

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 **January 22, 2013**.

Committee members present were:

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

Absent and excused:

Jimmy Tyree	Bureau of Land Management (BLM)
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Also present were:

Amber Stocks	Washington County HCP - Recorder
Cameron Rognan	Washington County HCP - Biologist
Alan Gardner	Washington County Commissioner
Tim Croissant	Technical Committee (TC) Chairman
Ann McLuckie	Utah Division of Wildlife Resources (UDWR)
Kristen Comella	Snow Canyon State Park (SCSP)
Jodi Borgeson	Washington County Attorney
Chuck Gillette	Ivins City Engineer
Steve Meisner	Water Conservancy District
Rob Dobbs	Utah Division of Wildlife Resources
Ellen Schunk	Congressman Jim Matheson's Office
Gary Webster	Congressman Chris Stewart's Office
Ashley Gilreath	Citizens for Dixie's Future
Christi Wedig	Citizens for Dixie's Future
Lisa Rutherford	Citizen
Paul VanDam	Citizen

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. November 27, 2012
- c. **Next Meeting Date**
 1. February 26, 2013
- d. **Declaration of conflicts of interest**

As Mayor of Ivins, Chris Hart declared conflict of interest with the Ivins Detention Dam.

MOTION by Marc Mortensen to approve the corrected minutes.

Seconded by Henry Maddux.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

2. **PRESENTATIONS**

a. **Southwest Willow Flycatcher – Rob Dobbs - DWR**

Rob Dobbs from the Division of Wildlife Resources addressed the HCAC in regards to the Southwest Willow Flycatcher. Rob reported on the status of reproductive success and habitat use on the Virgin River (exhibit 3-a-1). This bird is one of four subspecies of a Willow Flycatcher and was listed as endangered in 1995. The breeding habitat is generally found in lowland riparian forest. These birds are very territorial and are mostly monogamous. The female builds the nest, a compact cup of grasses and plant fibers in a fork of a tree. The female lays about three eggs and incubates for 13 days. Both male and female take care of the young. These birds arrive in May and first nestlings are seen in mid-June. They will re-nest multiple times following nest failure and migrate south around mid-August.

In 2002 the FWS published a recovery plan that outlined recovery actions, one of which is to increase and improve current and potentially suitable habitat. The plan outlined objectives such as determining habitat characteristics that influence occupancy and reproductive success. By understanding how plant species and habitat structure can influence occupancy and reproductive success, we can use that information and more effectively focus our conservation efforts.

The DWR started monitoring efforts in 2008 with three components: 1) population surveys, 2) nest monitoring and 3) microhabitat/vegetation analysis. Through population surveys the DWR is able to track distribution and abundance in the St. George study area by locating and monitoring nests. Microhabitat and vegetation sampling is conducted at nest sites and at randomly located sites. The DWR uses standardized protocols for population monitoring, surveys and nest monitoring. They establish a five meter radius plot around a nest site and quantify the vegetation around

it. The randomly located sites are used to compare what the birds are using vs. what's available.

The DWR's study has coincided with the emergence of tamarisk beetles. In 2009-2010 there was tamarisk defoliation of Flycatcher habitat. There are a number of reasons why beetle induced defoliation could affect Flycatcher reproductive success. The lack of foliage may increase temperatures and decrease hatching success. Defoliation also affects nest concealment which could lead to increased predation and brood parasitism.

The female Flycatchers in St. George have shifted their distribution but their numbers have remained the same. The males have also shifted their distribution but their overall numbers have declined. This shift in distribution is due to a shift in habitat. Data from 2008-2009 shows that the birds nested in an area with a high density of large tamarisk trees. In 2010-2011 they moved into areas with a higher density of willow shrubs. Nesting in tamarisk shrubs has remained fairly constant.

In 2008 there was about 65% nesting success. 2009 was when defoliation first coincided with breeding and it dropped to about 25%. Nesting failure occurred with the increase in predation. The graphs in exhibit 3-a-1 show how the tamarisk beetles have interacted with the Flycatcher's reproductive success by altering their habitat conditions. It also shows how Flycatcher's have responded to this by shifting their habitat.

The ultimate goal is to understand how to better and most effectively restore habitat and understand how vegetation and other features affect nesting success. The DWR compares vegetation at different nest sites and nest substrate use. To determine if there are microhabitat features associated with nest success, the DWR compares nest substrate and vegetation at successful and unsuccessful nest sites.

