

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 Washington City Council Chambers on **September 25, 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
Alan Gardner	County Commissioner
Tim Croissant	Technical Committee (TC) Chairman
Ann McLuckie	Utah Division of Wildlife Resources (DWR)
Marreen Casper	Senator Orrin Hatch's Office
Kristen Comella	Snow Canyon State Park (SCSP)
Craig Shanklin	Friends of Snow Canyon State Park
Jodi Borgeson	County Attorney's Office

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. August 28, 2012

The following changes were made:

Page 2, General Business, paragraph 1, line 8: changed,

From: "The engineer's ~~suggestion~~ allowed for a smaller structure and spillway."

To: "The engineer's suggestion allowed for a smaller structure and spillway."

Page 7, Other Business, paragraph 1, line 8: changed,

From: “The program put in a pump ~~væ~~ system to try and determine this.”

To: “The program put in a pump back system to try and determine this.”

- c. **Next Meeting Date**
 - 1. October 23, 2012
- d. **Declaration of conflicts of interest**

MOTION by Chris Blake to approve the corrected 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. **Sand Dunes Reclamation Discussion and Possible Action
(Kristen Comella and Commissioner Gardner)**

See 5-b-1.

- b. **Expanded Sand Dunes Parking Discussion and Possible Action
(Kristen Comella and Commissioner Gardner)**

Kristen Comella and Commissioner Alan Gardner addressed the HCAC, combining agenda items 5-a and 5-b. Kristen explained that Washington County officials approached Utah State Parks regarding changes at the sand dunes area of SCSP. There was a meeting in late August to look at their ideas and two proposals were created. Kristen felt it is important to have Washington County’s ideas clearly represented. Exhibit 5-a-1 shows the two proposals.

Proposal 1: Sand Dunes Roadside Parking Expansion. There are two parking areas for the sand dunes. The first is a drive off of Snow Canyon Drive that holds approximately 55 vehicles. The second is immediately off Snow Canyon Drive and has parking for three handicap vehicles. The proposal would increase the roadside parking to nine stalls (four would be for handicap parking).

Proposal 2: Sand Dunes Reclamation. Currently the sand dunes are about nine acres and the trail leading to the dunes is a quarter mile. The proposal would increase the dunes to roughly 33 acres and the existing encroaching vegetation would need to be removed with heavy equipment.

Commissioner Gardner expressed his desire to expand the sand dunes back to their size between 1938 and 1952. As a child he remembered the dunes being right next to Snow Canyon Drive. Exhibit 5-a-1 shows the previous location of the dunes. The commission would like to have the sand dunes restored to make it more enjoyable for people. Having the sand dunes closer to the large parking lot will make it more desirable. If there is somebody who is unable to go in the sand, they could still be close enough to watch their kids play. The commissioners and mayors have discussed many issues with SCSP and have tried to work on some cooperative efforts with the Park. If parking along Snow Canyon Drive is expanded it would probably be the County that would clear out and level the area. Some of the efforts would be paid for by local municipalities and the County Sheriff's department would increase their patrol. The County, St. George and Ivins would have a cooperative effort on some of these things.

Larry asked if there is potential impact to desert tortoises. Commissioner Gardner explained the area is all sand and is not good tortoise habitat. He added it might be a challenge to find equipment (like a backhoe or loader) that could be used on the sand without getting stuck. Larry asked if the TC can examine this, to get their opinion if there would be impact to tortoises and if there would be potential *take* of tortoises.

Henry Maddux asked if there have been similar efforts in other sand dunes where we know this will work. Kristen has not looked into it and felt that it will be challenging to remove and keep vegetation away. Henry asked if non-native vegetation has a role in the encroachment. Kristen answered it is very challenging to find a detailed photograph showing what was once there. The dunes are active and often shift.

MOTION by Chris Blake, recommending that the Technical Committee review the sand dunes and report back to the HCAC on any pitfalls the HCAC may fall into by approving it.

Seconded by Larry Crist.

