

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 **APRIL 27, 2010**.

Committee members present were:

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

Absent and excused was:

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

Brad Young	HCP
Renee Chi	USF&WS
Ann McLuckie	Utah Div. of Wildlife Resources (UDWR)
Cameron Rognan	HCP
Mike Empey	Congressman Matheson's office
Marreen Casper	Senator Hatch's office
Alan Gardner	Washington County Commissioner
Paul Van Dam	Citizens for Dixie's Future
Lisa Rutherford	Citizens for Dixie's Future
Sherrie Reynolds	Interested citizen

1. CALL TO ORDER

Chairman Wilson noted that at least five committee members were present and a quorum existed. The meeting was called to order at 1:05 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**

1. March 23, 2010
- c. Next meeting date**
1. May 25, 2010

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

None.

4. UTILITY AND DEVELOPMENT PROJECT REVIEWS

None.

5. GENERAL BUSINESS

a. Land acquisition efforts

Jimmy Tyree passed on to the members that BLM has submitted an application for funds to the Land and Water Conservation Fund (LWCF) to purchase inholdings within the NCA. He added that it will be several months before the application is processed and any results are known. Reed Harris asked about the amount of the funds available in the LWCF. Jimmy said that the specific amount is unclear. Renee Chi asked if the application amount was specific, or was it an open-ended application. Jimmy explained that the application is for the total acreage, but appraisals are necessary to determine the specific value. Lisa Rutherford asked for what properties was the application made. Jimmy said all ELT properties, approximately 1,450 acres.

Reed asked Renee about Section 6 monies. She was uncertain what is available and added that the application process begins in August. She added that multiple-species habitat conservation plans typically get preference. Renee asked Reed about matching acreage from the State for Section 6 funds – adding that she is aware that State lands are not easily available. Reed said there may be other state lands available and added that State Parks is hesitant but it may be necessary in order to acquire the funds to purchase inholdings.

b. Trail assessment

1. Review the field trip taken this morning

The field trip scheduled for 9:00 AM this morning to the Toe trail was cancelled because there were not enough members available for the trip to make it worthwhile. The field trip was rescheduled to May 25, 2010.

2. Technical Committee progress – update

Renee Chi told the members that the overall trail assessment is progressing, and at the next Technical Committee (TC) meeting they will discuss in greater detail what determines the limits of acceptable change and what actions are then necessary.

c. Changes to the visitor map

Renee Chi referred to Exhibit 5-c-1 HCAC – 042710 and told the members that the TC met and Lynne Scott led a detailed discussion on the proposed changes to the trail map. Renee listed the various reasons for modifying trail map. The reasons are:

- Remove trails that do not exist,
- Remove trailheads with no parking,
- Rename separate trails (T intersections)
- Remove trails with access issues,
- Remove trails on private property,
- Add new trails, and
- Adjust trail location based on reality.

Bob Sandberg explained that the current trail map was created as a trail map and as a futuristic guide for trail and trailhead development.

Reed Harris asked about trails on private property. Renee explained that BLM is uncomfortable with publishing a map with identified trails on private property. Bob Sandberg added that Cameron Rognan has drafted a consent form that is intended to be presented to property owners within the Reserve in an effort to gain their consent to having a designated trail on their property. Bob cited the Paradise Canyon homeowners association and the Halfway Wash trailhead as an example of an issue that must be reviewed. Bob added that he does not anticipate that SITLA lands will be an issue.

Renee continued by explaining that the TC members discussed all of the proposed changes but there were three that were more heavily debated. The first concerned the area north and west of the Pioneer Hills trailhead. The TC discussed the purpose of the pedestrian tunnel under the Red Hills Parkway approximately 500 feet north of the Pioneer Hills parking lot. The TC members questioned its purpose because it doesn't seem to go anywhere on the west side. Lynne Scott had explained to the TC members that the underpass is intended to flip a future city-developed bike trail from the east side to the west side. Construction on widening the Parkway will begin in about a year and part of the project includes a bike path. The TC members discussed connecting the bike path to the Owen's Loop trail using existing service roads to form a loop. But, the alignment will have to be determined later. The second concerned the Hell's Half Acre trail in Zone 4. Renee said the TC members talked about Zone 4 being Upland Zone and off-trail use is allowed, and the fact that the trail already exists and is primarily used by horse riders. The TC members agreed to leave the trail on the map. The last area discussed was Sandstone Mountain and where to locate the most suitable *route*. The members agreed that the most appropriate route is the one shown.