Nest sites have higher foliage, shrub density, canopy cover, are significantly closer to water, and have lower tree density in the immediate vicinity. Flycatchers use tamarisk more than expected and willow less than expected. Only 18% of tamarisk stems are available to the birds yet almost 60% of their nests are in tamarisk. Nests in tamarisk are more likely to fledge than in willows.

The availability and density of tamarisk appears to be important for nest success. The DWR feels that nest concealment contributes to nest success because the nests are much harder to see in tamarisk which makes it more difficult for predators.

Based on this information, tamarisk dominated habitat is no longer suitable for Flycatchers. Data suggests that Tamarisk shrubs are valuable when they're mixed in with native vegetation. The DWR is advocating to reduce canopy density by 60-70% in restoration project areas, prioritizing tamarisk trees for removal. The DWR will replant thinned areas with a mix of native species that provide a good understory structure. The DWR will also prioritize areas with appropriate hydrology. In the future, the DWR

will continue to work with St. George on mitigation projects and continue their monitoring efforts.

Larry Crist asked if coyote willow is the dominant native vegetation in areas of lower nesting success. Rob said that they are and gooding willows are also around. Bob Sandberg asked if the birds choose their nest sites based on the size of tamarisk stems and the willow stems. Rob replied the stem sizes are very similar, what the birds prefer is concealment.

4. UTILITY AND DEVELOPMENT PROJECTS

a. Tuacahn Wash Detention Basin (Ivins Detention Dam)

Exhibit 4-a-1 is a photo of the Tuacahn Wash Detention Basin construction site. Chuck Gillette updated the committee on the work being done. Ivins is less than a month away from completing the project and has expressed the need to be done by February 15th. The contractor has struggled with the outlet construction which has caused him to be delayed by about a 1 ½ weeks. There is a possibility of construction going into the active tortoise season. Chuck said that Ivins is hoping the weather will cooperate and allow the inactive season to stretch a few more days. The contractor was working four days a week but now he's looking at working up to six days a week.

b. Snow Canyon Drive Maintenance

Chuck Gillette reported that the Snow Canyon Drive entrance road has less than ½ mile of chip seal that is cracking and falling apart and needs repair. The city is funding a 32 foot wide asphalt road from the Vermillion Cliffs development up to where the Snow Canyon State Park entrance station is. The Iron Man competition in May will use that street and repair construction will start sometime in March. Chuck mentioned he has been working with Bob Sandberg on guidelines to protect tortoises. There is a fence on one side of the road and Ivins will put a fence up on the other side of the road. Bob showed exhibit 4-b-1, a map of where the road is and where the construction will occur.

5. GENERAL BUSINESS

a. Discussion on Southwest Willow Flycatcher

Henry Maddux asked if the HCP allocates \$5,000 to the Flycatcher. Bob Sandberg affirmed that it does and it is covered under DWR's scope of work to help with their study.

b. Discussion and possible action on DWR MOU and scopes of work

Bob Sandberg showed exhibit 5-d-1, a Memorandum of Understanding (MOU) with the DWR. Along with the MOU are scopes of work: \$80,000 for tortoise monitoring, \$5,000

for the Southwest Willow Flycatcher, \$10,000 for systematic clearances and \$15,000 for fencing. Most of the systematic clearances have been completed. If the money is not spent, it will remain in the HCP's bank account for future years.

MOTION by Chris Blake to recommend the DWR's Memorandum of Understanding with Scopes of Work to the County Commission.

Seconded by Larry Crist.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

c. Technical Committee Report (Tim Croissant)

Tim Croissant reported that the Technical Committee (TC) met on January 10, 2013 and discussed the sand dunes at Snow Canyon State Park (SCSP). Retired geologist, Marc Deshouitz attended the TC meeting and gave a presentation on the dunes. The dunes are about 190 million years old and the sand grains are about five million years old. Marc's key points were on potential management of the dunes. Vegetation is needed to trap sand and without vegetation the sand will start to migrate south. Removing the larger woody vegetation would be damaging to the dunes but removing the non-native russian thistle, puncture-vine, or other invasive annuals would be harmless.

