

HABITAT CONSERVATION ADVISORY COMMITTEE

for the Washington County Habitat Conservation Plan (HCP)

A **regular meeting** of the Habitat Conservation Advisory Committee (HCAC) was held in the Washington City Council Chambers on **March 24, 2015**.

Committee members present were:

Chris Blake, Chairman	Environmental Organization
Chris Hart, Vice Chairman	Local Development
Dawna Ferris-Rowley	Bureau of Land Management (BLM)
John Bramall	Mayors Association
Marc Mortensen	Citizen-at-Large
Bob Sandberg	HCP Administrator

Absent and Excused:

Larry Crist	U.S. Fish & Wildlife Service (USFWS)
Henry Maddux	Utah Dept. of Natural Resources (UDNR)

Also present were:

Lacey McIntyre	Washington County HCP – Recorder
Cameron Rognan	Technical Committee (HCP)
Jodi Borgeson	Deputy County Attorney

1. **CALL TO ORDER**

Chairman Chris Blake 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 Regular Meeting Minutes**
 1. **February 24, 2015**
- c. **Next Meeting Date**
 1. **April 28, 2015**

MOTION by Chris Hart to approve the Consent Agenda.

Seconded by John Bramall.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

3. **DECLARATION OF CONFLICTS OF INTEREST**

a. None

4. **PRESENTATIONS**

a. **Southwest Open & Public Meetings Act training (Jodi Borgeson)**

Jodi Borgeson, a deputy county attorney, gave an Open and Public Meetings Act (OPMA) training shown on exhibit 4-a-1 including information from the state legislature. She explained that a public body is required to receive this yearly training.

The first step towards conducting a meeting is the notice. There must be a public notice, including the agenda, date, time, and place of the meeting. This notice must be posted at least 24 hours prior to the meeting in the principal office of the public body and on the Utah Public Notice website. The notice must also be provided to the newspaper.

“Meeting means the convening of a public body or a specified body, with a quorum present, including a workshop or an executive session, whether in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body or specific body has jurisdiction or advisory power.” During an open meeting there must be written minutes and a recording. The minutes must include the following: “the date, time, and place of the meeting, names of members present and absent, substance of all matters proposed, discussed, or decided, a record of each vote taken, names of persons who provide public comment/testimony and substance thereof, and other information that is a record of the proceeding that a member requests entered.”

“A meeting is open to the public unless closed.” There are only a few reasons a meeting can be closed such as discussing “an individual’s character, professional competence, or physical/mental health”. Also, reasons to close a meeting include, “collective bargaining strategy, pending or reasonably imminent litigation, real property transactions under certain circumstances, security personnel, devices, systems deployment, and investigative proceedings regarding allegations of criminal misconduct.”

Jodi asked the HCAC to consult with the county attorney’s office when they feel it necessary to close a meeting. To close a meeting, it must start as an open meeting that has been properly noticed. There needs to be a quorum present and 2/3 members are needed to vote the meeting closed. During the open meeting, the committee publicly announces the closure and puts it in the minutes along with the reason for closing the meeting, the date, time, and people present. A recording of the closed meeting is required, but detailed minutes are not required. If there is a discussion involving someone’s character, mental health, or when deploying security personnel, neither a

recording nor minutes are required. If neither minutes nor recording is kept, the Chair must sign a sworn statement affirming it was for a purpose allowed in the statute.

Electronic meetings are allowed but only if a resolution, rule, or ordinance governing the use of electronic meetings is first adopted and properly noticed (page 20, exhibit 4-a-1).

Public comment is allowed under the OPMA, but it is not required. Public comment may be limited by the public body, and if a “person willfully disrupts the meeting to the extent that orderly conduct is seriously compromised,” the person may be removed. Jodi reminded the HCAC that action should not be taken on any items not on the agenda. This most often comes up in cases where the public brings up an issue not on the agenda. That issue can be discussed but action cannot be taken until it has been properly noticed 24 hours in advance.

Regarding enforcement, the OPMA allows lawsuits to compel compliance or enjoin violations of the act. The court can void actions and decide whether to disclose recordings or minutes of a closed meeting and award attorney fees to a successful plaintiff. If you violate, or help someone violate, a provision of the closed meeting provisions you can be charged with a Class B misdemeanor.

5. **UTILITY AND DEVELOPMENT PROJECTS**

a. **None**

6. **GENERAL BUSINESS**

a. **Update on land acquisition efforts – Bob/Dawna**

Dawna mentioned that the lead BLM Realty Specialist at the Utah State office has been reviewing all of the current situation documents regarding land exchanges that would acquire private inholdings in the Reserve. Within the next few weeks, the lead will be meeting with principle parties to report what she knows, discuss the scope of the exchanges, and decide how the parties are going to participate in that transaction.

