

HABITAT CONSERVATION TECHNICAL COMMITTEE

for the Washington County Habitat Conservation Plan (HCP)

A regular meeting of the Habitat Conservation Technical Committee (TC) was held in the conference room of the Washington County Administration Building, **OCTOBER 11, 2012**

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)
Gary McKell	Local Biologist
Kristen Comella	Snow Canyon State Park (SCSP)
Nathan Brown	U.S. Fish and Wildlife Service (USFWS)

Also present were:

Bob Sandberg	Washington County Administrator
Amber Stocks	Washington County HCP Recorder
James Eardley	Washington County Commissioner
Jim Raines	Bush and Gudgell
Chuck Gillette	Ivins Engineer
Joel Bingham	Citizen

1. CALL TO ORDER

Chairperson Croissant noted a quorum existed and called the meeting to order at 11:20 a.m.

2. APPROVAL OF MINUTES

a. September 13, 2012

The following changes were made:

Page 2, General Business, paragraph 2, sentence 5: added,

From: "From DWR's experience, desert almond did better than creosote and sand sage did fantastic."

To: "From DWR's shrub planting in 2011 experience, desert almond did better than creosote and sand sage did fantastic."

Page 3, paragraph 5, sentence 2: deleted,

From: "There are still some issues with listed threats that are not real threats for this area."

To: "There are still some issues with listed threats that are not threats for this area."

Page 4, paragraph 2, sentence 5: changed,

From: “Kristen ~~felt~~ that puncture vine has also grown more this year than in the past.”

To: “Kristen mentioned that puncture vine has also grown more this year than in the past and doesn’t know if it poses a long term habitat threat or not.”

Page 4, added to the end of paragraph 3:

“The group decided that a standardized report and format should be discussed by the various law enforcement agencies at their next meeting.”

MOTION by Cameron Rognan to approve the minutes as amended.
Seconded by Kristen Comella.
Discussion: None.
Vote was taken: All voted aye.
Motion passed.

3. GENERAL BUSINESS**a. Discussion and Possible Action on Field trip to Snow Canyon State Park**

Chairperson Croissant explained that the HCAC requested to have the TC review the following two proposals and report back on any pitfalls they may fall into by approving it. Kristen Comella was recused from the proposal recommendations.

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).

The current road side parking is approximately 1,005 square feet (67’x15’). The proposal would expand the parking to approximately 3,600 square feet (120’x30’). Ann McLuckie felt that if Kristen sees it necessary to expand the road side parking then SCSP should use previously disturbed areas along the roadway as much as possible and minimize disturbance to existing undisturbed habitat. Cameron added the Utility Development Protocols (UDP) will need to be followed.

Erosion in SCSP is always an issue, particularly with areas that are not hardened. Road base will be used where appropriate and SCSP will have more discussions with the County in regards to funding, fencing, road base, equipment, etc.

MOTION by Cameron Rognan to approve the roadside parking expansion as long as SCSP follows the Utility Development Protocols and keeps it to the minimum amounts Kristen Comella stated (approximately 120'x30').

Seconded by Ann McLuckie.

Discussion: None.

Vote was taken: Tim, Cameron, Ann and Gary voted aye, Nathan voted nay, Kristen was recused.

Motion passed.

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.

Chairperson Croissant stated that equipment would need to be used to remove the vegetation if the dunes are expanded. The 1938 historic imagery available is low quality which makes it difficult to determine how much vegetation existed. If the dunes were larger back in 1938 it could have been a result of an unnatural process such as a grazing or off-road use. Imagery from 1977 shows the dunes very close to its current size.

Cameron stated that ATVs could be a potential cause of the dunes size. Kristen replied that ATV's have not been a recreation activity since at least 1995 when the HCP was formed. In addition, SCSP purchased the last cattle grazing rights in 1998.

