

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 **JULY 26, 2011**.

Committee members present were:

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|---------------------------------------|--|
| Karl Wilson, Chairman | Mayors Association |
| Larry Crist – through conference call | U.S. Fish & Wildlife Service (USFWS) |
| Chris Hart | Local Development |
| Bob Sandberg | HCP Administrator |
| Marc Mortensen | Citizen-at-Large |
| Jimmy Tyree | Bureau of Land Management (BLM) |
| Reed Harris | Utah Dept. of Natural Resources (UDNR) |
| Chris Blake, Vice Chairman | Environmental Organization |

Absent and Excused:

Also present were:

| | |
|-----------------|-------------------------------|
| Amber Stocks | HCP |
| Cameron Rognan | HCP |
| Austin Davis | HCP Intern |
| Alan Gardner | County Commissioner |
| Ann McLuckie | UDWR |
| Mike Empey | Congressman Matheson's Office |
| Marreen Casper | Senator Orrin Hatch's Office |
| Judy Gubler | Ivins City |
| Chuck Gillett | Ivins City |
| Lisa Rutherford | Citizen |
| Christi Biniaz | Citizens for Dixie's Future |

1. CALL TO ORDER

Chairman Wilson noted that a quorum existed with Larry Crist attending via conference call and called the meeting to order at 1:00 P.M. Chairman Wilson acknowledged Jimmy Tyree's absence due to another meeting and noted that he would arrive at a later time.

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 the agenda**
- b. **Review and approve minutes**
 1. June 28, 2011
- c. **Next meeting date**
 1. August 23, 2011

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

3. **PRESENTATIONS**

a. **Ivins City - Detention Basin Dam**

Judy Gubler responded to the Technical Committee (TC) recommendation regarding the Detention Basin Dam exchange proposal. Judy gave a brief history of the detention basin explaining that there have been approvals, design work, studies, assessments, and agreements with Snow Canyon State Park. Through the process, Ivins ended up with a huge design structure which is no longer earthen. Aesthetically the project became something that is no longer desirable. Ivins city council has tentatively given approval to explore other alternatives to the detention basin.

The citizens of Ivins City will look at the justification for giving up public property. They will review what the return on their investment will be. The city council has taken no formal action but has tentatively agreed to abandon the detention basin in exchange for a paved trail between Tuacahn Drive and Snow Canyon Drive where there is currently an existing trail.

The city council tentatively agreed to the Technical Committee stipulations attached to the HCAC 6-28-11 minutes (Exhibit 5-d-1 HCAC 062811), with one exception. For the city to donate 7.8 acres and abandon what is the best alternative for flood control, the council feels the only justification they can support is to have the trail paved and funded by the HCP or its partners. The abandonment of this project would be a donation that preserves valuable habitat in the Reserve

4. **UTILITY AND DEVELOPMENT PROJECTS**

None

5. **GENERAL BUSINESS**

a. **Detention Basin Dam, TC Recommendation**

Cameron Rognan spoke in behalf of the Technical Committee. He clarified the funding issue, explaining that funding would be pursued through grants in conjunction with Snow Canyon State Park (SCSP). He added that the HCP cannot use funds for this trail.

Marc Mortensen inquired what a cost estimate would be for the trail. Ann McLuckie stated that Kristen Comella has talked with an engineer who would tentatively give a cost estimate of the path. It was further explained that Kristen has been working with the state park engineers and will continue to pursue tentative estimates. With the property on SCSP land, the park would be the ones to pursue the grants.

The committee discussed the length and width of the trail being eight to ten feet wide and approximately 1,600 feet long. Reed Harris stated there are state and federal grants available and he would like to see the HCP look into the same types of grants. With Ivins City tentatively agreeing to all other TC stipulations, the funding has now become the concern. Chuck Gillett gave an approximate amount, minus some wash consideration, at \$60,000 - \$70,000.

Chris Hart asked for clarification on the reason why the trail cannot be funded through the HCP and declared his conflict of interest, being the Mayor of Ivins. Bob Sandberg asked Larry Crist over the phone about funding of the trail in exchange for the detention dam. Bob explained to Larry that Renee Chi with the FWS had reported during a TC meeting on the reasoning that HCP funds cannot be used for the trail. The HCAC would like to have it explained to them as well.

Larry explained that discussions with the section six coordinators and the regional office led to the conclusion. Larry suggested having Renee get on the phone and explain the specifics further. At 1:12 P.M. Chairman Wilson requested to move the agenda and return to item 5-a when Renee was available. The committee agreed and the agenda was moved.

Renee Chi spoke to the HCAC via a cell phone at 1:16 P.M. She stated that when talking with the regional office, they indicated there would be a need to demonstrate how paving a permanent trail and potentially increasing the amount of use on the trail would actually be beneficial for tortoises. Renee indicated that the two projects (trail and detention dam) would need to be considered separately.