Bob updated on the section 6 acquisitions, which are still proceeding. The current focus is the purchase of the property owned by the Virgin River Land Preservation Association. Then, attention will be shifted to the State of Utah School and Institutional Trust Lands Administration (SITLA) parcel. Most of the work is done on all parcels, however, there was a small encroachment of about 1,400 sq. ft. in the Virgin River Land Trust parcel. There were questions on whether that would affect the Reserve boundary. As Bob understands the HCP, he believes it is a minor modification of the boundary and can be handled and adjusted within the HCP. It is private property that is not inside the boundary of the National Conservation Area (NCA).

b. Update on permit renewal – Bob

Larry was unable to attend the HCAC meeting. Bob mentioned the latest communication he had with Larry is the permit was in the Regional office in Denver to be reviewed. Bob said Larry was going to try and get information back to him before this meeting, but he was unable to do so. The HCP is hopeful there will be a formal letter from the Fish and Wildlife Service (FWS) outlining where the permit is in the process and where the process goes from here. Jodi mentioned the County is waiting for FWS to send a formal letter of acknowledgement saying they received the permit renewal. Soon after that, the FWS will let the County know what minor changes are requested. Then, the next stage will be an environmental assessment before it returns to FWS for the renewal of the permit.

c. Request for funding BLM realty specialist – Dawna

Dawna presented exhibit 6-c-1, which is a preliminary agreement between the BLM and Washington County requesting partial funding from the HCP for a BLM Realty Specialist to be hired. A portion of the funding for the position will also come from the Washington County Water Conservancy. The individual hired would spend some staff time working on actions that further the acquisitions of private inholdings within the Reserve. The request is for \$15,000 per year for a three year period to provide support for that position. The position can be renewed after the initial three year period.

Chris Hart asked what jobs the position would be assigned. Dawna answered the majority of their work would be to assist as an extra pair of hands preparing documents, making phone calls, putting together emails, and hopefully expediting work so it can get done quicker.

Bob mentioned there is not an item listed for this position on the 2015 budget so the HCP would have to go to the County Clerk and Commission to see if the budget could be modified to provide the funding from contingency funds. Commissioner Alan Gardner mentioned that would not be an issue.

MOTION by John Bramall to recommend to the County Commission to use contingency funds from the HCP to fund the \$15,000 portion of the BLM Realty Specialist position each year for the next three years.

Seconded by Marc Mortensen.

Discussion: None.

Vote was taken: Dawna was excused from the vote. All other members voted aye.

Motion passed.

d. Technical Committee Report – Kristen Comella/Cameron Rognan

Cameron Rognan reported that SUU will be returning for another trail restoration project this spring. The TC discussed that the first priority is the Chuckwalla and Halfway Wash area. They are contacting BLM to make sure work can be done on those trails. If the BLM has an issue with that area another priority for trail restoration is the Toe Trail.

Secondly, there was discussion of fuel breaks along Cottonwood Road. The BLM sprayed most of those areas so the TC discussed options for fuel breaks in the small untreated areas. The following motion was made: to treat areas, not previously sprayed, with the prison work crew using weed whackers. The HCP will work with BLM to allow for the crew to also conduct tumbleweed removal. Once the HCP discovers the costs and time line for obtaining the prison crew, they will reassess this option. If it is more economical, the second option of a small group of goats will be pursued.

The third topic covered was concerning a proposed Quarry trail near the Red Hills Golf Course. After a short discussion, Chairperson Kristen Comella recommended the TC take a field trip to the site before taking any action on that proposed trail. The committee will have a field trip there before the April meeting.

e. HCP Administrators report (Bob Sandberg)

1. Desert Garden field trip

Bob updated the committee on the Desert Garden status. The educational signage may not be installed before the April meeting. Bob questioned if the committee would like to wait until the signage is up before taking the field trip. The committee agreed to wait until the signage is completed before making a field trip to the garden. Bob will maintain contact with St. George City and let the committee know when the garden is ready for their visit.

2. Confluence Park property

Bob previously asked Chairman Blake if there was any opportunity to add property to Confluence Park. Chris Blake said the party advertising the property nearby Confluence Park for sale cannot actually dispose of it yet. There is still a waiting list of a few months.

3. Agricultural Research Services (ARS) study sites

Bob mentioned that ARS has been to town installing weather stations and doing plantings of local seed. They also held a meeting with UDWR and BLM to talk about coordinating ongoing work with everyone involved. They are continuing with and committed to their efforts to rehabilitate the Turkey Farm plot.

4. Status of south wall mural

Bob distributed exhibit 6-e-4, which was a picture of the proposed mural for the visitor center south wall. The mural will include the desert tortoise, Gila monster, hawk, and more scenery as previously discussed. The background will be toned down a little to make the animals appear clearer. Marc Mortensen suggested the outline of the mural be squared or feathered and also feature the logo. Bob mentioned there is a side panel to incorporate the logo. He also commented that the mural can have a feathered edge.

MOTION by John Bramall to approve exhibit 6-e-4 as a conceptual design, with a feathered or squared edge surrounding the mural, and move forward with the permit application to St. George City.

Seconded by Chris Hart.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

7. PUBLIC COMMENT

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).

a. None

8. MEMBER REPORTS & REQUEST FOR FUTURE AGENDA ITEMS

a. None

9. ADJOURN

MOTION by Marc Mortensen to adjourn the meeting.

Seconded by John Bramall.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 1:55 p.m.
Minutes prepared by Lacey McIntyre.