

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 **AUGUST 28, 2012.**

Committee members present were:

Karl Wilson, Chairman	Mayors Association
Chris Blake, Vice Chairman	Environmental Organization
Jimmy Tyree	Bureau of Land Management (BLM)
Henry Maddux	Utah Dept. of Natural Resources (UDNR)
Larry Crist	U.S. Fish & Wildlife Service (USFWS)
Marc Mortensen	Citizen-at-Large
Chris Hart	Local Development
Bob Sandberg	HCP Administrator

Also present were:

Amber Stocks	HCP - Recorder
Cameron Rognan	HCP - Biologist
Tim Croissant	Technical Committee (TC) Chairman
Ann McLuckie	Utah Division of Wildlife Resources (DWR)
Mike Empey	Congressman Matheson's Office
Marreen Casper	Senator Orrin Hatch's Office
Lisa Rutherford	Citizen
Paul VanDam	Citizen
Eric Holt	JBR
Chuck Gillette	Ivins
Christi Nuffer	Citizens for Dixie's Future

1. CALL TO ORDER

Chairman Karl Wilson called the meeting to order at 1:00 p.m. noting that a quorum was present.

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. June 26, 2012 and July 17, 2012
- c. Next Meeting Date**
 1. August 28, 2012
- d. Declaration of conflicts of interest**

Due to agenda item 3-a and 5-a which has to do with the Ivins Detention Dam, Chris

Hart made known that he is the Mayor of Ivins and mentioned that he doesn't have a conflict of interest.

MOTION by Chris Blake to approve the minutes.

Seconded by Marc Mortensen.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

3. PRESENTATIONS

- a. None

4. UTILITY AND DEVELOPMENT PROJECTS

- a. None

5. GENERAL BUSINESS

- a. **Presentation and Discussion of Ivins Detention Dam (Chuck Gillette)**

Chuck Gillette began by showing exhibit 5-a-1 HCAC 082812. Chuck updated the committee on the detention dam in Ivins which has been a long, enduring process. Previously, the state engineer did not agree with Ivins' plan for the spillway. The state engineer required a very large spillway due to some hydrological reasons. The size of the spillway design would take over half of the structure. Ivins felt concerned about the aesthetics of a large cement structure in a nice riparian canyon. Ivins asked the state engineer for suggestions which could make the structure smaller. The engineer's suggestion allowed for a smaller structure and spillway. A benefit to this would be that the complete structure will remain on the city's property. The spillway cubby holes into the shape of the city's property and fits quite perfectly into the property's shape. The shape extends away from the dam to prevent water that might come over the spillway from jeopardizing the dam.

There will be a culvert under the dam to carry away water from a 25 year flood event (flooding that has 1 in 25 chances to flood per year). There shouldn't be any inundation behind the dam unless it is beyond a 25 year event. This has been discussed with the FWS as part of the environmental assessment (EA).

The DWR and FWS have looked at the site and the new footprint to see if there needs to be any revision to the EA. There doesn't appear to be anything. This plan has been submitted to the state engineer for approval and a reply is expected quickly. Once all environmental work is in place the city will be ready for bids. The plan is to start construction this season. Ivins has been hoping for federal money to help pay for this

but right now it doesn't appear available so Ivins is looking at some local options.

Bob Sandberg asked Chuck Gillette to clarify the construction time frame. Chuck answered that construction will start the beginning of December and will have a 60 day construction period. The idea is to keep construction within the window when tortoises are inactive.

Henry Maddux inquired about the fencing requirements. Chuck answered there will not be fencing; the intention is to have the area remain as natural habitat except for the dam structure which will be monitored. Henry then inquired what the plan is when water crosses over the spillway. Will it dump into a natural channel or will it create its own channel? Chuck reiterated the spillway will only spill if the storm is bigger than the 100 year floods. If it is bigger than a 100 year flood it will spill a little bit and go into the channel that is much smaller than the spillway. There will be erosion in the channel no matter what but there would be a major erosion change in the channel if a monster storm were to come. Chuck showed on the exhibit how the channel will work. He assured the committee that the state engineers would now allow Ivins to build this structure unless they deemed it to be safe.

Chuck explained that if water spills over the spillway, Ivins will still be in good shape. Henry was glad to see that the culvert can withstand 25 year flood events. Bob asked if the culvert is a straight shoot culvert or a standpipe tower that is graduated. Chuck said the culvert is straight through and has a grate on it with a sloping grade so that water is able to enter the culvert even if debris is on the grate. The culvert will be a 60 inch pipe.

b. Discussion and Possible Action on 2013 Budget (Bob Sandberg)

Bob Sandberg showed exhibit 5-b-1 HCAC 071712 which is a proposed budget for 2013. The red numbers shown are increases and the blue number shown is a decrease from the 2012 budget. Even though some line items have gone up and down, the bottom line budget is the same as 2012. Green numbers show a contingency amount identified to help with additional opportunities such as property appraisals, rehabilitation and restoration work among others without having to reopen the budget.

