

**WASHINGTON COUNTY  
HABITAT CONSERVATION PLAN  
TECHNICAL COMMITTEE MEETING  
February 13, 2008**

A Meeting of the Technical Committee of the HCP was held February 13, 2008, at 9:30 a.m. in the conference room at the Washington County Office, 197 E. Tabernacle St.

**The views expressed at this, or any other, Technical Committee Meeting do not necessarily represent the positions or views of any particular federal, state or local governmental agency, division or department. They are solely the opinions of the individual members of this Technical Committee.**

Technical Committee Members present were:

Kristen Comella	Snow Canyon State Park
Renee Chi	U.S. Fish and Wildlife Service (USFWS)
Bob Douglas	Bureau of Land Management (BLM)
Bill Mader	Washington County HCP
Ann McLuckie	Utah Div. of Wildlife Resources (UDWR)
Marshall Topham	Local Biologist

Technical Committee Members absent were:

Todd Esque	USGS Biological Resources Division
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Others present were:

Brad Young, Recorder	Washington County HCP
Tom Webster	Washington County HCP
Lynne Scott	Bureau of Land Management
Mike Bradshaw	Alliance Consulting
Lester Dalton	Washington City
Blair Gubler	Ash Creek SSD
Alan Gardner	Washington County Commissioner

**(1) CALL TO ORDER**

It was noted there were at least four voting members present, a quorum existed and the meeting was called to order at 9:34 a.m.

**(2) BUSINESS**

**a. Assignment #010407 – Buckskin Wash Trail**

Staff provided visual aid exhibits to assist in the discussion regarding this assignment. The exhibits are:

- A. 8½" X 11" aerial view showing the St. George city boundary, Snow Canyon State Park boundary, and the Red Cliffs Desert Reserve boundary,
- B. 8½" X 11" aerial photo showing Buckskin Wash from the south,
- C. 11" X 17" aerial view showing Buckskin Wash and the western RCDR boundary near The Trails subdivision,
- D. 11" X 17" aerial view showing Buckskin Wash (blowup view of Exhibit C),
- E. 18" X 24" aerial view showing Buckskin Wash and The Trails northerly to Winchester Hills, including the St. George city limits boundary,
- F. 24" X 36" conceptual trails layout for The Trails – approved by the St. George city council on 6/1/06,
- G. 24" X 36" overall master site plan for The Trails – approved by the St. George city council on 11/16/06,
- H. 24" X 36" aerial photo showing Buckskin Wash and The Trails subdivision,
- I. 24" X 36" aerial photo showing Buckskin Wash and nearby property owners.
- J. 8 ½" X 11" aerial photo showing the southeast corner of The Trails subdivision including the Do-Not-Disturb line and approximately 3.3 acre difference.

Discussion:

Bill Mader provided a brief overview of his meeting with Stacy Young and described an option that they had discussed. Exhibit H – TC – 021308 was selected as the focus of the discussion. The proposal for discussion was:

- A. Allow a trail out of the north portion of the subdivision,
- B. Place the fence along the top of Buckskin Wash on the west side of the Wash. This will help in fence maintenance because the fence won't be in the Wash where it will be exposed to periodic flooding.
- C. Share the cost of the fence relocation.

Discussion followed. Bill said that there are HCP funds available to assist in cost sharing. Bill asked about the concept of a trail northerly out of the north portion of the development and the fencing issues, as the issues are not separate problems. Renee asked if the fence would be maintained in perpetuity. Stacy said that it would. Maintaining the fence is important to prevent 'leakage'. Lynne added that there'll be leakage everywhere. Stacy is reluctant to fence on the west side of the Wash because he wishes to be able to allow access to that part of the Wash that is owned by them (SCAT LTD).

Kristen talked about going back to the beginning and talk about not having any trails in or into the Wash and just fencing the Wash. She added that any trail in the Wash is a loss for the tortoises. Ann concurred. They talked about the RCDR boundary being along the 'Do Not Disturb" line. Stacy had stated that the development would resist this as a *taking*. The members discussed the assortment of recreational opportunities in the area that do not impact tortoises or their habitat.

