

WASHINGTON COUNTY HABITAT CONSERVATION PLAN TECHNICAL COMMITTEE MEETING

A meeting of the Technical Committee of the HCP was held **January 12, 2012** in the Public Works conference room at the Washington County Administration Building, 197 E. Tabernacle, Saint George, Utah

Members present were:

Renee Chi – through conference call	U.S. Fish and Wildlife Service (USFWS)
Cameron Rognan, Chairperson	Wash Co. Habitat Conservation Plan (HCP)
Ann McLuckie	Utah Division of Wildlife Resources (UDWR)
Kristen Comella	Snow Canyon State Park (SCSP)
Tim Croissant, Vice Chairperson	Bureau of Land Management (BLM)

Absent and excused was:

Jeff Norton	Local Biologist
-------------	-----------------

Also present were:

Bob Sandberg	HCP
Amber Stocks	HCP
Jenny Dawn Stucki	SCSP
Nathan Brown	USFWS

1. CALL TO ORDER

Chairperson Cameron Rognan noted there were at least four voting members present, a quorum existed and due to technical problems the meeting was called to order at 9:20 A.M. with Renee Chi attending via conference call.

2. APPROVAL OF MINUTES

a. **November 10, 2011**

The following changes were made:

Page 1, paragraph 7, sentence 2: changed,

From: “Due to geography, Nathan may be more involved in the TC meetings as Renee lives further away.”

To: Due to geography, Nathan may be more involved in the TC meetings as the FWS budget has been severely reduced.

Page 3, paragraph 3, sentence 4: changed,

From: “At Turkey Farm the Sand Sage is coming back on its own so it seemed like a little bit of wasted effort since the planting effort could have been used elsewhere.”

To: “Cameron stated that at Turkey Farm the Sand Sage is coming back on its own and efforts may have been more beneficial in another area.”

Page 4, paragraph 1, sentence 1: changed,

From: “Ann reported that along the Middleton Powerline road the Desert Almond was planted along the wash, so hopefully they will ~~take root better.~~”

To: “Ann reported that along the Middleton Powerline road the Desert Almond was planted along the wash, so hopefully they will have a greater chance of being established.”

Page 4, paragraph 1, sentence 3: changed,

From: “There is no plan with DWR to monitor the extra plants at Middleton Powerline Road since they were ~~freebies.~~”

To: “There is no plan with DWR to monitor the extra plants at Middleton Powerline Road since they were above and beyond what was purchased and planned for.”

Page 4, paragraph 6, sentence 2: changed,

From: “Ann clarified that when a boardwalk trail is put on top of a landscape, plants would not be able to grow ~~the same as before underneath the trail, effectively reducing forage ability.~~”

To: “Ann clarified that when a boardwalk trail is put on top of a landscape, plants would not be able to grow, effectively reducing forage ability.”

Page 5, paragraph 1, sentence 2-paragraph 2: deleted.

Page 5, paragraph 2, sentence 2: deleted,

“Nathan added that with a raised trail the suitability of habitat underneath should be determined then added into the calculation.”

Page 6, paragraph 1, sentence 2: deleted,

“Ann reminded the committee that an asphalt trail is not an issue in areas where it can be placed on the edge of the Reserve.”

MOTION by Tim Croissant to approve the minutes as amended.

Seconded by.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

3. GENERAL BUSINESS

a. Pioneer Park Structure Removal

Chairman Rognan reported the TC was scheduled to meet last month (December), however, due to schedules, the meeting was canceled. The HCP staff met as planned with Mark Mortensen from St. George City to look at removing structures (microwave towers, radio towers, cinderblock buildings and other structures) above Pioneer Park.

St. George City wants to remove the structures during the winter months. Bob and Cameron looked at the access route for signs of tortoises. Cameron found one burrow close to one a structure which he scoped but didn't see anything inside. Another burrow was found approximately 30 feet away from the access road. The area will be watched closely and the HCP will fence around those burrows with tortoise mesh during the construction period.

