

# **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 **September 24, 2024.**

Committee members present were:

Chris Blake, Chairman	Environmental Organization
Chris Hart, Vice Chair	Local Development
Dawna Ferris-Rowley	Bureau of Land Management (BLM)
Kevin Bunnell	Utah Dept. of Natural Resources (UDNR)
George Weekley	U.S. Fish & Wildlife Service (USFWS)
Carmen Clark	Citizen-at-Large

Absent and Excused:

Steve Kemp	Citizen-at-Large
Justin Sip	Mayors Association

Also present were:

Cameron Rognan	HCP Administrator
Randee Sanders	HCP Executive Assistant
Ammon Teare	HCP Outreach & Education
Mike Schijf	HCP Biologist
Devin Snow	Washington County Attorney
Adam Snow	Washington County Commissioner
Ann McLuckie	UDWR
Danielle Costantini	USFWS
Elaine York	TNC
Alysha Lundgren	St. George News
Joe Platt	Black Desert Resort
Aaron Langston	SITLA

The following Public Commenters:

Richard Spotts, Adan Morales, Rob Roush, Joanna Scott & Sarah Clayburn.

& others, including the following:

Sype Lillywhite, J.J. Ciestewicz, Jacob Talgard, Stacie Callahan, Jon Logan, Abby Felix, Larbe Huamd, Arma Anderson, Aizlinn, Amberly, Amy, Wendi, Atticus Lee, Bradford Eric Hanlett, Colleen Miller, Connor, Craig Ogg, CStatt, David & Denise, David Belsky, David Condos, Debi Turner, Moose Knuckler, Rachel Mangun, Joe Cowdell, Lesa Williams, Todd Perkins, Steven, Ryan Jensen, Brett Crocket, Carmyn Hardisty, Casey Niederhauser, Dana Steck, Jainie Mitchell, Jeremy, Kristin Draper, Lois Mansfield, mcg801, Melissa, Moose Knuckler, Nels Rasmussen, olga@acronis, Owen Massey, Mary Lane Poe, Rachel Anderson, Rachel Mangun, Em, Emily, Fred Armstrong, Jacob Manning, Sarah, Shane, Stephen Bolster, Steve, Todd Perkins, Wendi Di, Larsen, Mike, April Subashe, Jenn Burton, Fallon Rowe & Perki.

**1. CALL TO ORDER**

Chairman Chris Blake called the meeting to order at approximately 1:01 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 Meeting Minutes**

**1. July 23, 2024**

**c. Next Meeting Date**

**1. November 26, 2024**

**MOTION** by: Chris Hart  
**Seconded** by: Kevin Bunnell  
**Discussion:** To approve the Consent Agenda.  
**Vote was taken:** All voted aye.  
**Motion passed.**

**3. DECLARATION OF CONFLICTS OF INTEREST**

Chris Hart announced that he needed to leave the meeting at 2:00. However, the HCAC received a statement from Rob Roush that stated his intentions to speak during the Public Comment period. Because Mayor Hart will likely miss it, he said that his perception is that what Rob will be sharing is more of an Ivins City issue than it is a HCP issue, but he invited the HCAC members to hear him out.

**4. PRESENTATIONS**

**a. Tortoise Conservation Proposal at Black Desert – Joe Platt**

Joe Platt, Black Desert's Director of Environmental Affairs, shared a presentation with the committee (see exhibit 4a). Black Desert is a 600-acre project in Ivins and Santa Clara that he has had the privilege to be involved with on environmental issues. 200 of the acres have been set aside as conservation areas that won't be developed.

Black Desert came in and developed the 400 acres with water and grass. They added six lakes, some of which are for aesthetics, and some are for irrigation. The lakes have attracted a lot of wildlife. There are no controls in place to limit what type of wildlife are using the site.

Joe reached out to DWR staff and was ultimately able to get them to agree to give Black Desert Resort over 400 Virgin River Chubs to be placed in one of their lakes. Those chubs were 2-3" fingerlings when they were placed in March. Now they are at least 8-10" long and seem to be thriving as they feed on the native algae and insects. Joe teaches at Utah Tech and has been able to arrange classes to go out to Black Desert and conduct monitoring of water quality in the lakes, which will be a multiple year project.

