

WASHINGTON COUNTY HABITAT CONSERVATION PLAN TECHNICAL COMMITTEE MEETING

A meeting of the Technical Committee of the HCP was held **March 8, 2012** in the conference room at the Utah Division of Wildlife Resources Building, 451 N SR-318, Hurricane, UT 84737

Members present were:

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

Absent and excused was:

Also present were:

Bob Sandberg	Washington County HCP Administrator
Amber Stocks	Washington County HCP Recorder
Nathan Brown	USFWS
Wayne Monroe	State Parks

1. **CALL TO ORDER**

Chairperson Tim Croissant noted there were at least four voting members present, a quorum existed and the meeting was called to order at 10:45 A.M. with Renee Chi attending via conference call.

2. **APPROVAL OF MINUTES**

a. **February 9, 2012**

The following changes were made:

Page 3, paragraph 2, sentence 2: changed,

From: “The City can save money by not installing a gate and ~~access the route from a different location.~~”

To: “The City can save money by not installing a gate and follow the UDP for emergency access.”

Page 3, paragraph 2, sentence 4: added,

From: “...why the route was never identified and why there is no gate.”

To: "...why the route was never identified as a utility road and why there is no gate."

Page 4, paragraph 8, sentence 4: changed,

From: "Ann ~~clarified~~ that Mr. Eagar can drive on the Reserve roads..."

To: "Ann asked if Mr. Eagar can drive on the Reserve roads..."

Page 5, paragraph 1: added at the end,

Mr. Eagar was told that if he accessed his mining claim during the tortoise active period, he would have to follow the UDP protocol which is have a biological monitor on site.

Page 6, paragraph 1, sentence 2: changed,

From: "This action is on BLM lands, and from an endangered species perspective, it ~~may jeopardize the species and require FWS to say the proposed action needs to be changed.~~"

To: "This action is on BLM lands, and from an endangered species perspective, FWS needs to analyze the impacts to critical habitat and desert tortoise and may require additional avoidance and/or mitigation measures."

Page 7, paragraph 2, sentence 3: changed,

From: "...the FWS ~~wrote~~ a letter in support of this funding."

To: "...the FWS is writing a letter in support of this funding."

Page 8, paragraph 1, sentence 5: changed,

From: "Renee stated the area may be suitable, but it may ~~also be identified in~~ other mitigation."

To: "Renee stated the area may be suitable, but it may have been used for other mitigation. Renee recalled that the old dump area had been used for mitigation by the substation expansion project."

MOTION by Chairperson Croissant to approve the minutes as amended.

Seconded by Kristen Comella.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

3. GENERAL BUSINESS

a. Fieldtrip Discussion and possible action on Johnson Canyon Trail Closure

Chairperson Croissant reported the TC went on a fieldtrip to the Johnson Canyon trail in Snow Canyon State Park (SCSP) to become more familiar with the area. Kristen Comella stated that Representative Ipson introduced a House Bill, "Utah State Park Management Amendments", which is currently a title with no language attached. The County, St. George, Ivins, and Representative Ipson have multiple issues with SCSP ranging from fees to access issues. SCSP has been asked to reassess the seasonal closure at Johnson Canyon, the fee structure, and access to the Park. Biologically, the TC can review the closure dates to see if open public access dates can be extended.

Kristen gave the following information then showed more background information from exhibit 3-a-1.

- SCSP was established in 1959 as a State Park. It started with 296 acres and is now 7,400 acres.
- SCSP was never a County park. Portions of Johnson Canyon went from private property to State Park property.
- SCSP is allotted about \$329,000 to operate; the Park spends roughly \$318,000. In 2011 SCSP collected \$125,000 above what it takes to operate. SCSP is profitable, adding to the State Park system.
- There are different spas and businesses that use the Park, adding to the economic value from recreational use.
- Top revenue generators are: 1) day use entrance fees, 2) campground collections, 3) sales of annual passes and 4) private business partnerships.

Prior to 1994 public access to Johnson Canyon was closed by the private property owner. Acquisition of that property was identified in the SCSP 1998 Resource Management Plan (RMP) which is stake holder driven. Acquisition was also identified in the Washington County HCP. There have been stake holder meetings and the public has been invited to share their thoughts and concerns. A core team was selected to develop the RMP, a 20 year plan to guide the Park.

In the RMP, acquiring Johnson Canyon and opening the area for recreation was a key piece. Everyone recognized the sensitivity of the area and the need to protect it. The canyon has the only surface flowing water (Snow Spring) in the Park with a riparian corridor of cottonwoods, willows, and other habitat. There is a tremendous diversity of wildlife which breeds there. The core team identified that once the property was acquired, recreation would be permitted but strictly controlled.