Mark notified those who have facilities above the Park to inform them of removal. More than a year ago the TC discussed having these structures removed from an aesthetic standpoint, not from any biological issues. The HCP will do tortoise awareness training and follow the Utility Development Protocols (UDP) in removing the structures.

b. Status Report on Toe Trail Recommendation

Kristen Comella researched funding sources for the hardening of Toe trail. With Non-Motorized Trail money that is administered by State Parks and Recreation, the maximum grant award is \$100,000 with a 50/50 match. If SCSP built a paved trail, this grant would still not be enough.

Another funding source is from UDOT with Federal Enhancement dollars. This money has been frozen, being tied to federal highway money. Funding for certain federal projects have been frozen through the end of 2012 and no grant proposals will be accepted during this period.

There are other smaller grants which may be available. Kristen talked with Judy Gubler, the Ivins City Manager, and related to her that funding is not promising at this point. Ivins is in a position to either push forward in funding the dike structure for the Detention Basin Dam or updating their culverts. Kristen informed Judy there is tentative conceptual support from the TC, however, there will not be an apparent source of funding for several years.

Ann reminded the group of the original TC recommendation, explaining there is no biological benefit to building a trail unless property is donated. Bob added that Ivins cannot donate the property until they know that they will have something in return for it. Reed Harris and Larry Crist conversed about the matter earlier and decided the property cannot be donated. The only way it could come into the Reserve would be to purchase it since it is section six land.

Ann asked what the benefit is to tortoises. Compensating the trail through the MOG

acreage would not completely offset the impacts since it is far better to have an un-fragmented piece of awesome tortoise habitat. Bob reiterated the TC needs to decide what the biological impacts of the trail are and also from acquiring the Detention Basin Property. The TC needs to decide if there is a net gain in the trade off regardless of how they're funded.

Kristen reminded the group of Renee's earlier recommendation that the two projects need to be separate, adding that the detention property cannot be leveraged with the trail. The benefit for having an elevated trail through sensitive habitat is that hopefully recreation would be improved with users remaining on the trail more.

Renee agreed that the FWS judged the projects separately. The HCAC wanted to identify the Ivins property as an open opportunity to acquire and add to the Reserve, which was something they previously didn't think was an option. Even though the projects have been intertwined frequently, the FWS prefers to look at them separately.

Ann suggested going back to the original TC recommendation and updating it to remove the component where the Reserve receives a donation of property. Kristen clarified the HCP would purchase the property. Kristen continued, even though the projects are separate they are still connected because people would dislike to see trail improvements without having the Ivins parcel pulled into the Reserve and vice-versa. Kristen felt the TC recommendation does not need to be amended at this point.

The discussion was wrapped up with Ann proposing to bring the recommendation to the next TC meeting to confirm the opinion and Kristen will contact Judy to see what direction Ivins would like to go.

c. Red Hills Parkway Expansion Update and Other Utility Projects

1. UDOT proposal

Cameron noted there are several projects going on. There is a proposal from UDOT to modify the SR-9 interchange on I-15, which is Exit 16 out to Hurricane. In their proposal, UDOT will encroach into the Reserve less than one acre. Cameron read the UDOT description shown from Exhibit 3-c-1 and noted that proper protocols, surveys, and clearances will be done.

Renee stated that FWS had a preliminary meeting with UDOT, however, this is the first time she has seen their summaries of estimated impacts. The FWS will have the TC go through the Managers Oversight Group (MOG) compensation ratio to determine what is appropriate for temporary and permanent impacts. The FWS will then take a closer look at the proposal when more information has been finalized.

Bob mentioned this proposal is part of a larger project from the Arizona state line up to Exit 16. This is the only piece which has impact on the Reserve. Renee stated they are in early stages of alignments and NEPA has not been done. Tim added that UDOT is

also impacting BLM land near Bloomington. UDOT has ratios on their preferred steepness of slopes and if the Reserve pushes enough UDOT might go for steeper cut slopes which may give flexibility as to how much habitat damage would occur.

Bob stated that the FWS can meet with UDOT and bring more information to the TC. Cameron felt it would be more appealing and better to have a 5:1 ratio on the project. He added if they take away from the Reserve it would be better to add to the Reserve as well. Renee agreed that it is critical habitat and UDOT has to allow for that, not only in the Reserve, but ideally in zone three. Cameron suggested the five acre area that was cleared last fall in zone three would be a good place to start for mitigation options.