Black Desert has also been working with the Audubon International Program which has environmental guidelines on how to use and store pesticides, as well as how to compost. Those who meet their standards receive certification, and Black Desert complied with their standards and received the signature sanctuary status. One of the things that they require of golf courses is that they be landscaped with native vegetation.

Like the fish program, they decided to take that a step further. Utah's Department of Agriculture has a program called the Pollinator Habitat Program, where they assist in the creation of pollinator gardens. Thousands of native plants are being grown at the prison. Black Desert has qualified to receive the maximum allotment of over 300 plants and will be required to monitor them for 3 years.

Black Desert wanted to find a way to make tortoises a part of their educational program and to find ways to benefit them. They want to educate the public to realize that they have a responsibility beyond having the Reserve, such as wildfire and raven predation prevention strategies.

They are seeking to be permitted by DWR to obtain six live tortoises that will support a program of meaningful learning experiences for their guests and visitors. They would create indoor and outdoor displays that will ensure the tortoises well-being, and provide viewing opportunities for the public. They would eventually like to help increase the survivability of native wild hatchlings, by bringing them into captivity for a year or two until their shells harden a bit, give them a native experience in a controlled/safe place, then release them back into the Reserve. But for now, they are seeking to get a few adults onsite until the headstarting details can be worked out. Ultimately, they would like to be a partner and a good neighbor, and they see this as a way to proceed.

Chris Hart wondered, since Black Desert also own Red Mountain Resort, if that could be a better choice to place the tortoises since it is right up against the Reserve. Joe answered that Black Desert has acres and acres of typical tortoise habitat, but if there was a reason for it to be at Red Mountain, it could be

discussed. Chris Hart asked if they would be located close to the hotel, to which Joe replied that there may be a few close to hotel for education, but he envisions of having outlying areas for tortoises. If there is a surplus capacity to place the captive/adoptive tortoises, Black Desert could build a space similar to the one in Confluence Park. If a guest would like to go on a walk and look at it, they could.

Chris Blake asked Cameron what the process would be to give them permission? Cameron replied that the County doesn't have the ability to provide the permissions and permits. Black Desert has submitted an application with DWR. The County's role is to be a facilitator. We want to be as supportive as possible. If there is anything that can be done to benefit the tortoise with public education, we should do it. Black Desert has really deep pockets and strong ethics. We should lock arms and work with them to facilitate any programs that are authorized by DWR and FWS.

#### **b. Discussion and possible action on Black Desert proposal**

**MOTION** by: Kevin Bunnell

**Seconded** by: Chris Hart

**Discussion:** To approve the proposal conceptually based on review and conversation between Black Desert and the TC (with permitting/etc. being in place), and let them figure out what would be the best benefit for tortoise and tortoise conservation at the same time providing an educational outlet/opportunity at their facility.

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

**Motion passed.**

### **5. UTILITY AND DEVELOPMENT PROJECTS**

#### **a. Pioneer Park interpretive trail**

The ribbon cutting ceremony occurred about two weeks ago, and the HCP was able to assist with the signage.

#### **b. Grapevine trailhead**

The work on the trailhead has been completed, and the public is already using it. The official ribbon cutting will occur this Friday. The HCP assisted with the signage for this trailhead as well.

#### **c. Scout Cave trailhead restroom**

This was an item brought up to the HCAC several months ago. The HCP has since worked with Snow Canyon State Park and Fish and Wildlife on the analyzing the impacts (see exhibit 5c). It ended up being more beneficial than we initially thought, with about 1600 sq. ft. added to the Reserve.

**d. Removal of reflector in Pioneer Park**

Now that temperatures have cooled off, HCP staff are meeting with the contractor's onsite tomorrow. The reflector should be removed soon.

**e. Other utility projects**

Dawna Ferris-Rowley shared Rocky Mountain Power's Plan to do some work during the tortoise less active season along Cottonwood Springs Road (see exhibit 5e). Tortoise mesh is already onsite and has kept tortoises out of the area for some time. It is low quality habitat, with a minimum amount of impact of about 1,000 feet.

Cameron said that if it is all federal land, he didn't see a need for the TC to review the project. He offered that HCP staff could tortoise train the contractors.

George Weekley suggested that Rocky Mountain Power be requested to address the weeds. To which Dawna replied that they will.

