

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 **FEBRUARY 28, 2012.**

Committee members present were:

Karl Wilson, Chairman	Mayors Association
Chris Blake, Vice Chairman	Environmental Organization
Chris Hart	Local Development
Bob Sandberg	HCP Administrator
Marc Mortensen	Citizen-at-Large
Reed Harris	Utah Dept. of Natural Resources (UDNR)
Jimmy Tyree	Bureau of Land Management (BLM)

Absent and Excused:

Larry Crist	U.S. Fish & Wildlife Service (USFWS)
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Also present were:

Amber Stocks	HCP - Recorder
Cameron Rognan	HCP - Biologist
Alan Gardner	County Commissioner
Ann McLuckie	Utah Division of Wildlife Resources (UDWR)
Mike Empey	Congressman Matheson's Office
Marreen Casper	Senator Orrin Hatch's Office
Ellen Schunk	Senator Mike Lee's Office
Kristy Bianiz	Citizens for Dixie's Future
Eric Holt	JBR
Sandy Johnson	RCDR Trail Steward
Paul Van Dam	Citizen
Dallin Gardner	Previous Land Holder in Reserve
Steve Meisner	Virgin River Program
Robert Brennan	Land Holder in Reserve
Kristen Comella	Snow Canyon State Park

1. CALL TO ORDER

Chairman Karl Wilson noted that a quorum existed and called the meeting to order at 1:00 P.M.

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**

Approved HCAC Meeting Minutes – February 28, 2012

1. January 24, 2012
- c. Next Meeting Date**
 1. March 27, 2012
- d. Declaration of conflicts of interest**

Chris Hart declared a possible conflict of interest as he is the Mayor of Ivins. He will make reference to that later on with explanation.

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

3. PRESENTATIONS

a. Adjusting the Johnson Canyon Seasonal Closure (K. Comella)

Chairman Wilson noted that Kristen Comella was not present. He moved the agenda to 5-c, noting that when Kristen arrives the committee could re-address agenda items 3-a, 4-a, 5-a, and 5-b.

5. GENERAL BUSINESS

c. Discuss Work Meeting, History on ELT and James Doyle

Chairman Wilson stated the HCAC had a work meeting earlier that morning to discuss the history of inholdings, particularly ELT. Committee members commented the meeting was very productive. Bob Sandberg thanked Amber Stocks for her effort in pulling together some of the information used at the work meeting.

Chairman Wilson mentioned the work meeting was recorded and has minutes which will be available as part of the record. The purpose of the work meeting was accomplished, bringing those who have not been involved in the beginning up to speed. This is an ongoing process the HCAC needs to be attentive of. The committee will discuss Mr. Doyle's proposal (from the January HCAC meeting) at the next HCAC meeting.

d. Land Acquisition Efforts (J. Tyree)

Jimmy Tyree stated the BLM is optimistic that the Land and Water Conservation Fund (LWCF) application submitted last year for 2013 funding will make it through the budget process since it has been identified in the President's budget. \$4 million has been identified for the Red Cliffs NCA inholdings acquisition. The BLM will resubmit the LWCF application for 2014 funds to continue the acquisition process.

e. Planning Update (J. Tyree)

Jimmy stated the two NCA's (Red Cliffs and Beaver Dam) and the Resource Management plan for the St. George field office are continuing to move forward. The ID team met with the new planning team from BAH (Booze, Allen and Hamilton) a few weeks ago to re-start the process. The BLM now has new personnel from the consulting firm assigned to this project and are hoping to resume meetings with cooperators by the end of March or early April.

f. Consider Approval of 4th Quarter Report 2011

Bob explained some changes that have been made to the report since the last meeting and asked for approval. On the first page, changed "...2,000 desert shrubs..." to "...1,930 desert shrubs..." Also on the first page, added "Attended law enforcement quarterly meetings and UDWR quarterly Coordination meetings." The second page under Clearances Requested, clarified, "UDWR *informed* HCP of the realignment..." and "JBR *requested assistance from UDWR and Washington County to coordinate...*"

MOTION by Chris Hart to approve the 4th Quarter Report 2011.

Seconded by Reed Harris.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

g. Consider Approval of Annual Report 2011

Bob explained some changes that have been made to the report since the last meeting and asked for approval. On the first page, changed "...2,000 desert shrubs..." to "...1,930 desert shrubs..." Also on the first page, added "Attended law enforcement quarterly meetings and UDWR quarterly Coordination meetings."

MOTION by Marc Mortensen to approve the Annual Report 2011.