Bob asked for clarification. He said that he recalls discussion about moving the fence up to the rim and adjust the boundary moving the talus slope into the Reserve and allow a trail down through there to the lower end. Stacy said that would be acceptable to him. Stacy restated his position and added that he doesn't believe a trail in the Wash would be heavily used – not like Paradise Canyon. He explained that they would lose (approximately) 23 acres, but would require a trail in the middle portion of the Wash. A northern trail is not good enough to compel them to donate the 23 acres.

The members agreed that in previous meetings a trail in this area was discussed, but a trail was not planned for in this area. The members agreed that the tortoises come first. The members discussed trying to find a win-win situation, but the issues come down to: A. A trail in the middle portion of the Wash (there was a lot of pointing at the exhibit) in exchange for 23 acres or, B. Just fence along, and bisect the Wash. Stacy said that he's comfortable with either of those scenarios and added that a northern trail is not enough incentive to give up the 23 acres.

Renee asked Stacy why he is insisting on a trail in the middle portion of the Wash when he had just stated that it wouldn't get much use. Stacy replied that it would be for that small percentage of people who want a backcountry experience. Bob talked about not having a trailhead which would help in keeping the use to a minimum.

Bill asked Stacy, based on what he knows for now, how far would he be willing to go? And of the members, biologically, how far are they willing to go? If there isn't someplace in the middle to meet, then it's time to move on. Stacy went back to the two alternatives of doing or not doing a trail. The northern trail just does not justify forfeiting the 23 acres. There was additional discussion about what was or was not understood in the beginning concerning recreational trails for nearby residents or connector trails.

Bill asked for clarification on the positions. He asked Stacy what he needed in exchange for the 23 acres, trail access here into the Reserve (pointing the Exhibit H), or if you don't get the trail, then you're not willing to give up the 23 acres? Stacy replied in the affirmative. Kristen asked about the original recommended proposal that included a 3 ½ month seasonal closure that could, under adaptive management, be applied to all Reserve trails. Bob and Ann both replied that there hadn't been any closures of designated trails. Stacy said that a 3½ month closure was not a show stopper, but would like to see it come down to around two months.

Renee brought back the issue of the boundary. Ann said that the HCP states the boundary is 20 feet west of the Wash. She added that this corner is cut off and that property is in the Reserve. She asked how the tortoises would benefit from a trail when the boundary is already 20 feet west of Buckskin Wash? Alan Gardner said that was not the boundary given to the developer when they started. Stacy replied by stating that his understanding of the discussion today was to try to negotiate a solution to that problem rather than open a protracted unpleasant thing.

Kristen said that she understands that the team focuses on biological issues and not funding, but asked if there was money for fence cost-sharing? The discussion went back to the boundary. Ann made it explicit that the HCP clearly defined the boundary. Bill said that pending approval from the HCAC, there was funding available for a fencing partnership. Alan suggested that The Trails put a fence here (pointing to Exhibit H) and get refunded for the fence here (again pointing to Exhibit H). The members agreed.

Bill restated the positions. A northern trail for Stacy does not induce him to give up the 23 acres, but a trail in the Wash with a minimal closure does. But, from a biological point once people are let in here, there'll be leakage. A proposal was made for a 2½ month closure. The members discussed the closure period – April, May and June. Kristen clarified March 15 through June 30. The 2½ month closure was not accepted.

Ann asked about the difference between the Do Not Disturb line and the triangular boundary area. She submitted an 8 ½ X 11 schematic diagram similar to but not the same as Exhibit J – TC – 021308. There was no clear response to what, if any, difference there is between the HCP described boundary and the Do Not Disturb line shown on Ann's diagram. Exhibit G – TC – 021308 shows the development and the Do Not Disturb line but not Buckskin Wash. Exhibit H – TC – 021308 shows Buckskin Wash but not the Do Not Disturb line.

Bill reclarified the positions about a trail in the lower portion of the Wash, the property boundary and fence location. Ann was very firm that the line is 20 feet west of Buckskin Wash. She asked about the HCAC assignment to the TC. It was to present alternatives to the HCAC. Ann argued that in a minor boundary adjustment there must clearly be no negative impact to the tortoises, and no loss of habitat, and if there are biological impacts it is not a minor adjustment and cannot be approved by the HCAC only. Renee agreed.

