

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 County Administration Building on **March 26, 2024.**

Committee members present were:

Chris Blake, Chairman	Environmental Organization
Chris Hart, Vice Chair	Local Development
George Weekley (@ 1:38 p.m.)	U.S. Fish & Wildlife Service (USFWS)
Kevin Bunnell	Utah Dept. of Natural Resources (UDNR)
Steve Kemp	Citizen-at-Large
Carmen Clark	Citizen-at-Large

Absent and Excused:

Dawna Ferris-Rowley	Bureau of Land Management (BLM)
Kress Staheli	Mayors Association

Also present were:

Cameron Rognan	HCP Administrator
Randee Sanders	Washington County HCP Executive Assistant
Mike Schijf	Washington County HCP Biologist
Eric Clarke	Washington County Attorney
Steven Scott	Washington County Attorney
Elaine York	TC Member, The Nature Conservancy
Holly Snow Canada	Conserve Southwest Utah
Tom Butine	Conserve Southwest Utah
Todd Tucci	Advocates for the West
Richard Spotts	Citizen
Debi Turner	

1. CALL TO ORDER

Reminder to speak directly into the microphones so that Zoom captures all dialog for those attending remotely and comments can be recorded effectively.

Chairman Chris Blake called the meeting to order at approximately 1:00 p.m. noting that a quorum was present.

Steve Kemp, St. George City Councilman, was given the opportunity to introduce himself as the newest HCAC committee member taking over Gregg McArthur's seat.

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

With an amendment to move Kevin Bunnell’s agenda item from ‘Other Reports & Business’ up to “Presentations & General Business” in order to accommodate his need to leave the meeting early for another commitment.

b. Review and Approve Meeting Minutes

1. **January 23, 2024**

c. Next Meeting Date

1. **May 28, 2024**

MOTION by: Kevin Bunnell
Secoded by: Chris Hart
Discussion: To approve the Consent Agenda, with the approved agenda change.
Vote was taken: All voted aye.
Motion passed.

3. DECLARATION OF CONFLICTS OF INTEREST

None.

4. PRESENTATIONS

a. SEIS update and possible action regarding changed circumstance – Eric Clarke

Eric Clarke gave an update on the HCP and Northern Corridor Supplemental Environmental Impact Statement (see exhibit 4a). The County, State, cities, FWS, & BLM got together 30 years ago to come up with a plan on how to address the listed Mojave desert tortoise. The HCP was the product of that collaboration, and the County has been very successful at setting aside and protecting habitat in order to protect the tortoise amid being one of the fastest growing counties in the nation.

It’s been a partnership that gets complicated at times. SITLA is a key player, and they can/do get sued if they are not trying to make money. They have worked very well with the County given those constraints, and together have found ways to make it work and strike the balance between protecting the tortoises and other protected species, while protecting the private property interests of development.

At the end of the original ITP permit, the Service had asked the County to tackle the Northern Corridor while renewing it. That package was put together and was approved. Soon after, BLM and FWS were sued by CSU and several other national environmental groups. That lawsuit went on for some time. The judge allowed the State of Utah and Washington County to intervene. However, the State and County were frustrated throughout that process due to the plaintiffs and federal defendants continuing to work on a settlement that whole time behind the scenes without having a conversation with them.

Two things ended up happening. There was an out of court settlement that the environmental groups and Department of Interior signed, and there was also a court filing by the Department of Justice. The out of court settlement required a SEIS and a new ROW decision to be completed by November 2024 (subject to "any unforeseen delays"). That settlement agreement was signed last Aug, but the judge didn't grant the motion for remand until November. The feds have been working on the SEIS since last September, and they held a scoping meeting in December. The draft was given to the cooperating agencies on Monday, and comments are due back by this Friday. Eric has never seen a turnaround that fast, and suspected it was driven by a super tight deadline (before election). As a cooperator placed under a confidentiality agreement, the County can't speak about the draft publicly yet, but it will go out for public comment in the next 1-3 months. Another part of the settlement agreement is that there would be a compatibility determination, which Eric said was arguably done the first time. However, they want a specific analysis on how a road and a NCA would interact.

The feds will not consider a new ROW application until the RMP's are amended. The SEIS is going to only consider the States application for a ROW, and the County's application for its ITP. It won't take into account the Resource Management Plan amendments for the Red Cliffs NCA or the St. George Field Office's general plan. They said that decisions can't be made with the current RMP's and those plans would need to be amended, which typically takes 1-5 years. Part of the settlement agreement in the SEIS process is for FWS to withdraw the Northern Corridor Biological Opinion. Additionally, there was a large payment from the feds to the litigants for \$400,000 for attorney fees/etc.

