

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 **April 28, 2015**.

Committee members present were:

Chris Blake, Chairman	Environmental Organization
Chris Hart, Vice Chairman	Local Development
Larry Crist	U.S. Fish & Wildlife Service (USFWS)
Henry Maddux	Utah Dept. of Natural Resources (UDNR)
John Bramall	Mayors Association
Marc Mortensen	Citizen-at-Large
Bob Sandberg	HCP Administrator

Absent and Excused:

Dawna Ferris-Rowley	Bureau of Land Management (BLM)
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Also present were:

Lacey McIntyre	Washington County HCP – Recorder
Cameron Rognan	Technical Committee (HCP)
Tim Croissant	Technical Committee (BLM)
Kristen Comella	Technical Committee (SCSP)
Ann McLuckie	Technical Committee (DWR)
Alan Gardner	County Commissioner
Jodi Borgeson	Deputy County Attorney
Eric Clarke	Deputy County Attorney
Wayne Pace	Sons of Utah Pioneers
Arthur Partridge	Dixie Encampment Chapter
Julie Applegate	St. George News
Jim Raines	Brennan Representative
Lisa Rutherford	Citizen
Paul Van Dam	Citizen

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**

Approved HCAC Meeting Minutes - April 28, 2015

1. **March 24, 2015**
- c. **Next Meeting Date**
 1. **May 26, 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. **None**
5. **UTILITY AND DEVELOPMENT PROJECTS**
 - a. **None**
6. **GENERAL BUSINESS**
 - a. **Update on land acquisition efforts – Bob Sandberg**

Bob updated the committee on the BLM land acquisitions. There is a BLM realty specialist in the state office working on the proposed and potential land exchange with Bob Brennan in Long Valley. She has put together a package that is ready to be sent to Washington for comments and acceptance. Long Valley is moving forward through BLM's process. The county paid for cultural surveys on 7 parcels, and the HCP has received all survey information back. Several of those parcels have significant cultural resources. Exhibit 6-a-1 is a letter the BLM sent to the County Commission saying they would like to proceed with the Long Valley exchange and have further discussions on the Sand Hollow portion due to cultural and OHV activity issues there. The Utah Public Lands Alliance sent a letter affirming they were against the Sand Hollow exchange and vowed to fight anything that is done to further that land exchange.

Bob also updated the committee on the section 6 acquisitions, which are still proceeding. Exhibit 6-a-2 is a letter from the State of Utah governor's office approving the transfer of an 11.42 acre parcel from the Virgin River Land Preservation Association to the Utah Division of Wildlife Resources (DWR). This letter gives governor approval to move forward with the purchase of this parcel. It is currently awaiting approval from The Fish and Wildlife Service (FWS). The State of Utah School and Institutional Trust Lands Administration (SITLA) parcel is also still moving forward.

b. Update on permit renewal – Bob/Larry Crist

Larry updated the committee on the permit renewal status. He said the FWS has received the application for the renewal of the incidental take permit and the associated Washington County Habitat Conservation Plan from the HCP. Exhibit 6-b-1 is the letter from the FWS acknowledging that they received the application for renewal. Larry mentioned the existing incidental take permit will remain in force as long as there are ongoing good faith negotiations taking place. One of the big issues that will come up is how to solve the outstanding private land issues within the reserve.

c. Consideration of Resolution – Holding Electronic Meetings

Jodi Borgeson discussed exhibit 6-c-1, which is a resolution allowing the HCAC to hold electronic meetings if a member or members are not available to be present. She mentioned a few revisions, restrictions, or requirements the HCAC could choose to include in this resolution, but the committee did not feel any changes were necessary.

Jodi explained, as the resolution is written now, there must be an anchor location for the electronic meeting, which is the location of the regularly published HCAC meetings. There also must be adequate facilities provided at the anchor location for public monitoring of the open portions of the meeting as well as the ability of public participants to communicate with any member attending electronically. John Bramall suggested there should be an alternative meeting location such as the Washington County Administrative Building, if the Washington City Council Chamber is not available. Larry asked if there would be a method of communicating better than just a cell phone on speaker. Bob answered he is working with Washington City to see if there can be a phone line put into the chamber for conference calls.

MOTION by John Bramall to adopt exhibit 6-c-1, which is a resolution allowing members of this board to participate in a regular meeting of the HCAC electronically with the Washington City Council Chambers as the anchor location. If the Washington City Council Chambers is unavailable a backup anchor location will be the Washington County Administrative Building Commission Chambers.