Kristin began to describe two possible alternatives referred to as Scenario #1 and Scenario #2. The members discussed and listed the elements in table form of each scenario on the white board. That table is shown below.

Ann asked again what the difference is between the Do Not Disturb line and the boundary line 20 feet from the rim of the Wash. No one knew the exact answer. Ann questioned what is to be gained for the tortoises with a recreation trail through the heart

of their habitat. She wanted someone from County GIS to compute the acreage within the triangle, and the difference between the Do Not Disturb line and 20 feet west of the rim. Commissioner Gardner left to see if GIS could help.

Bob Douglas restated that there must be consideration that the property is private and that we can't just lop it off and say, "There you go." He said that in the past the property has been traded out or purchased.

Stacy was asked if he could accept a three-month closure. He wasn't necessarily comfortable with that. Bill asked the group what if, Stacy and his partners were to accept a three-month closure, what could he get for that?

There was discussion about allowing a trail in the Wash with access north and south, but this would result in significant negative impact. Stacy voiced objection to the concept of having to give up the 23 acres. In his view he is being told that the 23 acres already belong to the Reserve so he gets nothing for "giving up" the acreage. Ann said that the original owner should have told him that . . . Stacy replied that the original owner is deceased.

Kristen asked the group who could support Scenario #1 and is the 3½ month closure without wiggle room? Ann replied in the negative adding that the period is firm based on biological data. Kristen went around the room – Ann, Renee, Kristen and Bob were all firm on the 3½ month closure. Marshall indicated that he could accept 3 months or 3½ months.

There was more discussion about Scenario #1. Ann said that she would like to postpone a decision until the actual acreage difference between the Do Not Disturb line and 20 feet west of the rim is determined. Ann restated her position again. A trail through the habitat is a negative impact and even with a 1:1 acre exchange. She said the TC nor the HCAC has the authority to change a boundary when it involves less acreage for tortoise habitat. Renee clarified that a minor boundary adjustment must be 0:0 or positive or it becomes a major amendment and approved by the Fish and Wildlife Service Regional Office. Ann restated that negative impact or take of habitat is a major amendment and Renee added that an unanticipated use in the PUP requires consultation.

Bill stated hypothetically, if Scenario #1 was recommended and there was no net loss of Reserve acreage, the HCAC could make the call as a minor adjustment if the USF&WS representative voted in favor of it. Ann argued that having a trail amounted to loss of habitat and required a formal amendment. Bob and Bill said that would be considered adaptive management. Kristen and Ann argued that it wasn't adaptive management – several members spoke at once. Ann started to propose a Scenario #3. Kristen brought the discussion back to the assignment and added that if the Committee could not agree on a recommendation, then alternatives would be presented to the HCAC and they would decide.

Ann was adamant that there must be no negative impact or loss of habitat and if there is a new trail there is loss of habitat and the PUP must be formally amended. Renee said that it would not be a formal amendment to the BLM Public Use Plan but rather a re-initiation of a Section 7 consultation. BLM initiates the process if there is a negative impact, but it is not necessary if there is no impact or a positive impact.

Kristen urged a consensus agreement to present to the HCAC. The members agreed that there should be a recommendation to the HCAC from the Technical Committee.

Bill summarized the two options shown on the white board and in the table below. Stacy was asked what kind of fence would be used. He described a four-foot tall wrought iron fence with tortoise mesh along the bottom.

Scenario #1	Scenario #2
<ul style="list-style-type: none"> <li>Fence to the Do-Not-Disturb line in the SE portion of the subdivision</li> </ul>	<ul style="list-style-type: none"> <li>Fence to the Do-Not-Disturb line in the SE portion of the subdivision</li> </ul>
<ul style="list-style-type: none"> <li>Fence to the rim along currently unfenced area</li> </ul>	<ul style="list-style-type: none"> <li>Fence along the 'boundary' through Buckskin Wash</li> </ul>
<ul style="list-style-type: none"> <li>Allow for a hiking trail/access to Buckskin Wash from interior of development</li> </ul>	<ul style="list-style-type: none"> <li>No trail into the Reserve</li> </ul>
<ul style="list-style-type: none"> <li>No net loss of tortoise habitat or value</li> </ul>	<ul style="list-style-type: none"> <li>No net loss of tortoise habitat or value</li> </ul>
<ul style="list-style-type: none"> <li>Seasonal closure – 3 ½ months</li> </ul>	
<ul style="list-style-type: none"> <li>Developer to donate ~23 acres</li> </ul>	

Bob Douglas made a motion to vote of Scenario #1 or Scenario #2. Before a second could be made Commissioner Gardner reentered the conference room with a new exhibit (Exhibit J – TC – 021308). This exhibit was obtained from Washington County GIS and shows that the difference between the developer's property line and a line approximately 20 feet west of the rim is approximately 3.3 acres.