Ann felt that because the TC doesn't have a full, accurate history or imagery of the dunes, a picture pointing towards a larger dune structure may have been caused from unnatural uses. The UDWR desert tortoise database shows that tortoises use surrounding areas for egg laying, foraging and a movement corridor. Maintaining a travel corridor in this narrow canyon with steep rock walls is important to sustaining healthy tortoise populations and assisting their recovery.

Two ways the TC felt they could look at this proposal was 1) natural resource restoration or 2) recreational enhancement. Chairperson Croissant felt that natural resources should run their course unless there is a strong argument otherwise. The TC discussed SCSP's primary mission which is recreation and discussed how the Park can enhance their recreational activities. If their activities interfere with tortoises they would need to be mitigated. Bob Sandberg reminded the TC that the HCAC would like to know the potential impacts of this action or some similar action and what impacts to tortoise it would create.

Ann stated the proposal calls for 24 acres of vegetation to be removed. This would be considered *take* but if the intent is to maintain a lack of vegetation then it would become long term *take*. Nathan stated if the dunes are opened up and maintained 24 acres more, it becomes a permanent *take* because shrubs would be taken away and the ability for tortoises to shelter and feed themselves would be reduced. Ann added there might be indirect erosion impacts to surrounding areas in high flood events.

Chairperson Croissant mentioned he has concerns with non-native plants coming in. He wondered if it would be sandy after the plants were removed or if it would be more of a sand/dirt mixture. Removing plants could stir up the seeds and soil and create something that was not there before.

Cameron stated the FWS can determine what kind of *take* this would be. If it's going to be permanent *take* then the TC can decide how the Park would need to offset the *take* before they proceed. Nathan agreed, the HCP states there should not be any *take* in the Reserve. He explained that is why he had a hard time with the road side parking issue.

The TC felt they could recommend the immediate removal of annual native and non-native plants with hand tools, and all vegetation in the middle of the dunes as part of maintaining the current nine acre sand dunes structure. This would include the trail from the parking lot to the dunes.

Nathan explained that this is normal succession. When dunes are active (at a really slow rate) and move in one direction, the tail end becomes re-vegetated and succession happens with a growing edge. There is encroaching vegetation on the existing dunes structure and maintaining the interior of the dunes is not *take*; however, anything removed from the exterior of the dunes will be *take*. Nathan expressed that there is a weird regulatory process to figure out because the dunes are in habitat that is protected in many ways. Facilities that accommodate recreation are minimally sized and are usually for parking or restrooms. The sand dunes are recreation focused on a large scale and it needs to be handled appropriately.

The TC determined they should look at the PUP (which gives a management procedure to follow) and the recreational Biological Opinion (BO) to see what is required. The FWS can do their do-diligence in determining if it can happen at all. Ann explained that when trails were proposed in the beginning, impacts to tortoises were looked at and the adaptive management process was followed. These sand dunes were not identified as a project under the BO. The TC will bring the PUP and BO to the next meeting and see if expanding the dunes is feasible. The TC tabled the discussion, recognizing that it is a *take* issue and that the habitat currently serves as mitigation for the Washington County HCP. The TC fully supports maintenance of current conditions.

MOTION by Ann McLuckie, the TC has reviewed the Sand Dunes proposal as written and it would involve the take of 24 acres of tortoise habitat.

Seconded by Nathan Brown.

Discussion: None.

Vote was taken: All voted aye, Kristen was recused.

Motion passed.

MOTION by Nathan Brown that the TC supports the maintenance of the existing dunes structure to nine acres as mapped through hand tool removal of annual vegetation.

Seconded by Cameron Rognan

Discussion: None.

Vote was taken: All voted aye, Kristen was recused.

Motion passed.

Ann McLuckie will draft the report to be given to the HCAC. Nathan said that because the Park is part of the desert tortoise critical habitat, it is also adverse modification to federally protected land. The land is considered a connective action to section six purchases since park boundaries were expanded from the use of federal grants to the state. If any part of the habitat within the Park is adversely modified, it would be a connective action and would probably require section seven consultation. The dunes are protected by several layers and removing a significant amount of vegetation may require consultations of sections 6, 7 and 10 of the endangered species act.

b. Discussion and Possible Action on Field Trip to Toe Trail Access Request

The TC had a fieldtrip to the Toe trail where a developer is looking at building a subdivision. The developer would like to have a stepover placed on the Reserve boundary, helping to connect the Toe Trail to a future city trail through his development.

