration needs to have a balance between 1) the county's needs, 2) making sure there is adequate time to ensure everything is working properly for conservation benefits and *take coverage* and 3) address new issues such as fires and cheat grass.

Dean Cox stated the county prefers to make minor amendments as much as possible for issues such as fires. The first big fire occurred in 2003 from the influx of cheat grass which has changed the dynamics of the Reserve. Streamlining and keeping the next permit as simple as possible would work to everyone's advantage.

Commissioner Gardner explained that in 2009 the Ominous Lands Bill was passed. One thing it tried to accomplish among all the different agreements out there with public lands and the WCHCP was to allow the county to remain very involved in managing those lands. The commissioners would like to see that continued. Amelia replied that many of the technicalities and workings of the WCHCP are up to the field office. This HCP has worked well with good conservation for the tortoise and the Reserve has done a lot of good for the communities.

Amelia reiterated that the first step is to go through the first draft document produced by the USFWS. A checklist of what needs to be done will come after the review is complete. That will help gauge what documentation will be needed and what order it will be needed in. At some point signed documentation will be needed to support the renewed permit. She felt that the original WCHCP document can still stand with additional documentation such as a supplement or an appendix with the changes. The Public Use Plan (PUP) and other independent documents will be easier to amend if they remain independent from the HCP. Bob added that agency partners will need to be able to address another implementation agreement covering it in their planning efforts. Denny Drake felt that the permit and partnerships are working very well. His main concern is changing something that functions well and is a work in progress.

Lisa Rutherford stated she has been tracking the WCHCP for many years and her major concern is a northern corridor which would bisect the Reserve.

Cameron Rognan said a shortcoming in this HCP has been the inability to acquire all inholdings. He wondered how the HCP will move forward to acquire those properties and what the process will be. Commissioner Gardner felt there hasn't been a full-scale effort made to acquire the inholdings or complete the exchanges before the permit expires. Larry added there needs to be a plan showing how to complete the acquisitions. Funding is coming from grants, yet acquiring all the inholdings most likely won't happen without some sort of a land trade. We need to discuss other sources of available funding and if the land acquisitions will be completed.

Dawna Ferris-Rowley mentioned that a lot has been accomplished and a lot has changed in the last 17 years. She asked if a supplemental document will look at future actions that will help protect habitat or assist in recovery. Amelia replied that those issues that could occur during the next permit's duration will need to be examined. The WCHCP needs to remain viable for multiple stakeholders with multiple issues such as the BLM and the NCA, State Parks, SITLA (the biggest property owner), and others.

Chris Hart expressed his concern with the MOG document and how the mitigation ratios are decided. He feels the MOG is punitive and other mitigation ratios should be put into place. He mentioned the MOG is used as default and is not referenced in the WCHCP. The MOG doesn't take into consideration areas of superior habitat that would be of benefit to the WCHCP. He felt that land classification and ratios ought to be looked at. The WCHCP was carefully written and has brought forth good results; hence the mitigation ratios should also be carefully looked at. He asked what recommendations there are for issues that need to be worked on.

Amelia recommended that this HCP renewal doesn't start over to fix every little thing. Now days, HCPs have very specific, measurable criteria which shows progression. If something needs to be changed it will need to be documented with measurable criteria which can show if it's being achieved. In general, HCPs need biological justification for mitigation ratios which also explains why the ratios are needed. Nathan Brown explained that when section 7 consultations have impact on HCP protected habitat (which goes beyond the incidental *take* clearance), this is an additional impact to already protected lands and needs further mitigation. Chris Hart concluded that when something occurs which disturbs habitat, then the intended mitigation area should improve the situation for the tortoises. Now is the opportunity and time to clarify mitigation. Commissioner Gardner explained that the PUP and the Utility Development Protocol (UDP) deal with some of the biggest issues in the Reserve. Henry felt that the mitigation ratios can be looked at and considered. If there is a sweet piece of property that can be used for mitigation then it should count for more.

The group talked about how to pick an indicator to measure success with specific goals and timeframes. There is a fear of having too many specifics which may get in the way when the real needs are actually being achieving. The group discussed modifying the management portion of the plan and leaving the permit portion as is. Mike Small

commented that measurable objectives shouldn't rule out flexibility on issues such as fires and ravens.

The local BLM field office is developing a Resource Management Plan (RMP) for the two NCAs they manage. The RMP will replace the PUP for NCA land inside the Reserve. It will address the same issues dealt with in the PUP and won't propose anything that would aggregate the WCHCP. The BLM is bound to consult with the USFWS on all federal lands they manage. When the RMP is complete, the PUP will need to be modified.

Cameron asked what will happen to the HCP if the species recovers and is taken off the endangered species list. He wondered if there is any possibility of recovery within a certain recovery unit area or range. He was told that as part of the delisting process there will need to be guaranteed protections put in place.

Many HCPs now days have a section called *Changed Circumstances* which are circumstances that can reasonably be anticipated and planned for. This HCP is aware of threats such as invasive species and will need to have a plan of how to deal with them if they come to pass. This HCP uses *Adaptive Management* which gives flexibility when threats occur and helps to maintain some flexibility.

3. ADJOURN

The meeting was adjourned at 3:50 p.m.
Minutes prepared by Amber Stocks.