**MOTION by Bob Douglas to recommend to the HCAC either Scenario #1 or Scenario #2. Roll call vote:**  
**Kristin Comella – #2**  
**Bob Douglas – #1**  
**Renee Chi – #2**  
**Ann McLuckie – #2, with the caveat not to fence through the Wash, but to allow the developer leeway to place the fence westerly to reduce maintenance.**  
**Bill Mader – Deferred to Marshal Topham.**  
**Marshall Topham -- #2, contingent on an access corridor for tortoise movement.**  
**The recommendation from the Technical Committee will be Scenario #2.**

**b. Assignment – Boundary adjustment – Ash Creek**

Chairperson Comella restated the assignment. Blair Gubler distributed color diagram showing the affected area (Exhibit K – TC – 021308). Blair explained why the boundary adjustment is necessary. A concrete sewer pipeline was laid 28 years ago. It is deteriorating and requires replacement. Due to the documented urgency of potential failure, Bill Mader granted emergency approval to begin repair work on those portions of the pipeline that are within the boundary of the Reserve. Now, because routine access and maintenance of the pipeline is necessary, it will benefit the Reserve and the Ash Creek Special Service District to adjust the Reserve boundary to remove the property that the pipeline occupies and exchange it for like habitat that is adjoining.

Bill further explained that this adjustment is a *net zero* transfer. Bill explained, using Exhibit K, that the green shaded areas (totaling 48,004 sq. ft.) would be removed from the Reserve and the red shaded area (totaling 49,345 sq. ft.) will be added to the Reserve for a net gain of 1,341 sq. ft. Bill added that this is a minor boundary adjustment, it is zero-zero and positive for tortoises.

Renee asked about the presence of tortoises. Ann said that there had been reports of tortoises near the golf course years and years ago. Marshall said that this appears to be a win-win. Kristen agreed. Ann added that the Reserve boundary line design is improved because the 'hard corners' are removed.

Ann expressed concern about clearing or certifying absence of tortoises from the areas being removed from the Reserve. Marshall said that essentially, the areas are cleared right now. Ann clarified that a documented Presence/Absence survey is needed.

Kristen asked for some kind of enhanced fencing. Bob explained that there is tortoise mesh supported by re-bar. Ann said that it should be consistent with USF&WS requirements which include range fence and tortoise mesh – the 1" X 2" mesh. Bill explained that the fencing and mesh that is there now wasn't put in by Ash Creek. It is old fencing left over from the conflict period between the USF&WS and the City of Hurricane. Bill further explained that it appears reasonable to place a continuous fence along the new boundary and that a range fence is not necessary because we're not trying to keep people out. No one will go over the fence because it drops over the cliff.

Renee asked for clarification if tortoises were present. Ann said that there had been tortoises on the golf course a couple of years ago, but she didn't know where they came from. She added that it wouldn't take long to do a Presence/Absence survey. Bob said that he and Bill walked it in the winter and that he'd be satisfied if Bill's office monitored the fence construction. Bob added that there was no tortoise sign where the fence would go in.

Bill stated that the fence there now is a good one but needs to be upgraded to the new mesh. Bill added that this is a new and better boundary so we should take the opportunity to put up permanent low-profile fencing. It was noted again that a range fence is really not necessary because the other side drops off very steep. Bob supported the idea.

Bill proposed splitting the fencing costs between Ash Creek S.S. and the HCP. Blair said he could propose that. Kristen clarified that the proposal is to go ahead with the land exchange, construct a low-profile fence, upgrade to the new mesh and have Bill pursue a cost-sharing agreement with Ash Creek (S.S.).