In the actual motions that the Department of Justice filed with the court, they asked the court to abolish the ROW due to concerns with a lack of tribal consultation. The argument was that we didn't finalize the plans for how we were going to preserve or take other steps to protect our impacts along the Northern Corridor route. The County's issue with this was that we had no idea, and the State had no idea that this was a concern either, as no tribe raised the concern. However, BLM had gotten a letter from the national council the month after the decisions were made in 2021 suggesting it wasn't done correctly. All BLM had to do to cure that problem was to immediately reengage with the tribes and SHPO and finish that consultation. BLM still hasn't reengaged that consultation. The

judge ultimately said “no”, there were no tribes involved and it was a consultation matter, it was a thin reach to place a whole argument on it.

They also suggested to voluntarily remand the ROW, RMP’s, and ITP decisions due to concerns over the 2020 wildfires. The County was surprised to find that they wanted to pull them all back and reconsider them all. There were wildfires in the Reserve, and the claim was that the analysis may not have been enough and they had substantial and legitimate concerns that more analysis was needed on the impacts of the wildfires. The judge granted the voluntary remand, due to it being the standard if an organization wants a remand, the court will send it back as long as they are acting in good faith.

In the DOJ filing, they acknowledged that the ROW was issued under the direction of the travel management plan directive in OPLMA. In 2009, we got the lands bill that established the NCA and wilderness areas. There is nowhere in either of these documents that an admission states that a new road in the NCA is inappropriate.

Kevin will speak to this soon in more depth, but the data that we now have shows that we have not seen a tortoise population decline from the 2020 wildfires. It is also safe to say that the fires didn’t help and we would have seen a greater increase had they not happened, but there is conclusive evidence that it didn’t put our population into decline.

There are two different things that we’re going to be mitigating over the next several years. Washington County Growth and Conservation Act says that the purposes are to conserve, protect, and enhance for the enjoyment of present and future generation the ecological, scenic, wildlife, recreation, cultural, historical, natural, educational and scientific resources of the NCA and to protect listed species. In the same bill it also states that no later than 3 years after the date of the enactment of the act, a comprehensive travel management plan should be developed in consultation with partners (including local government). In developing the plan, BLM shall identify one or more alternatives for a northern transportation route.

Eric argued that it is legal to have a road across the Reserve. There isn’t other BLM managed land north of the greater St. George area in the County other than the Reserve, everything else is Forest Service. It’s difficult to argue anything other than we have one side of the act that says our purposes are to conserve protect and enhance, and the other that says it’s legal to have a road through the Reserve. This wasn’t addressed in the settlement agreement or the motion by the judge. The County is confident that if they had defended the 2020 decisions, we would have been fine. This is the end issue that at some point will need to be resolved. Whether BLM addresses this in the SEIS, or dances around it, will show how confident the current administration is in saying that there shouldn’t be a ROW.

So, what does all of this mean for Zone 6? The language in the 2020 HCP document states: "This changed circumstance will trigger upon BLM approval of right-of-way for the Northern Corridor across Reserve Zone 3 and USFWS issuance of a Biological Opinion that addresses incidental take of the MDT associated with the proposed Northern Corridor. In response to this Changed Circumstance, the HCP partners will, among other things, increase the size of the Reserve by over 10%. The County will complete conservation activities in this area similar to the activities completed in Reserve Zone 3 between 1996-2016. It is estimated that these activities will cost approximately \$16 million over the Renewed/Amended ITP term."

The County's running total for money spent is over 5 million dollars. The changed circumstance was triggered in January 2021, making the County contractually obligated to do all those things in order to not put our permit at risk. The County was moving forward, and FWS never indicated that we should not do that. In fact, this month George Weekley indicated that Zone 6 is still in place and we still need to be doing those things.

As part of the settlement agreement, the BO was withdrawn on March 6th. If the ROW and a BO is what triggers our obligations, and the BO is gone, then that trigger has been un-triggered. If we continue to move forward with Zone 6, it becomes a mess. We threw money and effort at Zone 6 to protect it. For better or worse, the salaries of some HCP staff, law enforcement patrols, and other ongoing expenses are also tied to it. We are in a state of limbo right now. The Service is telling us that we're still obligated without being willing to put that into writing to the County.

