

WASHINGTON COUNTY HABITAT CONSERVATION PLAN TECHNICAL COMMITTEE MEETING

A meeting of the Technical Committee of the HCP was held **November 10, 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
Chuck Gillette	Ivins City
Nathan Brown	USF&WS
Jeff Norton	Citizen

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 10:55am with Renee Chi attending via conference call.

Cameron introduced Jeff Norton. The HCAC has recommended Jeff to the County Commission to appoint as the local biologist for the Technical Committee (TC). Jeff graduated from the Utah State University in Freshwater Fishery Biology with an emphasis in Botany and Zoology. Jeff worked for the UDWR in Price, Lake Powell, and Cedar City. He later moved to St. George when he started a landscaping business.

Nathan Brown was introduced as an ecologist from the USF&WS. Due to geography, Nathan may be more involved in the TC meetings as the FWS travel budget has been severely reduced. Nathan has worked for the Division in Cedar City for the last four years on Prairie Dog and other HCP issues.

2. APPROVAL OF MINUTES

a. October 20, 2011

The following changes were made:

Page 2, paragraph 2, sentence 2 and 3: changed:

From: “~~There are currently two options being addressed.~~ Option 1: have ~~access on either~~ end of the dike area where emergency vehicles can drive through and find a spot to turn around.”

To: “Two options were discussed during this meeting. Option 1: have a single access on one end of the dike area where emergency vehicles can drive through and find a spot to turn around.”

Page 3, paragraph 2, sentence 2: added,

From: “Produce operating procedures between the county and Search & Rescue...”

To: “Produce standard operating procedures between the county and Search & Rescue...”

Page 3, paragraph 4, after sentence 1: inserted,

“A member of the TC questioned whether there should be trails in that area.”

Page 3, paragraph 5, sentence 2: changed,

From: “The engineer is now looking ~~for~~ cement materials ~~to be used.~~”

To: “The engineer is now looking at cement materials.”

Page 3, paragraph 5, sentence 5: changed,

From: “She ~~suggested~~ that the TC find out...”

To: “She recommended, as Ann suggested, that the TC find out...”

Page 4, paragraph 2: changed,

From: “Ann replied a boardwalk trail would be beneficial in the nursery area because of the curve. If the trail is on the edge of the Reserve then there is no ~~need for a boardwalk trail in that spot.~~ ~~It could be an asphalt trail just as easily with biological gain.~~ It was discussed that an elevated boardwalk adjacent to the edge of the Reserve is ~~probably~~ permanent take and would need to be offset.”

To: “Ann replied a boardwalk trail would be beneficial in the nursery area because of the curve. If the trail is on the edge of the Reserve then there is no difference in biological impact for either boardwalk or asphalt trail. It was discussed that an elevated boardwalk adjacent to the edge of the Reserve may be permanent take and would need to be offset.”

Page 4, paragraph 2, sentence 1: changed,

From: “Kristen ~~affirmed~~ that although this may be true with asphalt...”

To: “Kristen stated that although this may be true with asphalt...”

Page 4, paragraph 4, sentence 4: changed,

From: “Ann concluded an elevated boardwalk ~~will~~ have maintenance issues ~~when~~ sand fills up under the boardwalk and there is no passage of animals, ~~thus making it permanent take.~~”

To: “Ann concluded an elevated boardwalk may have maintenance issues if sand fills up under the boardwalk and there is no passage of animals.”

MOTION by Renee Chi to approve the minutes as edited.

Seconded by Ann McLuckie.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

3. GENERAL BUSINESS**a. Field Trip Discussion****1. Cottonwood Road fence**

Chairman Rognan reported that during the fieldtrip the committee looked at fence work the BLM has been doing on Cottonwood Road. When the fence is complete it will be a great addition to the Reserve and hopefully give more habitat to desert tortoises. The committee also looked at a culvert that could be used as a tortoise crossing. There are currently no accessible culverts to tortoises on Cottonwood Road. The BLM will hopefully fence in the culvert so tortoises can have passage through at least one culvert on the road.

