

# WASHINGTON COUNTY HABITAT CONSERVATION PLAN TECHNICAL COMMITTEE MEETING

A meeting of the Technical Committee of the HCP was held May 11, 2011, in the Public Works conference room at the Washington County Administration Building, 197 E. Tabernacle, Saint George, Utah

Members present were:

Renee Chi – through conference call	U.S. Fish and Wildlife Service (USF&WS)
Cameron Rognan, Chairperson	Wash Co. Habitat Conservation Plan (HCP)
Ann McLuckie	Utah Division of Wildlife Resources (UDWR)
Kristen Comella	Snow Canyon State Park (SCSP)
Tim Croissant, Vice Chairperson	Bureau of Land Management (BLM)

Absent and excused was:

Marshall Topham	Local biologist
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Also present were:

Bob Sandberg	HCP
Amber Stocks	HCP
Chuck Gillett	Ivins City Engineer

## 1. CALL TO ORDER

Chairperson Rognan noted there were at least four voting members present, a quorum existed and the meeting was called to order at 12:30 PM with Renee Chi attending via conference call.

## 2. APPROVAL OF MINUTES

### a. April 14, 2011

The following changes were made:

#### **Page 3, paragraph 1: changed,**

From: “The trail would be compensation in property and work that has already been done on the Detention Basin Dam.”

To: “The trail would be compensation for property and work that has already been done on the Detention Basin Dam.”

#### **Page 3, paragraph 6: changed,**

From: “They talked about the flood control issue and how it would be solved five to ten years from now if there is a big flood and the whole issue comes up again.”

To: “They talked about the flood control issue and how it would be revisited five to ten years from now if there is a big flood and the whole issue comes up again.”

**MOTION** by Renee Chi to approve the minutes as corrected.

Seconded by Kristen Comella.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

### **3. GENERAL BUSINESS**

#### **a. Discuss Field Trip to the Toe Trail and Ivins Detention Basin**

Those who attended the field trip to Toe trail and the Ivins Detention Basin were Cameron Rognan, Bob Sandberg, Ann McLuckie, Tim Croissant, Kristen Comella, Chris Hart, Benny Sorensen and Judy Gubler. Chairman Rognan invited those who attended to report on their findings.

Exhibit 3-a-1 was looked at. The agenda was moved, discussing 3.a. and 3.b. interchangeably.

#### **b. Review Alternatives to the Ivins Detention Basin**

Renee Chi began the conversation by stating the following conditions in regard to the Ivins City proposed trail, discussed in the TC 04-14-11 meeting:

1. HCP funding cannot be used for this type of trail or for maintenance since it doesn't directly benefit the tortoise recovery.
2. Relative to Section 6 impacted land; if funding comes from another source it would require NEPA and Section 7 consultation. An EA and a biological opinion would have to be written. The EA would be written by Fish and Wildlife Service (FWS).

These two conditions would need to be met for the TC and/or FWS to consider if the trail is compatible with desert tortoise conservation and recovery. Exhibit 3-b-1 shows the analysis of the Ivins Detention Dam versus a paved/developed trail on Toe Trail. If the trail is built, resulting permanent or temporary impacts would need to be offset with mitigation.

Chairperson Cameron Rognan asked what the requirements are for “take” of habitat. Renee replied that it depends on what the final type of design is (boardwalk, paved). There are multiple variables to consider and anticipated impacts would be determined after the trail has been properly designed by an engineer. Without a specific and detailed plan no final decision can be made as to what is appropriate. The Managers Oversight Group (MOG) has a ratio to calculate minimum number of permanent impacts versus maximum number of permanent impacts within the realm of possibilities that will be looked at. The original detention dam footprint was 5.5 acres for permanent habitat

loss and 4.5 acres for temporary habitat loss.

The committee discussed an elevated boardwalk, mitigation, desert tortoise recovery, and a possible biological opinion. Cameron reminded the group that if the trail is not built there is always the risk that the dam would be built. However, there are significantly less acre impacts through building a trail than through building a dam. The footprint of the dam would be much more destructive to habitat than building a hardened trail.