SITLA couldn't develop in Zone 6 today because there is currently no incidental take on it. When this was authorized, all the protections in Zone 6 were given in return for the Northern Corridor issuance. The feds have taken away the Northern Corridor issuance from the BO, and they will issue a new BO when they do a final SEIS. The final decision will probably state that there is already an authorization for the Northern Corridor biologically, and that they will authorize that take for the County. Eric suspected that they will paint the County as the bad guy, saying that we are the ones that are unprotecting Zone 6, when the County is fighting to keep the deal that we struck in place.

Eric finished by saying that we're in the situation where we want to trust. We've been in a great partnership and have done great things for 30 years, but we aren't sure how this is going to move forward. If the Northern Corridor goes away, 2/3 of our conservation commitments go away. We are hopeful for the next 20+ years. It's difficult to say that trust hasn't felt violated when we worked so hard with all partnerships. Eric was optimistic that regardless of what the Biden administration decides to do in the next year, that we can get this back together. What we had put together makes sense for everybody, even if no one gets

everything they want. However, we had helped the tortoise, it allowed for transportation, and it allowed SITLA to stay fully invested in the Reserve. All the boxes got checked to keep the partnership together that we had worked so hard to build. Now that's going to take some more work, and he hoped everyone is open to that.

The Service has to authorize take for Zone 6. SITLA has to try to make money, and they were able to justify putting thousands of more acres in the Reserve because the Northern Corridor was going to financially help them develop by dumping thousands to their commercial development in the Green Springs area. When that goes away, SITLA can't just put Zone 6 under conservation status, that would be illegal. Nor would it go over well if the county commissioners triple taxes so that they can buy Zone 6 from SITLA. It's not in the realm of reality, so zone 6 is going to lose its protection.

Will SITLA, as a great partner, be willing to give us a couple years and see if we can put it all back together? Eric hopes so. Can we litigate the statutory clauses after the Supreme Court decisions come out (in June) and make those cases easier, and get this all wrapped up in time for SILTA to be ok to not sign development agreements? That is unknown, but Eric's plan is to work to that end.

SITLA signs big long-term development agreements, where the developer locks up a bunch of land at the outset, and then develops a little at a time. Typically, when they sell, both SITLA and the developer shares the proceeds. Even though there is no take right now, if a developer comes to SITLA knowing that Zone 6 is gone and take is forthcoming, and asks to be first in line and start negotiations, SITLA likely would. The County hopes to keep our partnership with SITLA, and still trust that our local BLM and FWS partners will continue to work with us. The County is still trying to keep this together and Eric hoped that this group would try to do the right thing. If there are other deals to be considered, Eric was happy to consider them, so long as we keep striking a balance to have growth and conservation simultaneously.

b. UDWR Tortoise Monitoring Report – Kevin Bunnell

Kevin Bunnell shared that in 2023, the Division of Wildlife was contracted by BLM to get an updated population density and estimates for Zones 2-5 of the Reserve. This is very important information given what Eric explained above, and the findings show that the tortoises are doing okay post 2020 fires.

Referencing pages 11, 13, & 37 of the UDNR's report titled 'Mojave Desert Tortoise Population Monitoring Within the Red Cliffs National Conservation Area, 2023' (see exhibit 4b), Kevin cited the following: "Since 2009, tortoise populations across the NCA appear to have stabilized and there is no evidence of recent declines in tortoise densities. Our abundance estimate of 2,784 adult tortoises in

Zones 2-5 is similar to abundance estimates from a 2023 drone survey which estimated 2,609 animals. The addition of Zone 6 in 2020 provides additional protection for 772 tortoises, estimated using drones, and protects an additional 6,813 acres of habitat in the Reserve that has not been impacted by fires in the recent past. Densities within the NCA are currently higher than many other Mojave desert tortoise populations range wide. Recovery actions implemented as part of the Washington County Habitat Conservation Plan, including protection of existing habitat, restoration of degraded habitat (e.g., disturbed, burned), tortoise fencing on the perimeter of the NCA, community education programs, translocation of displaced animals, addition of Management Zone 6, and law enforcement presence, are important to maintain stable populations. In addition, the NCA designation in 2009 offers additional regulations and oversight to protect tortoises and their habitat. In 2023, the adult annualized mortality was 1%, the lowest ever recorded in the Reserve and lower than many other populations in the Mojave Desert.”

