

# WASHINGTON COUNTY HABITAT CONSERVATION PLAN TECHNICAL COMMITTEE MEETING

A meeting of the Technical Committee of the HCP was held **NOVEMBER 13, 2008**, in the conference room at the Washington County Administration Building, 197 E. Tabernacle St., Saint George, Utah

**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)
Bob Douglas	Bureau of Land Management (BLM)
Ann McLuckie	Utah Division of Wildlife Resources (UDWR)
Bob Sandberg	Washington County HCP
Marshall Topham	Local Biologist
Renee Chi (by conference call) (801) 232-8529	U.S. Fish and Wildlife Service (USFWS)

Others present were:

Brad Young	Washington County HCP
Millie Cockerill	City of St. George
Lynne Scott	Bureau of Land Management (BLM)
Chuck Gillette	Ivins City Engineer

## 1. **CALL TO ORDER**

Chairperson Kristen Comella noted that there were at least four voting members present, a quorum existed and the meeting was called to order at 9:40 A.M.

## 2. **APPROVAL OF MINUTES**

### a. **Minutes from the meeting of October 9, 2008**

**MOTION** by Kristen Comella to approve the minutes of October 9, 2008, as written.  
**Seconded** by Bob Sandberg.  
**Discussion**: None.  
**Vote was taken**: All voted aye.  
**Motion passed**.

### 3. **GENERAL BUSINESS**

- a. **Assignment #051608 – Ivins Detention Dam** – Review MOU and discuss a recommendation to the HCAC (Exhibits 3-a-1 and 3-a-2 TC – 111308).

Renee Chi began the discussion by saying that the dike had been constructed with Natural Resources Conservation Service (NRCS) funds with the condition that the dike comply with construction codes. The dike was built to protect agriculture lands not residential properties. The dike may not be high enough and there may be a requirement to increase the size of the dike.

Chuck Gillette said that he is aware of the issues and added that there is inconsistency with the NRCS hydrology calculations and the Ivins City calculations. Chuck added that he has seen the latest FEMA floodplain maps. He further added that the hydrology calculations must be recalculated and someday the structure may require modification.

Kristen Comella said, notwithstanding, this issue does not affect the proposed MOU. The latest version of the MOU (Exhibits 3-a-1 and 3-a-2) was discussed by the committee members and Mr. Gillette.

Kristen referred to paragraph 2 and asked if the appropriate pages of the Biological Opinion (BO) need to be added as an exhibit. Renee suggested attaching the entire BO just so it can easily be found in the future. Kristen also asked about the seven (7) acres referred to in paragraph 3. She asked Chuck to include the seven-acre area on the next map. Chuck explained that there may be a slight modification because Ivins City is planning for a future dog park.

Kristen also asked about when the fencing would be installed. Chuck explained that it is contingent upon the construction of the detention dam. Kristen made it clear that the final map may be slightly different than what was shown today.

Ann asked about trail locations. Chuck explained that the final location of the trail(s) has not been determined and invited input from the committee.

Bob Douglas asked about the service road on the west side. Chuck said that it remains in the reserve.

Chuck also proposed a future boundary change not attached to this MOU. It was briefly discussed and the members agreed that it merits future discussion, separate from this MOU.

Ann stressed that the people using the future dog park must understand that there are separate use rules for the dog park and the Red Cliffs Desert Reserve.

Kristen asked that future versions of the MOU make Exhibit A the Biological Opinion and Exhibit B the map showing the revised boundary and the fence location.

Renee noted that a rehabilitation plan will be required for the temporarily disturbed on-site areas. Any noxious weed issues will be addressed at the time of the dam construction.

Bob Sandberg referred to items 3a and 3b under “Ivins City will:” and asked if maintenance activities applied to basins outside the reserve or outside and inside the reserve, and if reimbursement requests for direct costs also applied to all basins. Chuck said that both ‘a’ and ‘b’ apply to all basins – outside and inside the reserve, and including the new detention dam. The members were concerned that this sets precedence. Chuck clarified that Ivins City feels that revegetating a sediment basin after sediment removal is an unreasonable request. The members agreed that the UDP processes apply throughout the reserve and an exception for Ivins City is not an option at this point.

Chuck restated his position. He said that 3b would only apply to the seven acres of defacto reserve area and not to all basins inside or outside of the reserve. Chuck added that the seven acres would be physically, but not legally, part of the reserve.