Renee mentioned that when the Detention Basin Dam was first considered years ago, it was justified as a permitted activity within the HCP because of safety issues and incorporated into the HCP as it was drafted. The FWS worked with Ivins City and their contractors to minimize impacts as much as possible. They also worked to identify other properties which could potentially be part of the Reserve or open to tortoise use. Specific times were identified in which construction could occur. This was all included in the biological opinion and subsequent discussions.

Kristen Comella spoke for Snow Canyon State Park in terms of building the trail and mentioned that it is solely on the shoulders of the park. Snow Canyon could partner with Ivins City for funding and maintenance. She expressed her support to help this project come to pass. The committee discussed possibilities of design, engineering, contained boardwalk, Americans with Disabilities Act (ADA) accessibility, and so forth.

Cameron mentioned he was under the impression that Ivins will be required to mitigate for the take of the actual path. Ivins will be required to add to the Reserve because essentially the Detention Dam property is already inside the Reserve. Cameron understands the slippery slope that needs to be avoided but feels it can be done by having a separate consultation with FWS. The trail will require mitigation of its own that is separate and independent from the Detention Dam requirements. The Detention Dam property is an added bonus to a potential deal with Ivins City, but adding a paved or elevated trail will still have to go through the normal consultation process and require mitigation for the "take" that may occur.

Kristen alluded that it may be at least another year before Snow Canyon State Park could apply for a state grant to design the trail. At that point the design information could be used for biological opinion, MOG ratios, etc... An agreement with specific terms as to when and how the property would be transferred to Snow Canyon State Park would need to be addressed.

The committee had a difficult time believing a Memorandum of Understanding (MOU) will be able to trump the threat of a potentially devastating flood which could involve lives and property. The committee doesn't believe there's a perfect solution or any guarantees; there are risks no matter what, however, a MOU is a high probability agreement. The TC continues to have concerns in regards to maintenance, funding, details of how it would be engineered, and if it will be economically feasible. Also, at what frequency is it acceptable for the trail to wash out and what level of maintenance will be required?

The committee then discussed the following: 1- Can the TC support the trail and clearly state why they biologically support it to the Habitat Conservation Advisory Committee (HCAC)? 2- If the TC is in support of the trail and able to clearly state why they support it, can they come up with a good faith plan to present to Ivins City?

Kristen wrote on the white board some basic assumptions, and a general idea of what will happen. Her notes on the white board are shown in Exhibit 3-a-2.

*Doesn't remove threat of flooding and purpose and need of dam, however:*

1. 7.88 donated
2. About 2,000 linear feet construction (offset: temporary & permanent habitat impacts, MOG Ratio).
  - Elevated boardwalk
  - 8-10 foot hardened Trail
3. 1.86 permanent habitat loss avoided
4. 1,686 feet of existing trail removed (average 2 feet)

Renee pointed out that there aren't many land parcels considered of habitat value that can be added to the Reserve. All permanent impacts need to be offset by something that the TC has deemed a significant benefit to tortoises above and beyond what is currently being done.

A question the TC continues to think about is: are the gains from this Ivins City proposal equal or better than the loss of habitat from a new trail? Renee stated that from the State Parks side, there needs to be a net benefit from the trail, totally separate from the 7.88 donated acres. The biological opinion will be analyzed for the trail and only the trail.

The committee discussed the need to legally link the cost of construction and the maintenance of the trail to the donated property. Renee will verify if a MOU would be sufficient, stating that Ivins will donate property after Snow Canyon State Park builds a boardwalk trail. The committee agreed that if the 7.88 acres of Ivins property and the trail can be linked it would be a net positive to the tortoise.

Part of the difficulty in separating the donated property and trail is the reality that it was a political decision in the first place. FWS made a promise to Ivins City and encouraged them to purchase land for the Detention Dam. FWS originally struggled with the biological impacts of the Detention Dam and took several years for the consultation process. A paved or elevated trail will also require further guidance from solicitors, but should be considerably less time consuming than the Detention Dam.

