

WASHINGTON COUNTY HABITAT CONSERVATION PLAN TECHNICAL COMMITTEE MEETING

A meeting of the Technical Committee of the HCP was held June 12, 2008, in the conference room at the Washington County Administration Building, 197 E. Tabernacle.

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.

Members present were:

Kristen Comella	Snow Canyon State Park (SCSP)
Renee Chi	U.S. Fish and Wildlife Service (USFWS)
Bob Douglas	Bureau of Land Management (BLM)
Ann McLuckie	Utah Division of Wildlife Resources (UDWR)
Bob Sandberg	Washington County HCP

Members absent were:

Marshall Topham	Local Biologist
Todd Esque	USGS Biological Resources Division

Others present were:

Lynne Scott	Bureau of Land Management (BLM)
Seth Topham	JBR Environmental
Chuck Gillette	City Engineer – City of Ivins
Brad Young, Recorder	Washington County HCP

(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 10:18 a.m.

(2) APPROVAL OF MINUTES

a. Minutes from the meeting of May 8, 2008

Review and approval were continued until next meeting.

(3) GENERAL BUSINESS

- a. **Discuss the results of the field trip to Grapevine and Mill Creek to evaluate possible properties for compensation for the proposed Washington City water tank.**

This agenda item was moved to the last item of General Business.

- b. **Report on the Babylon and Paradise Canyon trails – Lynne Scott**

1. **Babylon Trailhead**

Lynne distributed Exhibit 3-b-1 TC – 061208. She related the history of the development of the Babylon Trailhead. She said that Bill (Mader) and Lori (Rose) came to BLM last year and asked about putting in a trailhead near the historic Babylon site. Lynne said that she went to the area to locate possible trailhead locations. She and Lori identified three possible sites - noted on the exhibit by the blue, yellow and red stars. They went back to Dawna Ferris with the proposed sites. Dawna told them 'no' on all three proposed locations because of the historic resources and archaeological sites. So, Lynne and Lori took Dawna on a tour. They looked at the site designated by the black star. Dawna was agreeable to putting the trailhead there. But Lynne and Lori re-evaluated and eventually developed the Sand Cove trailhead, with the intent of closing the road (southward). But the road is a RS2477 road and closing it at Sand Cove was not agreeable to the county commissioners.

Instead, the commissioners were agreeable to closing the Babylon road just south of the Sand Cove trailhead to full-sized vehicles and allowing ATV-type vehicles to use the road down to a certain point near Babylon. Lynne and Lori suggested terminating all vehicle access at the red star and the commissioners were agreeable to that. The red star is at the East Reef Trailhead and an ATV turnaround is available. Appropriate signs will be necessary at the Sand Cove junction.

Kristen clarified that there would be no additional parking lot. Lynne confirmed.

Ann asked if there was a schedule. Lynne said that there wasn't one.

Ann related the on-going ATV problems in Zone 4 and how the problems are increasing in volume. Ann added that two dead tortoise hatchlings have been found in the road not far above the top of the hill – those were in addition to the live hatchling removed from the road by Bill on May 30th.

Kristen asked about parking at the historic Babylon site trailhead. Lynne said there was room to park two full-sized vehicles.

Lynne said there is good signage in the area, but more is needed. Ann clarified that Zone 4 is considered Upland Zone.

Kristen and Lynne discussed fence and gate configurations. The red star site is the optimum location for terminating ATV travel.

Renee and Ann discussed where the ATVs are getting off-road. It is especially severe down near the river. Lynne added that the general geography constrains them in some places, but there are many other places where the ATVs get off-road. Bob Douglas asked what is going to keep the ATVs on the road(s). Lynne answered that more law enforcement, and added that the county commissioners were ok with closing the road to all vehicle traffic on this 2477 road at the red star site.

Bob Douglas discussed the road northerly from the Sand Cove junction. Lynne said that according to the HCP it is closed, but she understands from Bill that it is a RS2477 road.

Ann talked about the recent clearance of the Washington County Water Conservancy District (WCWCD) property northeast of the reserve boundary at Sandstone Mountain. She added that there is no fence nor tortoise mesh along the road so tortoises can ingress and egress that particular piece of property.