2. DWR plantings

Cameron stated the DWR has put a lot of effort into planting Sand Sage, Creosote, and Desert Almond along the Middleton Powerline road and at the Turkey Farm. The TC went to the Turkey Farm to look at the plantings and saw that the Desert Almond has lost its leaves either from the cold (they are deciduous) or because they're not doing well. The Creosote and most of the Sand Sage looks good, the rain from last week may have given them a boost. Cameron stated that at Turkey Farm the Sand Sage is coming back on its own and efforts may have been more beneficial in another area.

Tim Croissant mentioned that in the future, caging the plant to keep the wildlife away could be an option to help the plants survive. Ann McLuckie added she has seen some plants damaged from wildlife. Desert Almond is usually seen in washes, so Turkey Farm may not be the best place for Desert Almond with all the sand. Cameron added if additional plants are put in the Reserve it would be nice to have more research into where they should be planted, where they would be most effective, and what chances the plants will have to take root and grow.

Ann reported that along the Middleton Powerline road the Desert Almond was planted along the wash, so hopefully they will have a greater chance of being established. She also stated the DWR plans to monitor the plants in Turkey Farm. There is no plan with DWR to monitor the extra plants at Middleton Powerline Road since they were above and beyond what was purchased and planned for. They cost roughly \$5-10 per plant; however, part of the price will be refunded when the containers are returned.

The committee discussed taking pictures of the extra plants and monitoring them visually when they are in the area. Renee stated it would be nice to have some kind of documentation, even if it's ongoing observations which are not statistically valid. That way they will know if this planting effort is something that will be good to do again in the future. Next year the committee can schedule a fieldtrip to the area to monitor the plantings.

b. Status Report on Toe Trail Recommendation

The committee reviewed the current status of Toe Trail. The TC suggested a portion of Toe Trail could be re-aligned. Instead of having the trail go through to Tuacahn Drive, it could become a connector to Abbygail Park. Ivins' response was that it would not be ideal; but it may not entirely prevent the city from pursuing construction of a paved trail.

Kristen Comella explained that Dennis Green, an Ivins City resident, would like to be part of the process with the hardening of Toe Trail, to listen and to comment on the discussions. She added this project is like a Rubik's cube with conceptual support and different pieces, including Ivins City's wishes, funding, and biological impacts.

Kristen made it clear that formal engineering work has not been done. She put together a chart shown in Exhibit 3-b-1 to show an estimate of the surface material, the trail length, the trail width, and the total area based on existing trail alignment. The total area shown in Exhibit 3-b-1 is an area permanently impacted from the physical structure. The asphalt option is straight forward; the whole area would be permanently impacted. The elevated trex option would be impacted by footings which would be mounted the width of the trail. The footings would be placed roughly every ten feet with approximately 183 footings for 1,830 feet of trail. The height of the footings would be whatever the engineer deems appropriate. The last elevated trail option would have round 14 inch piers/footings. There would most likely be varying lengths of beams between each footing that would support the structure. If there are 20 foot beams used, then roughly 184 footings would be needed. If ten foot beams are used, then roughly 366 footings would be needed.

Nathan Brown stated *take* is "anything that affects breeding, feeding, or sheltering." Ann clarified that when a boardwalk trail is put on top of a landscape, plants would not be able to grow the same as before underneath the trail, effectively reducing forage ability. If the trail is elevated, animals are allowed to pass underneath; however, tortoises most likely won't use the trail as shelter since they prefer burrows. Renee noted the TC needs to look at the general width between plant densities and come up

with an estimate of the actual amount of plants the trail would be taking away.

Ann stated that if an asphalt or a raised trail doesn't offer tortoises foraging, burrowing or breeding, then it should be considered *take*. Renee affirmed it is difficult to say asphalt and elevated trail has the exact same loss of habitat when there will be soil underneath and tortoises can pass underneath. Thus, a raised trail would have less impact than an asphalt trail unless the sand fills in underneath. In that case, they would have the same percentage of loss. Renee stated there would be an impact more than the footings but it might not be 100% on par with the asphalt, especially if it has natural substrate underneath.

Ann used Tuacahn Road as an example of *take* except where there are culverts, allowing for passage of animals under the road. With Tuacahn Road, *take* was minimized by installing culverts. It was discussed that the amount of *take* depends on where the trail is located. If it's located against the block wall then certainly passage of animals is irrelevant. If the trail is further out, and depending on how tall it is, sunlight will reach underneath an elevated trail, promoting some sort of growth. There might not be the same kinds of plants growing underneath, but there will certainly be more shade tolerant plants and there may be weeds. Tortoises will most likely use it as day time shelter.