Exhibit 5-g-1-b HCAC 071712 is a graph which shows what the revenues and expenses have been since the year 2000. As of the end of July expenses are slightly above the revenue. Over the past few years the HCP has been spending more than what is brought in but it is starting to level out.

MOTION by Chris Blake to approve the 2013 budget and recommend it to the County Commission.
Seconded by Chris Hart.
Discussion: None.
Vote was taken: All voted aye.
Motion passed.

c. Review and Approval of 2nd Quarter Report

Bob Sandberg stated the 2nd Quarter Report was submitted during the July meeting with the intention to have the committee approve it.

MOTION by Chris Blake to accept the 2nd quarter report.

Seconded by Marc Mortensen.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

d. Fire Update (BLM)

Tim Croissant gave a fire update with exhibit 5-d-1. During the evening of August 13, 2012 the Reserve fire ignited. By mid-afternoon on the 14th it had grown to 110 acres. By the morning of the 15th it was aerially mapped at 2,307 acres. There were four aircraft on it and 20 people on the ground. By the 16th it was 3,067 acres and did not spread beyond that.

There was concern with some of the private structures north of NCA boundary in the national forest. During the day canyon winds pushed the fire towards those structures. During the night the winds shifted and pushed the fire down the canyon into desert tortoise habitat. Fire crews accessed the fire from the Broken Mesa trail, the Turkey Farm utility access roads and the Mill Creek trailhead. There was very little off road driving, it was all pretty much on administrative roads.

So far Tim, Cameron Rognan and Ann McLuckie have been surveying a small part of the burned area and have not found any dead tortoises from this fire. Tim showed pictures of the two tortoises that were found within the burn area. Both had burn scars, probably from the 2005 fires. Five decomposed carcasses were found within or near the burned area, probably also a result of the 2005 fire.

A total of 3,067 acres burned. 33 acres on Forest Service land, 58 acres on SITLA land, 2,976 acres on BLM land (including 889 acres in designated wilderness). 1,451 acres of the BLM land is desert tortoise critical habitat including 467 acres in wilderness. The northern end burned some crucial winter range of the mule deer. The exhibit shows previous fires that have burned in the same area since 1993.

Currently the BLM is working on an Emergency Stabilization Plan (ESR) with a seed mix that has been developed. The BLM is looking at raking seeds into some of the area or harrowing with an ATV. They may mulch some of the area to help facilitate seed success. Henry Maddux stated that SITLA usually doesn't reseed their land. He asked if SITLA will re-seed their burned acres. Tim said he hasn't had any contact with them.

Larry Crist asked what the vegetation has been in this area since the previous fires. Most is cheat grass, sand sage and other vegetation that comes back after fires. Larry asked if the reason more tortoises haven't been found in this area is because the vegetation isn't as good as it has been. Ann McLuckie from the DWR replied that tortoises are in this area even though the food source isn't as plentiful as it has been in the past. They have been deep in their burrows and the fires have been unable to reach them. Tim expressed his surprise that he wasn't able to find any tortoises. The weather was nice, cool and wet when he went out looking for them and the area he went to was nice tortoise habitat. He found burrows but no scat around them.

Chris Hart asked if tortoises were lost during previous fires. Ann said approximately 400 tortoises died in the Plateau, Mill Creek and Red Cliffs fires. The HCP gave the DWR funds to survey transects. There definitely has been direct and long term mortality. Those who have survived have less vegetation and shade, the temperature is a lot hotter now from the loss of shade.

Ann said the tortoises can survive these fires but the area cannot support the tortoises. There is vegetation coming up with the latest storm but it is most likely cheat grass. Tim said the habitat is what is critical and it has been damaged. This area was re-seeded after the 2005 fire and didn't have a good success rate. The BLM will go in with harrowing or raking to hopefully have greater chances in getting the habitat back. This area burns and re-burns over and over again; its condition worsens each time.

e. Technical Committee Report (Tim Croissant)

The Technical Committee had a fieldtrip to the Rotary parking lot on Red Hills Parkway. The group looked at the flood damage from recent rain storms. The recent construction associated with the Parkway expansion included a recreational trail under the Parkway. There was some erosion from the parking lot and through the tunnel, causing significant damage to the new work. There's a proposal to build a ditch to route the water around the parking lot and bike path to an existing culvert. The TC doesn't object to the action but noted it is important to follow the Utility Development Protocols (UDP) to protect the tortoise. That means a fence will need to be put up before construction work occurs to keep tortoises out. By fencing off the area, it will add protection to the Reserve and can count toward mitigation of the Red Hills Parkway expansion. The committee discussed a HCP signature fence verses a range fence.