The figures included in the exhibit illustrate that the density estimates in Zone 3 in 2023 were actually slightly higher than they were in 2019 in spite of the 2020 fires. It also shows that there has been more of a density decline associated with drought years than there has been with the wildfires. Cameron added that compared to 25 years ago, the population is a little bit less than it was. That decline started in 2002-2003 and is associated with significant droughts. The wildfires in 2005-2006 didn't help tortoise recovery, but it also didn't hit the tortoises as hard as the droughts did. This data shows that we have a slowly recovering population with a slight positive trend since 2007.

Kevin said that it is DWR's job to get the best deal possible for the tortoises, and it was his opinion that Zone 6 is that best deal moving forward. The population densities are there, it is unburned habitat, and it is separated from the other parts of the Reserve. If a wildfire occurs in the other zones, it wouldn't be able to jump across the city and also burn Zone 6.

Cameron said that the abundance numbers in the Reserve in 1997-1998 was just over 3,000 animals, now we are seeing the highest numbers we have been since 2005. In fact, if you add in the Zone 6 numbers, those combined numbers are above what they were in the 90's. Cameron felt that we would be in a really good situation for recovery of the Mojave desert tortoise if we can maintain Zone 6. USFWS set a recovery goal of 5,000 animals, but that becomes substantially more difficult to reach if Zone 6 is not a part of that strategy. Currently, we have over 3,500 animals with Zone 6, but only 2,700-2,800 animals without Zone 6.

5. UTILITY AND DEVELOPMENT PROJECTS

a. Zone 6 sub-station & utility road

This project has not been fully resolved yet, as St. George City still needs to approve the mitigation package. Once that gets approved, the County will be working with the Service and the developer on a boundary amendment to allow that substation and utility road project to proceed.

b. Pioneer Park reflector removal

St. George City and WCWCD were working with the owner to get the reflector removed. However, this project seems to have fallen off the radar. We are in the tortoise active season now, so Cameron doubts it will be removed this year. Steve Kemp responded that last he heard it was still planned to be removed.

c. Pioneer Park interpretive trail

HCP staff will be monitoring and ensuring that no tortoises enter the construction zone while the city installs the fencing to keep their impacts contained.

d. Grapevine trailhead

The Grapevine trailhead and substation project near exit 13 has been in progress for over a month now. It will probably be several more months before they finish the project. For now, public access has been rerouted to the east for their safety.

e. Washington City well & road repairs

This item was not discussed.

f. Other utility projects

Mike Schijf shared that there was a powerline dampener replacement project going on along Cottonwood Springs Road on BLM lands. Seth Topham was hired as the environmental consultant, and coordinated with Mike and John Kellam during the project. The project was done by helicopter and did not cause ground disturbance.

6. SURVEYS AND CLEARANCES

a. SR-18 new interchange and development

HCP staff are involved in a pretty big survey right now near the Ledges at an area where work had been done years ago, but was abandoned. They are now ready to proceed forward with building that interchange and beginning development. It is an area that has been surveyed and cleared many years ago. However, due to the amount of time that has elapsed, breaches in nearby fence, and the knowledge that there are tortoises in area, Cameron requested that the HCP be allowed to go back in and re-survey it.

b. Ivins City detention basins

Ivins City had approached the HCP about sediment removals near the detention basins. The area they ended up selecting for removals was not inside the Reserve, but instead in an incidental take area. HCP staff worked with them to make sure no tortoises were in the area before those removals took place.

7. GENERAL BUSINESS

a. Voting on chair and vice chair

NOMINATION by: Chris Hart

To reappoint Chris Blake as the Chair. No other nominations were made.

NOMINATION by: Steve Kemp

To reappoint Chris Hart as the Vice Chair. No other nominations were made.

Declared by acclamation.

b. TC report – Mike Schijf

Mike Schijf reported that there had been two TC meetings since the last HCAC meeting, one was on February 8th and the other was on March 6th.

The main agenda item in February was to reevaluate the Zone 6 boundary adjustment proposal. The TC recommendation and the associated map is included in the exhibit (see exhibit 7b). The TC had made a recommendation on it last year, however, some of the pieces have since changed requiring the TC to re-evaluate it. Last year the TC had recommended to add a 3 ½ acre parcel adjacent/contiguous to the Reserve, but SITLA did not accept that mitigation proposal. That left the TC with re-evaluating another 3 ½ acre mitigation parcel which is slightly fragmented/non-contiguous.