Jimmy Tyree arrived at 1:20 P.M.

Reed commented that the HCP will be getting a detention basin which is beneficial for tortoises. The benefit comes from getting the detention basin and the trail is something that just happens. Reed felt that if there is currently a trail, hardening the trail would be more beneficial to tortoises. He asked why the service can't look at the issue as though the HCP were making a purchase of property from Ivins City. Then turn around and put that money back into building a trail in the Reserve.

Renee said that the Ivins detention dam impacts have been analyzed and mitigation has already been determined to offset it. The trail should be considered as a separate project because it is not addressing the same problem.

Reed, Renee, and Larry talked back and forth about original mitigation and what is biologically acceptable to the tortoises. They talked about purchasing inholdings and brainstormed ways to pursue eliminating the detention dam from the Reserve.

MOTION by Larry Crist to table the discussion.

Seconded by Reed Harris.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

Chris Blake commented that the land the trail sits on was purchased by section six money. The rules that regulate section six money stipulate how it can be used. "It's not like FWS is against building the trail, it's more like the rules that regulate section six money are causing the problem." There will just need to be some creativity. Reed asked if there is a precedent for taking section six land. He said it's a matter of getting equal return for what is given. Reed stated that he does not want to set a precedent on doing something just to improve recreation. However, he doesn't believe that is the case here.

Cameron mentioned when the TC discussed having the HCP purchase the property it was understood that Ivins could only sell the property for the appraised value, but they did not discuss purchasing just a portion of the property at the appraised value which might still produce a sufficient amount of money to pave the trail. Chairman Wilson reminded the committee that the discussion has been tabled, disallowing further discussion. There was no more discussion and the chairman moved the agenda.

b. Land Acquisition Efforts (HCAC)

With Jimmy still absent at 1:13 P.M. Chairman Wilson requested information from Bob on land acquisition efforts, stating that the board would revisit this portion of the agenda along with 3.c. and 3.d. after Jimmy arrived.

Bob mentioned there is ongoing work and efforts between the BLM, Trust for Public Lands, and some Environmental Land Technology (ELT) entities involved with the ELT solution. Washington County has had contact with Mr. Doyle. Currently there are no concrete acquisitions for ELT property and no new active acquisition efforts with any other parcels.

When Jimmy arrived and the agenda was revisited he stated the following. The St George field office along with Zion National Park and the Southwest Utah federal agency were chosen as one of four out of 12 across the nation to participate in a pilot

program for the Land and Water Conservation program. Instead of traditionally looking at acquisitions on a parcel by parcel basis, this program looks at parcels on a regional landscape scale. An application was put together to include multiple lands in Washington County that were desirable for acquisition. The Red Cliffs NCA inholdings were included with the power to be in the inholdings. The application was submitted July 1st for 2013 money. Even though the application is two years out, there is a previous application which has been submitted for 2012 money. This application is for the last committed inholdings to be purchased.

c. Planning Update (Jimmy Tyree)

Two weeks ago the BLM met with consultants to do some more findings of the documents for the St. George R&P amendment and the two NCA plans. The BLM is two to three months away from completing the alternatives development. Jimmy mentioned that it seems like the target keeps moving every couple months. However, the BLM is still working with consultants, trying to get information in the different chapters.

d. TNC – GIS Modeling Workshop

The GIS Modeling workshop was put on by the Nature Conservancy. This workshop has been done in other areas around the country, looking at landscape modeling and landscape forecasting. The Nature Conservancy has compiled detailed satellite imagery and used remote sensing techniques to digitize all of the different vegetative communities. This data is used in a GIS model to predict future landscape conditions or potential outcomes of various management strategies. The model uses historical data trends and the current condition of the vegetation. At the workshop, participants discussed management, treatment, rehabilitation options, cost per acre, and the ability to implement a planning and management process of these areas from a cost/benefit analysis angle. The GIS model takes all this information and looks at different combinations of treatments. The computer runs its model to see what options are financially viable along with a time frame between five and 20 years. It then shows potential changes in those environments. The last week of August there will be a 2nd workshop and a report should be complete by the end of September.

Bob further explained there has been good work identifying various vegetative communities that exist on both National Conservation Areas (NCA's) in Utah. Bob explained his concern with the material being subjective. People have opinions as to what something might become in the future depending on the treatment used and the opinions may not always be accurate. Those involved in the workshop tried to do the best they could with the information they were aware of and the information provided by TNC. Bob said that people need to realize the model is a tool to help make decisions and decide what is most cost effective when trying to deal with a situation such as a burned blackbrush community. Questions Bob would like people to be aware of are: What are the options, what will it cost, what will we get out of it, will it be worth the investment, will it be better for tortoise habitat or for mule deer or for whatever issue is

at hand.

Ann said the power behind the whole process is that it is very transparent. People will come up with management schemes in their heads. This model exposes the process benefits and different options. There is a lot more power behind the GIS model than with other management strategies.