Kristen Comella also had discussions with Janice Hayden a geologist with Utah Geological Survey (UGS). Janice was in full agreement that removal of vegetation would cause the dunes to migrate. The TC made a motion to recognize that because of information provided by the two geologists, the TC's intended goal of expanding the dunes by removing vegetation would not work, therefore, the TC recommends that removal of vegetation be limited to the goals of removing non-native vegetation and maintaining trail access at the two parking lots. The Park can consider drift fencing, boardwalks, or other recreational projects without the help of the TC.

Tim clarified for the HCAC that native vegetation will not be removed from the dunes. Only russian thistle, puncture vine and other non-natives will be removed from the interior of the dune (the active dune field). Without the vegetation there to reduce the wind speed and cause the sand to drop, the dunes will migrate south.

The TC talked about the Recovery Implementation Team meeting in December and about the Snow Canyon Drive Maintenance which was discussed in agenda item 4-b. Also, there have been some fencing issues at Tuacahn with tortoises escaping. The fence is in difficult terrain with steep hills, boulders and a large wash. The TC discussed options of fencing along the Tuacahn property and they seem willing to work with the HCP. The TC will go on a fieldtrip to the area in February. The TC also discussed the Ivins Detention Dam and the TC's committee terms. The TC nominated Ann McLuckie

to be the chairman in 2013 with Nathan Brown as the vice chairman.

d. Discussion and Possible Action on Sand Dunes Restoration in Snow Canyon State Park

Larry Crist reiterated from earlier discussion that removing the vegetation from the dunes would cause them to shift southward. Larry asked why it is okay to remove the non-natives. Kristen Comella answered that puncture vine and tumbleweeds are not conducive with recreation. The Park has been removing these non-natives for the last ten years. Tim Croissant added that SCSP will keep the trail clear from the parking lots to the dune area and will possibly install drift fencing to trap more sand. The Park can look at the roadside parking and trail as a recreational project and consider a boardwalk to the dunes.

Kristen Comella explained that the interior of the dunes have a mix of various vegetation interspersed with sand sage and other seasonal plants. A drift fence was previously used for about three years. It was successful in building up sand to the point that the fence became a hazard and was pulled out. Kristen reported that the TC talked about the smaller dune area south of the main parking lot. Originally it was for horse stables and is where horse manure was dropped, which is why the vegetation grows so well there. The Park recognizes this small area as a good recreational spot. Commissioner Gardner stated that some of the discussion is out of the purview of the TC.

MOTION by Chris Hart to move forward with the Technical Committee's current recommendation with a caveat to have State Parks do what they can to develop the dune area near the main parking lot, including the use of a drift fence to capture and keep the sand there.

Seconded by Chris Blake.

Discussion: Henry clarified that the HCAC is not telling the Park what to do, but is recommending this to them if possible. Chris Hart stated the intent is to optimize recreational opportunities in the dune area.

Vote was taken: All voted aye.

Motion passed.

e. Committee Terms

Bob Sandberg mentioned that the HCAC committee members are supposed to have staggered terms so that everyone doesn't have the same ending term date, see exhibit 5-e-1. Currently Karl Wilson, Chris Blake, Marc Mortensen and Chris Hart are all set to have their terms expire in February, 2014. Chairman Wilson stated that one of the reasons to stagger the terms is so that the committee doesn't lose all its members and their knowledge at the same time. Bob continued, typically in February the HCAC elects a chairman and a vice-chairman, so that will be on next month's agenda.

f. Mitigation ratio (MOG ratio)

The HCAC held a work meeting to go over the tortoise habitat mitigation document that was produced by the Desert Tortoise Management Oversight Group (MOG). Some members had concerns how the document was put together. It doesn't hurt to re-educate the board because the members of the board change periodically.

Chris Hart thanked the Technical Committee (TC) for providing very useful information in the November 27, 2012 meeting. Chris Hart has come to the conclusion that the MOG ratios are extreme. In the situation of our conservation area (the Reserve), there is very little leeway for the TC to use anything other than a 3:1 or greater mitigating ratio because all of the Reserve is a category one.

In the work meeting the recommendation was made that perhaps the habitat area be looked at again. There are habitat areas within the Reserve which are not all equal. There may be a future situation where a mitigating property may have better habitat that could be utilized. The suggestion was made that this be addressed when the HCP is being reviewed for extension or modification.