Jim Raines, from Bush and Gudgell, represented the developer, Walter Plumb. He explained that they want to coordinate with Ivins and create a connecting trail on their open space corridor from the proposed Ivins city park to the proposed stepover. The Reserve fence seems to enclose just less than two acres of private property and the developer would like to know why the Reserve is fenced that way. Are there plans to purchase this triangular piece of property? The TC members did not have a full history of the area and could not give him an answer.

Ann McLuckie explained that the property previously belonged to the Hafen Trust and the TC could research deeper to see if the triangular piece was supposed to be included in the Reserve. Chuck Gillette mentioned he has looked at the HCP maps and they include this diagonal piece.

The developer may donate the property to SCSP and it would become a part of the Reserve. Kristen Comella stated that if access is granted into SCSP then there needs to be public access and public parking. SCSP does not allow for private access into the Park. Chuck indicated the city park on Center Street will have a connecting path to SCSP. Kristen felt that the stepover should not be built until the connecting corridor is identified in the city's plan and until they have public parking available. Chuck explained the city is constructing curb and gutter right now and the master plan shows a path on both sides of Center Street but it does not currently show the park. There is a potential that the path could connect to other city trails as well.

Kristen explained that this concept was also discussed in 2003. After the 2000 Public Use Plan (PUP) was drafted and the 2001 recreation BO was issued, HCP, SCSP, FWS and recreational users discussed this access point and trails in the Ivins area. Everyone acknowledged that it would need to be discussed again at some point (which is now).

Jim explained that the developer's plan is to terminate the designated open space if the connection is not desirable and he would look at getting the triangle piece back in his private ownership. Kristen expressed her acceptance with the access as long as it has public access. Chairperson Croissant asked if there would be a *take* issue for any new ground disturbance. Kristen explained that the proposed trail (on an old road bed) would be the only disturbance.

When public access is established, the stepover can be put up. Chuck mentioned the corridor is 40'-50' and would be a multi-use path but would most likely exclude equestrian access. Kristen felt that Ivins City would need to make sure that equestrians would be okay not having access at this point.

MOTION by Cameron Rognan to approve of the access to the existing road with the transfer of property. A stepover will be placed there when public access has been guaranteed.

Seconded by Gary McKell.

Discussion: Ivins City will have to work through the issue to make public access guaranteed. If the developer doesn't donate the property than the proposal will need to be come back to the TC for further review.

Vote was taken: All voted aye.

Motion passed.

c. **Ivins Rehabilitation Mitigation Work**

Chuck Gillette showed exhibit 3-c-1, a map of the Ivins detention basin. Chuck stated that Ivins has four acres to mitigate from temporary impacts and six acres to mitigate from permanent impacts. Ivins is willing to include ten acres of city owned property into the Reserve to satisfy the mitigation requirement for the detention basin.

Ivins met with contractors and is sending this project out for bid. Two to three feet tall silt fences will be used to direct traffic in the wash. It will take the trucks 800-1,600 loads to get material to the site if they have to stick to the narrow easement. Ivins wants to explore an option of having a 24 foot wide access instead of a 12 foot wide access. This would allow bigger trucks to come in and have two-way traffic. The bigger the truck is, the more efficient the contractor can be. This is worth at least \$20,000 to Ivins, possibly more.

The TC discussed widening the curves and having a passing lane in areas where the wash is wider. Gravel will most likely be laid in some spots. Chuck asked if the

contract can cut straight across from Tuacahn Drive to the detention basin instead of driving further up Tuacahn Drive then coming down the wash, saving around two miles per trip. Nathan explained that FWS consultation would need to be reinitiated. The time frame to get an appraisal and to amend section six will not be conducive to the time frame Ivins is looking at.