Karl Wilson asked that the proposed changes, and especially any trail removal, protect the intent of the Public Use Plan (PUP). Renee explained that a detailed list of the proposed changes, and their justification, can be provided. Reed commented that the process of establishing the trails through the PUP process was not an easy task, and there were competing interests. He feels that the public should be involved if there are going to be changes. Bob Sandberg echoed Reed's concerns and added that he has related to BLM that his comfort level comes up as long as we don't do away with the current map. Bob explained that it should be kept in place because it is what went through the public process, and it should still be used to guide future development of trails and trailheads.

Reed further commented that local support of the Reserve is essential, and that the public must remain involved and be allowed access to the Reserve. Renee noted that one of the TC members observed at the last TC meeting that, whether intended to or not, the Reserve has been created as a park without the infrastructure, funding, or personnel to manage it. Renee added that the intent of the Reserve is as a conservation area for the tortoises and their recovery.

Reed equated the Reserve to the construction of a reservoir. He analogized that a reservoir is created for water storage, and then the public finds recreational uses for the reservoir beyond its initial intended purpose. Reed favors public use of the Reserve as long as there is not detriment to the tortoises. Renee compared the degradation of the reservoir water quality to the human impacts to the tortoise habitat. She said that is why the TC is working to clearly define the limits of acceptable change.

Alan Gardner echoed Reed's comments about the PUP process and maintaining public involvement. Alan also commented that the lower (southern) Winchester route should be the one shown on the map. Bob Sandberg asked Commissioner Gardner if he was comfortable with the proposed changes and having one map that shows the existing trails and trailheads, or a map that also shows the proposed trails and trailheads. Jimmy Tyree answered that a map can be created that shows future expected build-out, but the map should also show what's actually on the ground. Ann McLuckie suggested that Lynne Scott be invited to come and explain the proposed changes trail-by-trail. Bob Sandberg further explained that some of the trails shown on the existing map are not totally accurate and that advances in technology has enabled us to more accurately depict what is actually on the ground.

Cameron Rognan commented on *routes* versus *trails*. He explained that in the TC meeting routes were discussed and are typically steep, dangerous and unclearly marked. Karl Wilson noted that what he has heard sounds like good management, but is opposed to removing trails that the public thought they had. He favors keeping the public involved. Reed talked more about routes. He cited rock scrambling as an example and noted that some habitat may not be compatible with an established trail. Renee also talked about the typical characteristics of a route and cited Gunsight as an example. She added that the Gunsight route can be observed from the Toe trail when the committee takes their field trip there. Ann added that braided trails create confusion.

d. **HCP review** – update

Renee Chi used a PowerPoint presentation (Exhibit 5-d-1 HCAC – 042710) to facilitate her report on the progress of the HCP review. She began by informing the committee that in the process of developing the HCP there was an Education Committee (EC), and part of what they discussed was an education center. The EC discussed three possible sites, and in the Habitat Conservation Plan there is \$500,000 set aside for the facility and other education. The purpose of the education is to increase understanding of the HCP and the Reserve, the status of the tortoise, and what to do when seeing a tortoise.

Renee talked about education outreach results noting that up to 2007 the HCP staff provided education and outreach presentations intermittently between other responsibilities. She added that the current visitor/education center was completed in 2006 at a cost of approximately \$150,000. Renee further added that in 2007 an Outreach and Education Coordinator, Tom Webster, was hired to promote education and presentations. In 2008 a telephone survey was completed. The results of the survey showed that most of the respondents were familiar with the Reserve, but not necessarily its purpose. The results also showed high support for open space and habitat conservation, but the survey did not address conservation over recreational opportunities. Furthermore, the results provided an understanding of what groups are being missed, what media sources to focus on and other needs, e.g. trail maps and signs.

Based on the survey results HCP staff determined that *The Spectrum* is the preferred media to provide general information, and that it is necessary to provide educational outreach to the high schools. Renee emphasized that from the USFWS' perspective there is still an extensive need to educate the many recreational users on the purpose of the Reserve, which is the conservation of desert tortoises. Renee stressed the need for **responsible recreation**. She also mentioned alternate locations for the education center and that more funding will likely be necessary than what was originally allocated.

Reed Harris asked about the idea of locating a building in the Pioneer Park area. Bob Sandberg replied that it is still being pursued and that there is a memorandum of understanding being developed between St. George City, the Water Conservancy District and Washington County. Bob added that it is a matter of funding.