Renee stated that she'd like to see close monitoring if the temperatures go up. Bill added that the UDP reads that if there's a need for biological consulting and review, the State does it.

**MOTION by Renee Chi to go ahead with the proposed boundary change along with the possibility of discussion for fencing in the areas that are appropriate. Seconded by Bob Douglas. There was no discussion, vote was taken and the motion was unanimously passed.**

**c. Assignment #102307 – Washington City/Coral Canyon Water Tank – Status**

Mike Bradshaw distributed a document titled Addendum #3 (Exhibit L-a, L-b & L-c). Mike used a large aerial photo (Exhibit M – TC – 021308) and pointed out the existing wells and pipelines. Mike exhibited photographs of the proposed tank site. The first (Site #1) was too low and Site #2 has less camouflagability. The current proposal, Site #3, is to construct the tank on the back side of the ridge, but is semi-visible from the south. Marshall pointed out the sand hill is a tortoise nursery area, and there are sidewinders in the area.

The City prefers Site #2, but Site #3 is good, although access is more difficult. Full burial is proposed for all three sites – leaving approximately 18” of the tank top exposed.

The Committee discussed property ownership, site advantages and disadvantages, and soil erosion caused by overflow and periodic maintenance (flushing). Kristen asked about overflow or flushing discharge. Mike pointed to the aerial photo and said that the flow would go directly into the lava rocks (easterly from the proposed site).

Site #1 is too low. Site #2 is preferred because there is less distance. Site #3 is a better location for concealment and drainage. The members felt that Site #3 is the preferred option because there is less impact, but upgrading to a larger line will cause more disturbance. Site #2 and #3 both require the line to be upgraded. About 2000 feet of line will need to be upgraded –down to the bike trail northerly of the freeway.

**Technical Committee approved minutes — February 13, 2008**



Kristen asked about reducing the final site impact to .76 acres. Mike assured her that it will be – more or less. Kristen asked about abandoning the old 8” line and just bury the new line in the (existing) road? Lester Dalton said that he liked that idea. The members also liked the idea because there would be less disturbance. And Lester added that the abandoned line could possibly be reused later.

Kristen asked about getting to a conclusion to this. Lester asked which site is preferred by the Technical Committee. Marshall and Kristen agreed that it would be beneficial to visit the sites. Kristen proposed a site visit today along with the field trip to the Brooks Nature Park.

The members agreed to visit the Brooks Pond Nature Park, take lunch and then meet at 2:00 PM off of Exit 13 for a field trip up Grapevine to the proposed water tank sites.

**d. Assignment – Brooks Nature Park trail (Cox Pond)**

A field trip to the site was conducted. Attending were:

Kristen Comella, Bob Douglas, Ann McLuckie, Marshall Topham, Lynne Scott and Tom Webster.

The results of the field trip are noted below as excerpted from the Technical Committee Report, February 2008.

HCP Administrator Assignment: Determine the best place for a trail from Brooks Ponds into the reserve including the possibility of a “lookout” trail above the water tank.

TC Recommendation: After hiking the existing trail leading from Brooks Pond into the reserve the TC unanimously supports a trail from Brooks Pond connecting to the Owens Loop Trail with the following recommendations:

- The City/HCP Administration coordinates with Lynn Scott (BLM)
  - to determine the most suitable trail alignment;
  - to implement appropriate stabilization measures; and
  - to ensure installation of standardized and suitable trail markers along the trail prior to officially opening the trail.
- The trail is open for hiking only and is appropriately designated and signed as such.
- The City/HCP Administration installs an educational wayside exhibit at the trailhead. The Education Outreach Coordinator and HCP Administrator will coordinate content and design standards with the Technical Committee and Lynne Scott.

**(3) APPROVAL OF MINUTES**

Approval of the minutes from the meeting of January 17, 2008, was continued to the next Technical Committee meeting.

**(4) OTHER BUSINESS**

None.

**(5) DATE OF NEXT MEETING(S)**

The next Technical Committee meetings will be:

Thursday, March 20, 2008 @ 9:30 AM,  
Thursday, April 10, 2008 @ 9:30 AM, and  
Thursday, May 8, 2008 @ 9:30 AM

There was no other business to discuss and the meeting was adjourned at 12:15 PM.

Minutes prepared by Brad Young