2. Red Hills Parkway Utility Access Route

Exhibit 3-c-2 shows utility access along Red Hills Parkway. St. George City was alarmed with their inability to access the utility routes very easily. The original route will be more difficult due to current construction efforts and become perhaps impossible to reach.

The HCP staff met with City staff to look for alternative access routes. Cameron stated they found a better route which would cause fewer disturbances. It is located near the Pioneer Hills trailhead parking lot and there could be direct access to power lines. Previously the route was much further north and they had to drive into the Reserve a longer distance to access their lines. The access route will be used on an emergency basis and is already an existing access route.

Ann inquired if the road is identified in the UDP as a utility road. Bob answered it shows as a route from the north, near the cut by the detention dam; however, the access would have them drive further through the Reserve. The new access point would be right on the line and at their first tower.

Ann suggested the TC could go on site to view the routes. Cameron stated the utility access road comes in where a new step over for City Creek trail will be. Since they're at the same location, perhaps the stepover should be moved so users don't assume the old utility route is a trail. Red Hills Parkway is still under construction so it can be difficult to visualize how it all will look. Cameron added that construction crews will move the fence closer to the road and the City Creek trail can be moved east of the creosote forest where the land is already disturbed. It will already look like a trail.

3. Red Hills Parkway Mitigation

Mitigation with fencing is proceeding in Pioneer Park. Renee instructed the project proponents that it would be feasible mitigation to pursue. Fencing is in the early stages with the need to get bids for tortoise mesh and also the price for the complete fence. The HCP will pay for the tortoise mesh only and St. George City or whoever was awarded the contract will pay the rest of the mitigation costs.

Renee asked if the style of fencing has been identified. Cameron stated it will most likely be similar to what is currently out there. Cameron wants to make sure the tortoise mesh will be high enough. Ann mentioned that either the fence is low in some spots or debris has built up but in some places, making the tortoise mesh very low. When shrub is next to the fence, tortoises can climb over the mesh.

Renee stated Pioneer Park is an area with high visitation from the public. She would like to know the type of fence that will be there, whether it will be a range fence or something with more substantial pressure treated posts and large tortoise mesh at the bottom. She added that in the future perhaps there will be a stepover to help funnel people in certain spots. Ann stated the fence contractors have signature pressure treated posts with mesh below, so it will most likely be something to match what is already there.

Cameron added the fence will be useful to contain the public around the pavilion and in parking areas. The fence will funnel the public to specific access points which hopefully helps keep them on trails more.

Bob told Renee that the HCP is continually being pushed by the engineers, the contractors, and the City about identifying areas for mitigation. The contractor needs to know what it is he's going to be doing for mitigation. In the Biological Opinion (BO) it says they will restore and reseed 2.3 acres near Pioneer Hills parking lot plus the property at the duplex. They have removed the duplex, brought in soil and rocks and prepared it to be seeded at this point. They have also removed the sewer line and a Baja Broadband pole and wire. They are installing fences along the highway and it would be a great benefit to them to know what the rest of the mitigation will be.

Kristen asked if the BO identified a time limit. Bob answered it does and they understand they're not going to be doing the mitigation work until next fall, around late October or November of 2012. Bob and Cameron have walked some areas with old roads east of the Pioneer Hills parking lot and didn't see other disturbed areas that would require reseeding and restoration. There is a burn area that occurred last summer and also an area near City Creek trail with a lot of garbage.

Ann stated aside from this mitigation project, an item that should be high on the priority list is adding culverts along Cottonwood Road. Reclamation projects have not been very successful in the past as seen from monitoring efforts of the top seven polygons, except for Desert Marigold. Perhaps there would be more impact with a culvert along Cottonwood Road while waiting for research to catch up with better methods of rehabbing the desert.