Renee continued by explaining the responsibilities of the Technical Committee as outlined in Section 6.2.4 of the HCP:

- Provide biological information to HCP administrator and HCAC on as-needed basis,
- Participate in the initial development of annual work plan, recommending mitigation expenditure to HCAC, and
- Involve other specialists as necessary.

Renee asked for questions. Jeff Morby asked about the clearance window and timelines for getting a clearance completed and a project approved, and if there were clearances that have significantly delayed a project. Ann McLuckie said that the clearance windows

are March 15 to May 15 and August 20 to October 20. She added that UDWR and HCP staff are currently conducting systematic clearances for future development. She explained that pre-clearances, like north Washington, are being done now so future projects won't be delayed. Bob Sandberg added that clearances are generally handled by HCP staff unless there are complications that require TC involvement. Bob further added that there haven't been any projects delayed, although there have been a couple that started without a clearance that had to be interrupted while a clearance was performed. Bob continued by explaining that the *Take Area* maps have been updated and improved, HCP staff has met so far with the planning staffs of St. George City and Leeds, and that he recently met with the American Society of Civil Engineers at their monthly meeting and explained the take areas and provided them each with a disk containing the updated maps. Bob further explained that the website has been improved, clearance forms and take area maps are on the Internet, and HCP staff are continually seeking new audiences and forums to provide education on the Reserve and tortoises and habitat.

Renee complimented HCP staff on their efforts and accomplishments, noting the improvements in providing information and developing relationships with the participating cities.

e. Tortoise population status report

Ann McLuckie also used a PowerPoint presentation (Exhibit 5-e-1 HCAC – 042710) to facilitate her report on the state of the tortoise population. She began by describing the desert tortoise range, the Desert Wildlife Management Areas (DWMA) and the two recovery units that are all or partially in Washington County. She discussed the size of the Upper Virgin River DWMA in comparison to others, and the comparative tortoise population densities.

Ann continued by describing the monitoring efforts by UDWR. She explained that the Reserve is divided into five management zones and Zone 3 is considered the core zone because that is where most of the tortoises and tortoise habitat is. Density estimates are based on extensive monitoring in Zone 3, as well as Reserve-wide. Zone 1 is not extensively monitored, nor is Zone 4 which is a separate translocation area. Ann described the density of tortoises in Zone 3 and in Zones 2 and 5. The monitoring clearly shows a decline in tortoise population primarily due to drought, disease and wildfire. The data shows a 50% decline in the population from 1999 to 2009. Ann elaborated on the primary reasons for the population decline. She displayed and explained a graph showing the annual precipitation from 1959 through 2009, and another slide showing the 2005 wildfires. She expanded on the long term effects of the wildfires.

Ann continued her presentation by explaining the translocation of just less than 400 *incidental take* tortoises to Zone 4, and the monitoring/survey that has been conducted in 2003, 2005, 2007, and 2009. Ann added that some tortoises in Zone 4 have been

observed showing clinical signs of the upper respiratory tract disease (URTD). Two tortoises were sent to Dr. John Roberts of the Alabama State Diagnostics Laboratory. The necropsy report on the first tortoise (#0323) indicates that it died from URTD.

Ann stressed that habitat restoration is the key to restoring the tortoise population. She went on to explain the habitat rehabilitation projects being conducted by UDWR at the old turkey farm. She closed with the last slide summarizing the points that:

- ❖ It is critical to identify successful habitat restoration methods,
- ❖ It is necessary to monitor disease (URDT),
- ❖ Translocation of displaced tortoises will continue, and
- ❖ Tortoise population monitoring will continue.

Renee Chi referred back to slides #8 and #9 and asked about the tortoise population increase estimate in 2005. Ann explained what the confidence intervals are (the lines extending above and below each point on the graphs) and the overlapping of the intervals. She further explained that when the intervals do not overlap, as in between 2001 and 2003, then there is a biological significance; in this case a biologically significant population decline. Ann further explained that only adult tortoises are monitored and that the population increase estimate is not attributable to an increase in hatchlings.

