

# 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 St. George City Council Chambers on **JUNE 26, 2012.**

Committee members present were:

Karl Wilson, Chairman  
Chris Blake, Vice Chairman  
Dawna Ferris-Rowley  
Marc Mortensen  
Bob Sandberg  
Chris Hart

Mayors Association  
Environmental Organization  
Bureau of Land Management (BLM)  
Citizen-at-Large  
HCP Administrator  
Local Development

Absent and excused:

Jimmy Tyree  
Reed Harris  
Larry Crist

Bureau of Land Management (BLM)  
Utah Dept. of Natural Resources (UDNR)  
U.S. Fish & Wildlife Service (USFWS)

Also present were:

Amber Stocks  
Cameron Rognan  
Alan Gardner  
Tim Croissant  
Ann McLuckie  
Mike Empey  
Ellen Schunk  
Marreen Casper

HCP - Recorder  
HCP - Biologist  
County Commissioner  
Technical Committee (TC) Chairman  
Utah Division of Wildlife Resources (UDWR)  
Congressman Matheson's Office  
Senator Lee's Office  
Senator Orrin Hatch's Office

## 1. **CALL TO ORDER**

Chairman Karl Wilson noted that a quorum existed and called the meeting to order at 1:00 p.m. He also noted that Chris Hart would be excused later in the meeting.

## 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. May 22, 2012

Previously, Jimmy noted changes he would like to see on page 7, paragraph 2. The approved minutes reflect those changes.

- c. **Next Meeting Date**
  - 1. July 17, 2012
- d. **Declaration of conflicts of interest**

**MOTION** by Chris Hart to approve the consent agenda with the noted changes from Jimmy Tyree.  
**Seconded** by Chris Blake  
**Discussion:** None.  
**Vote was taken:** All voted aye.

### 3. **PRESENTATIONS**

#### a. **Commissioner Gardner**

Chairman Wilson moved the agenda.

#### b. **HCP Take Area Review (Cameron Rognan)**

Cameron Rognan began by explaining that in the past couple of years Renee Chi with the U.S. FWS has been conducting a review of the HCP, similar to an audit. Cameron and Renee have been looking closer at the *take* areas and re-evaluating if any of those areas need modification. A *take* area is an identified location where tortoises occurred and would need to be removed prior to development. Early on in the HCP process there were over 12,000 of *take* area acres identified where tortoises would need to be removed before development. At that time about 30,000 acres of “potential habitat” was also designated. Unfortunately there aren’t specific maps of the potential habitat, only rough sketches from biologists on old maps in the early 1990’s.

Cameron showed exhibit 3-b-1, a map of the original take, survey, and cleared areas along with another map showing proposed revised areas. The past 15 years has given us a much greater knowledge of where tortoises do and do not occur. Cameron explained that they are tweaking the areas to make them more transparent of where tortoises are being removed and where surveys or clearances don’t need to be done anymore.

Cameron highlighted some of the key findings and changes. One of the key changes is south of I-15 and east of Washington in the Sleepy Hollow area near a black rocky ridge. This area has quite a few tortoises in it and although wasn’t identified as a *take* area or a potential habitat area, tortoises have been removed from here in the past. Cameron added they would like to add this as a *take* area. If there is knowledge of tortoises in an area, they are removed regardless of whether it is in a *take* area or not, just to do the right thing for the tortoise.

This process will show what efforts are being made to conserve and protect tortoises. Other important areas never identified as a *take* area or as potential habitats are the Green Valley and the south of Hurricane. During the past spring there were six tortoises removed during a clearance south of a *take* area in Hurricane.

Cameron *presented* a new classification to consider, separate from *take* areas. In areas where there are tortoises but not immediate plans for development, such as the old airport area, we'd like to leave tortoises in place and these areas will be a "protection area". In protection areas tortoises typically will not be relocated to the Reserve, they can roam free since there is still quite a bit of habitat for them. Just west of Zion National Park there is a monitored population of tortoises that roam into a *take* area and the Park does not want them permanently removed.

The new proposal has about 12,000 acres for *take* which is about the same total as it is now but some of the areas would shift dramatically. Some areas would lose their *take* status and others would gain it. The new proposal will eliminate areas that have been released for development or areas that are undevelopable and have no threat of development in the future.

Cameron reported that HCP staff has met with the county commissioners and the DWR. HCP staff will also meet with the BLM, the TC, and anyone else who is interested. A formal proposal will be made and hopefully it will be amended to the HCP. Once that is done, new maps will be made and distributed to all municipalities in the county so that the cities know where to be careful and how to help tortoises in their every day development.