It was suggested that both types of trails could be called *take*. Allowing passage for animals underneath would help to mitigate some of the *take*. Kristen suggested that the TC should further evaluate the area on site.

Kristen recommended presenting the highest impact of *take* (0.42 acres) to Ivins until the exact amount is determined. The TC can also make a recommendation to the USF&WS who will be the ones to determine if it is the right amount of *take*. The recommendation will go through review and consultation with USF&WS.

Nathan stated there is a conservation concern with all the hatchlings seen in the area. Because of that, an asphalt trail would most likely have tortoise mortalities from an increased number of people on the trail and an increased number of people who feel encouraged to go faster.

The Mojave Oversight Group (MOG) utilizes a document, Compensation for the Desert Tortoise to help determine impacts and compensation for surface disturbing activities occurring in tortoise habitat. There are specific parameters to look at to determine what will be permanent impact, what will be short term or temporary impact, and how it will be offset. If there will be impact to tortoises or habitat, this document provides guidance for calculating appropriate compensation ratios. The committee closely reviewed the document together and determined that a paved trail would need to be compensated at a rate of 5.0 and an elevated trail would need to be compensated at a rate of 5.5 (See Attachment A, prepared by Ann).

Renee stated that if the trail increases the likelihood of mortality then an asphalt trail is

probably not going to be an option. Kristen reminded the TC that engineering has not been done and the trail alignment has not been decided.

A side note was mentioned in regards to the stepovers being problematic. A boardwalk trail would allow the current barrier to be kept whereas an asphalt trail would make wheelchair and bike access more difficult.

Renee went back to stating that when biologically comparing the possibility of mortality between a boardwalk and an asphalt trail, the USF&WS would veer toward the boardwalk from the mortality aspect, not even considering habitat impacts. Ann stated that assuming an asphalt trail could be next to the wall, the trail would probably need to be fenced out from the Reserve since there would be no benefit to tortoises to enter the trail.

On another side note, the group discussed the possibility of improving the dirt trail to about six feet in width with natural surface material to accommodate mountain bikers. They discussed navigating issues and soil types associated with defining the trail better.

When using the MOG ratio, 2 - 2.3 acres of property elsewhere would need to come in to the Reserve to offset the impacted habitat. Temporary impacts of building the structure will also need to be considered. Right now there is a ballpark estimate of permanent impacts and how much acreage is needed to offset those impacts. Ultimately there are still short term impacts that are unknown at this point and will need to be addressed at the appropriate times through the MOG exercise.

Renee spoke from the USF&WS perspective. If the trail will result in more mortality to tortoises, then USF&WS will not allow the trail to be built. The maximum incidental take (moving tortoises out of the way), not including any mortalities for the Ivins Detention Basin Dam was five. Increasing tortoise mortality within the Reserve is not an option. The fact that tortoises could move along an asphalt trail and bikes could be going at a speed such that they wouldn't see the hatchlings and run over them would be increasing incidental take within the Reserve and that is not allowed. Renee continued, the Washington County HCP states, "no incidental take will be allowed in the Reserve." If we know that a certain design of trail is going to increase *take*, it's not a route we can take. Unless there are other ways to fence out an asphalt trail from tortoise access, the only other alternative would be a raised boardwalk.

Kristen reminded everyone that she has tried to be clear up front that this process can take a long time. It was reiterated that the HCP can pursue purchasing the detention dam property. Ivins can then use that money from the sale of property to help SCSP fund the trail. Kristen stated that although boardwalk trails are more expensive, they are used in areas with sensitive habitat for good reason.

The group once again discussed the option of not hardening the trail, but instead improving the trail for mountain bikers. Once again, it depends on what substrate would be used to improve it and if there is likelihood that tortoise mortality would be increased

on the trail. Renee suggested checking out the area to see how conducive it is for this “improvement”. There are some drainages with highly erodible soils which the trail crosses over and would need to be widened with some kind of road base.