Bob Douglas suggested specifying that items 2, 3, 3a and 3b apply only to the defacto reserve area. Items 3, 3a and 3b were intensively discussed by the committee members. Ivins City’s position is that the UDP do not apply to the 7.3-acre defacto area that is not legally part of the reserve. Bob Sandberg made it clear that 3b can apply to the 7-acre defacto area, but not to all of the other Ivins basins in the reserve. Chuck’s position is the opposite – that 3b should apply to all basins inside or outside of the reserve.

Ann reminded everyone that the issue is mitigation and the intent of the UDP is to minimize impacts to tortoises and habitat. Renee agreed and pointed out that if the defacto area is used for tortoise habitat, then the UDP should apply to minimize impact and ensure proper coordination and measures taken to minimize tortoise take. Chuck said maybe something else needs to be done.

Kristen asked the committee members if sediment removal would require mitigation. Ann said it would. Kristen said it would not. Others did not offer their opinion.

Bob Douglas offered options regarding the requirement to have biological monitors present – perhaps the HCP biologist, depending on availability, or himself as the BLM biologist. Chuck said he’d like to consider proposing alternate language. Renee suggested revised language be proposed, along with a new map, to be discussed at the December meeting.

Bob Sandberg referred to item 4 under “Administrators . . . will:” and asked, are adding the access roads a ‘minor amendment’ and, what category are they, R1, R-2, R-3 or R-4? The members discussed the categorization of the proposed roads. Bob Douglas said the only road that should be categorized is the one going to the tower because it is in the reserve. The roads should be classified as R-3 or R-4.

Kristen suggested that the issue of amending the Utility Maintenance and Access map be referred to the HCAC. The members agreed to remove Item #4 from the proposed MOU and refer the issue to the HCAC. Chuck will send a brief letter to HCP requesting that this item be discussed by the HCAC.

This discussion will be continued at the December Technical Committee meeting with a revised proposed MOU and a revised map.

**b. Botanical garden assignment** – Review and assess concept.

Bob Sandberg introduced Millie Cockerill from the City of St. George, and added that the botanical garden is a concept only at this time. The HCAC has asked that the Technical Committee be involved and provide guidance and recommendation regarding the development of the garden. Bob further added that there is a joint HCAC/TC field trip scheduled for the morning of November 25, 2008.

Millie distributed Exhibits 3-b-1 (concept map) and 3-b-2 (legend). This is the current concept version based on the latest field trip (November 3, 2008). Millie explained that the City of St. George had been approached by the Washington County Water Conservancy District (WCWCD) regarding participation in a desert-style garden adjacent to the new WCWCD building.

Millie explained that the fourth area type (shaded in blue) would be for opportunities for the public to view tortoises with perhaps a raised boardwalk. Ann suggested using an existing trail north of the picnic area with a different entrance and exit points. TC members were concerned about creating an artificial trail due to sensitivity of tortoises to human activities.

The members discussed the educational and informational objectives of the desert garden and displays and agreed that, if done right, this provides an opportunity to significantly increase awareness.

Kristen suggested the committee go down through each concept area and explore the various characteristics. The members discussed the yellow and green areas and the respective plans for these areas.

The tortoise display area is of greatest concern. Ann suggested using existing PUP trails in a different nearby area. Marshall suggested a tortoise education loop with educational signs along the way. Lynne argued in favor of relocating the blue area.

Kristen expressed concern about the red area. Marshall and Kristen wanted the red area reduced to the reserve boundary and in exchange, extend the yellow and green areas down to the reserve boundary.

Bringing in people and then keeping them where they should be is important. The committee discussed ways to accomplish this.

The blue area will be removed from the BLM property and relocated northerly of the yellow areas, a tortoise education loop will be planned, and the green and yellow areas extended southerly to the reserve boundary.

Kristen asked that the Technical Committee be provided with a list of plants proposed for use so the TC can assure the correct species are used. Plant species, the Brooks Nature Park, and any development on BLM land were also discussed.

The members agreed to participate in the field trip scheduled for November 25, 2008.

- c. **Assignment #092308A** – Consider biological impacts of permitting trail improvement and rock climbing at *Bluff Street Cracks* – Discuss property ownership and determine if the effected areas are within the reserve.

Bob Sandberg used two aerial photos (Exhibits 3-c-1 and 3-c-2) provided by Millie Cockerill to discuss the reserve boundary location. The reserve boundary location is still in question. It is **assumed** to be on top of the cliffs. But, Exhibit 3-c-3 provided by BLM shows the boundary at the base of the cliffs. Lori Rose will be contacted to see what she recalls.

The members agreed that the area is not suitable for a trail to the base of the cliffs, and that raptor protection is important. Bob Douglas emphasized his concern for protecting raptors and archaeological resources in the area.