#### **4. UTILITY AND DEVELOPMENT PROJECTS**

- a. none

#### **5. GENERAL BUSINESS**

- a. **Discussion of Take Area**

Bob Sandberg stated the HCP staff will need to coordinate with all the entities and stake holders involved. The TC will then come up with a recommendation for the HCAC which the HCAC can accept, reject, or modify and send their recommendation to the commission. The commission's recommendation would then get sent to the FWS for the amendment to be made. We're not sure if this will happen in advance of the HCP permit renewal or during the HCP permit renewal.

Chairman Wilson inquired if the current HCP addresses flexibility to make these kinds of adjustments. It was answered that it does. Cameron clarified that the administrator has the ability to change *take* areas based on knowledge received of where tortoises occur and don't occur. Cameron added that all the stake holders should also be involved.

Bob stated the HCP was written with room to make adjustments through the administrator as more knowledge and operations came to light.

Chris Hart was excused at 1:11 p.m.

**b. BLM Fuels Management Status (Dawna Ferris-Rowley)**

Dawna Ferris-Rowley gave an update on the BLM's strategy report. She stated that the BLM is looking at fuels management on a number of different fronts. One of those ways is the Environmental Assessment (EA) that Tim Croissant is working on which would allow the BLM to do brome management along major access roads such as Cottonwood, Red Cliffs Campground, Babylon, and the Toquerville cut-off. This EA is a requirement for the BLM to be able to take actions, including the application of pre-emergent herbicides such as plateau and to begin the process of dealing with bromes and reseeding native species. If funding is available the BLM will proceed in the fall.

Another way the BLM has dealt with fuels management is goat grazing along Cottonwood Road. The BLM has revisited the MDI proposals that did not get funded a few years ago because of various considerations. The BLM is looking at changes on the landscape with the Cedar City fuels group and at designations and other things that have happened since 2007 when the MDI proposal first surfaced.

Within the last month the BLM received a final report on work that was done with the Nature Conservancy. Exhibit 5-b-1 is an executive summary of the report. The report looks at current vegetative conditions and types of departure from what would be the natural range of expected conditions in a natural community. Work was done with some pretty sophisticated, difficult to understand computer modeling. This modeling showed what would happen if a particular strategy was applied and what the cost and outcomes would be in 20-50 years. The BLM would like to visit this report and see how it would help a fuels management strategy for Red Cliffs National Conservation Area (NCA) and the Beaver Dam Wash NCA. The BLM will post the report on their homepage for the public to review. This process has used a lot of projective analyses which a lot of people don't understand, even those who sat through the process.

**c. Technical Committee Report (Tim Croissant)**

**1. Quail Fire**

Tim Croissant reported on the TC meeting. Tim showed exhibit 5-c-1, a map of the Leeds and Babylon area where a fire burned during the previous weekend. The fire commander understood which methods the BLM felt appropriate to use in tortoise sensitive areas. The fire burned 1,708 acres. 1,115 acres was in critical tortoise habitat and the National Conservation Area (NCA) and eight acres was private property on critical habitat.

Tim briefed the fire crews on operations in tortoise sensitive areas and requested a report if they saw any killed or injured tortoises. Tim never received a report of this nature and the fire generally stayed away from the tortoise active areas. Tim briefly surveyed a part of the burned area and didn't see any tortoise sign or dens and he didn't see any dead or injured tortoises. Tim checked the Babylon Road several times and never saw any tortoises there either. Although the tortoises seemed to avoid this direct hit, it's hard to say what the indirect consequences will be in the long term. The firefighters used a lot of retardant and water and the fire line is very visible.

Tim didn't see any indication of off road driving and one gate was removed to allow access. The majority of the fire was on BLM land and the BLM has already started discussing a longer term restoration strategy with emergency stabilization. The BLM has a seed mix developed as part of the EA Tim is working on. The BLM will apply a pre-emergent herbicide to prevent the cheat grass from recovering. The retardant used may act like a fertilizer, helping the cheat grass to grow. Tim reported that he will continue to survey the burned area to look for tortoises.

Chairman Wilson commented that the fire teams responded very quickly and all agencies involved need to be complemented. Dawna added that the BLM initiated emergency consultations with the FWS on suppression tactics and what *take* effect it may have had on tortoises. The BLM submitted paperwork to get in line for emergency stabilization funding. She reiterated the BLM is looking at brome management through herbicide application and the BLM continues to consider native species.