The team identified that public access would be permitted between November 15th and March 1st annually, except by ranger guided hikes. In 2000, SCSP acquired the property through a land exchange which is now encumbered (under Section 6) as it

was used for a match in acquiring a 320 acre dike parcel. In 2001 the restriction was loosened by a month and is now open to the public between November 1st and March 15th annually. Ranger guided hikes are typically held twice a week with the ranger discussing the reason for seasonal closures.

Kristen stated she will not vote on this topic as it would be a conflict of interest. She explained that the trail is heavily used because it is outside of the fee area and is just two miles round trip. The first half mile is open year round, connecting to the Scout Cave trail. The last ¼ mile section of trail is open only to hikers and this is the portion of trail that has a seasonal closure. In the canyon there is technical rock climbing with six bolted developed routes. With a permit, people can rappel into Johnsons Canyon from the Gila trail above.

The committee discussed the wildlife in the area and Ann McLuckie noted that in the narrow canyon a small amount of people can make a lot of noise, disturbing the wildlife. Cameron showed exhibit 3-a-2, Northern Arizona University (NAU) data for human impact monitoring in the Reserve from 2005 to 2011. The general trends for trail impacts have risen throughout the Reserve. The biggest impacts within Johnson Canyon are to vegetation. Litter and sanitary waste are seen more often on this trail. Scores for the trail are typical for most trails Reserve wide.

Washington County and the Red Cliffs Desert Reserve required SCSP to make a tortoise management plan specific to SCSP. The plan was approved through the HCAC and the Park is in line with the HCP and the Public Use Plan (PUP). SCSP actively manages recreational trails to keep them from adversely impacting tortoises and their habitat. SCSP also enforces seasonal closures at Black Rocks, Jenny's Canyon, and Padre Canyon because they are tortoise sensitive areas.

When the Park was established it felt like a County park in many ways. Even though fees were in place, they were not enforced. When the County was small, SCSP was a place where people felt they could go and do whatever they wanted to do. SCSP is not treated the same anymore and there are still people who wish for that earlier time back.

Bob Sandberg asked if the closure was put in place mostly for tortoises, raptors, or something else. He explained that from the tortoise standpoint, closures are not in place for the majority of trails within the Reserve. Ann explained the difference in this closure is that Johnsons Canyon is a narrow place. People are funneled in and have to exit the way they entered. She reiterated that impacts are increased and sounds are amplified.

Kristen explained that during the previous HCAC meeting, the HCAC made a motion authorizing the TC to review the Johnson Canyon seasonal closure. Tim stated he views the HCAC and the HCP as tortoise focused. If the canyon doesn't have more impact to tortoises than other Reserve trails, does the HCAC or the TC have any role with this issue in regards to non-tortoise wildlife? Renee answered as a biological group providing feedback, it is appropriate to weigh in. SCSP was set up primarily to

benefit desert tortoises and other species so that they don't reach a level of needing protection. The TC is not in a position to make a formal decision that sways things one way or another but the TC can provide technical support as biologists. Kristen explained that the closure through spring and summer months is critical for the species that breed in the canyon. During most years the March 15th closure date works well. There may be more wiggle room to adjust the fall access date such as September 31st. Jenny's Canyon, Padre Canyon, and Black Rocks closures are primarily for tortoise issues. However, the Johnson Canyon closure is not entirely tortoise driven.

In regards to the sensitivity of tortoise habitat, Ann stated that people generally tend to move quickly on a trail from one end to the other. With this trail people funnel in to the end, concentrating the impacts. Renee inquired if this substantially increases the likelihood that people can have encounters with tortoises and therefore there would be harassment type impacts to tortoises? Ann answered that any recreational trail through tortoise habitat could have this potential impact.

SCSP has an active law enforcement to patrol Johnson Canyon. They also focus management through education. Kristen stated that SCSP is not in a position to monitor any additional impacts. Long term impacts would have to be encompassed through NAU data. Chairperson Croissant suggested that Kristen could present a more concrete proposal for potential closures dates at the next TC meeting.

MOTION by Cameron Rognan to have Kristen come up with a plan that will fit Snow Canyon State Park. She will bring that specific plan to the TC next month for review to make sure it is in line with the HCP. The TC can approve it at that time.

Seconded by Chairperson Croissant.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

Nathan Brown feels this issue represents a larger political landscape. If SCSP can bend a little to stay in the Reserve and under State control, it would be in the best interest of tortoise conservation in the long run. Ann commented, the adaptive management process doesn't work if the TC is politically pressured into doing something. Renee added the TC needs to stay true to the biology of the species and what is best for the species. The Reserve has been set aside for mitigation and impacts are increasing across the Reserve. Pressure from the House Bill is not without potential adverse impacts to tortoises. Kristen reiterated the 2004 Tortoise Management Plan was a requirement from the HCAC. Washington County funded \$50,000 for the development and implementation of that plan.

b. Utilities Access Gate

Ann McLuckie stated if a utility road is not identified in the UDP, it would mean that it is used so minimally that there is no need for a gate or road. There is a process for 24 hour emergency access and those utilities can have access into the Reserve whenever

needed through the process in place. The utility entities need to state in writing their reasons for needing access. It can then be identified if there will be adverse impacts to tortoises. Gates typically increase access along with adverse impacts to tortoises and habitat.