The members discussed options. If the boundary is on top of the cliffs the committee will ask the City of St. George to consider the options selected. If the boundary is at the bottom of the cliffs, the committee will recommend options to the HCAC. The options are:

1. No trail or climbing,
2. Seasonal closure for raptor protection, February 1 through July 31 each year,
3. Remove any top anchors.

The committee decided on options 2 and 3.

Renee did not have access to the aerial photos so she had to rely on the members present to make the decision.

The meeting recessed at 11:47 A.M. and will resume at approximately 1:00 P.M. at the HCP office. Renee and Marshall will be unable to attend and Ann will be a few minutes late.

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1:08 P.M. the meeting resumed. Attending were: Bob Douglas, Bob Sandberg, Kristen Comella and Brad Young.

**d. Continue development of a Fire Management Plan** for the reserve – Action items for Objective 2 – Restoration.

The three members discussed the restoration objective and developing action items based on burned areas, and a strategy to implement those action items – considering costs. They used a large map of the reserve provided by Bob Douglas to facilitate the discussion.

Ann McLuckie joined the group at 1:36 P.M.

The members discussed the largest and most destructive recent fires. They are the:

1. Plateau (Diamond Valley) fire,
2. Mill Creek fire, and
3. Red Cliffs fire.

The members discussed the restoration planning being done by the Mojave Initiative, and restoration experiment studies. The discussion included possible available funding of restoration projects. Available funds are a key element in accomplishing the two biggest objectives – preserving unburned areas and restoration of burned areas. The study plots done by JBR for Pacific Corp. were also discussed. Bob Douglas suggested acquiring pertinent information about the JBR study plots and begin a monitoring program, and initiating additional study plots – some using pioneer plants. Ann agreed. Roadside mowing was also discussed.

How best to spend the allotted \$100,000.00 (2009 budget) was discussed and debated. The merits of spending the funds on study plots, fire breaks, roadside mowing and herbicide use was explored. Ann suggested using the funds for some of each. Bob Sandberg advocated for restoration of critical habitat areas and for creating fire breaks to preserve other critical areas.

Ann suggested creating three work study plans and then fund each according to priority. The three proposed plans are monitoring the existing polygons, create and monitor new polygons, and roadside treatments. Ann volunteered to do one of the two or three-page plans – monitoring the existing JBR polygons. Ann will try to have a draft work plan prepared for the next HCAC meeting.

Compiling a comprehensive layered map showing fires, restorations and research projects was also discussed. Ann volunteered to contact JBR and acquire a copy of their pertinent ArcView files and incorporate the map into the study plot monitoring plan. Bob Douglas suggested that the comprehensive map include:

- Current reserve boundaries,
- Soil types,
- Utilities and roads,
- Recreation trails,
- Burned areas (polygons),

- Unburned islands,
- Restoration areas, and
- Tortoise habitat.

Bob Douglas added that maps showing sensitive habitat areas should be provided to fire fighters along with Red Cliffs Desert Reserve-specific directives on fire suppression and habitat preservation.

Kristen suggested looking beyond 2009 and the budgeted \$100,000.00 and seeing what efforts the committee should be pursuing – basically, think bigger.

Members discussed future study plots, green strips, and using several varieties of forage kochia (*Kochia prostrata*). Bob Sandberg talked about the advantages of using kochia for green strips and to supplement existing vegetation. Ann noted that the Turkey Farm Road may be a choice for forage kochia study. Bob Sandberg suggested leveraging funds together to accomplish more.

Kristen agreed to compose an outline of the work plans and ideas being discussed. Bob Douglas will begin pulling materials together for a comprehensive map.

#### **4. OTHER BUSINESS**

##### **a. Heavy metals research by Dixie State College.**

Ann talked about meeting with Bob Sandberg and DSC Professor Marius van der Merwe. The professor will be taking soil and plant samples and then subjecting them to complete semi-quantitative mass scan analysis to determine any presence of heavy metals. The permitted project will involve the professor and one – three students. (Ann will provide a copy of the professor's proposal for the record.)

##### **b. Turkey Farm building removal.**

Ann informed the group that UDWR has requested bids for the removal of the buildings and structures, including concrete slabs, trailers and feeders. The members discussed possible plant species for restoration following demolition.

##### **c. Technical Committee membership change.**

Bob explained that the HCAC has approved a motion changing the TC membership by eliminating the National Biological Service membership. The members felt that this change could be accomplished by the County Commissioners as a minor amendment to the HCP.

##### **d. Next meeting date(s).**

1. December 11, 2008
2. January 8, 2009

5. **ADJOURN**

There was no other business to discuss.

Meeting adjourned at 2:54 P.M.

Minutes prepared by Brad Young.