Lynne said there are group tours in the area. Renee seemed concerned about this. Bob Douglas expressed concern about the road (northerly from the Sand Cove junction), but Lynne said the county commissioners are not willing to close it.

Kristen asked what is needed from the committee. Lynne said that she'd just get with Bob Sandberg to work on some details.

Renee said that, in the interest of protecting tortoise habitat, she would like to see some kind of threshold set for determining whether it is appropriate to have this trail open if hikers or ATVs just start going everywhere. She added that she's concerned about them leaving the road and braiding out. Lynne said that the road is being converted to a trail and should be added to the monitoring list. Ann suggested that the committee recommend increased law enforcement in this area. Kristen said that it relates to the greater issue of recreation management. Ann suggested again that the committee make a recommendation for increased law enforcement based on the recent hatchling mortalities found in the road.

Kristen clarified that the recommendation would include two things: 1 – Add the road/trail to the NAU monitoring list, and 2 – Increased law enforcement in the area. Ann suggested adding a third element: Installing educational signs and kiosks to explain why the closures are in effect and to suggest to visitors to be alert for small tortoises and to drive slowly.

Bob Douglas asked Ann about tortoise population monitoring. Ann replied that UDWR does monitor (distance sampling) portions of Zone 4 every other year. Bob asked if there were any tortoises with transmitters in this zone. They are none at this time. She added that they've seen hatchlings, and translocated tortoises seem to remain near where they were translocated to, and they've seen deep, deep burrows.

Kristen asked for a motion.

MOTION by Renee Chi that the Technical Committee recommend NAU monitoring, propose increased law enforcement in the area, and encourage educational kiosks, keeping in mind that that this is a trail that we need to keep an eye on, and move with the proposal. Seconded Ann McLuckie.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

Lynne commented that there is only one road that is open and that it shouldn't be confusing to anyone. Law enforcement should be able to take action. Ann replied that Rob Tersigni may say the open roads, and those which are not open, are not well-marked. Signage will help. Lynne also commented that she is not excited that people are allowed to drive to Sandstone Mountain. Ann agreed that it is a potential disaster (to the habitat).

2. Paradise Canyon trails

Lynne referred to Exhibit 3-b-2 TC 061208. She explained that all of the black-dashed trails are existing trails and had been accepted by her and Lori. The only change is in the Toilet Bowl area. She further explained that the existing trail around the top of the Toilet Bowl has been accepted, and that fencing the entire bowl should stop users from going down into the bowl and then back up. She said it makes more sense to accept the established trail around and northerly of the Toilet Bowl. Lynne will check with Bob Sandberg to make sure the fencing went in as it was supposed to have.

Lynne explained that the trail shown in red is an unauthorized trail that the mountain bikers have established. Lori had 'brushed-out' this trail last year, but it should be eliminated.

Bob Douglas talked about a trail that goes up through here – pointing at the exhibit. He asked what will happen to it. Lynne said it, and other unauthorized trails, would be closed off with fencing.

Lynne referred to the trails shown in purple. They are proposed routes to create different-sized loops. The biggest problem is crossing the wash (Halfway Wash). She and Lori had proposed 'buildable' routes in the lower end. The thought is to give the hikers something that works and close off all the rest.

The members discussed the lower two proposed routes and then shifted to the trail that leads towards Beck Hill. Kristen commented that there is an old road that is not an existing (approved) trail. Lynne proposed building a trail from the end at the top that goes back down (easterly). Renee asked if horses would be allowed. Lynne said that they would. Kristen asked about the length. Lynne said the existing road would be approximately $\frac{3}{4}$ of a mile and that new trail construction would be less than $\frac{1}{2}$ mile.

Bob Douglas said the area would be hard to rehabilitate. Kristen disagreed. Ann added that JBR has rehabilitated more difficult areas. Bob suggested narrowing the old road to make it into a trail.

The discussion then shifted to the northern-most suggested trail. Lynne said that the trail is user-defined. She added that it is heavily used and that it is not sustainable because it is very steep and winding. Bob Douglas added that the area is 'hot' for tortoises and Gila monsters. Kristen added there are also nesting raptors in the area. And, Ann added that the farther north one goes, the more pristine the habitat becomes. Ann suggested walking the trail before a decision is made. Renee agreed.

