

WASHINGTON COUNTY HABITAT CONSERVATION PLAN TECHNICAL COMMITTEE MEETING

A meeting of the Technical Committee of the HCP was held **July 14, 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:

Also present were:

Bob Sandberg	HCP
Amber Stocks	HCP

1. **CALL TO ORDER**

Chairperson Cameron Rognan noted there were at least four voting members present, a quorum existed and the meeting was called to order at 9:40 AM with Renee Chi attending via conference call.

2. **APPROVAL OF MINUTES**

a. **June 9, 2011**

The following changes were made:

Page 3, paragraph 1, last sentence: changed,

From: “~~To cut losses,~~ the trail could be made an official route rather than having people use it illegally.”

To: “The trail could be made an official route rather than having people use it illegally.”

Page 3, paragraph 2, sentence 1: changed,

From: “The proposed trail is not very long.”

To: “The proposed trail is not very long (347 meters).”

Page 3, paragraph 2, sentence 5: changed,

From: “There ~~are a lot of~~ high network trails in this area and to emphasize Ann read from a biological opinion which states...”

To: “There is a high network of trails in this area and to emphasize Ann read from a biological opinion which states...”

Page 4, paragraph 2, sentence 1: changed,

From: “Ann expressed ~~her feelings~~ that a boardwalk trail would not be needed if the trail could be built as near to the edge of the Reserve as possible.”

To: “Ann expressed that a boardwalk trail would not be needed if the trail could be built as near to the edge of the Reserve as possible.”

Page 4, paragraph 2, sentence 2: changed,

From: “She ~~felt~~ that by extending tortoise mesh along the length of the trail, the need for a step over gate would be eliminated and could potentially cost less than a boardwalk.

To: “She said that by extending tortoise mesh along the length of the trail, the need for a step over gate would be eliminated and could potentially cost less than a boardwalk.

Page 4, paragraph 3, sentence 1: changed,

From: “According to Ann the TC ~~has the right and~~ should recommend the trail be as close to the perimeter of the Reserve as possible.”

To: “According to Ann the TC should recommend the trail be as close to the perimeter of the Reserve as possible.”

Page 5, paragraph 2, deleted,

“Chuck asked if a detention dam within property owned by Snow Canyon State Park could be built in the event the governor issued it to be built on State Park land. Kristen said that political pressure could be applied in a political climate and yes the dam could be built.”

MOTION by Renee Chi to approve the minutes as amended.

Seconded by Ann McLuckie.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

3. GENERAL BUSINESS

a. Field Trip Discussion

Exhibit 3-a-1 is a map which shows the proposed new trail and the current trail which would be removed. During the field trip the committee noted the proposed trail is a better route for bikers and some hikers. It may be a more appealing route to just a select group. Most of the existing trail is a two-track trail which equestrians seem to be using. During the field trip the committee noted signs of horse use; tracks and manure.

Ann McLuckie said the current trail might be preferred by some hikers who like to hike in parallel. It is an old road, being wider in some sections and has been recently used. The new proposed trail is single track and incredibly narrow in some spots. The new trail would need to be clearly marked like other areas in the Reserve.

When Dan made his proposal he noted about half the proposed trail is across slick rock. He questioned whether horse riders would go on it. Kristen Comella commented that there is steep descent off the slickrock onto the dirt. This raises the same question if it is appropriate and usable by equestrian users. Kristen also stated the following: 1) the idea of the proposed trail ties in nicely since it is more convenient than going down the road and up around. It makes more sense and is user friendly. 2) There would need to be equestrian input for the proposed trail, since previous experience has shown that some horseback riders don't like being on long stretches of slick rock because their horses slip around. 3) How feasible is it to close and rehabilitate the existing trail which is wider and sandier?

Tim Croissant commented that if the TC approves the new trail, then the new trail segment would start to widen over time, at least in areas that were not on slickrock. Tim felt that in the event the existing trail were to be closed, the ability to successfully rehabilitate would be very limited.

Ann articulated the TC is a biological recommending committee. Politics regarding private property should be left to other individuals. The TC needs to determine which trail to use since there can't be both trails. She added that additional trails cannot be included in the Reserve because there cannot be a net increase of tortoise impacts (habitat loss). The TC will need to biologically evaluate the impact.

Kristen asked if the private property owner of the existing trail would let it be rehabbed if they don't want it publically used. Bob Sandberg suspects that there may be an easement from Washington City because of the power lines along the road. There will be continued access along the road to maintain the powerlines. Cameron noted rehab could potentially happen in the section of trail that is on SITLA property. Most of the two track portion is on private property and would not be rehabbed for the utility access.