Bob Sandberg expressed that putting a gate in a fence doesn't have a huge biological impact. The HCP allows St. George City to use those utility roads and gate access has been identified. The fence along Red Hills Parkway was originally looked at as temporary and they likely postponed gate installation in anticipation of widening the parkway. Now that the parkway has been widened, the City is putting in permanent fence and they want a gate to insure access of their utility lines. This is a matter of management, identified in the HCP. If there is a reason they shouldn't have a gate, it needs to be identified.

Ann responded that when gates are installed there is typically more use and potential impact to tortoises and habitat. Group members explained that the HCP specifically states the two utility roads off Skyline Drive, east of Highway 18, will be gated by St. George City. Cutting the fence when access is needed would lend to having a fence with less integrity and less serviceability. Placing a gate on this road will not change the amount of use it receives and it will not be checked more frequently. The City walks the line for regular maintenance and will only drive in for emergencies.

Bob explained that St. George and Rocky Mountain Power are concerned they will not have access to their utilities once the permanent fence is installed. When the fence goes in they would like a grade such that equipment can enter and have a clear access point. This way there shouldn't be questions later on with where their crews can enter.

Ann asked what the utility road designation level would be. Cameron stated that it still needs clarification. He read from the UDP on page 11,

"R-3 Maintenance of gated utility access roads may be conducted without coordination with the HCP Administration if they create no surface disturbance outside of the existing traveled surface. Grading or improvements to R-3 roads must be coordinated."

"R-4 Maintenance for the limited purpose of allowing vehicle access during exigencies may be conducted after coordination with the HCP Administration. [*sic*]"

Bob added that these roads will be used for more than emergencies. If towers need to be maintained or reconstructed, we would want them to have access to these routes and we wouldn't want their access to be any different locations. The UDP has identified the education, notification, coordination, tortoise awareness training, monitoring, etc that goes along with utility maintenance and emergency situations.

MOTION by Kristen Comella that the TC approves installation of the gate. The road is reclassified as an R-4 route and is put in writing for the file as well as for the utility company for future reference.

Seconded by Cameron Rognan.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

c. Pioneer Park Structure Removal

Cameron Rognan reported that St. George City followed the UDP to remove structures above Red Hills Parkway. Cameron monitored the area, closed off tortoise dens and made sure they did a good clean up job. The task is complete and all structures have been pulled down except for the microwave reflective box which Century Link is using to supply service to Mesquite, Nevada.

d. Red Hills Mitigation

Cameron Rognan stated in a previous TC meeting, it was approved to apply mitigation at the old city dump site. This area has been used as mitigation in the past, so it has been deemed unworthy. Kristen asked if there is any ongoing mitigation at the site. If what was done wasn't successful, why does it preclude it from being used again? Renee stated when the UDP was amended the HCAC wanted a less strict requirement for insuring that mitigation is adequate. Mitigating with restoration is difficult in this desert; potentially a project proponent could be on the hook for a lifetime trying to get vegetation to come back. The TC should probably have a discussion on this. Planting is most likely a more viable action than seeding.

At the Park level, when mitigation is required, the FWS has typically asked for a 50% success rate. After three years they can be done regardless of success. Renee assumed that's how the UDP was originally structured. Bob said the Biological Opinion (BO) puts the City on the hook for three to five years, requiring evaluation and monitoring along with parameters of identified success.

Ann asked Renee if it's too late to have the culverts along Red Hills Parkway monitored as a possibility. Renee said this mitigation needs to be for restoration but it doesn't preclude alternatives. Research can help inform for better management decisions but sometimes it seems like research is not looked upon in the same way as habitat restoration. Ann stated she understands that monitoring culverts should not be considered for this mitigation, but it could be part of the expansion project to look at whether the culverts are doing what they're intended to be doing. Utah State University sent Ann information on the best remote digital technology. Renee felt that a grant might be a more appropriate avenue for funding the cameras and monitoring the culverts.

Bob stated the contract between St. George and UDOT has identified that rehabilitation will be done. The BO says there will be 2.4 acres rehabilitated near the Pioneer Hills Trailhead. If the contract is altered, the contractor could potentially come back with a higher cost for the project, especially if it is further away from their operations. Fencing at Pioneer Park is an option for mitigating the intersection. Fencing might not satisfy their full mitigation requirement; cameras and/or monitoring could be part of that project.