Bob asked if a culvert was placed under Cottonwood Road, what would be the nexus with BLM, National Environmental Policy Act (NEPA), and other issues. Ann stated a culvert may not fit in with the Red Hills Parkway mitigation, however, it something to think about for future projects. It may be good mitigation for the UDOT, SR-9 interchange and if not it is still something to keep thinking about. Bob added since the

BLM has fenced along Cottonwood Road, perhaps culverts would be a good thing. Ann stated that culverts were mentioned in the BLM's NEPA document but it didn't happen because of funding. Tim explained the BLM did not analyze culverts during their fencing project, however, in the long term they would like to do something with culverts. He added that the culvert the BLM was going to have access to by the stone dam is one the BLM will not be able to do at this time.

Back to the Red Hills Parkway mitigation, the committee talked about how to proceed and agreed to review the different sections in a fieldtrip next month. Renee stated she feels comfortable having the HCP staff identify preliminary places for the TC to look at to restore habitat. Renee added the TC has brainstormed some ideas that will highly benefit tortoises. Even though she feels discouraged by restoration efforts, there have been alternatives identified for some permanent impacts such as the cattle/tortoise guard that is supposed to go in at Pioneer Park and fencing around Pioneer Park.

Bob realizes and understands the frustration with the lack of success in restoration but reminded the committee of some areas that look really good, like the one adjacent to the detention dam by the flood control structure. Ephedra, Globe Mallow, Desert Marigold, Creosote, Brittle Bush, and others could work if drilled in and placed in at the right time, with the right rain fall but it's always a gamble. This area is coming back and we can have hope.

Renee suggested it may be good to start saying that in order to successfully reseed something, efforts need to be taken multiple years in a row until it takes. It could perhaps take one seeding effort but if they're not lucky with different conditions and drill a line just right, then they need to plan and set aside enough money for reseeding efforts in future years. Bob stated there is reference to that in the BO.

The UDP used to be stricter and the HCAC changed some of the language so that it didn't perpetually keep people on the hook for showing successful restoration. It can be frustrating, especially when there is net impacts and degradation to habitat. Renee stated she wasn't in agreement with this change in the UDP. The FWS tried to put language into the UDP that would keep them on the hook in the BO, but it had to be reasonable. Renee stated there should be an assessment three years after the restoration efforts and if it's not growing then there is a responsibility to show some level of success. Bob agreed there is language in the BO which talks about restoration responsibility.

d. Fencing Updates

Tim updated the committee on the fence work that has been done along Cottonwood Road. Tim reported the fence contractor is nearly done with the deadline at the end of January. Bob, Cameron and Tim have noticed issues with the way the fence is being put up. The BLM will work with a contracting officer to figure out how to deal with the issues. At the end the BLM will do an inventory of what is there with all the different brackets and everything else, and then create a change order on the itemized contract.

The contractor chosen had the lowest bid with the next bid costing almost twice as much.

Ann stated the impacted habitat on the Reserve side of the fence is startling. Tim agreed it is certainly an issue. The BLM is looking at spraying along the disturbed areas with an imazapic herbicide (usually sold under brand name 'Plateau') to keep the cheat grass down. With it being such a dry year it may not be an issue this year. The BLM will most likely follow through on the Environmental Assessment (EA) and perhaps do the Red Cliffs Campground road and Babylon road for future years when spraying cheat grass may be needed.

The BLM will also discuss reseeding. Tim stated part of the reason the contractor bid so low is because he was planning on using machines instead of people for a lot of the work which meant he had to stay in areas he could get the equipment in. He will not be able to use the equipment on the west side of the road from the stone dam to the water tank. That was the same area the BLM thought about putting in culverts. Tim continued reporting that tortoise mesh is up all the way until just north of the Yellow Knolls trailhead. Four wire mesh will be extended all the way to the Black Gulch trailhead and perhaps a little further which will help cut down on off road impacts.

Overall, Tim expressed the fence is a positive. During hunting season, around Yellow Knolls there has been off road activity and there has been a lot of shooting on the old spur road above Yellow Knolls. These places are now cut off by the fence. The Turkey Farm spur road has also been cut off which was an area that has always had a lot of trash and shooting. Several gates have been put up in areas that did not previously have gates which help to cut down on unauthorized use of service roads.