Discussion: Jimmy Tyree wanted to make sure the HCAC doesn't step into a State Parks issue. The HCAC can talk about the tortoise issue within this jurisdiction. Kristen explained that SCSP needs to make certain that resources, funding, safety and unintended issues are addressed. SCSP would look at how to fund this short and long term and would look at how to work with the issue if vegetation is removed and monocultures move in. Commissioner Gardner stated the Park board has not been involved with these discussions; however, the Region Manager and the State Director have been in the discussions. This is not something being done in a vacuum. Kristen said that likely it will not go through the State Parks board but she will check on it.

Vote was taken: All voted aye.

Motion passed.

c. Mitigation Parcel Acquisition Discussion

Bob Sandberg explained that the Technical Committee (TC) has looked at and reviewed mitigation options they felt would be adequate for different project requests. They evaluated private property areas adjacent to the Reserve that could possibly function as mitigation to be acquired and added to the Reserve. The top priorities are identified in exhibit 5-c-1. The top picture is adjacent to the Red Hills Parkway and St. George property. The bottom picture is near The Trails development. These areas have been cleared; tortoises have been removed. If the eastern and southern parcels of The Trails property is added to the Reserve, who would own the property? How would the ownership be transferred?

Bob felt the HCAC needs to consider these identified properties of suitable tortoise habitat. If there needs to be mitigation, what land will be acquired and who will gain the property? What direction should the HCP go? UDOT will be working on a project on the I-15 interchange at Exit 16 and will need to mitigate for their impacts to the Reserve. Bob reported that the TC would like the HCAC to weigh in with how they feel about the mitigation options.

Henry Maddux asked if some parcels are in better shape than others. Ann McLuckie answered that The Trails parcels are in great shape. The parcel in Industrial Park is good tortoise habitat and has been cleared of tortoises but also has some trash and off trail use. Cameron Rognan explained that the TC prioritized each parcel with what they felt would be best for tortoises. The property adjacent to The Trails is the first priority and Industrial park is the second priority. Cameron has done some leg work with The Trails who have indicated some willingness to sell their land.

Henry asked Larry Crist if under HCP, the St. George property could be a protected conservation easement and still be held by the City. Larry said he'd need to look into it. Larry asked if this acquired property would become part of the National Conservation Area (NCA) once a minor amendment was made to the Reserve border. Jimmy Tyree explained that in order to change the NCA boundary, Congress would need to make the change. Larry expressed his comfort with anything that provides adequate long term protection and could also be managed as part of the Reserve.

Ann shared her observation that the southeast triangular piece of The Trails property was originally meant to be in the Reserve but there were probably mapping errors at the time the Reserve boundary was made. Chris Hart asked if the green area is in dispute. Ann said due to mapping errors it was never purchased but it would be great to have in the Reserve as there are deep tortoise burrows on that property.

Cameron explained when he created the maps near the Trails development, he only outlined areas with open space designation. The Trails would be more comfortable getting rid of their open space and keeping their main areas for future development. Bob explained that when a new project that impacts the Reserve is proposed, we could

provide this list of possible mitigation lands containing good tortoise habitat that could potentially be added to the Reserve.

Marc Mortensen asked if The Trails Development would be exchanged on a 1:1 MOG ratio. Ann explained the MOG ratio in this area; it typically looks at the quality of habitat loss. She said the 1:1 ratio can be used when the property is adjacent to the project. Ann explained another area which could be used for mitigation at the intersection of Red Hills Parkway and SR-18. This area has great tortoise habitat with a wash and a high diversity of shrubs.

Kristen stated that typically in the past, the TC has tried to keep mitigation projects in the same zone as where the impacts occur. Bob added that when there isn't opportunity for acquisition in the same zone, it could be necessary to acquire land in a different zone. Chris Hart stated that by accepting these properties, the HCAC does not imply that there aren't other properties available for mitigation. Henry Maddux felt this gives developers a place to start, knowing that if they are successful, they've met their mitigation.

MOTION by Chris Blake to accept this map as possible mitigation areas and consider fencing some of these so that they don't become degraded, especially those in Industrial Park. If we don't fence them, their value as mitigation will go down greatly. We want to maintain the tortoise value if we can so it can be used for mitigation. Second we may want to contact the owners and find out if they are interested. We already have done some of the leg work and maybe other parcels might want to be fenced so that their mitigation value maintains.

Seconded by Larry Crist.