Jimmy mentioned there was a wide range of interest groups who attended the workshop such as the UDWR, FWS by phone, UNLV, BLM state office, and more. The wide range of information from various entities was really interesting.

e. Technical Committee Report (C. Rognan)

1. Dino Cliffs Extension Proposal

At 1:13 P.M. Cameron began by telling the committee about a field trip the TC went on to the Grapevine and Dino Cliffs area. The fieldtrip was to review a proposal made from the public to add a new trail. The TC walked the trail and a section of trail that would potentially be eliminated if the proposed trail was accepted. The committee felt that although the proposed trail existed and was marked an illegal trail, it was not on any current maps and was most likely appealing to a select user group such as hikers and bikers. The committee noticed that the old trail is still being used by equestrians as well as other users. The decision was made to continue the old trail and not allow the proposed new trail at this time.

2. Fencing at Tuacahn

In the Tuacahn area there is a big wash in the same area where the detention dam is supposed to be. The fence in the wash has been out for some time. Tortoises are going through the wash and crossing the road. Recently a tortoise was picked up at Tuacahn, having come through the wash. Cameron reported the DWR does not want the tortoise put back until the fence is repaired. Solutions were discussed during the TC meeting with SCSP and a decision was made to cost share the repair and make a breakaway fence. When water comes through and takes out the breakaway fence, the repair maintenance should be easier. Fencing will also be extended higher on the slope to stop tortoises from going up the slope and around the fence.

f. Administrator's Report (Bob Sandberg)

1. Budget

The HCP staff has put together a proposed 2012 budget shown in exhibit 5-f-1. Bob said the TC has reviewed and discussed the budget. They made recommendations, and support the proposed budget. Bob explained the contingency funds and asked as part of the budget consideration if the HCAC would like to hold a work meeting. The committee felt the budget could be discussed during the regular meeting.

Bob explained that last year for the first time the HCAC requested to break down the contingency fund line by line. Prior to that contingency was a lump sum. The red figures in the 2012 draft show an increase over last year's budget. The blue figures indicate a reduction over last year's budget. The black are level and the contingency amounts are not differentiated.

The HCP has been operating on a level budget for the last three years. The graph prepared shows expenditures and revenue since 2007. Bob reported the HCP has been outspending revenues for the last few years and the bank account is decreasing. He explained that revenue depends on how cities report their funds through quarterly impact fees. The graph shows the current expenditures and revenues, noting that impact fees have not all been received for the first or second quarter.

Bob inquired how others viewed the building industry to be and it was replied a "modest increase." The county commission has asked the HCP to proceed with a level budget even though it is not directly tied to the general county funds. It was further explained that the HCP is funded through impact fees. Chairman Wilson felt that if an expense line was shown from year 2000 it would show an excess of income which would make the current gap in income and expense less troubling.

2. HCP revenues and expenditures report

Exhibit 5-f-2 shows the revenues and expenditures report in detail. It shows in more detail where expenditures and revenues have been and where the bank account currently is. The deficit looks like roughly \$100,000/year; however, 2012 should end with significant surplus in the bank. Reed feels the economy will get better even though it is stagnant now and moving at a slow pace. Even if there is a deficit of \$100,000/year the HCP could still go 46 years. Reed commented that if the HCAC is presented with an opportunity to spend some of the money on something like a land purchase and it's the right thing to do then now would be the time act.

Bob wants the committee to review the contingency fund which would allow spending of more than \$100,000 above the revenue. He noted that there is some money set aside to purchase land. The question remains, is the contingency amount enough? Based on what is going on is there additional need for help from the HCP whether it's an actual purchase or facilitation through survey or appraisals, or something else. Does the draft budget cover enough so that some parcels of property can be acquired?

3. Submission of 2nd Quarter Report

Exhibit 5-f-3 is the second quarter report 2011 of the HCP. The purpose of submitting the report is to have the HCAC review and consider changes for the next meeting. FWS and DWR needs the full report on a quarterly basis but does the rest of the committee want the full report every quarter?

Marc suggested that the report be submitted to the full committee on a requested basis perhaps biannually or annually. The committee requested to receive the report in paper as requested or electronically as a PDF in order to be as paperless as possible.

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

Chairman Wilson asked in regards to travel budgets if the HCAC feels the need to meet every month or every other month. There are always pros and cons with having meetings and whether or not they are being held too often. He wants the committee to think about how often they feel the need to meet. Bob will review the HCP document to see if meeting less than once per month is even possible.

If there are going to be members who need to attend electronically, consideration should be given in purchasing a teleconference system for around \$1,000. If Washington City has a phone jack we can access, it would work. Right now Washington City does not have an ordinance for electronic participation in meetings so they have not made any accommodations.

8. ADJOURN

MOTION by Chris Blake to adjourn.

Seconded by Jimmy Tyree.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 2:00 P.M.
Minutes prepared by Amber Stocks.