The committee agreed that the idea of small loops in the lower end is a good one. Kristen voiced support for the lower two trails but opposes the upper two. She said the northern-most area is incredibly biologically sensitive. Lynne emphasized any trails that are closed require fencing. Lynne suggested a split decision. She proposed approving the lower two trails, but waiting on the upper two until a field trip is made.

Bob Douglas asked about closing off unauthorized trails. Kristen said there is a sign, but fencing is required. She added that most hikers come from the south, not down from the north.

MOTION by Bob Sandberg that the Technical Committee approve the bottom two trails, table a decision on the third trail until after a field trip to the area, and disapprove the northern-most proposed trail.

Seconded Bob Douglas.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

c. Assignment #051608 – Discuss the mitigation requirements and provide alternatives to the HCAC which Ivins City could pursue to meet the biological opinion requirements – especially locations.

Kristen read the assignment to the members. The members then took a few minutes to familiarize themselves with the 33-page biological opinion – document #FWS/R6 ES/UT 6-UT-07-F-004 08-F-0028.

Kristen referred to page 5 and noted that the size of the permanent disturbance is just over 1.5 acres. Bob Sandberg referred to page 19 and noted that the permanently disturbed habitat will be replaced at a ratio of 4:1. Ann and Bob Douglas noted that the temporarily disturbed habitat will be mitigated at a ratio of 3:1. Kristen commented that the permanent acreage is 5.44 acres and 3.99 for the temporary. Bob Douglas asked if the temporary disturbance could be satisfied by restoration. Kristen said yes.

Chuck Gillette asked what needed to be done – especially since this is private land. Renee explained that there is a federal nexus so all impacted lands need to be considered and included – regardless of ownership. Kristen referred to the 5.44 acres of replacement property and explained that is how much needs to be found. Chuck asked if he was expected to go out and buy property. He was told essentially, yes, and that the Technical Committee’s task was to suggest possible sites. Renee added if there were no suitable properties available in Zone 2, then lands would have to be added somewhere else. Ann asked about the properties south of Tuacahn. Chuck said the lands belong to Layton Construction and Ivins City could not afford them.

Renee explained to Bob Douglas how the USF&WS had done a consultation with itself because a *take* was necessary, which doesn’t happen very often. This process was necessary so the state’s Section 6 grant agreement could be amended and approved by the USF&WS so the *take* was allowable under the terms and conditions of the biological opinion that all possible impacts to desert tortoises were mitigated. Bob Douglas asked if Ivins had purchased Section 6 lands. Renee said no and added that this was crossing state park lands that were purchased with Section 6 funds.

Chuck explained that Ivins bought land and then lands around them were sold leaving them landlocked. Renee agreed. Chuck added they then had to cross about 100 yards of Section 6 lands to get access to their property.

Kristen clarified the temporary acreage is 3.99 and the permanent acreage needed for mitigation is 6.12 (not 5.44).

Ann asked when the land was purchased. Renee explained that when the land was purchased, there were some conversations between Ivins and USF&WS where Ivins was encouraged to buy the land if they wanted to put in a detention dam.

Bob Douglas explained how the process of mitigation and compensation works, and in a sense, Ivins has mitigated by acquiring the private land to start with. Ann said that the land was acquired after the HCP was signed, and added this is the document (the BO) that we have to work with. Chuck said that Ivins owns 40 acres, some of which goes up the side of Red Mountain, but it is already in the reserve. Ann clarified that mitigation lands have to be outside the reserve. Bob suggested exchanging or selling land in the reserve to BLM to stabilize ownership within the reserve.