Renee will determine what has been done at the dump site and if the project proponent has fulfilled their responsibility. If this restoration is deemed more likely to succeed than previous restoration efforts, and if the benefit is worth the effort of focusing on this area for a second time, then perhaps it would be good to consider this same area again.

The committee discussed what the second preferred alternative would be. Renee will check on the status of the dump area with previous mitigation and if it would be problematic to double-dip. She will also look into incorporating a research component in the mitigation. Bob will check with St. George to see if they can switch efforts from restoration to purchasing cameras and/or monitoring.

Ann reiterated the restoration needs to be a good effort, not just an amount of time spent. They need to seed in an appropriate time and with some sort of soil disturbance; not just lay the seed on the ground. There needs to be some quality control for the restoration. Renee added that seeding is risky and can be a gamble because it depends on the conditions being just right. Whatever can be done to increase the success would be good.

MOTION by Kristen Comella to approve the dump site as the preferred alternative pending FWS review. If it is deemed unacceptable, alternative two would be the UDWR property. If for some reason that is not acceptable, the TC will choose from the remaining four alternatives with the least preferred alternative being the old utility roads.

Seconded by Renee Chi.

Discussion: None

Vote was taken: All voted aye.

Motion passed.

e. Upper Galoot Restroom discussion & possible action

Kristen Comella stated SCSP is pursuing funding for a new restroom facility at SCSP. In Upper Galoot there is currently a vault restroom facility. Kristen is trying to get funding for a larger flush facility and has identified a location for installation of a septic tank and leach field. SCSP prefers to have power supplied to the building which would require additional digging and site impacts. The second alternative would be some kind of propane tank for heating in the winter. If funding is received, it would not be available until after July 1st.

f. Fire Season Preparations

Chairperson Croissant stated the Wildland Fire Outlook from the National Interagency Fire Center Predictive Services (exhibit 3-f-1) is predicting less fire danger than last year and fewer high wind events. Bob Sandberg mentioned the year started out dry but there has been some moisture. There will probably be enough growth to use the goats again by the end of March.

UDOT plans on mowing again and will need a reminder to mow between the last week of May and the first two weeks in June. Bob inquired if the BLM has fire personnel to help encourage UDOT to be proactive here. Chairperson Croissant explained that one of the Color Country engines is based in St. George but it answers to the Cedar City BLM, not the ST. George BLM. He will check if the Arizona Strip fire crews can respond within Utah.

The old St. George airport used to have a single engine air tanker (SEAT). When the airport moved it was unable to accommodate a SEAT. If a SEAT is placed in Mesquite to help fight fires, it will be good for the Beaver Dam Slope but the change will not be good for the Reserve as it would physically be further away. The BLM plans to add a SEAT to Mesquite. This year there will be funding from Nevada for one part of the year and funding from Arizona for another part of the year. The contracts will overlap to have continuous coverage. If Utah buys into it then it would be a lot closer for Utah to fly out of Mesquite to fight fires on the Beaver Dam Slope or in the Reserve.

Chairperson Croissant was under the impression that the support given at the old airport has been transferred to the Mesquite SEAT. Renee said Arizona FWS has indicated the new airport doesn't accommodate their SEAT. He said it would provide more continuous SEAT coverage across a wider range. Most of the St. George area still overlaps with two SEATs in range of Cedar City and Mesquite.

4. OTHER BUSINESS

Kristen Comella reported that when SCSP fenced the State Park boundary by the dike, they inadvertently fenced off access to the Red Mountain trail. That access point is now available again along with new signs. Red Mountain stepover is in place and the fence is repaired. The area near the dike is heavily used by cyclists.

Chairperson Croissant stated that the BLM mining biologist and other BLM personnel met with Mr. Eagar (who has mining claims in Babylon) regarding the validity assessment. The BLM is requesting that those representing the Eagar and Terry mining claims present a detailed plan of operations to base the validity assessment on. Mr. Eagar is pursuing access to the mining cores which were previously taken out when the mine sites were leased to a previous miner. That miner drove out some cores and transported them to California. Mr. Eagar believes those cores are his property. If he gets them back and they're cataloged carefully enough, he could potentially use those for quite a bit of the validity assessment. If they end up using drill rigs, it could cost

\$30,000-\$40,000 per claim.

5. **NEXT MEETING DATES**

a. Thursday April 12, 2012

6. **ADJOURN**

MOTION by Tim Croissant to adjourn the meeting.
Seconded by Renee Chi.
Discussion: None.
Vote was taken: All voted aye.
Motion passed.

The meeting was adjourned at 12:50 P.M.
Minutes prepared by Amber Stocks.