Bob agreed to the difficulty of the private property issue and the biological recommendation dilemma. He told the group that there is also reality. Would it be

easier to stop mountain bikers from using the current illegal trail or would it be easier to stop the equestrians from using the currently designated trail? Ann answered it would be harder to stop the equestrians and hikers from using the current trail.

The committee discussed how the private property issues are important, especially if agencies continue to allow the current trail on private property without authority or approval from the landowners. Ann clarified that there doesn't need to be approval since the trail is already a utility corridor that has to be there.

Bob explained that there have been past discussions on pipe line or power line right of ways. Whether or not they're wide enough or broad enough to allow public access or whether the rights of ways have specific purposes to the city. Typically public access expansion cannot be made along the utility corridors. Bob then mentioned the private property owners of the trail haven't made any kind of effort to keep people off their property.

The committee discussed what the area would look like if the BLM were to map out all the trails and not include this portion of trail on private property. Would there be a missing piece with no way to connect to other trails that are on BLM land? Ann answered that the BLM might not be able to put a portion of trail on a public map document; however, it's still a trail that has been identified in the Public Use Plan.

Cameron has contacted the land owners and asked them to sign an agreement allowing the BLM to put the trail on a public map but the property owners refused. There's always a chance they could fence the trail and say "no access", however, the committee doesn't feel the property owners will go that route.

Ann reminded the group that there will be future requests for additional favored trails by select groups of users. The TC needs to realize and understand that these trails have to be good for multiple users; for equestrians, hikers, and bikers. There should not be redundant trails and additional trails should not be incorporated into the Reserve. The proposed trail is clearly used by a select group of individuals and not a wide variety of users. Ann added the TC should continue with the old trail and keep putting up "illegal trail, do not use" on the newly proposed trail.

Tim Croissant agreed that if nothing else the distance is so short and not a major deal to go around the long way. If the property issue ever gets resolved it could be an issue to deal with later.

The remainder of the committee also agreed biologically that it is hard to justify the new trail. Rehabbing and closing where it has been ingrained by the bulk of users and their pattern of use would be difficult. For these reasons the TC felt it was best to deny the proposed new trail and keep users on the existing trail.

MOTION by Ann McLuckie to keep the old trail and deny the request for the new trail based on the majority of users continuing to use the old trail, being an established road; therefore, it will continue to remain open due to utility access.

Seconded by Renee Chi.

Discussion: At this time the TC is not denying future proposals for use of the current illegal trail.

Vote was taken: All voted aye.

Motion passed.

b. Status Report on Toe Trail Recommendation

Cameron gave the TC recommendation to the HCAC on June 28th. After receiving the recommendation the HCAC seemed eager to pursue the exchange. The HCAC likes the opportunity to see the detention basin dam project go away.

Kristen reported to the TC that an engineer did a pre-engineering assessment. The engineer walked the Toe trail area, looking at the drainage areas and the idea of pushing the trail as far to the perimeter as possible. More information will be available later from the engineer.

It was stated that Mayor Chris Hart said he would take the recommendation to the Ivins city council. If the city council decides to go forward, a specific proposal will be brought before the HCAC. Kristen said she got an email from Judy Gubler of Ivins City. In response to Judy, Kristen stressed that just like this is a work in progress from their side it's also a work in progress by all sides. Hopefully it will be a win-win, but there are still a lot of pieces to work through.

c. 2012 Budget Recommendation

Bob started by explaining there is not anything significantly different from what was discussed last month. Exhibit 3-c-1 is color coded with red items showing amounts which have gone up from the 2011 budget. The salaries and benefits are up and will probably change from what is seen in the spreadsheet. The auditors may change the amounts based on actual hours employees will work. Office supplies have also been increased by \$500 and human impact monitoring was increased by \$1,000 in case it is needed next year. The systematic clearances and contingency fund was dropped for 2012. The rest remains the same, including the Confluence Park amount.

Bob would like to be able to use the same amount for Confluence Park in 2012. This year Bob was able to get some dedicated hunter projects so it didn't cost any money for mowing fields to reduce fire hazards. He is also trying to get livestock in Confluence Park to deal with the same kind of thing. Bob was able to obtain grants and he needs money to match the grant. This will help with tamarisk and russian olive removal. Bob feels this is a legitimate use of funding because it benefits other species like the federally listed Virgin River fish and the southwestern willow flycatcher. He would like to expand plantings of native trees which would in turn benefit the willow flycatcher and

fish. The DWR also has funding to help continue the same work. The money received and used from the 2011 budget made a big difference.