The TC was reluctant to approve of the parcel because it would require the need to address its fragmented nature by requiring the installation of a culvert to go under the road, as well as fencing to be tied into that culvert in order to provide connectivity. The TC did want to emphasize that this is an anomaly. They wouldn't normally approve a fragmented mitigation parcel, but this was the only piece that was available. The TC also wanted to emphasize that the developer is proposing a campground and new parking area for Moe's Valley outside of Zone 6, which would eliminate parking within Zone 6. This would allow for the potential to rehab the current parking area. The TC believed that for all those reasons, it would be justifiable to approve the fragmented parcel for mitigation.

Cameron added that there is tortoise sign on the proposed mitigation parcel, and a kit fox was seen during the site survey.

Eric shed light on the fact that a project like this in Zone 6 is a legal mess given the SEIS process currently ongoing, and the lack of working in coordination. If anybody challenged it, Zone 6 technically doesn't exist today and there is no take authorization for that sub-station. He wondered if it is even allowable to add land in Zone 6 of the Reserve right now.

Cameron said that the next step is for the County and FWS to exchange letters giving our review of the potential boundary change, and noting if we are in support of it. He wondered if it may be wise to hold off. George Weekley answered saying that he thinks, given where we are with the SEIS, that it's kind of a hard question for him to answer right now. He will check with the solicitors and will get back with an answer. Eric suggested that it would be useful to know if this is holding up crucial power development needed for the subdivision.

Chris Hart wondered if there is no Zone 6, can't the city proceed with the substation if it is now no longer part of the Reserve? Eric responded that if there is no longer a Zone 6 when the SEIS is completed and the new record of decision is issued, FWS will amend the take permit and authorize take for that area allowing for development in that area. The current permit says we can develop anywhere in the County outside of the Reserve, but it also specifically says Zone 6 is part of the Reserve, so we are in a state of limbo until we get an amended permit that allows take there.

George confirmed that if the Northern Corridor changed circumstance goes away, then State and private lands in Zone 6 would be subject to development under the HCP.

Eric asked if the Service would be open to sending an letter in the interim that states that so long as Zone 6 is part of the Reserve they are OK with the boundary adjustment, if not, take will be forthcoming. That way the city can move forward with the substation in the meantime. George answered that it may be a possibility, but he would want to run it by his solicitors first to make sure that would be an available avenue.

Mike continued with his report, saying that during the March meeting the TC continued working on the 5-10-year fire management plan, as was directed by this committee to identify areas of the Reserve that should be treated with herbicides each year and to identify funding sources for those treatments. The document is still a work in progress, but the TC was able to make some headway on creating a good rough draft version. The final document will be shared with the HCAC once ready. This document is focused mainly on herbicide applications and establishing priority fuel break and unburned habitat treatment areas. There may be some other

components to it as well, but for now, those are the main objectives behind the document.

c. Land acquisition subcommittee report – George Weekley

Before moving into the report, George Weekley announced that as of March 10th he was appointed as the newest permanent Field Office Supervisor for FWS in Utah. That also means that he will be the permanent FWS representative on the HCAC committee moving forward.

The LAS had met and reviewed some of the current inholdings and acquisitions on February 27th. The Red Cliffs Warner Valley Exchange was among items discussed during their meeting. This exchange would transfer BLM land in Warner Valley to WCWCD, and the WCWCD would in turn work to acquire Mr. Carter's property within the Reserve as an offset for that land exchange. BLM is waiting on the appraisal values to come back in, but the intention is to try to complete the exchange by the end of this calendar year.

Shawna Dao, with BLM, had reported that BLM is working on finalizing the LWCF Babylon acquisition, which was going through solicitor review. Once accepted, BLM will finalize the closing documents in order to officially acquire it. That parcel has parts of an old mill on it with foundations identified as a hazard. BLM has plans to deal with those hazards once the acquisition is finalized.

A Recreation and Public Purposes lease with the City of Ivins is currently in consultation with FWS. If that land exchange goes through, it will be done at a 1:1 ratio, where Ivins would get land for a park and cemetery and BLM would be able to buy additional lands in Zone 6 for tortoise mitigation. Right now the city is looking at SITLA lands for that exchange.

BLM had also mentioned that they haven't heard whether LWCF would be used to acquire part of Mr. Doyle's parcel, but the next LWCF cycle is coming up this month so it will be interesting to see what they hear on past cycles and whether or not they would need to apply again. The property next in line belongs to Kent Heideman. BLM is trying to get some of these other lands deals pushed through in order to provide more funding for acquisition of Mr. Heideman's property.