Seconded by Marc Mortensen.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

d. Technical Committee Report – Kristen Comella

Kristen Comella mentioned that Jodi Borgeson gave the Technical Committee a yearly Open Meetings and Public Information Acts training. She also reported that SUU is planning to move forward with repairing heavy erosion damage on the Chuckwalla trail

adjacent to Halfway Wash.

Exhibit 6-e-1 is the Technical Committee Report discussing the Quarry trail proposal as well as a map that shows three proposed trail options. Kristen explained the TC went on a field trip to the site, starting at 700 West where the proposed trailhead access would be located. The trail would run along the boundary of the golf course and wrap around behind the maintenance building. After assessing all three potential routes (A, B, and C) the TC recommended Route C be the only option considered for the trail leading up to the historic quarry. Routes A and B were not supported routes. Both of those routes had two or more of the following: a very steep unsustainable portion of trail, bisected high quality tortoise habitat, closer to cliff line with potential for off-trail use, and required additional mitigation to compensate for the longer trail (and greater amount of ground impacts) within the RCDR.

The TC discussed specific recommendations and discussion points in the motion to recommend Route C. Those specifications include:

- Route C would be placed as near as possible to the perimeter of the Reserve, over primarily non-erodible slick rock sections, to reduce impacts to habitat.
- There was confusion on the location of the Reserve boundary relative to the Golf Course. To reduce this confusion, the Reserve boundary needs to be surveyed in order to properly align the trail, determine where rocks for constructing the trail can come from, and appropriately determine impacts to tortoise habitat and the amount of required mitigation.
- To minimize impacts to tortoise habitat, Route C will not be a loop trail.
- There will be no removal of rock or shrubs from the Reserve. All materials used as monument markers will be obtained outside the Red Cliffs Desert Reserve.
- The proposed trail must be in compliance with the National Historic Preservation Act.
- Mitigation is required to account for the habitat loss of roughly .07 acres (roughly estimated trail at 2/10 mile X 3 ft). After the boundary is surveyed, the TC will determine the actual habitat loss and investigate using existing mitigation left over from Red Hills Parkway.

e. Consideration of Technical Committee recommendations:

1. Sons of the Pioneers proposed Quarry Trail

Henry Maddux asked why people interested in the trail could not come through the golf course. Marc Mortensen answered there is active play going on at the golf course. The City of St. George is the property owner of that site and is not in favor of Route C. There are serious liability concerns due to the fact that Route C is right in the line of golf balls from the golf course. Kristen mentioned public access is already given from 700 West onto the public golf course. Marc said those already accessing the area are

trespassing, and there is no public access given due to liability. He gave the committee a little background about this project. St. George City heard this proposal last year and proposed, if something was to be done, the trail needed to be closer to Route A. A safety net has been proposed by the Sons of Utah Pioneers, however, in St. George's experience those nets are not fully successful in protecting people and keeping golf balls on the course. Last year, St. George also suggested abandoning the idea of a trail and putting up a monument with an interpretive kiosk near Owen's Loop instead. Henry asked what the response was from the Sons of Utah Pioneers regarding the kiosk being placed at Owen's Loop. Marc answered he does not think the Sons of Utah Pioneers were interested in that option. When this request first came up last year, some members of the TC went on a site visit to view the Owen's Loop trail where they were going to allow an informational kiosk to be placed. Chris Blake questioned, due to the stand still, how to get the parties together to discuss if there is a solution to this situation.

Wayne Pace asked to make a comment. The committee allowed Mr. Pace to comment. He explained, in the rules of golf according to the United States Golf Association, the out of bounds line in golf is defined by the line on the course. Therefore, if a ball is hit and passes over the boundary of the course the ball is out of bounds. He suggested the city discourage that behavior and remind golfers it is against the rules to hit the ball over the Reserve area. He believes Route C is a very appropriate route. Marc mentioned that most of the people playing on the golf course hit the ball over the Reserve or may slice the ball straight into the proposed area for the Quarry Trail. Even if the golfers do not mean to hit it over the Reserve, it is inevitable that they will posing considerable liability for the City of St. George using Route C.