Seconded by Reed Harris.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

3. PRESENTATIONS

a. Adjusting the Johnson Canyon Seasonal Closure (K. Comella)

Chairman Wilson noted that Kristen Comella had arrived and invited her to address the committee along with agenda items 3-a, 4-a, 5-a, and 5-b. Kristen reported that currently the last ½ mile of the Johnson Canyon trail in Snow Canyon State Park (SCSP) has a seasonal closure from March 15th-October 31st annually, except by

Ranger Guided hikes. Kristen has been asked to re-assess this closure which is part of the existing 2004 Tortoise Management Plan and the 1998 SCSP Resource Management Plan. Kristen asked that this re-assessment go through the Adaptive Management Process, going to the Technical Committee (TC) for discussion.

Exhibit 3-a-1 explains the decision that was made by the planning team in 1998. In the rear of Johnson Canyon there is a spring (Snow Spring) which is the only surface flowing spring in the Park, supporting an over-story of Cottonwoods, Willows, and other riparian plants. The planning team felt it very important to protect the spring and the variety of wildlife breeding in the canyon. The seasonal closure is for the purpose of protecting the habitat and wildlife that relies on the canyon and on the water source.

5. GENERAL BUSINESS

a. Discuss Johnson Canyon Season Adjustment

Reed Harris asked if Kristen has been requested by somebody to re-assess the closure. Kristen answered that Representative Ipson has an open bill at this time (House Bill 347, Utah State Park Management Amendments). This bill has a title and no language currently associated with it. Kristen stated that Mayor Hart, Mayor McArthur, and all three County Commissioners have several issues with SCSP ranging from the fee structure to access concerns. They asked SCSP to re-assess this closure or they would back Representative Ipson's bill.

Reed asked how Kristen would propose to do adaptive management. Kristen suggested the TC should review the biological data with the species that have been documented in Johnson Canyon that are breeding and relying on the spring. There may be room to adjust the closure without further compromising or impacting the area.

Reed inquired what kind of use the trail gets. Kristen replied it is a very heavily used area, especially where it is a free area within SCSP. There are thousands of people that use the trail during the open period and hundreds of people that take advantage of ranger guided hikes during spring and fall seasons. Johnson Canyon and Scout Cave trails start out on the same path. People use the first ½ mile of trail to access the Scout Cave trail (open year round). The last ½ mile of trail leading into Johnson Canyon is the portion that has the closure.

Chris Hart clarified that Representative Ipson's bill still contains no language, in part because the decision has been made to pursue an Interlocal Agreement that would include SCSP, Washington County, St. George City and potentially Santa Clara. The agreement would create a management entity to oversee the policies in the Park. Chris Hart clarified this isn't something that originated with the mayors or the commissioners; this was in response to a number of comments from local residents concerning the access and use of SCSP. The open bill leaves a lot of questions as to how a change can reasonably be done without compromising the presence of the HCP within the Park. Closure to Johnson's arch has been repeatedly stated as something that is not well

understood by the public. Chris Hart asked Kristen if there is evidence of damage or harm to species from when Johnson's Arch was accessible. Kristen answered that she wasn't working for the Park when the planning team agreed to formulate that recommendation of closure. Studies that were done by SWCA Consulting Group and Marshall Topham knew of species (desert tortoise, gila monster, and other state sensitive species) that relied on the spring structure. Because there is no other similar type of habitat in the Park and because the canyon has been closed during the periods that are critical to the species, there is no documentation of direct impacts. Washington County contracts with Northern Arizona University (NAU) to do Reserve wide human impact monitoring. NAU has studied Johnson Canyon and probably has some data on it that can be looked at. Since SCSP purchased the access property (it was previously private property posted with No Trespassing signs), the closure has been in effect. SCSP has not monitored impacts to species that rely on the canyon because it has been closed to the public except by ranger guided hikes during those critical periods.

Chris Hart mentioned that a curiosity amongst residents who have frequented Johnson's Arch is how these sensitive species and humans co-existed for many years before. What brought on the restrictions? Was it an increase in the number of people who went there, the routes they took to get there or what they did when they were there? Kristen replied that Park wide visitation data in 2011 was just over 344,000 visitors. Since 2005 there has been an ongoing upward trend of visitation. Just as Washington County has grown in terms of population base, visitation to the Park has also grown, particularly since this is a free area in the Park.