Discussion: Chris Hart said one of the concerns would be that if these are perceived to be the only parcels, then someone who is looking to acquire mitigation lands might raise the price. Chris Blake said one of the major land owners is St. George and they tend to be willing to be big players in projects. They'll probably use their own property for their mitigation. Larry asked if the HCP would expend funds to fence these areas. Chris Blake responded that in the past it has been a 50/50 match. Jimmy added the HCP needs to expend funds to protect their future. It would be in the best interest of the city and other property owners to fence their properties to protect for future mitigation options.

Vote was taken: All voted nay.

Motion failed.

Ann reiterated that the TC proposed these mitigation options in relation to a specific project proposed by UDOT at milepost 16 off of I-15. Bob added the TC came up with these priorities as a way to deal with UDOT. However, if another entity comes in and needs mitigation, the HCP would like to have an idea of what might be available.

MOTION by Marc Mortensen to accept the proposed map as presented as possible mitigation areas.

Seconded by Chris Hart.

Discussion: The HCAC is leaving mitigation options open ended.

Vote was taken: All voted aye.

Motion passed.

Chris Hart addressed the board and expressed his troubling feelings with the MOG and how it works. The mitigation formula comes across so arbitrary. He proposed that the HCAC should focus on the MOG and how it works during a future meeting. Chris added that he has read the document and doesn't see the scientific justification. The committee agreed that the HCAC will discuss the document during the November meeting. Ann replied the document has been around since 1990 when the tortoise was put on the endangered species list was signed by a variety of agencies.

d. Technical Committee Report (Tim Croissant)

Tim Croissant showed exhibit 5-d-1, the seed mix submitted by the BLM to rehabilitate the Quail and Reserve fires. The BLM plans to distribute the seeds aerially and rake them in as much as possible in tortoise and deer habitat. More tortoises and tortoise signs were found around the Reserve fire (as far up as 3,700 feet) but no injured or dead tortoises have been found. The BLM sent out a press release about fire rehabilitation. Their main focus was the New Harmony fire and it briefly mentioned the Quail and Reserve fires.

The TC discussed SR-18 and Red Hills Parkway, in particular, the fencing that was put along there. In some areas range fence was not put up and there was some confusion about that. The HCP only requires tortoise mesh but the Revised Recovery Plan defines tortoise fence as mesh with range fence. The project is now complete and the contractors have fulfilled their contract.

There has been fence damage from the recent rain storms. Debris got built up along the fence in many places and was buried or knocked over. Buckskin Wash experienced fence damage along with other areas along SR-18.

The TC then discussed the Recovery Implementation Team (RIT) and recovery actions. The threat rankings remain a concern as they are not prioritized correctly. This RIT feels that fire is the number one threat. The suggested recovery actions associated with the threats are in line with what the RIT feels is appropriate such as increasing law enforcement and efforts to control dogs off leash. The RIT members can upload any other ideas to the RIT website on their own time. The RIT suggests more signage along trails and more efforts for compliance as there is still a lot of activity along closed roads. HCP staff has noticed ATV tracks in Bone Wash.

The TC talked about law enforcement in the Reserve and a standardized reporting system that all law enforcement agencies can use. Those who attend quarterly law enforcement meetings are representatives from the BLM, the County Sheriff, the HCP, State Parks and the DWR. It would be good for law enforcement to patrol the users off trail and let them know they need to have their dogs on a leash. It would also be good to know where they patrol and how often they visit the different trails. Jimmy Tyree mentioned that law enforcement also looks for homeless camps and methamphetamine. Jimmy and Bob have both received complaints about dogs off leash.

The TC then talked about fence damage from the recent storms. The fence along 200 East and the Red Mountain in Ivins has some damage. The damaged section by the Red Mountain trail is adjacent to the land which may be acquired and is associated with the Ivins Detention Basin. The current fence may no longer be necessary once that acquisition is made so the TC talked about whether to repair the fence or put up a new permanent fence. The TC leaned towards repairing the fence as there may be some uncertainties as to how long the acquisition will take.

The TC also talked about the flooded Citadel area. There is some erosion in the wash and some homeowner's walls need to be repaired. The HCP and Snow Canyon will assist with the repair work because it will be done from the Reserve side.