Chris Hart feels that these ratios border on a "taking". In the creation of the HCP, a "taking" was not a permissible practice. He hopes that the HCAC can look at other mitigating circumstances. It is his belief that having the Ivins Detention Dam in place provides some benefit to the tortoise population because flash floods have killed tortoises from time to time. The structure will contain flood water of a 25 year event and direct it down a well structured channel. At the previous HCAC meeting it was commented that tortoises are able to survive flash floods. Chris Hart agreed but added that they have also survived fires and human incursion into their habitat. The HCP goes to great lengths to minimize fire and human presence in the Reserve. Chris Hart continues to believe that the formula which was put together for the Ivins Detention Dam years ago should have taken into account some sort of benefit for tortoises.

The MOG is not specifically cited by the HCP. Its use and influence is implicit, not explicit. It has been a commonly used document by the FWS, BLM and other agencies. That may or may not be the right thing for our particular HCP. Chris Hart expressed to the chairman that he believes it should be reviewed. Options that are localized and specialized to our HCP need to be addressed.

Larry Crist expressed his agreement that all concerns need to be addressed by HCP partners. He pointed out that the mitigation ratios in the MOG are fairly common. They are not exorbitant or extreme. It's a common mitigation ratio that is not unusual and the time to address it would be as we amend or extend the HCP.

Chairman Wilson stated that highly valued habitat outside of the Reserve (type one habitat) should be taken into consideration for mitigation of a lesser valued habitat inside the Reserve. We might be stubbing our toe by not considering some other highly

valued habitat.

g. Administrator's Report (Bob Sandberg)

1. HCP revenues and expenditures report

Bob showed exhibit 5-g-1, the revenues and expenditures report. The HCAC discussed this report during the work meeting. Marc Mortensen asked about a budget amount allocated to a new education center. Bob replied there is \$50,000 set aside for that purpose in the contingency category.

2. Annual and 4th quarter reports submission

Bob submitted the annual and 4th quarter reports to the HCAC for consideration (exhibit 5-g-2-a and exhibit 5-g-2-b). Henry Maddux asked if there are as many people who visit the visitor center as we feel is appropriate. Bob replied that the visitor center isn't being utilized to its maximum opportunities. People need to know about it and there is a fair amount of walk in traffic. The outreach program is involved with several things, such as educational organizations, Zion National Park, the media and so forth. The Outreach Coordinator recently sent letters to all elementary schools in Washington and Iron County to get the word out. Bob felt that if the visitor center was in a different location then there would be a lot more traffic.

Marc agreed that numbers would explode exponentially if the center was on the Red Hill. Marc commended the HCP staff on all outreach efforts. He also stated he would like to see a new, free map available to the public in the bike shops, sporting good shops and so forth. Bob replied the old map is still available but it does need to be updated. The HCP has been working with the BLM on a map. The BLM is involved in their planning efforts and the visitor map has had to take a back seat. BLM did produce a map which includes the NCA and the St. George field office area. It's not a specific recreational trail map like we have now and it probably won't be free. The HCP has money in the budget for maps and printing and HCP staff is willing to do whatever it is necessary to try and get a map out. Cameron Rogan, the HCP Biologist has been looking into some of that to get some kind of map out but we are unsure of what the cost of it would be.

3. Entrada/Cliffs boundary fence repair

Bob showed exhibit 5-e-3, a general overview of the boundary fence along The Cliffs development, Entrada and Kachina Springs that needs repair. Most damage occurred from the rains last August. HCP staff has been working with the home owners associations (HOA) to get those repaired. The HOA's have been good to work with but are having some difficulty getting assistance from some of their home owners. We've been working with the County Attorney and have recently sent Entrada a notice telling

them that they have 30 days to repair their fence. Exhibit 5-e-3 also shows a picture of some boulders that came off the cliff and into the fence.

4. Section 6 grant request submitted

Cameron Rognan has worked very hard to submit a \$3 million grant to help purchase some of the in-holdings. The BLM, the Trust for Public Lands and the Nature Conservancy has assisted with the grant. Henry Maddux thanked Bob and Cameron for their work.

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

a. none

8. ADJOURN

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

The meeting was adjourned at 2:15 p.m.
Minutes prepared by Amber Stocks.