

Southwest Utah Planning Authorities Council (SUPAC)

1 September 2009
Triple "C" Arena, Panguitch
MINUTES

Morning Field Trip--9:30 a.m. to noon

The members toured Cedar Mountain, focusing on forest management activities and mountain and resort development.

1. **Welcome and Introductions** – Wes Curtis, SUU VP of Government Relations and Regional Services opened the meeting at 12:55 p.m. Introductions were made.
2. **Army Corps of Engineers** - Pat McQueary gave a report on Southwest Utah and their permitting processes. She introduced Karen Clementsen as the new point of contact for the Southwest Utah office in St. George. The Corps is responsible for regulatory permitting and primary authorities for our nation's waters. We (Utah) are in the Sacramento District which includes California, Nevada and part of Colorado. Part of their mission is to protect the biological, chemical and physical functions of our nation's waters of the U.S. Corps Regulatory Mission is to implement Section 404 of the Clean Water Act and all other applicable laws, by providing balanced decisions in planning engineering, project management, construction, environmental, and real estate services to military and civil customers in order to meet regional and national needs.

Jurisdiction – Sections of the Rivers & Harbors Act (1899) is to maintain navigability. Goal of the CWA is to protect and restore the chemical, physical and biological integrity of our nation's waters that include interstate waters, wetlands, and other waters including intrastate and tributary impoundments of water. It's for work in, over, or under navigable waters of the US (Sec 10 of Rivers and Harbors Act of 1899) for discharges, subject to tidal action historically or currently used for transportation. Items requiring permits are: Dredging, excavation, boat docks, piers, marinas, ramps, floats, bank protection, levee work, utility lines/power lines, intake/outfall structures, and bulkheads.

Requirements where a permit is to be obtained from the Corps prior to discharging dredged or fill material into "waters of the United States." They include: Deposition of dredged or fill material in waters of US or adjacent wetlands; Construction of revetments, groins, breakwaters, levees, sands; Waters of the United States is defined as all navigable water and tributaries; all interstate/intrastate waters and their tributaries; and all adjacent wetlands to those tributaries. A tributary is one that flows to a navigable waterway.

Jurisdictional: The Corps' jurisdiction is the high water mark on navigable waters. Panguitch Lake for instance is in question because there is no high water mark or spillway. Always call and ask. Types of waters: wet meadows; marshes; and vernal pools. Wetlands are saturated to support wetland vegetation: 3 parameter test; vegetation; hydrology; and wetland soils. Benefit of wetlands: Flood Control and Water Quality are the two most important functions and values. Many more were listed. Jurisdictional ditches/canals. Permits will need to go to the Corps for stream alterations instead of the State of Utah granting permits because the State doesn't do mitigation. Kevin Carter had numerous questions about jurisdiction. Individual permits are a 120 day process. The Corps needs to post an ad for 30 days. Nationwide permits require verification with the Corps and are a processing period of 48-60 days (usually). Almost all projects prior to use are under this umbrella for impacts on .5 acre. The Corps ensures decision criteria compliance following guidelines set forth in 404(b)(1) 401 certification for water quality; Section 106 Historical Preservation Act (cultural resources); Endangered Species Act; and the Magnuson-Stevens Act 1996. The intentions are to avoid, minimize, and mitigate. If the applicant is under ½ acre they don't have to go for individual permitting. – If you begin work violations for not getting a permit in advance will be charged an administrative penalty upwards to \$125,000. Call 435/986-3979 if you need clarification for permits. More information is located at the website www.spk.usace.army.mil/

3. **Dixie National Forest Planning & Projects** –Kenton Call said the Mill Flat fire will be an interesting

learning experience. – Kenton distributed a map and press releases (Attached). They've been working on the motorized trail system and the Pine Valley campground. The campground is being renovated and will take about two years to finish all the touches. Dayle Flanigan had timber harvest activities this past summer as well. They will be putting out fires as quick as they can. Energy corridors are being planned in the Dixie National Forest. North to South – one from Ely, Nevada – and Garkane has a large corridor. Motorized travel is finished through informal appeal processes. Implementation will include education and a usable map for motorized travel eventually will be made. The closure of routes is because of natural resource consideration; maybe it is a wildlife habitat; maybe a stream channel is affected; etc. Maloy Dodds said it's because the USDA/FS wants to control and deny public access. There is a 14% increase from last year of ATV use. Kenton said the problem that ATVs which are licensed within the language of the motorized management plan are legal for entrance into campgrounds.

Secure Rural Schools counties in Utah received a large portion Title I and Title III monies to go to the local forest. Their Resource Advisory Council has 18 names referred to the Secretary of DOI and it may take 6 months to get approval. We need to think of projects for county schools and do the analysis. Additional money is available in the 4th year.