Tim showed exhibit 5-d-2, a durable steel stepover the Back Country Horsemen (BCH) has worked extensively with the Forest Service on to design. The new design makes it difficult for ATVs and easy for equestrians, hikers and bikers to cross over. The height of the lowest part of the V is lower than existing stepovers in the Reserve. The TC discussed how effective these stepovers may be in keeping tortoises in the Reserve. They discussed the possibility of raising the middle part of the V a few inches. BCH would like to start off by installing these stepovers at the White Reef, Cottonwood, Grapevine, and Mill Creek trailheads. The BCH has installed one of these stepovers at Red Mountain and it seems to work well but tortoises aren't an issue for that stepover. The TC discussed two different options for this stepover. First, the tortoise mesh can be attached to the outside of the angle iron so that when tortoises climb up the mesh they will hit the underside of the angle iron and might not be able to get past the overhang. The only other option would be a raised stepover.

Chris Hart asked what the possibility would be that a tortoise could climb the mesh and get out. Tim answered that tortoises have been known to get over tortoise mesh if it is low enough. Ann McLuckie added that tortoises have been seen climbing a shrub next to a fence and hurling themselves over. Cameron Rognan added he has observed adult tortoises put their limbs on both sides of a corner fence and wedge up and over. Bob explained there just needs to be a tortoise barrier on the lower part of the stepover. The bottom rung is 12 inches.

The BCH's grant for the stepover covers their materials if the BCH will volunteer time and labor to install them. Tim reported that Lynne Scott, with the BLM, has worked

closely with the BCH and is concerned that the BCH might not accept changes to the design. Henry Maddux asked if there is a way to evaluate one. Ann replied that a remote camera would be needed and it would take a picture each time that a foot comes across. Kristen added that the TC requested of Bob to find out the current height of the Reserve stepovers and see what the difference would be. She added that working with the BCH, especially this local group, is very easy to do and it won't become an issue. Chris Blake mentioned that the stepovers could be widened from 24" to 36" without a problem and Tim added that a wider stepover would give ATVs a better chance to get through.

e. Administrator's Report (Bob Sandberg)

1. HCP revenues and expenditures report

Bob Sandberg showed exhibit 5-e-1, the revenues and expenditures report. As of the end of August, the revenue brought it was \$251,325.41 and the expenses were \$338,285.14. The HCP has overspent the revenue by \$86,959.73. The HCP is within budget. The impact fees received is better than what it has been in the past few years.

2. Tortoise translocations

Bob mentioned that during the past week HCP staff moved six tortoises out of the TCF and into zone four of the Reserve. Two additional tortoises were picked up yesterday. Ann and Cameron went out with a herpetology class from SUU prior to the translocation. Cameron stated the students wanted to see tortoises and other reptiles. They found some tortoises and a four foot rattlesnake.

3. Red Hills Parkway mitigation completion

Bob reported that the HCP continues to work with contractors, St. George City and UDOT on completing the mitigation work they are obliged to do for the Red Hills Parkway expansion. They will do some seeding rehabilitation work later this fall.

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

Bob Sandberg informed the committee of a GRAMA request sent from Francoise Brito, for Jim Doyle. She wants information relative to the Steering Committee and the HCAC. In the past they have requested specific information relative to ELT. Now they are requesting a complete set of minutes and attachments spanning several years.

Commissioner Gardner introduced Jodi Borgeson, a new County Attorney.

Jimmy Tyree reported he was able to secure additional funding for the next fiscal year through an exchange parcel. The BLM had a national surveyor on site and the BLM is moving forward with getting work ready to secure funding for the new agricultural phase with another parcel. During the first quarter of 2013 there will be an 800 acre exchange the BLM will be able to work on. The BLM is hoping the budget will get approved through Congress sometime before next year and the Land and Water Conservation Fund (LWCF) funding will be complete. In preparation for several million dollars coming from LWCF, the Office of Evaluation Services will work on acquiring an appraiser to do initial appraisals so that everything can be ready when the funding is received.

8. ADJOURN

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

The meeting was adjourned at 2:35 p.m.
Minutes prepared by Amber Stocks.