Ann asked if the educational outreach budget has been adjusted to include the printing of desert tortoise stickers. Bob answered there is a printing budget and an educational outreach budget which can be used for printing stickers. The price of stickers and other items will need to be determined. He added that there is a finite amount available to spend from.

MOTION by Kristen Comella to approve the draft budget as presented.

Seconded by Renee Chi.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

d. Fencing Gap at Tuacahn

Cameron explained there is a fencing gap at the wash east of the Tuacahn gate. There is a repeat tortoise offender who keeps ending up at the Tuacahn water feature. There needs to be a way to eliminate the gap and extend the fence higher up along the slope so tortoises stop crossing the road and arriving at the pond and the green grass at Tuacahn.

Kristen clarified that the wash was originally tied to the detention basin project. Ivins has a right of way and easement which goes down the wash. Mitigation was needed during the detention project to seal up the wash with something appropriate. She asked if there was a way to design something that could swing or float and not wash away when larger waters come down the wash.

Cameron said the majority of original fencing material is still out there from when it was last washed out. Perhaps there is a way to pull up the old material and put it back up again. Ann would like to see the site since Phil Giles from Cramer and Noble has expressed concerns of the tortoise fence washing out. The committee discussed how tortoises can go around it and when fencing gets washed out the tortoises go up the wash and have free access into Tuacahn.

The committee talked about tortoises that have been killed on the road. When tortoises are killed DWR keeps that information on file. They discussed a break-away fence and the ability to pull the material back up once it is washed away. They discussed how there have been problems in other washes as well. They talked about fencing that has been washed out and past efforts to fix the problems. They also talked about partnering to fix the fencing in the wash and perhaps continuing the fencing up the slope. The committee discussed where tortoises have been found, the right of way, fencing at Tuacahn, the Layton property fencing, and where all the fencing and gates are

positioned.

The two mortalities that have been observed in this area were on the Tuacahn and Layton properties. One was found off the road on the north east side and looked like it had been placed there by somebody. Where it was hit and killed is unknown.

While the fencing gap is open there is always the potential that when the tortoises cross the road they can get back onto the Layton property which has been cleared. The committee discussed how the tortoises can go under the gate; the North boundary of Layton property is not fenced. Along the west side of Snow Canyon State Park and on the road up to the gate is fenced but not any further. Technically tortoises shouldn't be able to get in if the whole road was fenced. The group felt a need to look at the Layton property fencing.

Cameron said he doesn't know why Tuacahn wasn't required to have tortoise fence along their property boundary. They do have the southern boundary fenced (except the gap in the wash). Theoretically once the fencing gap is closed the area should be cleared. There are still tortoises up there that will need to be put on the other side of the fence in Snow Canyon State Park. It was explained that Tuacahn has its own HCP which is not part of the Washington County HCP and that may explain their unusual fencing arrangement.

Cameron will look at some estimates and designs of what would work and pursue a cost share with Snow Canyon State Park. The sooner it can be done the better. If the gap is fixed in time then it can be cleared in the fall. The tortoises that are still out there can be removed and put back over the fence.

e. Tortoise Monitoring Update from UDWR

The DWR completed over 310 transects by the first week of June. They continued on to zone four and monitored over 40 kilometers. June 24th was the last day for the crew, completing all transects. The weather was extremely favorable, cooler than normal and wetter, which was ideal for tortoise activity. There were more tortoises encountered this year than in 2003, 2007, and 2009. Ann mentioned that higher number of tortoises encountered does not necessarily translate into higher densities. However, it is mutually felt that densities have not decreased and have become more stable than in previous years.

Disease was encountered in zone four during monitoring. Three tortoises were found with moderate to severe clinical signs of upper respiratory tract disease (URTD). Generally speaking, the percent of tortoises seen with clinical signs of URTD was less than in previous years. The first couple years of monitoring disease was not found in zone two. In 2009 URTD was observed there and it is now present in all zones of the Reserve. The occurrence of URTD found has not been alarming as with other years.

4. OTHER BUSINESS

a. Church Rock Trail Map Corrections

While installing signs at the Church Rocks trail, Cameron found discrepancies with where the routes were originally digitized. The mapped route is also inconsistent with where the signs were actually placed.

The new map amendments as shown in Exhibit 3-1-a would reflect what is actually on the ground and what is signed. This area has a lot of illegal trails and there were several different routes Cameron could have picked, but the ones shown in Exhibit 3-1-a made the most sense and already had some signs in place. For those accessing Church Rocks, they will take the first chance they can to get on the trail and they will pick the quickest route. The committee agreed to show the correct routes on the future map and make sure it is consistent with how it is signed.