Reed stated if SCSP would like to study this through adaptive management, normally that means the schedule is relaxed somewhat, the area is watched and noted if there are additional impacts. He inquired if the TC will study this for a period of time to see what kind of use is there. Kristen responded if the TC feels the closure window can be adjusted, they would likely suggest it should be studied, knowing that if there are habitat or wildlife impacts that there is the ability to readjust the closure appropriately.

Reed remarked he likes adaptive management and supports having the TC look at the schedule and associated impacts. Kristen added that a challenge with the Red Cliffs Desert Reserve and the Public Use Plan (PUP) is that observable impacts tend to be more habitat related than wildlife related. The HCAC needs to recognize the data will relate more directly to habitat. The TC will not be looking for causal effects from human recreation on wildlife as most impacts will be recreation related. Hiking this portion of the Park is in the lowland zone and hiking is designated to trails prescribed in the PUP.

MOTION by Chris Blake to authorize the Johnson Canyon season closure to the Technical Committee to be reviewed with the possible adaptive management issues.
Seconded by Marc Mortensen.
Discussion: None.
Vote was taken: All voted aye.
Motion passed.

Chris Hart asked what the TC would do in this study to determine impacts to species or habitat. Kristen stated the TC will assess the SCSP data for species that rely on the canyon. They will look to see if there is a window to extend the time that Johnson Canyon is open to the public. If the HCAC supports the TC's biological recommendation to include expanding the window, some sort of mechanism for funding would need to be looked at (SCSP may not have funding). Kristen reiterated that NAU will be doing human impact monitoring Reserve wide, and may possibly be the most affordable option. The TC, depending on what the HCAC approves of, will have to build the best and most cost efficient way to collect additional biological information or data into their recommendation.

Chris Hart asked if during this assessment the TC could come to conclusions to expand the open season by a certain number of days, weeks, or months and project the amount of impact with a threshold of intolerance to species or habitat? Kristen stated the TC most likely won't project that up front; they will look at baseline data. The TC would need to establish a threshold specific to Johnson Canyon and see what the trend has been. In some places of the Reserve, human impacts have exceeded the base line incrementally annually. In Johnson Canyon it may have already been exceeded and the TC will need to determine what additional data needs to be collected to assess the impacts from extending the open dates.

Chris Hart addressed the chairman, asking if in the monitoring and analysis, the TC will determine the impact of regular use verses walking off trails near the spring that cause the potential harm? Kristen stated in a perfect world, if people stayed on trails, there would not be human impacted habitat Reserve wide. The data has shown that people don't hike on designated trails and as a result there is a variety of impacts to habitat.

Chris Hart added it will be interesting to know what kinds of things bring about the harm. Kristen stated that Bob and Cameron Rognan have a lot of data they have teased apart in a lot of different ways. It may be worthwhile to look at the data Reserve wide, not just at Johnson Canyon. Kristen added the TC reviews the NAU reports annually. Bob reported the HCP has the data and NAU will come at the end of March to collect data on virtually every trail in the Reserve. NAU will report on off-trail impacts if there are multiple trails. The TC then takes the information, teases it apart and tries to understand what it means in relation to impacts to desert tortoises, gila monsters, nesting raptors and other issues along with how to deal with trail management.

Chris Hart asked the chairman to what extent the public can be educated through signage to understand that it is a privilege to access the area and the only way to maintain the privilege is adherence to the rules? Kristen said Reserve wide, managers have used a multi-prong approach for many years with education, law enforcement, signage and other on-going tiers. At the end of the day people are curious and no matter what is being used for education, people will do what they want to do.

Reed asked if this is a seasonal or a voluminous issue with Johnson Canyon. Kristen reiterated the closure is simply to protect the sensitive resource and habitat that is

required by a multitude of species. Extending the window will probably increase the number of people who go there, thus there will likely be more off trail impacts.

At the trailhead to Johnson's Canyon there is a gate with a closed trail sign. People can let themselves past the gate to access the Scout Cave trail. Just beyond where the Scout Cave trail veers off there is a section of fence that crosses the trail with a sign on it plus another sign behind it for those people who have not read at that point. Further down the trail a few hundred feet there is additional signing in case people come from a different route.