The TC talked about the Quail fire by Leeds. The Emergency Stabilization Plan (ESR) and the National Environmental Policy Act (NEPA) have both been completed; the BLM is now waiting to hear about funding. State funding is tight and seeding is limited due to a high demand this year from the many fires.

The TC discussed the Reserve fire which was burning at that point. There wasn't a lot of firm information at that time. The fire crews were briefed on tortoise issues and encouraged to inform Tim Croissant or Bob Sandberg of any tortoises found.

The TC discussed the Red Hills Parkway. Tortoise mesh has been installed and there are some areas where range fence was not put up. The HCP calls for range fence, thus the TC will look into the fence requirements.

The TC talked about the Recovery Implementation Team (RIT) associated with the new desert tortoise recovery plan. The TC continued to discuss recovery actions that could be considered and looked at tying those into the Nature Conservancy's report with habitat forecasting modeling. The first in-person RIT workshop will be in December during the regular TC meeting.

f. Red Hills Parkway (Marc Mortensen)

Marc Mortensen stated that the Red Hills Parkway expansion is nearing completion. The thing that prohibited St. George from opening the parkway and completing the project was some drainage issues on Bluff Street which became manifest after the heavy rains. The contractors addressed some issues in that area and the dedication is set for the 22nd of September. It will be near the Washington County Water Conservancy District and the HCP will have a booth there.

Mayor McArthur would like to have the landscape architects use some kind of a kiosk or plaque to help educate the public on the St. George area.

g. Administrator's Report (Bob Sandberg)

1. HCP revenues and expenditures report

Bob Sandberg reported that exhibit 5-g-1-a is the revenue and expenditure report. Expenses are still slightly exceeding the revenue and there's still a balance in the bank account. Exhibit 5-g-1-b shows a graph of the revenue and expenses since 2000. The financial year begins on January first, so seven months have now been accounted for.

2. SR-18 widening project update

Bob reported that SR-18 has two projects underway. One is the intersection with Red Hills Parkway and the Snow Canyon Parkway. The other is expanding SR-18 to four lanes from this intersection north to approximately The Trails subdivision where they currently have four lanes. The HCP has been working with UDOT on maintaining the integrity of the right of way fence. There will be a location by Buckskin Wash where they will put in a temporary fence while they expand the culvert and do some work on the embankment there. Cameron Rognan will be there to clear the area and JBR will have a tortoise monitor on site. They'll tie the fence into the culvert when they're finished and remove the temporary fence.

3. Confluence Park

Bob Sandberg gave an update on Confluence Park which is not part of the HCP. The HCAC has helped with the interim management of the Park. There have been several grants acquired to help with restoration work (removing tamarisk, russian olive and other dead fall), with putting in a parking lot and restrooms, with a fence around the parking lot and with a kiosk. On the 24th of September there will be an opening ribbon-cutting celebration to help inform the public of the Park and what they can enjoy there.

Chairman Wilson stated the communities as a whole are very pleased with the Park asset and thank Bob and Kathleen Nielson, the grant writer, for their efforts. Bob stated there are a lot of bedroom communities that have helped with the required match and donation of the grants. There are still people who aren't aware of the Park. Hopefully this celebration will get some publicity and the Park will get taken advantage of.

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.)

Chairman Wilson invited the public to comment or request future agenda items. No one came forward and the chairman moved the agenda.

7. OTHER BUSINESS

Chairman Wilson stated there were more thunderstorms in different locations near the watershed than he has ever remembered. There have been a lot of issues dealing with the Virgin River getting plugged and each morning there seemed to be a different color of mud in the river. There was a newspaper article talking about the oxygen levels due to the fire areas. Henry Maddux explained a hypothesis that ash has a higher organic content. When it washes in the river it drops the oxygen level in the river. There's a study funded by the program to examine that and the water quality from those actuaries. The program put in a pump back system to try and determine this. The temperatures related to the source of the water are a real factor for woundfin minnows. This is a good year for woundfin because the temperatures in the river have been kept down from the rains. These rains have been unique, they are falling all over the basin and the river's temperature has been better off and the oxygen has stayed up. For one of the early studies at an ash site they brought in a machine that fabricates a thunderstorm. The water quality data was collected and it was found the oxygen levels dropped from 7.5 mg per liter to 6.5 mg per liter which are both good levels for fish. They are investigating where the fires burn, how hard the ground is and other factors that relative to water quality. There seems to be woundfin up and down the river which is a great accomplishment based on DWR work to remove invasive fish.

8. ADJOURN

MOTION by Chris Hart to adjourn the meeting.
Seconded by Jimmy Tyree.
Discussion: None.
Vote was taken: All voted aye.
Motion passed.

The meeting was adjourned at 1:48 p.m.
Minutes prepared by Amber Stocks.