The committee reminded one another that most of the 7.88 acres, even with the dam built, will be left open for the tortoise. Occasionally there would be some water retained in the area. Tortoises will still have free reign of the land with the exception of the dam footprint and the additional riprap that would be required. The temporary impacts would include soil and vegetation compaction caused by construction vehicles. These areas would be raked afterward. The committee agreed at this point to focus on permanent

loss from the dam footprint verses permanent loss from the boardwalk.

Renee Assignment: Will touch base with the regional office and get feedback from a solicitor on whether a MOU with Ivins City would be sufficient as far as a legal agreement to tie the 7.88 acre donation to the trail development. If the trail is not federal land or not federally funded then it would have to be approved by the HCP.

Tim Assignment: Will look into finding a BLM engineer for any free advice on trail development.

Cameron Assignment: Will coordinate with Ivins City to see if they have any engineers who could offer advice on trail development.

There is always a possibility that Ivins can build the dam as long as they hold onto the property. If the dam is not built now, there is no guarantee that years later Ivins City will come back to the HCP requesting a dam be built for flood safety issues.

**c. Review NAU Monitoring Data**

The committee reviewed Exhibit 3-c-1 which are graphs based on the TC discussion from April 14, 2011. The exhibit shows a summary of trails over the past seven years of monitoring. Most of the trail data are erratic; overall there is a trend towards more impacts in the later years. This information will be presented in the future as necessary or when data is updated each year.

**d. Discuss Fire Fuel Reduction Methods**

D'Goat Ranch grazed their goats on Cottonwood Road to reduce fire fuel. After four days it was determined to pull the goats out due to the vegetation being too dry and the goats not eating. The goats started grazing around the entrance of the Reserve to the entrance of the old St. George dump. They covered roughly half a mile.

Bob Sandberg will explore the possibility of using county in-mates who would help reduce fuel loads with weed-eaters. Isaac Ison with D'Goat Ranch will also look into the possibility of finding a mower.

Tim Croissant discussed herbicides within the right-of-way and how to protect unburned habitat. An EA to allow herbicides on at risk BLM property may be available next year. Bob said the Mojave Desert Initiative Group met and discussed the fire fuel topic. They are working on brown stripping and planting studies. Funding will hopefully be available in 2013.

Guidelines for managing wildfires were reviewed in Exhibit 3-d-1. A year ago Bob spoke with State Forestry and Fire and each city fire department. He gave them copies of this document (Exhibit 3-d-1) along with maps and gate access.

The committee discussed fire burn areas, water sources, use of equipment, and off road

driving.

**e. 2011 Budget Planning**

Exhibit 3-e-1 shows last year's budget information for the committee to review. The committee will take time to look at the budget before the next meeting. They will finalize the budget during the June meeting in order to make a recommendation to the HCAC.

**4. OTHER BUSINESS**

**a. Graded Property near Turkey Farm**

Ann noticed a private land parcel near Turkey Farm which has been recently graded. The committee discussed the need to have contact with land owners to protect tortoises before land is disturbed.

**b. Homeless Camp**

The homeless camp found North of Pioneer Park during monitoring is still there.

**c. Red Hills Parkway**

At the next TC meeting Renee would like to talk about temporary impacts from the Red Hills Parkway expansion project and come up with feedback on where temporary impact efforts could be allocated. She would also like consideration on whether to focus on restoration or other some other action the TC would deem of equal benefit to tortoises.

**5. NEXT MEETING DATES**

**a. Thursday, June 9, 2011**

**6. ADJOURN**

**MOTION** by Ann McLuckie to adjourn the meeting.  
Seconded by Kristen Comella.  
Discussion: None.  
Vote was taken: All voted aye.  
Motion passed.

The meeting was adjourned at 2:40 PM.

Minutes prepared by Amber Stocks.