4. **Garfield County Planning & Projects-** Justin Fischer reported that electricity is being planned for Ticaboo. Capitol Reef sits between Boulder and Ticaboo. A feasibility study was done to bring electricity to Ticaboo. Rocky Mountain Power and Garkane service Garfield County. The County received an exemption for that area by Rocky Mountain Power which allows Ticaboo to produce their own power. A Special Improvement District can be created and they are in the final steps now to get this district. They held a public hearing to deny the petition and it went forward to produce their own electricity. Ideally it will be renewable and storable. Legislation was passed to provide the exemption on the boundaries for Rocky Mountain Power. They are looking at nuclear (small hyperian) lasts 5 – 7 years. They are 5 years out for producing it. It's possible if the carbon crowd speaks up it could be done. There are more options being reviewed. The coal mine (which is awaiting permits) will produce truck traffic and may eventually bring about a truck stop which could create up to 50 jobs. They are making lemonade out of lemons. There might be more truckers than miners eventually.

5. Round Table Updates –

Mike is in the process of hiring Prairie dog coordinator.

The R, C, & D habitat and credit exchange program coordinator is currently being advertised; Clara Baldwin is running safe harbor program. Natural Resource planning is being done and RMPs for counties are working on wind energy plans. Go to www.ironcounty.net website.

Wayne Smith looked at the new dairy – they have 5000 cows – Iron County fair is coming up and he invited all to participate.

Marreen Casper is hosting the cap and trade symposium for utilities which would raise our utility bills by 70%. Hatch is upset with Obama.

Fish and Wildlife will be looking at 59 varieties of fish to put on endangered species list.

Zion National park is up on visitation: Generates \$115 million. They've had 5 fatalities this year 4 jumpers and 1 motorcycle accident. Bill Cox from EPA is coming for 2 years; Bonnie Schwartz is leaving in 1 month to Yellowstone National Park; The Centennial Celebration continues to have great events, and Jock listed all of them.

A Public hearing will be on September 14th for the Cedar Breaks National Park designation at Parowan, Iron County Courthouse.

Model T letter about Zion Nat'l Park permitting was discussed. Jock said the Park didn't want it to impact all park visitors. They shouldn't have applied for a group permit if they were traveling intermittently.

Kane County had their county fair and sold 75 sheep, hogs, and cows and made \$75,000. Western Legends did really well. They received decision back from 10th circuit court of appeals on the roads denying access. Tina Campbell's findings were reaffirmed.

Army Corp of Engineers has 2 full-time working in St. George.

DEQ reported that the Natural Resource Committee affirmed Amanda Smith's appointment as director

after Randy retired. They are currently advertising for a P.E. Monty from UDOT reported on the various projects. Go to www.udot.gov for detailed projects. Don Willden reported that Beaver will be opening a community hospital and U of U will be putting an observatory on the peak. It's a perfect place because of the darkness. They are looking at their land use bill and they have cooperation with environmental groups for their proposed wilderness designation. First Wind is commissioning their first wind mill. There are 97 of them. Senator Bennett was here the last couple of weeks for conferences before going back in to session. Larry Parks reported that Iron Mission Park is now named Frontier Homestead State Park; Sand Hollow is getting ready for swim competition; Use of parks is up and the stays are longer and the same trend is showing all over the state. They've had 14 drownings this year for boating on the water and they now have electronic education classes for watercraft safety. Rene Berkhoudt – BLM has completed the Glendale Contact Station and they are having an open house Sept 12th. Close to completing the Big Water Visitor's Center and are partnering with UDOT. The GSENM received \$6 million for refurbishing. There is a new manager in Escalante name Drew Parking (sic). They acquired a piece of property in Kanab and are expanding the office there. NRCS has received a nationwide grant for CIB adapting remote sensing technology for planning use and they have a couple of EWP projects for Garfield County; Washington EWP has 23 contracts for a total of \$863,000. Karen said they have several projects which are ongoing and is waiting on three more projects to begin. Brian reported on the UPDRIP program. They have two really good candidates. Although some thought it is a controversial subject at this time, SUU Regional Services accepted the responsibility to host on the SUU campus. We continue to partner with many agencies including Zion Centennial and working with the Zion master artist program. There has been a great deal of activity over the summer for the Youth Conservation Corps and Utah Conservation Corp working on many restoration projects. The SUU Mountain Ranch is continuing with their RMP.

6. Calendar Next Meeting – The next meeting will be held on November 3, 2009.
7. Adjourn – The meeting adjourned at 4:05 p.m.

APPENDIX "A"
ATTENDANTS

Larry Gray, State Parks & Recreation
Charlie Frear, NRCS
Kristi Hatch, NRCS
Kenton Call, USDA Dixie NF
Clare Ramsay, Garfield County Commission
Wayne Smith, Iron County Commission
Ken Sizemore, Five County AOG
Doug Heaton, Kane County Commission
Wes Curtis, SUU Regional Services
Kevin Carter, SITLA
Mike Worthen, Iron County
Todd Stowell, Iron County Planning
Marreen Casper, Senator Hatch's Office
Dayle Flanigan, USFS Dixie National Forest
Jock Whitworth, Zion National Park
Maloy Dodds, Garfield County Commissioner
Donald Willden, Beaver County Commissioner
Bryan Thiriot, Senator Bennett's Office
Rene Berkhoudt, Grand Staircase Escalante National Monument
Brian Cottam, SUU Regional Services
Pat McQueary, US Army Corps of Engineers
Karen Clementsen, US Army Corps of Engineers
Justin Fischer, Garfield County/Five County AOG
John Chartier, DEQ
Jason Gipson, US Army Corps of Engineers
Monte Aldridge, UDOT