From a biological perspective there is a benefit of cutting off a portion of the trail which currently exists in tortoise habitat. The USF&WS would be happy about the shortening the trail to Abbygail Park by roughly 1,600 feet. Biologically, an asphalt trail will not be built unless it is against the wall with a fence next to it. Ivins will be looking at roughly 2.3 acres to offset for mitigation.

Chuck Gillette left at 12:17pm.

The TC decided to write a recommendation to the HCAC and report to them on what has been discussed. It certainly needs to be clear, without any ambiguity that the HCP will need to be amended to specifically state that any detention dam in that Ivins area would not be allowed. Ivins City would also need to waive their right to build any such structure in that area.

c. Red Hills Parkway Expansion Update and Other Utility Projects

Cameron reported that he, Ann, and Jill Hankins of Alpine Environmental have been clearing tortoises from the Red Hills Parkway area. The construction team has been working on putting up temporary fences in some of the areas. Initially Ann removed three tortoises and put them further into the Reserve. One of those tortoises returned and was found within 30 meters of where it was originally found. It is currently being held until the fence is complete, then it will be put back.

There have been three different tortoise training presentations so most of the workers are trained now. There are probably a few more that will need training. Construction is moving forward and work is going on. Cameron and Ann will keep any eye on the project until it is done.

Jill Hankins, the project’s lead biologist just accepted a position with JBR. Jill will still work on this project but her new job might take her away at times. Cameron said Jill does more than just biological work. She’s also in charge of informing everyone on the project of what is going on as the Field Contact Representative. The committee agreed that it is a little concerning since they need to have a biologist on site. Renee stated that if Jill is not fulfilling her responsibilities then they are out of compliance of their biological opinion, meaning that any impacts to tortoises aren’t covered. Moving tortoises and doing other work relative to their biological opinion would be a section nine violation. Cameron will keep an eye on the situation and keep Renee updated.

d. Fencing Updates

Kristen mentioned since Ivins wasn’t in a position to fence along the base of the dike, SCSP fenced the boundary up the hill side and had a gate installed on the southwest

side the dike for Search and Rescue vehicle access.

Since the fence was installed, there have been quite a few comments from citizens who voiced that some trails have been fenced off. SCSP replied to those individuals that the illegal trails have been fenced off. It also came to the attention of SCSP that the route most people have been using for the Red Mountain access has been fenced off. Kristen reported she met with Bob, Cameron, and Chuck on the ground to evaluate this route and to scout out other alternatives. It was discovered that there are no other alternatives. Sometime in the future the fence will need to be adjusted with a step over so people can access the Red Mountain route.

SCSP has materials for a stepover, there just needs to be someone to do the work. Kristen explained that even though people are using the Red Mountain route, it is not very good as far as long term sustainability. SCSP decided it was best to back off from trying to stabilize it and would not feel good about trying to mark the route from a liability standpoint. SCSP may end up putting in a stepover with a sign at the bottom that could say something like, "Technical, unimproved route. Your safety is your responsibility. Use at your own risk". The route is identified in the Public Use Plan, however, Kristen feels hesitant about marking it long term and would like to see where the BLM falls on the issue. The committee discussed the need to look at the biological opinion from the Public Use Plan to see about habitat impacts from Search and Rescue.

Renee remarked that in reality the Public Use Plan is probably overdue to be looked at. A lot of the impacts originally assessed in the plan are above and beyond what was expected.

Kristen expressed what SCSP is looking for right now is a stepover with a sign that gives people a fair warning. The current route is not good but there is not a better route available. Kristen would like to talk to her Risk Management team before proceeding with a step over and minimal signage. She has talked to some citizens and told them that SCSP will address the fencing problem and rectify the situation. It should be done before the end of the year, on this year's budget.

e. Gate at Tuacahn/Layton Property

This item is a follow up from last month's TC meeting. Cameron was able to get in touch with Kent Byland who is the master planner for the Layton property. Kent was very open to the possibility of putting in a gate on the property line and recognizes the value to Search and Rescue and also the reduction of impacts if they have a gate. Kent doesn't think Mr. Layton would have a problem with putting in a gate for Search and Rescue purposes.

4. OTHER BUSINESS

None

5. **NEXT MEETING DATES**

- a. **Thursday, December 8, 2011**

6. **ADJOURN**

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

The meeting was adjourned at 12:34 P.M.
Minutes prepared by Amber Stocks.