**6. SURVEYS AND CLEARANCES**

**a. West Ledges**

This Spring, HCP staff surveyed the entire southeast side of the Ledges near the overpass that will soon be constructed. About a ½ dozen tortoises were removed from that side. SITLA will be developing that west side as soon as next year, so HCP staff is continuing those survey's this fall. To date, only 1 tortoise has been found on the west side. It habitat isn't as good, but more may be found once the survey is completed.

**b. NRCS project in Hurricane Cliffs**

NRCS is in consultation with FWS on a project in Hurricane Cliffs. Their project site is on non-federal lands, so they have asked for the HCP's assistance in order to take advantage of the ITP. HCP staff are working on the details with them.

**7. OTHER REPORTS & BUSINESS**

**a. TC report – Mike Schijf**

Mike Schijf gave the TC meeting report for Sept 12<sup>th</sup>, wherein the TC reviewed the HCP's adaptive management budget for 2025 (see exhibit 7a). The TC unanimously voted to approve the budget.

Cameron added that as he prepared for the HCAC's budget discussion, he ended up determining the need to increase the budget for fire restoration and prevention to \$100,000. This decision was based both on the HCAC's interest, as well as to meet the objectives in the plan that was recently approved. It is hard to know exactly what our expenses will be, and this doesn't mean we have to spend all of that money, but Cameron wanted some wiggle room in case projects line up that we would want to take advantage of.

**b. Discussion and possible action on 2025 Budget / Work Plan**

Cameron reviewed the draft budget with the committee (see exhibits 7b\_1). He noted that items highlighted in peach are budgetary decisions that will be made by the County. Items in green were reduced (mostly reductions in cost from moving into the new building), whereas items in red were increased due to increased needs.

Cameron wondered if the HCAC felt like the fire restoration and prevention change spoken of during the TC report was appropriate. To which Chris Hart asked if it will become multi-year/cyclical where after this first year the costs will be better known. Cameron responded that that was likely the case, but we are learning more each year. For example, the tumbleweeds that popped up after the recent firebreak treatment areas. Last year we put in \$200,000 in the budget in hopes to do a lot up front, but we are not going to spend all of that. Cameron hopes to still keep the budget elevated, but over time we will have to reduce it.

Chris Hart further inquired if all approvals are in place. He stressed not wanting to cut the budget short, and hopes that the group can revisit the budget later on if there is an opportunity to do more. Cameron answered that WRI has not been submitted yet, but if they do, the HCP wants to partner with and help them. Kevin Bunnell added that WRI project proposals are due the second week in January. He would like to have the TC coming back with a more refined proposal, the budget can be revisited once they have an actual proposal and budget in the system.

Mike informed the committee that there is a fieldtrip scheduled with a small group of local managers to go out and assess some of the treatment areas that have been conducted over the past couple of years. They are hoping to assess how those treatment areas are responding. A lot of what of what we do next year will be based on how the other areas responded so that the approach can be adjusted as needed. They should know more after that meeting, but the proposed budget of \$100,000 at least allows us more flexibility next year to do more treatments. There are plans to do more aerial treatments later this fall with Curtis Roundy and DWR on state and SITLA lands.

Chris Hart replied that it was his personal position that we do as much of this as we can, as quickly as we can, because it's one of those things that has potential

for giant payoffs. He didn't think there was any reason to defer it, because making fire less possible has got to be one of the HCAC's main objectives.

While on the topic of fire restoration and prevention, Dawna shared the Cottonwood Spring Road Herbicide Plan with the committee (see exhibits 7b\_2). The aerial Plateau application will happen this November. Cameron offered to supply Rejuvra to be added to the application.

**MOTION** by: George Weekley

**Seconded** by: Kevin Bunnell

**Discussion**: To adopt the budget and send it on to the County.

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

**Motion passed**.

### **c. HCP Administrator's Report**

#### **1. Tortoise Week**

Next week is Tortoise Week. Ammon Teare, HCP Education & Outreach Coordinator, has planned a paint night on Monday, a visitor center day on Tuesday, and guided hikes on Wednesday and Thursday to celebrate the week. If interested, the information to learn more will be available on the Reserve's social media and website calendar.

#### **2. Captive / adopted tortoises**

The HCP released about five captive tortoises into the care of The Great Basin Serpentarium for adoption, and another handful will go up next week.