The BLM has canceled their map creation contract and will create the map in house. Tim said the map will look extremely professional. The committee looked at Exhibit 3-1-a and the single track routes on slick rock. Cameron also mentioned that he and Austin, the Red Cliffs Desert Reserve Intern, have done a lot of work signing the Church Rocks area.

b. Red Hills Widening

See Exhibit 4-b-1. Renee explained the MOG compensation and possible impacts from the interchange going west off Red Hills Parkway into the SR-18 intersection. St. George City has two different proposals and is leaning toward filling the slope with extra materials they have from the project. St. George is leaning toward a 2:1 slope verses a retaining wall. The difference in impact would be the 2:1 ratio would have a slope that would impact .3 acres. The retaining wall would have .1 acre of impact. Both scenarios would have habitat disturbance on the Reserve.

Ann mentioned she has visited the site with Phil Giles from Cramer and Noble to look at the two proposed actions. The 2:1 slope would impact a nice community of black brush and creosote and some perennial shrubs which would not be easily replaced.

Renee continued that both options would substantially remove the vegetation. The 2:1 slope would remove a lot more. The term of effect of the MOG compensation was determined to be over ten years because rehabilitation efforts are not very successful.

Ann and Renee discussed the existing disturbance. Ann read from the MOG compensation document, "for moderate to heavy existing disturbance the existing habitat has been modified to such an extent that the proposed project would not significantly add to habitat degradation. Examples include gravel pits, high use off-highway vehicle areas, utility corridors that have been disturbed by pipe lines and sites that have been cleared of vegetation. Little and no existing disturbance is, the existing

habitat has not received significant degradation of habitat from previous activities. Examples include an area which has vehicle imprints from occasional off-highway vehicle use, a utility corridor which is restricted to over head utilities with minimal tower disturbance, mining claims, and other minor modification to the vegetation and soil.”

Renee said the road widening project would be a growth inducing action. The permanent access ratio is 5.5. Adjacent habitats will be indirectly impacted from the new material which could have weeds in it, bringing it to a six. To a small degree, the fill material with the retaining wall would be touching the soil on the Reserve side.

The committee discussed the impacts and mitigation ideas along with restoration efforts. Three years of monitoring would be \$4,300 per acre for seeding and laundering. Kristen felt that a price tag could not be attached but rather it would need to be a direct action. The committee talked about which actions to request in order to specifically identify minimizing tortoise mortalities. The TC will continue to think of efforts that would make a big difference and would be appropriate to offset this impact. The efforts of focus should be implemented in the same zone of impact, zone three and should be above and beyond what would normally be done.

Discussion was also given as to how projects shouldn't further impede the species from recovery. Projects should contribute to recovery in a beneficial way. If there is loss of habitat or permanently altered habitat, how can they go above and beyond so that mitigation is ultimately a net benefit for the species?

c. Fire Status

The final status of the fire which burned near City Creek was 64 acres. It was a creeping fire, burning fairly hot in some of those acres. Some of the brush species and shrubs may sprout back. There is hope that the roots didn't get killed and they will re-sprout after they receive moisture.

22 burned acres were on BLM land, 44 acres on St. George City property. The area is rocky and it is uncertain if seeding would be effective. Some of the rocky areas might recover naturally more quickly than other areas.

Tim noticed they used a lot of retardant/fertilizer on the fire. This can be worrisome in future years with all the cheat grass that can come back. With the rocky terrain, and the size of the fire, the retardant may not have been a good thing. Tim will look into possible field management projects in the future dealing with different pre-emergent herbicides to reduce the amount of invasive annuals.

There was another little fire in Hurricane, zone five, during the city firework show on July 4th. The city had sprinklers running all day in preparation and the fire was started outside of where the sprinklers watered. The fire burned one acre.

d. Sand Hill/Bone Wash Trail

Lynne with the BLM asked the TC to discuss the Sand Hill and Bone Wash trails with consideration of how to depict it on the new map. Washington City has a utility access road to get to a city well site. On the road (which parallels Bone Wash and is not a designated trail) there is a sign that tells users how to access the Sand Hill trail. Although the road is for utility access it could become a designated route, allowing users to access Sand Hill via the road. With the new designation, the TC felt it made sense to eliminate a portion of the Bone Wash trail from the Mill Creek trail until it splits off with Elephant Arch.

5. **NEXT MEETING DATES**

- a. **Thursday August 18, 2011**

6. **ADJOURN**

MOTION by Renee Chi to adjourn the meeting.

Seconded by Tim Croissant.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 11:10 A.M.
Minutes prepared by Amber Stocks.