Renee asked that the committee identify areas for rehabilitation for the temporary mitigation, then she wants to talk to the regional office about the permanent impacts and ratio – given the fact that most of the impacts are occurring on private land. Ann pointed out that it may be private land, but it is still within the reserve. Bob Douglas argued that they (Ivins City) were told to purchase the land if they wanted to put in a detention dam, and they did – in good faith. Ann asked who told them that. Renee answered that it was the Fish and Wildlife Service. Renee explained that she doesn’t know who it was, nor does she know what the discussions were, but there is documentation that the USF&WS did encourage the city to purchase the land for the purpose of constructing a

detention dam. Bob Douglas argued that they should get credit for that. The committee members discussed the issue of the City of Ivins purchasing the property and if they should get credit for mitigation. Ann said that buying the property just gave them a foot in the door, not credit for mitigation. Renee said the dam would not be allowed at all unless Ivins had purchased the land. Renee, Ann and Kristen discussed possible options. Kristen wants an in-depth discussion about how to handle replacement acreage because there isn't much left. Ann added that some future projects may have to be denied because replacement land is not available. Bob Douglas said that we'll just have to get creative and come up with other ways of improving the reserve. Ann cautioned about setting precedents.

Kristen brought the discussion back on track. She said the USF&WS needs to resolve their issues with the biological opinion and the best manner to approach the permanent compensation acreage. Meanwhile, the committee should focus on the temporary disturbance. Chuck asked about the difference between the four acres (3.99) and the six acres (6.12). Ann explained that the four acres is a result of temporary disturbance, and typically the committee identifies lands within the reserve for rehabilitation – usually in the same zone. The six acres is a result of permanent disturbance or loss and is compensated by adding lands to the reserve. Chuck said he thought the ten acres could all be reseeded, and he added that the committee should really consider the idea of the 40 acres, part of which goes up Red Mountain, for a trade. Ann said it was already in the reserve so it cannot be considered for mitigation. Renee added that you cannot double-dip because it is already mitigated land. Chuck argued that they would be giving up development rights (on the land in the reserve). Ann said they couldn't develop within the reserve anyway. She explained to Chuck that the development rights on land in the reserve were traded for allowing development of other tortoise habitat lands elsewhere. Chuck asked if Ivins could sell those lands to a private owner. Ann said they could, but the new owner would not have development rights.

Chuck brought up the issue of Terry Martin being able to develop lands within the reserve. Ann said that is an unusual situation. Renee and Bob Douglas said that Kayenta has a special provision because of the way that the lands are developed. Kristen restated that the USF&WS must resolve the biological opinion and whether or not they amend or revise that opinion. Bob Sandberg asked about Ivins being a signatory to the county's HCP and how that might affect the outcome. Bob Douglas explained how BLM is buying land and exchanging land with the City of St. George.

Kristen asked to discuss the temporary mitigation and table the issue of the permanent compensation until USF&WS resolves any issues. Ann suggested rehabilitating some of the areas near Paradise Canyon. Bob Douglas suggested fire restoration. But Ann argued that there are no fire restoration areas in Zone 2. Bob suggested trading up and rehabilitating in Zone 3. Kristen asked if there is anything else besides reseeded and suggested fencing or signage. Renee said those are good options but acres must be converted to trail length or number of signs. Chuck asked about adding new trails as mitigation. He was told that is not mitigation. Kristen added that about five years ago the Ivins portion of the Public Use Plan was opened and the trails in that area were

reassessed. New trails are assessed through the PUP but are not part of this exercise. Bob Douglas said that new trails are just not a good option for mitigation. Renee explained new trails cause more impact, not less.

Kristen asked for suggestions. Ann suggested Paradise Canyon and then as a fallback, fire restoration in Zone 3. Bob Douglas suggested some specialized fences to close some trails. Chuck asked how to convert acres to fences. Renee restated that the Technical Committee would have to come up with some kind of conversion based on equivalent costs. Chuck asked Seth Topham about the costs of reseeding. He said he could get some figures. Bob Douglas said that Greg Brown has done some successful reseeding work.

Kristen asked if there was anything else tangible that they could do. The suggestions submitted were Paradise Canyon, Zone 3 fire restoration, fences, signage and kiosks. Renee will work with Bob Sandberg on fence types and costs. Chuck would like to do the (restoration) work closer to Ivins. Bob Douglas asked where. Chuck suggested an Ivins beautification project and also old roads (berms and reseeding) and mentioned a fill area near Snow Canyon State Park. Kristen is familiar with it and will look in to it. Kristen added that beautification is not the objective, but restoring tortoise habitat is. Bob Sandberg added that it should be revegetation or regeneration.