Related, the HCP currently has two hatchlings in the visitor center. We think they are a great asset to our outreach program. A lot of public have been interested and have been coming in to see them. They will eventually be translocated once they grow and their shells harden a bit.

#### **3. Update on County legal claims**

Devin Snow reported that back in June the County sent a Notice of Intent to Sue FWS and BLM. The County didn't get a response, so the County filed suit in Utah federal court last month. The claims included: 1) there was a Biological Opinion that was issued in connection with the NC. The County maintains that it was recently improperly withdrawn by FWS; and 2) the Biological Opinion was a trigger in the HCP that required the County to provide Zone 6 and increase conservation commitments. Now that it has been withdrawn, that obligation no longer applies even though our local counterparts have asked the County to continue to provide those

commitments despite the Federal Government pulling back the Biological Opinion. FWS and BLM's responses are due in October.

#### **4. SEIS update**

Cameron reported that the public comment period has closed, and the County submitted their comments and are still working on the pragmatic agreement for cultural resources. That project should be done in the next few weeks, and a decision and the final SEIS should be out in November.

As part of that comment period, SITLA provided some comments related to their land in Zone 6, and Cameron invited Aaron Langston to come to the meeting to share those comments with the committee. Aaron hoped that by attending this meeting, he could help everyone understand why SITLA put its lands into Zone 6, and why their SEIS comments state that if the BLM ROW for the Northern Corridor is withdrawn, then SITLA will move forward with developing its lands in Tonaquint (AKA Zone 6).

Those who are broadly familiar with the Reserve know that SITLA was originally a major contributor in the mid-90's. There is a large holding that is still owned by SITLA. The original HCP proposed that the federal government, at some point, would buy or exchange out SITLA's land. Now its 2024, and maybe only 50% of that has happened. They are still being a very patient partner, waiting to be exchanged out or monetarily compensated.

The whole reason for SITLA's existence was to generate funding for its beneficiaries. This dates back to statehood, and was set up so that the state could continue educating the school kids of Utah. Revenues generated from land sales goes to the schools in Utah.

The proposed Northern Corridor route is going to meet up with milepost 13, and SITLA has about 160 commercial acres in that area. Right now the land values of commercial property in Washington County are huge. SITLA made a calculated decision to pledge their lands in Tonaquint for Zone 6 protections in exchange for the Northern Corridor in order to funnel traffic to their commercial acres. This will allow them to sell/develop those lands in order to generate a lot of money that will in turn be given to the school kids of the state. That was the agreement, that was the plan. SITLA recognizes that without the Northern Corridor traffic and growth of the county will be impeded, and SITLA makes money by roads and growth.

With the recent decision from the federal government to withdraw the Northern Corridor, SITLA is left scratching its head saying "what's this, we agreed that you would give us the Northern Corridor and we would give you our 3,000 acres in Zone 6. If you are rescinding your commitment to



us, then the only natural thing is for us to rescind our agreement”.

SITLA knows that if the Northern Corridor is built as originally designed, that it will take decades for the federal government to exchange those lands out or give them compensation. They are OK with that, as it would be a perpetual trust with time value. But, from a fiduciary standpoint, SITLA can't say they are willing to keep those lands in and lose the Northern Corridor. With the Northern Corridor they can develop properties at milepost 13. Without it, the timing would be seriously delayed.

Aaron shared three maps showing SITLA's development concept if the Northern Corridor is rescinded (see exhibit's 7c4\_1, 7c4\_2, & 7c4\_3). SITLA is not ignorant of what Zone 6 is, and understands the recreational opportunities and tortoise densities found there. They hope to work with the federal government to maintain the agreements, but if the federal government choose to withdraw their side of the deal, then that puts SITLA in the position where they will withdraw theirs.

SITLA is looking at two different paths for the development of the northern and southern portions of Tonaquint. The northern portion has a lot of boulders, and SITLA is not proposing to bulldoze those. They have worked with various engineers and have gotten mapping to determine a reasonable layout for those lands, and intend to turn them into luxury lots. One option is to do something similar to Amangiri, a high end luxury resort that costs \$8,000 per night to stay. Another option would be to combine the lots and provide them to a developer for the creation of multi-million dollar homes. Public access to climbing would depend on who SITLA partners with. Some developers may want it to be exclusive, while others may recognize its value to the community and decide to keep it open to all.