Reed Harris commented about the 2% natality rate and the significant tortoise population decline and how long it will take for the population to recover. Reed noted that a population decline can happen very quickly but a recovery can take a very long time. He stressed doing something about the wildfires, loss of habitat and the diseases. Jeff Morby asked about reproduction rates. Ann McLuckie explained that 1-2% of hatchlings to survive to adulthood. Ann added an explanation of tortoise reproduction and age classifications.

f. Confluence Park irrigation line funding

Bob Sandberg reminded the members that the committee approved the expenditure to pay for a grant writer to seek funds for improvements at Confluence Park, including the installation of an irrigation line. Kathleen Neilson was chosen and is pursuing funding for the irrigation line and a parking lot. Bob explained that the LeRay McAllister Critical Land Conservation Fund has been funded by the legislature, but it is uncertain if we can access any of the funds. Bob added that matching funds would be required and asked the committee how they felt about using Other Species funds for the matching funds, along with the other parties participating in the Confluence Park management. Bob further added that up to \$200,000 may be necessary to fund the project. He stressed that timing is important because money can be saved if the irrigation line is installed at the same time the trench is open during the installation of the Ash Creek Special Service District's (ACSSD) sewer line.

Bob explained that the purpose is to irrigate fields for an agricultural crop, a willow farm, and other Virgin River restoration projects. The grant request is not due until May or

June and the funds are not needed until 2011. Reed Harris asked how much funding is necessary. Chairman Wilson responded by explaining that the total cost is about \$200,000 and the grant may cover about 1/3 leaving a matching cost amount of about \$70,000. The remainder is in the form of an in-kind contribution (labor) from ACSSD.

Chris Blake asked for additional detail on the benefits to other species. Karl and Bob explained that the intent, in addition to an agricultural crop, is to raise willows to replace the Tamarisk (Salt cedar), provide a cooling effect for the Virgin River at the confluence, and reduce the fire hazard. Bob added that monies from the Other Species fund would not be the sole source. Other contributors would include the cities of LaVerkin, Hurricane, and Toquerville. The amount of each contribution towards the \$70,000 is uncertain. Chris asked if the Virgin River Program could contribute. Reed said that it is not in the work plan but that would not prohibit participation. Reed and Jimmy Tyree talked about getting the subject on the agenda for the next quarterly meeting (of the Virgin River Program Administrative Committee).

Chris Blake stressed that cooling the river has significant benefits for fish, other aquatic wildlife, and the habitat; and for that reason it should be pursued. Karl explained that the Virgin River Land Preservation Association (VRLPA) has 30 shares of Virgin River water which could irrigate up to 26 acres. Chris added that there may also be a spring that could provide additional water.

Bob asked again how the group felt about the project, and if it is favorable then it (funds) could be included in next year's annual work plan. Reed said that he supports it, and as a cost share, could propose that to the Virgin River Program. Reed asked about the reduced cost if the irrigation line was installed while the ACSSD sewer line trench was open. Chairman Wilson said that there would be a savings if the two lines were installed at the same time.

Marc Mortensen commented that there is typically \$50,000 set aside in the Other Species budget line item. Reed said that he supports using Other Species funds for this use because it benefits species other than desert tortoises. Marc asked if there were any studies that showed conclusively that irrigating a field benefits aquatic species. Chairman Wilson said that he is not aware of a specific study but that in talking with Steve Meisner there is agreement amongst biologists that cooling the water benefits fish and other aquatic creatures. Reed provided further explanation regarding the benefits of irrigation water returning to the stream and the general benefits to the habitat and fish.

There was no motion or vote, but there is general agreement of the members to support contributing towards funding the installation of the proposed irrigation line.

g. HCP donation to the Color Country Natural Resources Camp

Bob Sandberg said he'd like to get the committee's opinion on budget expenditures. Bob explained what the Color Country Natural Resources Camp is and what they try to

accomplish. There is an annual camp of high school-aged students that focus on natural resources and resource management. Funding is needed to support the camp. Bob added that there are funds in the Outreach and Education budget and that HCP has donated a little over \$1,000 each year for the last couple of years. HCP anticipates making the same donation this year, if the committee deems it appropriate.

Jeff Morby commented on the budget report which shows significant shortfalls in revenue and on the concept of paring back expenditures. He asked if the donation had been included in the budget. Bob explained that it was included in the Education line item but he wasn't sure if each expense in each line item was detailed when the budget was proposed to the committee. Bob further explained that the funds are available, and while HCP is not sponsoring a specific student, there is a possibility that HCP could get an intern this summer. Reed Harris said that he supports the donation, and so does Larry Crist even though he's not here.