4. UTILITY AND DEVELOPMENT PROJECTS

a. Restroom Project in Snow Canyon (K. Comella)

Kristen explained that currently at the Upper Galoot parking area in SCSP, there is parking for approximately 50 vehicles. There is a single compost vault facility that was installed in 1999 and use for the facility is exceeding what it was designed for. Kristen reported she has requested funding for a new two flush restroom facility which may bring impacts associated with the installation. Exhibit 4-a-1 shows the proposed restroom to be 13' x 20'. If SCSP gets the facility, a septic tank would need to be installed, impacting about a 5'x100' area. This work could most likely be done on an existing road. SCSP would like this facility to be electric and the power box would need to be extended, impacting an additional 5'x1400' area. If funding is available, it will need to be spent by the end of June and would need to go through the Utility Development Protocol. Any additional impact will need to be assessed. Reed stated his support and added that if people aren't using the facilities, they'll use something else. It was mentioned that there are tortoises in this area.

MOTION by to Chris Blake to recommend this project to the Technical Committee to follow the standard Utility Development Protocol.

Seconded by Jimmy Tyree.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

5. GENERAL BUSINESS

h. HCAC Member Terms and Elections

Bob Sandberg reported that the Washington County Commission has reappointed Mayor Karl Wilson, Chris Blake and Marc Mortensen to the HCAC for another term. At this point there is opportunity to elect chairman and vice chairman of the HCAC.

MOTION by to Chris Hart to nominate Mayor Karl Wilson to continue to serve as the chairman.

Seconded by Chris Blake.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

MOTION by to Chris Hart to have Chris Blake serve as vice chairman.

Seconded by none.

Vote was taken: Chris Hart and Chris Blake were both nominated to serve as the vice chairman. A vote was taken, resulting in a tie for each nominee.

Discussion: Chairman Wilson broke the tie by flipping a coin. Chris Blake won the coin toss.

Motion passed.

i. Technical Committee Report (A. McLuckie)

Ann McLuckie reported she is the TC vice chairman and was reporting for Chairman Croissant. Ann stated the FWS has requested that the TC identify additional mitigation to offset the Red Hills Parkway temporary impacts. The TC went on a field trip to identify restoration areas within Zone 3 and suggested the old dump along Cottonwood Road which is an area surrounded by a relatively high density tortoise population. Renee Chi will check to make sure that this area was not already used as mitigation for a previous project.

The TC talked about moving a trailhead as the undercut along the Red Hills Parkway may impact the trailhead. The TC discussed a new utility gate in this same location. Because increased access has the potential for impacting tortoises and habitat, some TC members have requested looking at a more formal proposal from the proponent.

The TC discussed updates on the I-15/SR-9 interchange. Cameron Rognan will complete a tortoise survey this spring in the impacted area. The TC talked about the following fire season preparations:

- Continue with goat grazing along the right-of-way on Cottonwood Road,
- Chemical spraying along the right-of-way on Cottonwood Road, Red Cliffs Campground, Babylon and other utility access roads (although an EA would need to be completed by the BLM),
- Mowing along the right-of-way on I-15 and SR-18,
- The County will meet with fire personnel from different agencies to update them with Reserve access information.

Chris Hart requested clarification through Chairman Wilson as to the scientific analysis the TC uses during certain projects. As the Ivins City Mayor, when the planning commission comes to the city council with a recommendation on an issue, they come

with “findings” (reasons for suggesting a particular course of action). Chris Hart gave appreciation to Ann for receiving the Managers Oversight Group Document (MOG) and stated it is mostly a procedural document, not setting out the terms of how to classify categories with types of areas.

Ann stated the MOG document is used for BLM lands. The BLM has identified category one, two, and three lands. The Reserve was identified as category one up front because of its high density of tortoise habitat, category two land would have a more moderate density of tortoises and category three would low density of tortoises. The MOG is applied throughout the whole Mojave Desert with the entire Reserve being considered high density. This is relative to other areas in the Mojave Desert where there may be low density and practically no tortoises at all.

Chris Hart asked what the TC looked at for mitigation for the Tuacahn detention dam. When the impact analysis was done to the detention dam there was a determination made that there would be a requirement for a certain mitigating area to be provided by Ivins City in return for placing that dam there. When exchanging category one to category two, there is a ratio range from two to five as to what the requirement will be. In this particular case the mitigating property is about 1,000 yards away from the property on which the detention dam is to be placed. How was it determined and how is a conclusion reached that the property 1,000 yards away should be provided a ratio of 2:1 or 5:1? Toe trail was a ratio of 5:1 then and also as it stands now.

Ann answered there is an equation with five components which look at the density of habitat and if the project will add additional impacts to adjacent tortoise habitat. There is a whole series of questions to ask such as if the habitat is already heavily impacted. With Toe trail, the whole process was recorded in the TC meeting minutes.