## **2. Fire Assignments**

Tim reported that 1.) Ivins was contacted and they are not currently equipped to mow along Tuacahn Road and Snow Canyon Road as it is too rocky and rough for their equipment. However, they are not opposed to mowing. 2.) With the construction completed on Red Hills Parkway, the Parkway will now be a much wider fire break. Some of the road shoulders will be rocky and not vegetated. 3.) Cameron Rognan got in touch with SITLA, who indicated they were interested in looking at a fire management plan. 4.) In addition to chemical use, the BLM is considering mowing areas that the tortoises cannot access such as the fenced off portion of Cottonwood Road and along commonly used areas and pullouts.

The TC discussed arranging a fuels management meeting with other agencies and the Color Country office which could include some federal actions on non-federal land. The different representatives can meet together to discuss their roles and how to go forward with planning this very complex operation. This plan would be a BLM lead effort.

## **3. Other topics discussed by the TC**

Peter Stempel along with some interns presented a project they are working on to build and connect the Mining Heritage trail from the Wells Fargo Museum to the Adams

House in the Leeds area. Form Tomorrow is a non-profit group that is working on a historic trail. The group talked about trail signage, trail development, educational type materials and other outreach opportunities which may be done.

The TC reviewed a draft of the 2013 HCP budget. There were some minor alterations. Tim mentioned that there is flexibility for emergency clearances for areas which may present unexpected tortoises. The TC recommended to proceed with this budget. It will be emailed to the HCAC so that the HCAC may discuss it more fully at their July meeting.

The TC discussed the Upper Galoot restroom in Snow Canyon State Park. There hasn't been any further progress made as they continue to wait for funding.

One more tortoise has been removed from Red Hills Parkway. That makes four tortoises that have been moved in association with that project. The tortoises was marked and relocated quickly back into the Reserve.

The old city dump by Cottonwood Road was previously used by Rocky Mountain Power as mitigation. The site was not followed through well enough and FWS recently issued them a letter stating that they need to take action and get that area to an acceptable level of mitigation.

**d. Administrator's Report (Bob Sandberg)**

**1. HCP revenues and expenditures report**

Bob Sandberg showed exhibit 5-d-1, a revenues and expenditures report. Bob reported the HCP has continued to spend more than what has been brought in. The HCP is within budget with a little over 40% of the year completed and 15% of the budget expended. The revenues have been coming up from last year.

**2. Impact fees**

Bob showed exhibit 5-d-2, impact fees collected from first quarter 2012. The impact fees received on the exhibit are through March and the expenditures received are through the end of May.

Marc Mortensen reported that there are very positive signs in St. George from commercial and residential developments.

**3. Preliminary 2013 budget**

Bob mentioned that the TC looked through the proposed 2013 budget. Staff will mail the TC recommendation to the HCAC so that the HCAC may look at it and see if there's anything you want different.

#### 4. Pioneer Park road maintenance update

Bob reported at the last HCAC meeting there was a proposal from St. George City doing maintenance on the Pioneer Park loop road. The HCP has met with them to give tortoise awareness training. They hope to start work tomorrow and finish in one day and will have a tortoise monitor with them. They will chip seal the road. In the City's next budget which starts in July, they will pave the pullouts.

#### 6. PUBLIC COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

This item is reserved for items not listed on this agenda. No action may be taken on a matter raised under this agenda item. (Three minutes per person.)

#### 7. OTHER BUSINESS

Marc Mortensen talked about the firework concern from many people. St. George City will restrict firework use in drainage areas along hillsides within city limits and in the heavily populated areas. The City plans to do a large public firework show from different locations in the City including the Pioneer Park area, the old airport and the Sun Bowl. The City will have fire crews available and fire trucks will spray down the landscape in case any debris falls.

Chairman Wilson reported that LaVerkin has limited their fireworks use to one park in the city. Hurricane has limited their firework use to two parks and they canceled their public firework show. Bob added that Hurricane doesn't have much defensible space between the Reserve and where they have been lighting off fireworks on 600 North. Bob added his appreciation to the different communities for working with the Reserve, to make sure that the Reserve doesn't have any fires. Last year Hurricane had a fire start inside the Reserve but fortunately they were able to put it out quickly. There is a lot of concern for all the fuel that is out there.

Chairman Wilson stated that LaVerkin has ordinances in place each year which allows them to adjust their fireworks to the fire season but it doesn't address what the State has addressed in their resolution. A mayor's proclamation can be made with full support from the city council supporting that state resolution on all state lands. That covers all the unincorporated BLM areas. Dawna Ferris-Rowley added there is also a federal fire restriction in place as well.

#### 8. ADJOURN

**MOTION** by Marc Mortensen to adjourn the meeting.

Seconded by Chris Blake.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 1:41 p.m.  
Minutes prepared by Amber Stocks.