

**HABITAT CONSERVATION TECHNICAL COMMITTEE**  
for the Washington County Habitat Conservation Plan (HCP)

A regular meeting of the Habitat Conservation Technical Committee (TC) was held in the conference room of the Washington County Administration Building, **April 9, 2015.**

Members present were:

|                               |  |
|-------------------------------|--|
| Kristen Comella, Chairperson  | Snow Canyon State Park (SCSP)              |
| Cameron Rognan, Vice Chairman | Washington County HCP                      |
| Ann McLuckie                  | Utah Division of Wildlife Resources (UDWR) |
| Tim Croissant                 | Bureau of Land Management (BLM)            |
| Nathan Brown                  | U.S. Fish and Wildlife Service (USFWS)     |

Absent and Excused was:

|                 |                 |
|-----------------|-----------------|
| Marshall Topham | Local Biologist |
|-----------------|-----------------|

Also present were:

|                |                                |
|----------------|--------------------------------|
| Lacey McIntyre | Washington County HCP Recorder |
| Wayne Pace     | Sons of Utah Pioneers          |
| Art Partridge  | Dixie Encampment Chapter       |

**1. CALL TO ORDER**

Chairperson Kristen Comella noted a quorum existed and called the meeting to order at 10:35 a.m.

**2. APPROVAL OF MINUTES**

**a. March 5, 2015**

**Page 2, paragraph 3, sentence 1: deleted,**

From: "Wayne Pace (National Society of the Sons of Utah Pioneers), Art Partridge (Dixie Encampment Chapter), and Richard Kohler (Washington County Historical Society), presented exhibit 3-c-1 proposing a new trail to the St. George Sandstone Quarry near Owen's Loop."

To: "Wayne Pace (National Society of the Sons of Utah Pioneers), Art Partridge (Dixie Encampment Chapter), and Richard Kohler (Washington County Historical Society), presented exhibit 3-c-1 proposing a new trail to the St. George Sandstone Quarry."

**MOTION** by Cameron Rognan to approve the amended minutes.

Seconded by Nathan Brown.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

### **3. GENERAL BUSINESS**

#### **a. 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, physical/mental health, collective bargaining strategy, pending or reasonably imminent litigation, or real property transactions under certain circumstances.” Other reasons to close a meeting could be due to “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, a recording and minutes are not 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 3-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.

#### **b. Discussion and possible action on field trip to proposed Quarry Trail**

The committee took a field trip to the proposed Quarry Trail site. They assessed three possible trails, which included routes A, B, and C as shown on amended exhibit 3-b-1. While there, they walked the area starting at 700 West near the Red Hills Golf Course maintenance sheds in St. George, entered through the golf course gate, and walked along the edge of the golf course to the point where route A would head south. Route A looked to be a very difficult route that would cause a large impact on habitat. The committee continued walking near the edge of the golf course to route B. Route B also appeared to be physically challenging and also bisected tortoise habitat, causing for a large habitat impact. The TC felt walking along the boundary to route C is the most level path and is more direct to the Quarry site. It also poses less of a habitat impact than routes A or B.

Route A was the least preferential option due to the difficulty of the path and greater habitat loss. Route B bisected habitat with moderate habitat impacts. Kristen asked if B or C would require less mitigation. Nathan answered C would require less mitigation due to less ground disturbance. Nathan also mentioned there would need to be an archeologist brought in because the Quarry site is of historical value.

Cameron wanted to reiterate that route C has the trail outside of the Reserve fence up to the point where it heads south to the Quarry site. He also questioned the 5 plaques that would be put at this site. Wayne Pace mentioned the plaques would be on the trail, however, placement is dependent upon where they are allowed to put them, based on TC or other recommendations.

The TC discussed areas for possible mitigation, if this trail were to be approved. If trail elimination was to be suggested, it would have to go through public process. Nathan calculated approximately .07 acres would need to be mitigated. He also mentioned the

City has a surplus mitigation credit for property added from the Red Hills Parkway expansion project. He believes the mitigation credit may be able to cover the mitigation requirements from this proposed trail. Nathan said he would look into it and see if that is an option for mitigation on this project.

**MOTION** by Ann McLuckie to recommend route C as a viable option to minimize tortoise impact. Routes A and B were not recommended due to trail sustainability and high tortoise impact. 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. At the corner point noted on the map, Exhibit 3-b-1, the trail would enter the RCDR along the perimeter, heading south towards the Quarry on the east side. 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. 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.

**Seconded** by Nathan Brown.

**Discussion:** None.

**Vote was taken:** All voted aye.

**Motion passed.**

#### **c. Consideration of spring SUU restoration project**

Cameron updated the committee that their previous first option of Chuckwalla and Halfway Wash for the SUU restoration project is confirmed with the BLM. The SUU crew will be out in June.

#### **d. Discussion of fire fuels reduction projects**

Ann mentioned the tumbleweed on Cottonwood road is significant. Dead tumbleweed is built up and meshed into the fence. Ann suggested hiring prison crews to crush the Russian thistle and put it in a dumpster. For the most efficient treatment there needs to be a removal of new growth of Russian thistle as well as removal of tumbleweed buildup along the fence. Cameron added, in the areas that were not previously treated, the cheat grass does not seem to be as much of a problem as the tumbleweed. There really is not a use for the prison crews to go in and use weed whackers, as the TC previously discussed. Tim said he will price a garbage truck with compactor to use if a prison crew can come and collect the built up tumbleweed.

**MOTION** by Ann McLuckie to take funding that was potentially allocated to paying for goats and hire a prison crew as well as a trash compacting garbage truck to remove the fuel load along Cottonwood Road. A future SUU or prison crew project will be to pull tumbleweed by hand later in the summer, before August.

Seconded by Tim Croissant.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

#### 4. **OTHER REPORTS FROM TC MEMBERS AND REQUESTS FOR FUTURE AGENDA ITEMS**

a. Kurt Walker contacted Ann about doing an animal behavior project with 10 students. Cameron said he is looking to have them help with a clearance.

b. Nathan mentioned there is going to be construction starting soon along Telegraph Road in Washington. He spent some time there and had the crew survey 100 feet on each side of the road, but no tortoise sign was found.

c. Cameron mentioned St. George City and Fire Rescue contacted the HCP about training their crew. Cameron asked if BLM would want to join on that training. Tim said yes and to let him know when that meeting will occur. The Fire and Rescue group has a monthly meeting on a Monday night around 6 pm, though Cameron is not yet sure of the exact time and date. Cameron will set that training up and let Tim know when it is so he can join.

#### 5. **NEXT MEETING DATES**

a. **May 14, 2015**

The committee decided to change the meeting date to May 7, 2015. That meeting will begin at 9:30 am.

#### 6. **ADJOURN**

**MOTION** by Cameron Rognan to adjourn.

Seconded by Tim Croissant.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 12:20 p.m.  
Minutes prepared by Lacey McIntyre.