The layout for the southern portion would be treated very differently. Those who mountain bike out there know that it has gypsiferous soil, which lends itself well for mass grading. The goal would be to balance the site. Most people are aware that there is a housing crisis in Washington County. Governor Cox is putting pressure on different agencies to help solve the affordable housing problem. The southern portion, from SITLA's perspective, is the low-hanging fruit. All utilities are there, and its secondary access would probably be near the St. George plant.

Tortoise density is represented on the map, and a lot of habitat is at risk. The Northern Corridor would impact 300 acres, and SITLA has offered 3,000 acres of critical habitat in exchange. A lot of habitat will be lost if the federal government chooses this way to go. Aaron is not ignorant of the recreational opportunities. He also loves this area, but the lands weren't given to him personally, they were set up in a trust to fund public

education. SITLA is responding, and this is their response.

**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 commented that SITLA has made commendable conservation commitments, but he doesn't think they have the legal authority necessary to defend those commitments. When they say they made a calculated decision and want to hold Zone 6 hostage to the Northern Corridor alignment at Exit 13, they may not have the legal ability to defend that long-term. The Northern Corridor could go through the NCA. Then some years later, even against their commitment, SITLA could be compelled to allow something like the Tonaquint development and lose some or all of Zone 6.

Richard then commended Black Desert Resort and Joe Platt for their proposal. He hoped that when the TC evaluates it, that they consider some adult tortoises with UDRT to become breeding pairs to have eggs, hatchlings, and then head starting for eventual release when old enough. In terms of tortoise habitat on the Resort, he hopes Black Desert considers planting low potassium plants for the tortoises to eat. He also hopes that there will be aggressive communication/education with the public to help deal with tortoise depredation issues, such as stopping subsidies of ravens and coyotes by encouraging people to not leave out pet food or garbage.

Adan Morales, representing a non-profit baboon stewardship program, thanked SITLA for explaining their intentions and the need for schools. He asked, "how dire are the needs to generate income for the schools?" To which Chris Blake responded that it is the only reason why SITLA was formed. Adan hoped partners could be found that would be willing to retain the recreational land in Zone 6.

Robert Roush has a home in Ivins adjacent to the Reserve. He shared that Ivins City is currently going through an extensive review of its 2024 general plan that will go to its city council in the next few weeks. He asked that "page 3" of the plan to be shared on the screen which includes a map dating back to 2005 showing 160 acres titled as "Area 4" (see exhibit "Public Comment"). Area 4 is one of the zones identified by Ivins City for possible future annexation. The land has been a part of RCDR for the last 30 years, and is one of the most densely populated tortoise habitats. It was purchased from SITLA using USFWS Section 6 funding. It is owned by the State of UT, is part of Snow Canyon State Park, and is a part of the Red Cliffs NCA. As Ivins City continues to move forward with this plan, he thought that the HCAC should be aware of area 4, particularly if Ivins City does decide to retain area 4 as an annexation. Chris Blake replied to Mr. Roush, saying that just because it is annexed doesn't mean it will be developed. Ivins actually has quite a bit of acreage in the habitat.

Joanna Scott questioned generating revenue for schools by developing Zone 6. She thought there is already a lot of areas in Washington County that may be a more efficient space. By developing more and creating more roads, you're also increasing the cost of maintenance. Chris Blake answered that developers and cities are always looking at that, but it has nothing to do with the desert tortoise habitat. It's already within the city boundaries.

Sarah Clayburn shared that she believes Zone 6 lands are worthy of permanent protection, but they are not a bargaining chip. Adding Zone 6 to Red Cliffs doesn't justify destroying a different area of Red Cliffs with a highway.

## **9. MEMBER REPORTS & REQUEST FOR FUTURE AGENDA ITEMS**

Dawna reported that, thanks to Virgin River Land Preservation Association, BLM has officially acquired 4.99 acres at the end of Babylon Road. She shared a photo of the land dated in 1982 (see exhibit 9).

Kevin Bunnell requested that a presentation on the WRI project development be on the agenda for the January meeting.

## **10. ADJOURN**

**MOTION** by: Kevin Bunnell  
**Seconded** by: Dawna Ferris-Rowley  
**Discussion**: To adjourn the meeting.  
**Vote was taken**: All voted aye.  
**Motion passed**.

The meeting was adjourned at approximately 2:24 p.m.  
Minutes prepared by Randee Sanders.