Cameron had worked with DWR to prepare a grant application for FWS Section 6 HCP Land Acquisition Grants. Unfortunately, DWR did not submit that application to FWS on time, and as a result, the proposal wasn't accepted. There was a discussion about archiving that application and submitting it next year. George did note that there were fairly limited Section 6 funds this year. If it doesn't get used in full there might be more

funds available, but that depends on how congress will allocate those funds to FWS for the fiscal year.

The subcommittee also talked about the Central Valley Preserve to protect Holmgren's Milkvetch on a SITLA parcel to the north of the Southern Parkway. What had originally been determined under the HCP was to try and develop the preserve boundaries by Jan 2026, but because the development in that area has slowed, SITLA and the County had asked for a 2-year extension to that deadline. FWS has agreed to extend that deadline to Jan 2028.

The last topic for the LAS meeting was a brief on the SEIS and how that effects land acquisition. We are in a weird limbo status with Zone 6, and there is not a whole lot we can deal with at this point until we have more concrete decisions on where things are going.

Eric said that the LAS had also talked about WCWCD being interested in acquiring Mr. Heideman's property. Jason West, with BLM, has since sent a letter on that. This means that we may see a transfer from Mr. Heideman to WCWCD. Cameron added that the idea behind that is that the water district would be an easier partner to work with in terms of acquiring that property. Mr. Heideman wanted the opportunity to get a buy-out immediately, and WCWCD was willing to work with them on that.

d. HCP Administrator's Report

1. WCWCD land acquisition proposal

This item was discussed during agenda item 7c, nothing further to report.

2. Middleton powerline fuels removal

The County has been working with State Forestry & Fire and local municipalities to remove tumbleweeds along Middleton Powerline road. The tumbleweeds were piled up, and have since been burned by fire crews. That road is once again established as an effective fire break.

3. Raven permit and egg-oiling update

Cameron announced that FWS was granted a raven permit, and the County is sub-permittees along with BLM and DWR. He is excited to finally have the opportunity to be more active on controlling the raven populations here. HCP staff have been investigating nests, and ravens are already sitting on nests with eggs so we are ready to start going out and egg-oil as early as this week.

George shared that everyone working together as a team to get that process done and the permit in place is a great success story. The permit is in his name so there is a high level of trust that he has with all the partners. He takes a lot of comfort in the fact that there was a lot of energy and effort put into that process, and it showed by its quick approval. A week turnaround is unprecedented. He has not seen a migratory bird take permit come through that quickly, which speaks highly to all who worked on it. Cameron agreed, and shared his appreciation to Danielle Costantini.

8. 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).

Richard Spotts shared his congratulations on the raven egg oiling permit, before commenting on Eric Clarke's presentation on the SEIS, as he understood it.

His first opinion was that SITLA doesn't have the legal authority to permanently protect its land for conservation purposes. If that is the case, and even if SITLA officials don't want to, they could be compelled by beneficiaries to sign development agreements in Zone 6. He suggested that tortoise habitat protection in Zone 6 is only certain once SITLA's land is acquired and titled to an entity with conservation authority.

His second opinion was that for years Myron Lee and the MPO have said that the Northern Corridor was essential for east-to-west transportation for the whole County. To him, he felt it was increasingly clear that the alignment that the County and UDOT adhered to is really to align with the Washington Parkway and to serve SITLA's development near Green Springs, the hospital, and the development at Exit 13. He postulated that it is clear that SITLA is behind the scenes driving things even though they don't have conservation authority. He finished by suggesting that at some point in the future SITLA could pull the rug out and allow development in Zone 6.

Mayor Hart cautioned Mr. Spotts to choose his use of the word "clear" more carefully. Speaking as the Mayor of Ivins, he said that the residents of Ivins will rely upon the Northern Corridor alignment for transportation.

9. MEMBER REPORTS & REQUEST FOR FUTURE AGENDA ITEMS

a. Landscaping Funding – BLM

Dawna Ferris-Rowley was unable to attend, so this discussion will be tabled and added to the May HCAC meeting.

10. ADJOURN

MOTION by: Steve Kemp
Discussion: To adjourn the meeting.
Vote was taken: All voted aye.
Motion passed.

The meeting was adjourned at approximately 2:32 p.m.
Minutes prepared by Randee Sanders.