Renee will assess fence costs, and determine fencing types. And, she asked that if there are other ideas to send them out to all of the members, i.e., culvert improvements. The members briefly discussed possible ideas for trail improvements and fire restoration. This item will be continued to the next meeting for further discussion.

a. Discuss the results of the field trip to Grapevine and Mill Creek to evaluate possible properties for compensation for the proposed Washington City water tank.

Technical Committee members Kristen Comella, Renee Chi, Bob Douglas and Bob Sandberg conducted a field trip this morning. They visited three sites – Mill Creek, Grapevine and the proposed education facility site. Kristen said the Technical Committee had originally ranked the sites as Grapevine, Mill Creek and then the education facility. Kristen added that the Mill Creek site seemed like a ‘no-brainer’, and then added that the minimum area needed for compensation is 3.1 acres – for the permanently disturbed water tank area. Bob Douglas added that the Mill Creek land will be harder to get than Grapevine land, because of the value. Kristen said they need information from Lynne on how much land is needed (for improvements). Kristen and Ann agreed that Mill Creek and Grapevine are the priorities.

Bob Douglas said he would like Lynne to begin putting together some figures for the Mill Creek and Grapevine trailheads. He is asking for some general figures on the area needed for parking, etc. Bob Sandberg said that according to SITLA, an easement would be easier than a title transfer. Lynne said that if BLM is going to build and maintain a facility, then they would want to have title to it.

The committee members discussed the size and the geographical characteristics of the two possible Grapevine trailhead sites. The members made it clear they want to add mitigation land outside of the reserve, or else it is not mitigation. Bob Douglas added that the Mill Creek Trailhead needs to be expanded a little.

Ann said the advantage of getting land outside the reserve on the south side of Grapevine is that land inside the reserve would not have to be disturbed. Bob Douglas added that also this would act as a buffer between future development and the reserve – essentially adding more to the reserve.

Kristen asked, “In that zone, is property for parking our greatest need; are there any other biological needs or areas that we should be focusing on?” Ann said the Grapevine issue came up years ago with John Ibach and Lori Rose. She added that Lori had identified parking in Grapevine as a high priority, but she could only assume that what she was being told was true – that it was a high-priority parking lot. Ann referred to the map and asked about the designated Green Springs Trailhead. She said that would be a possible place for compensation. Kristen re-emphasized that she didn’t want to miss something by focusing on parking, and asked if there were needs other than parking.

Ann recalled that Doug Patterson came to the HCAC and said that Grapevine is a high-priority, along with T-Bone. Discussion shifted between Grapevine and Green Springs. The members agreed that parking is the priority.

Kristen then asked about the possibility of Lynne coming back and saying we need an acre for Mill Creek and an acre for Grapevine, and there’s an acre or more leftover – then does it go to an education facility? She explained that there is no plan for an education facility. She added that there is a vision, a good vision, but what happens if that vision doesn’t happen and acreage has put towards the site?

Bob Douglas discussed the Green Springs improvements. He said it (nearby development) is a mess. Then, Kristen asked about additional acreage in Zone 4. Ann said it would be nice to add to Zone 4, but there is no lack of habitat – not like in Zone 3 where we’ve lost almost a quarter of the habitat due to fires. Renee emphasized that trailheads and parking lots outside the reserve add protection for habitat inside the reserve. Bob Douglas agreed.

Ann brought up the issue again about possibly denying future projects because mitigation lands are not available. Kristen said that we’re not going to be in a position to deny a utility, so we have to start approaching this in a different manner. Bob Douglas said there are other options because this is an HCP for multiple species, and there are other reserves. Ann reminded that there can be no net loss of habitat. Renee agreed.

Kristen said that SITLA has requested a map and photos. Bob Douglas will work with Bob Sandberg to get the requested materials.

4. **OTHER BUSINESS**

- a. **Next meeting date(s)**
1. **July 3, 2008**

b. **Fencing gaps**

Ann distributed Exhibit 4-b-1 TC – 061208 and explained that Melissa Reitz had identified several areas where new fencing is needed to close gaps and where existing fences need repair. Ann will attend the next HCAC work meeting (June 24, 2008) to discuss fencing priorities.

- c. **Minutes will be reviewed next meeting**

5. **ADJOURN**

The meeting concluded at 12:15 P.M.

Minutes prepared by Brad Young.