The TC discussed walking the area and identifying specific passing areas. A road base substrate will need to be placed in the wash for the trucks to drive on and will be left in the wash when the project is done. The contractor will coordinate with Cameron and Ann when laying the road base. Chuck explained that a t-post will be placed about every 20 feet with yellow ropes in-between. If the project is not finished by the time active tortoise season begins again, tortoise mesh fences will be placed along the wash to stop tortoises from entering the construction site.

Nathan stated he is comfortable with a larger access corridor for turning and passing zones as long as it stays in the wash and does not disturb additional habitat. He suggested that Ivins write a letter to the FWS stating their proposal. Kristen added that the BO talks about ongoing weed control. From the Park prospective, weed control is a big issue. She asked how it will be addressed and Chuck answered that JBR will be doing the monitoring.

Nathan was excused at 12:50.

The group talked about a potential memorandum of understanding (MOU) with Washington County (the tortoise permit holder) that would help identify how Ivins would retain their long term flexibility. Ivins would maintain ownership of the property and have access for dike maintenance.

The BO should indicate if the fence needs to be up before the construction begins. The plan has been approved by the FWS so it is fine to begin now. Chuck said there is a concern with a water truck in the construction area. The one inch hose may need to be a three inch hose instead. The contractors asked if they can run a hose or pipe through SCSP to the road where a hydrant will be placed. The hose would be placed by hand but they won't be walking back and forth. It will be something that they don't have to do any maintenance on. TC members felt that a larger hose would not be a big issue as long as they are mindful of reducing impacts to the habitat.

d. Discussion and Development of Suggested Recovery Actions for the Recovery Implementation Team

Opportunities are available for the RIT members to add suggestions on their own time. The December TC meeting will focus on the Recovery Implementation Team. The discussion was tabled.

4. OTHER BUSINESS

a. Back Country Horsemen Stepmover

The Back Country Horsemen (BCH) stepovers will be 16" tall in the lowest spot. Tortoise mesh will be placed on the outside so that if a tortoise tries to climb the mesh it will be stopped by the metal bar overhang. BCH is planning on replacing four of the Reserve stepovers with their own design on October 20th.

b. Erosion Concerns in Ivins

Ivins City and a private property owner near SCSP have had some erosion issues. Bob Sandberg, Kristen Comella, Ivins, and the property owner assessed the concern. The wash has eroded up to the property owner's cinder block wall. If there are more high flood events, it will start to erode under the wall. The property owner wants to extend rip-rap into the state park about 160 feet long and four feet tall with basalt rock boulders and they would like to remove two desert willow trees. During the high flows, the trees catch debris and push it towards their property. Bob had suggested that they should do some plantings along the wall once the rock is brought in. They will need to backfill behind the rock wall to replace what has been lost. Bob explained that tortoises will be able to negotiate the rocks because sand will fill in the gaps. Kristen would like to see if there is a way to reduce the length of the rocks so that the trail is not cut off. Bob added this is something that needs to be done to prevent the property from washing away and this is something that can be done from an infrastructure standpoint. Bob and Kristen will continue to coordinate with Ivins and the property owner. Kristen said this area is not being traversed right now by tortoises because there is a six foot cliff. Ann reiterated that the gaps need to be filled in with sand so that tortoises can use the area. She liked the idea of adding more plantings for erosion control in the future.

c. Managers Oversight Group (MOG)

During the previous HCAC meeting, Chris Hart requested a presentation and discussion on the Managers Oversight Group (MOG) mitigation ratio document so that the HCAC can understand it better. The TC decided it would be good to discuss the issue with the Recovery Coordinator and have the FWS give the presentation at the November HCAC meeting. The TC members will be available for support.

5. NEXT MEETING DATES

a. November 8, 2012

6. ADJOURN

MOTION by Cameron Rognan to adjourn the meeting.

Seconded by Gary McKell.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 1:15 p.m.
Minutes prepared by Amber Stocks.