Chris Hart mentioned he was not prepared to vote for Route C, due to the liability for St. George City. Larry Crist was also not prepared to vote at this point for any alternatives other than what the TC recommended. He would like to talk with his biologist and the TC first. Kristen mentioned the switchbacks on route A would be around \$100,000 that St. George City may have to be prepared to pay. Marc is not sure the City is in the position to fund that right now. John Bramall made a motion, which was later killed, to recommend Route A. Larry Crist would like to have this topic continued so he can have more discussion with the TC. Commissioner Alan Gardner expressed his support for this trail and encouraged the committee to consider working to find a solution.

MOTION by Chris Hart to continue the discussion regarding the proposed Quarry Trail in the May HCAC meeting.

Seconded by John Bramall.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

2. Firebreak work on Cottonwood Road

Due to the amount of tumbleweed along Cottonwood Road, the Technical Committee made a recommendation regarding fuel reduction. Tim Croissant has been trying to find a garbage truck in the hopes of having a prison crew remove and compact the tumbleweed along the fence. He has not had luck yet in finding a truck to use. Kristen mentioned the TC has been discussing options in this area for a while, and they are now taking steps to try removing and thinning the tumbleweed. Henry Maddux mentioned he is worried about fire season in this area and supports their efforts to remove tumbleweed and thin out future fuel along the road.

f. HCP Administrators report (Bob Sandberg)

1. HCP revenues and expenditures report and discussion

Bob distributed Exhibit 6-f-1, the balance sheet report for the 1st Quarter of 2015. He reminded the committee that the payments to the HCP for impact fees are not included in this report, which is why it appears the department is overspent. Those impact fees are significant and will be filtering in this month and next from first quarter.

2. Submission of 1st Quarter Report

Bob mentioned the 1st Quarter 2015 report is also included in the committee packets. He asked the committee to look it over and bring any questions or changes to the May HCAC meeting.

3. South wall mural update

Bob reported that the HCP applied to the City of St. George for a permit to begin the mural, and that permit has been issued. The HCP staff has been in contact with Rob and Justine Peterson, who will be ordering the materials and beginning the mural in May.

4. Ivins Dike fencing and mitigation property

Bob mentioned Ivins City has completed the fencing of the property they were required to come up with as mitigation for the Ivins detention dam. That fence has been completed, and that property is now inside the Reserve boundary.

5. Mojave Max Program

Bob reported the HCP invited the Mojave Max Program back this year from Las Vegas

to give their presentation to select schools around the area. The HCP branched out to Cedar City this year, and there was good feedback from the children. Many of the children in Cedar City mentioned they have spent time down in the Reserve so it was a good chance to teach them about the desert tortoise.

6. Tortoise awareness and outreach presentations

Bob mentioned the HCP has been active in doing tortoise awareness training and outreach presentations, as noted in the 1st quarter report. There was also a Reserve pre feature that ran in the St. George MegaPlex theaters for about a month. It was also run in the Hurricane and Cedar City theaters. They estimated an 80,000 person viewership from that run, and Bob believes it should run in the fall as well.

7. Desert Garden Field Trip

Bob updated the committee regarding the Desert Garden field trip. The city is not sure when the signage is going to be in place. He proposed a visit to that site in May before it gets too hot. There is going to be a soft public opening on May 20th so if the committee goes just before the May meeting there may not be too many people there. Bob will plan to schedule a field trip there prior to the next regular meeting on May 26th.

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).

Citizen Lisa Rutherford first thanked Bob for getting the mural project going. She mentioned how proud she was of the pre feature the HCP placed in the movie theaters as well as an article that was in The Spectrum about the Reserve. She also questioned some fencing issues out in Ivins near the Encanto subdivision. Bob has been in contact with contractors and the developer and they plan to have a meeting on site to decide what to do in that area. The property borders the Reserve and Snow Canyon State Park and also runs through the lava fields, which are hard to build through. Bob is working with the appropriate parties to get that taken care of.

Jim Raines, a representative for Bob Brennan, mentioned they are preparing a plan they will present to the HCAC with options for finding a solution to the land acquisition issues. He reported that Mr. Brennan is willing to donate over half of his property, but there needs to be some negotiating between all parties involved. He would like this issue to become a regular agenda item for the next few months to discuss the plans further.

8. MEMBER REPORTS & REQUEST FOR FUTURE AGENDA ITEMS

- a. Visit the Desert Garden
- b. Discuss the proposed Quarry Trail

9. **ADJOURN**

MOTION by Chris Hart to adjourn the meeting.
Seconded by John Bramall.
Discussion: None.
Vote was taken: All voted aye.
Motion passed.

The meeting was adjourned at 2:20 p.m.
Minutes prepared by Lacey McIntyre.