Cameron inquired as to whether the BLM has resources and ability in 2012 to rehab some of the areas. Cameron expressed his concern with tumble weeds coming up against the fence which can grow up in a hurry. Tim replied there is some bare ground next to the mesh fence. In a few areas the bare ground is really wide and right now there are tumble weeds piled up against the new fence. It is surprising how many tumble weeds there are, it's like a wall on the Reserve side.

Kristen suggested in conjunction with Color Country Fire District to get people to pull the tumble weeds out with pitch forks and burn them. She stated a location would be needed to burn them with water on hand. Kristen stated they burn fast and afterward the burn pile is monitored and water is applied.

Ann noticed a cluster of tumble weeds that are establishing west of the Turkey Farm road. Perhaps they travel down Cottonwood Road and disburse west. Tim stated tumbleweeds respond to the broad spectrum herbicides that will kill everything. This makes proactively spraying tumble weeds difficult. They have the same growing season as the native plants so timing the applications don't work either.

Kristen stated in the past SCSP has manually pulled out tumble weeds. This past year

they experimented with spraying certain weeds like puncture vines with Garlon 4. They did this at the sand dunes with a hand sprayer which is more time intensive and a much smaller area than on Cottonwood Road, but they were able to selectively spray the young tumble weeds which did appear to be successful. Since Kim Leaney the Range Specialist retired, the St. George BLM does not have authorized personnel to handle herbicides. Tim stated he plans on getting certified in March. Cameron noted it would be great to get a head start and remove the dead stuff now.

e. Technical Committee Meeting Schedule for 2012

Cameron showed the meeting schedule for 2012, exhibit 3-e-1. Kristen suggested marking on the December date, "tentative."

MOTION by Tim Croissant to approve the 2012 schedule.

Seconded by Kristen Comella.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

f. Committee Terms

Cameron mentioned this is the beginning of a new year and he has enjoyed serving as the TC chairman. As is done every year, Cameron suggested the committee vote on a new chairman and vice-chairman.

MOTION by Kristen Comella that Tim Croissant becomes the new TC chairman and Ann McLuckie becomes the new vice-chairman.

Seconded by Renee Chi.

Discussion: None.

Vote was taken: All voted aye.

4. OTHER BUSINESS

a. Northern Parkway Meeting Update

Cameron explained that a group of entities got together to discuss the Northern Corridor and the meeting went well. It was informative for them and they had questions about the Reserve and management issues along with different threats to the desert tortoise. These issues are about the same throughout the entire range. Cameron and Bob from the HCP, Bruce Palmer and Kaye Nickelson from Logan Simpson Designs, and Tim Croissant from BLM attended the meeting. Cameron and Bob encouraged them to get data from the Heritage Database to use as their basis of where tortoises are at.

Bob mentioned the group was disappointed they couldn't get more map information from Bob and Cameron pertaining to what was good tortoise habitat. It was explained

to them that it is all good tortoise habitat. They seemed pleased with the time that was spent and with the discussions that happened. Bob reported that he and Cameron didn't say or do anything that would compromise anything.

Cameron reported how they reiterated their position that they're not doing a regulatory analysis. They were focusing on science and data and how it will impact tortoises, regardless of whether the FWS will allow the corridor. Cameron added they are several months away from having findings to report back.

Renee stated it's interesting to see they're looking biologically at what is least impacting and wondered if they're looking at viability studies as a part of their biological assessment. Cameron stated he believes they would have to put that in the assessment or it would be a huge flaw to not look at the Reserve size and the minimum size of Reserves for it to maintain viability. Cameron mentioned this issue to them in earlier discussions. Viability is one of the biggest issues in dissecting the Reserve and making it smaller.

Tim said they may be fishing around for alternative takes on different ideas. In some situations of bisecting habitat it can be good as far as disease transmission (you might be able to have a disease free population in one area and contain it in another). They didn't flat out say that this is a serious thing they were considering. It is the general concept that things that generally seem bad at first glance might not be bad when a close second look is realized, such as a fire break.