Again, there was no motion or vote, but there is general agreement of the members to support a donation to the Color County Natural Resources Camp.

h. Submit the Quarterly Report

Bob Sandberg submitted the quarterly report for review by the committee. There will be an agenda item next meeting to discuss the report and consider accepting it.

i. Administrator's Report – Bob Sandberg

1. HCP revenues and expenditures report

Bob Sandberg introduced Exhibits 5-i-1-a & 5-i-1-b and explained that overall HCP spending so far this year is below the percentage of the year elapsed. The members discussed the current balance in the reserve account and the deficit spending in 2008 and 2009, and anticipated in 2010. Jeff Morby provided a broad prediction of another two years before the economy improves significantly. Members briefly discussed using some of the reserve account funds for an education center.

2. Potential budget reduction

Bob said that given the current revenue stream the county may have to reduce departmental budgets. Bob asked the committee if they had any ideas or suggestions on where to reduce the budget if it became necessary. Jeff asked if the HCP was part of the county's general fund, Bob explained that it is not. Bob added that HCP may or may not be required to reduce its budget. Reed noted that it is not politically proper for some county departments to reduce their budgets while others continue to spend.

Reed referred back to Exhibit 5-i-1-b HCAC – 042710 and talked about declining revenues and deficit spending; he stressed the importance of prioritizing the desert tortoise – especially in light of a declining tortoise population.

Jeff, referring to the declining tortoise population, asked if the URTD could be treated given the monetary resources. Ann McLuckie answered by saying the disease is a by-product of habitat degradation and drought. She explained that the disease is stress induced.

Members talked about the merits of spending or conserving in view of declining revenues and a declining tortoise population. Jimmy Tyree said that the impact fees (revenue) and all expenditures – everything we do – must be tied to tortoise preservation.

Bob Sandberg related some of the habitat research and restoration efforts being made by BLM (Mojave Desert Initiative (MDI)) and that the Environmental Assessment (EA) has been written, but the EA is now under protest. Jimmy added that BLM has applied for \$700,000 to fund the research plots and green strips.

Reed asked about the reseeding success at the old Moroni Turkey Farm. Ann McLuckie said that it appears to be doing well. She volunteered to have Rhett Boswell provide additional information. Reed noted that the information and results could be valuable. Jimmy added to Reed's comments that the research data could be beneficial to the Agriculture Research Service (ARS) in their work on the Mojave project.

Bob concluded that a budget reduction may not be necessary, but if there is he will bring the issue back before the HCAC.

3. Fire Chief's Association meeting

Bob informed the members that he recently (April 6, 2010) met with the Fire Chief's Association and talked with them about access to the Reserve, fire suppression, and he provided them with a one-page fire suppression activity guideline.

4. Harrisburg addition boundary fence

Bob told the members that the Harrisburg addition fence has been completed.

5. Snow Canyon State Park boundary fence

Speaking of boundary fencing, Bob added that Snow Canyon State Park has completed fencing a quarter-mile section of the park boundary south of The Ledges and west of JEL Ranch Estates. This is done in conjunction with extending the Gila trail northward.

6. Meetings with area engineering firms

Bob previous reported on this item (see page 6).

7. Systematic clearances

Bob used Exhibit 5-i-7-1 HCAC – 042710 to explain the progress of the systematic clearances being conducted in Take Area 5 – Washington City. The clearances of the remaining undeveloped areas within Take Area 5 are being done in advance of any planned development.

Jeff Morby asked about getting reimbursed for the cost of conducting the clearances. Bob said the impact fee of \$250.00/acre will eventually be paid when the SITLA lands are sold and developed.

8. Washington City wells

Bob told the members that Washington City had two wells in the Reserve that went off line and required repair. Mill Creek Well #2 has been repaired and Grapevine Well #2 is scheduled to be repaired on Wednesday. HCP staff has been working with Washington City crews to assure compliance with the protocols and to prevent any harm to tortoises.

9. St. George City water line

Bob told the members that St. George City has experienced another water line break in the Middleton water line. This was not a serious break and the line was repaired in one day.

6. **OTHER BUSINESS**

a. **ELT properties update**

Reed Harris asked about the latest information on the ELT properties. Jeff Morby said that Allan Carter had indicated that there may be a legal separation of the three parties. Alan Gardner said that Dallin Gardner told him the same thing. Renee Chi said that SITLA, very informally, asked about developing their own habitat conservation plan. That would make four separate owners of the block commonly referred to as the ELT properties. The committee members briefly discussed the difficulties of creating and funding a new habitat conservation plan. It would be very difficult due to the revenue necessary and the unavailability of tortoise habitat for mitigation.

7. **ADJOURN**

MOTION by Chris Blake to adjourn.

Seconded by Marc Mortensen.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 3:06 P.M. Minutes prepared by Brad Young.