Chris Hart asked if the TC looked at the property being proposed for mitigation to determine its value and the property on which the dam will be placed as a category one. From that, did the TC determine the mitigating property should come at a ratio of 5:1 because of its diminished value compared to these other considerations? Ann answered the Ivins Detention Dam process went heavily through the FWS and the EA process. The TC looked at the quality of habitat being impacted (heavily disturbed= 0, not heavily disturbed=1,) and whether it would have long term or short term impacts along with impacts to adjacent habitat.

Chris Hart asked if the detention dam being a permitted use within the HCP came into play. Ann stated the MOG questions are habitat and impact based and even though the dam is a permitted use in the Reserve it is irrelevant. Bob added that even though it is a permitted use, the impact still needs to be mitigated, especially since it is inside the Reserve. The Reserve has been set aside so that there would be no impacts. Chris Hart asked if consideration is given for the fact that it could provide protection for additional habitat below the structure. Ann stated it is irrelevant because tortoises have survived floods in the past. The detention dam is not seen as providing additional protection.

j. Technical Committee Member Replacement

Bob reported that Jeff Norton, who the HCAC recommended to the County Commission to serve on the TC, has informed the commission that he can no longer serve. Bob presented the name of Gary McKell to fill the position vacated by Jeff Norton.

Gary McKell retired from the Division of Wildlife Resources. He served on the HCAC in the capacity of an Environmental Organization representative. He has an extensive background on issues in this area, is a retired conservation officer, and would serve well.

MOTION by Chris Blake to recommend Gary McKell to the Technical Committee.
Seconded by Reed Harris.
Discussion: None.
Vote was taken: All voted aye.
Motion passed.

k. Administrator's Report (B. Sandberg)

1. HCP revenues and expenditures report

Exhibit 5-k-1 shows the most recent revenues and expenditures report.

2. DWR MOU

Exhibit 5-k-2 shows the Memorandum of Understanding (MOU) with the DWR. Bob reported the HCAC recommended approval of this MOU to the County Commission. The commissioners have passed the MOU and sent it on to the DWR for their signatures.

3. ARS Plantings

Bob reported the HCP has been working with DWR personnel and the Agricultural Research Service (ARS) out of Logan, Utah. ARS is a research service that put in 2,000 plantings at Turkey Farm and the Beaver Dam Slope. ARS will study and research plant material to find what will be useful in restoration and reclamation efforts. They used a multiple of native species including side oats gramma, indian rice grass, sand drop seed, globe-mallow, desert marigold, creosote bush, bursage, and prairie clover (petalostimum). They also planted a couple varieties of kochia to see what the success rate might be. They mapped it in systematic rows with numbers on the plants.

They experimented by adding a dried crystal in the bottom of the planting hole to help hold in the moisture. With the rain this area recently received since the planting, the crystals have expanded to the point that the plants were pushed up out of the holes and HCP staff had to put them back in the ground.

When the DWR did their plantings, they used established containerized plants. ARS also used containerized plants. This will hopefully increase our knowledge since there hasn't been very much research with established plants. ARS intends to see which plants survive and then come back with other trials and experiments to figure out the best way to plant them. Is it containerized stock or is it seeding; if seeding, what type of seeding and what can we do to be more successful?

The DWR has planted kochia in the past. Ann stated when the DWR planted kochia along with a series of native plants there was negligible growth. Bob added, plateau doesn't kill established plants but it stops them from germinating. The application timing window is different for cheat grass as opposed to russian thistle (tumbleweeds).

4. Outreach Coordination Summit / Desert Tortoise Council

Bob reported there was an Outreach Coordination Summit held previous to the Desert Tortoise Council (DTC) meetings in Las Vegas. The HCP Outreach Coordinator, Cornell Christensen, attended the Coordination Summit. The Summit involved multiple agencies, non- governmental groups and others who are working to help recover the desert tortoise and improve education and outreach throughout the Mojave Desert. The Summit was informative and hopefully it will benefit our outreach program.

HCP staff attended three days of DTC meetings. Ann mentioned there was a paper presented in support of the Sonoran Desert Tortoise species. The tortoise community has seemed to gain acceptance of the separation in species. The separation probably won't affect management here but Arizona will most likely feel more of the burden.

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

a. Next Meeting Date, February 28, 2012

8. ADJOURN

MOTION by Marc Mortensen to adjourn the meeting.
Seconded by Jimmy Tyree.
Discussion: None.
Vote was taken: All voted aye.
Motion passed.

The meeting was adjourned at 2:15 p.m.
Minutes prepared by Amber Stocks.