Renee stated she'll send a letter to the TC, written by the FWS in December 2000. The FWS talked about the endangered species act authorizing funding or carrying out actions which adversely modify critical habitat or jeopardize a listed species. Phase three of this project from mile post 13 on I-15 connecting with SR-18 would do both. The FWS said previously with strong language that if they proposed an alignment, the FWS would have to take a really close look at it.

b. RIT Invitations

Cameron stated the HCP received letters of invitation from the FWS in coordination with Recovery Implementation Team (RIT) establishment. Ann stated she also received invitation as did Kristen. The BLM's was mailed to the wrong office; however, the invitation was there for Tim as well. Cameron stated that this year there will most likely be a representative come to a TC meeting for an official RIT meeting. The first item of business during the initial meetings would be to create a five year recovery plan for this area. Bob added the invitations were for the Upper Virgin River RIT and for a working group of the Northeastern, Beaver Dam Slope. Cameron reminded the group to come up with ideas for the remainder of the year for a recovery plan and other RIT items of business.

Bob stated the letter invites response on invitation acceptance. He stated that he assumes the recovery office will be in contact to set up the meetings. Renee responded

she wasn't aware of when the invitation letters would go out and hasn't heard of updates either. Renee will check with the recovery office for updates and assumed that once the recovery office gets the invitation responses back they'll set up the first RIT meeting. They may or may not have the team person repeatedly and consistently attend the meetings. Renee felt there will be a recovery individual who participates during the initial meetings.

c. East Reef Mining Claims

Tim brought exhibit 4-c-1 for the committee to review. The Eagar's have a mining claim which predates the establishment of the HCP; the claims were established in 1952. In order to maintain their claim they either pay a fee every year to the BLM or do limited assessment/maintenance work on their claims. This year they prefer to do limited assessment work. The BLM met with them earlier in the week and they want access to at least one of the claims.

Tim explained that in the 50's they put in bore holes and one of the holes turned up some good amount of gold ore, however, they haven't done anything with it since then. Now they want to get back to the vicinity of that bore hole and access some of the ore or material on the surface. They will use picks, shovels, and wheelbarrows to remove some material for assessment testing. They will stick to administrative routes and have made verbal commitment to try to do everything they can do within the inactive tortoise season. They agreed that the BLM can go through and clear the area beforehand. According to the BLM, this is low impact assessment work which does not require NEPA. The BLM is scheduled go on site next week and check out the area, to observe tortoise sign, look for dens, and mark burrows. Tim added they are required to do a small scale level of activity. Anything larger would require a plan of operations which would go through NEPA and Section Seven.

Exhibit 4-c-1 shows the mining claim was established in the 1950's by Eagar and Terry. Between the two of them they had ten children. The ten children now own the claim and they are all elderly or passed on. One lives in Denver and is very ill and elderly. It is his dying wish that assessment work be done associated with this bore hole.

Last year the road was bladed as their attempt to do maintenance work, they didn't realize they needed to go through the right channels. Bob stated they have either done their assessment work or paid their fees, mostly they've done assessment work. Bob added there is a lot of paperwork with these guys of correspondence over the years since the HCP establishment.

Tim reiterated they'll use administrative, designated routes within the HCP. They will not use any sort of earth moving equipment. They can use rocks, pick axes, wheelbarrows, and trucks will not be commercial type. They can use a full size dually pickup but if it has a flatbed then it would not be a private use vehicle and would not be allowed. They will have something formally written from the BLM for their reference.

There is a lot of trust building going on. The Eager's have been concerned that even if the BLM issues them a permit, they could potentially still get ticketed from the BLM. They're concerned that the BLM won't coordinate with other BLM employees.

d. Goats

Bob stated this year is drier than last year and there may not be a need for goat grazing, however, if a need becomes apparent the BLM's NEPA is still in place which would allow for this grazing. Bob has been in communication with the D'Goat Ranch, who helped out last year. They are still interested and willing to come if the TC perceives a need to use the goats to cut down on new growth. The committee agreed that if the goats can come earlier than last year it may be more effective and it would be good to proceed.

5. NEXT MEETING DATES

a. **Thursday February 9, 2012**

6. ADJOURN

MOTION by Ann McLuckie to adjourn the meeting.

Seconded by Tim Croissant.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 11:06 A.M.
Minutes prepared by Amber Stocks.