

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, **November 14, 2013.**

Members present were:

Ann McLuckie, Chairman	Utah Division of Wildlife Resources (UDWR)
Nathan Brown, Vice Chairman	U.S. Fish and Wildlife Service (USFWS)
Tim Croissant	Bureau of Land Management (BLM)
Cameron Rognan	Wash Co. Habitat Conservation Plan (HCP)
Kristen Comella	Snow Canyon State Park (SCSP)
Gary McKell	Local Biologist

Also present were:

Bob Sandberg	Washington County HCP Administrator
Amber Stocks	Washington County HCP Recorder.
Jodi Borgeson	Washington County Attorney's Office
Dana Meier	UDOT
Eric Hansen	UDOT
Rick Snyder	SEI
Mike Smith	St. George City
Cameron Cutler	St. George City

1. CALL TO ORDER

Chair Ann McLuckie noted a quorum existed and called the meeting to order at 9:35 AM.

2. APPROVAL OF MINUTES

a. September 11, 2013 – Regular Meeting

Page 3, paragraph 1, sentence 3: changed,

From: "They also want to address tumbleweed buildup along the fence line and tumbleweed ~~issues~~ in the burn areas."

To: "They also want to address tumbleweed buildup along the fence line and tumbleweed growth in the burn areas."

Page 3, paragraph 5, sentence 7: changed,

From: "Cameron explained that the Nature Conservancy (TNC) study was ~~purchased~~ to help the BLM go after funding for projects."

To: "Cameron explained that the landscape forecasting Nature Conservancy (TNC)

study was conducted to help the BLM go after funding for projects.”

Page 4, Health Assessments for Tortoises, second paragraph, sentence 2: changed,

From: “In Nevada there is a ~~controversial~~ study on tortoises that are in the Conservation Center.”

To: “In Nevada there is a preliminary study on tortoises that are in the Conservation Center.”

Page 4, Health Assessments for Tortoises, second paragraph, last sentence: changed,

From: “Chair McLuckie felt it is too soon to translocate positive tortoises into the Reserve.

To: “Chair McLuckie felt it is too soon to translocate ELISA positive tortoises into the Reserve.

Page 5, paragraph 1, sentence 5: changed,

From: “~~There has been discussion with UDWR about adopting these positive tortoises to reduce their stay at the TCF.~~”

To: “A program has been established between UDWR and the Reserve to adopt these positive tortoises and reduce their stay at the TCF.”

Page 5, paragraph 4, sentence 2: changed,

From: “~~She asked if the push is to protect resident tortoises and make a healthy population or is it to worry about the few positive tortoises found outside of the Reserve.~~”

To: “She stated, ‘Is the focus on protecting resident tortoises for a healthy population, or to worry about a few positive tortoises found outside the Reserve?’”

MOTION by Cameron Rognan to approve the minutes as amended.

Seconded by Kristen Comella.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

b. May 9, 2013 – Work Meeting

Page 3, Law Enforcement, bullet point 1, sentence 1: changed,

From: “For the first five years, the HCP identified the BLM and UDWR as the agencies responsible for providing law enforcement officers (~~funded by the HCP~~).”

To: “For the first five years, the HCP identified the BLM and UDWR as funded agencies responsible for providing law enforcement officers.”

Page 3, Law Enforcement, bullet point 1, last sentence: changed,

From: “If the NCA was not established, the HCP and ~~DWR~~ would remain the responsible law enforcement agencies.”

To: “If the NCA was not established, the HCP and DNR would remain the responsible law enforcement agencies.”

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

3. GENERAL BUSINESS

The committee agreed to move agenda item 3-f to the first discussion item.

f. Consideration of protection measures for the Indian Hills road widening project.

To introduce the discussion topic, Cameron Rognan read the project background:

In cooperation with the Federal Highway Administration (FHWA) and the Utah Department of Transportation (UDOT) the City of St. George is planning to widen portions of Indian Hills Drive in St. George. Indian Hills Drive is a two to three lane road that runs from Valley View Drive on the North to Hilton Drive on the South. There are portions of Indian Hills Drive that are narrow with little shoulder. The purpose of this project is to improve public safety by widening the road to accommodate shoulders in some of the narrow portions of the road. This project may include replacing existing pavement, adding new pavement, curb and gutter, sidewalk, drainage improvement, relocating or installing new utilities, paint striping, signing and other improvements needed to facilitate the road widening.

Cameron reported that even though tortoises are present in this general area, JBR didn't find any when they completed the environmental work. Cameron also surveyed the area and didn't find any tortoise sign. All records indicate that tortoises are not close to the road. Since this is a *take* area, HCP staff has been trying to find

minimization measures to reduce impacts to tortoises.

Bob Sandberg explained that through the 2009 Omnibus Bill there was a piece of BLM property on the southern tip of the black ridge (by the old airport) that was transferred to the city of St. George. When the HCP was created this piece was not identified as a *take* area. Officially it remains undesignated as a *take* area even though it is totally surrounded by *take* area and is treated as such. The proposed project will go through the *take* area surrounding this tip.

Exhibit 3-f-1 shows sections of the widening project. Most of the project will occur in segments 4 and 5, however some construction may continue as far north as segment 2 due to drainage issues, but work in segment 1 and most of 2 will likely be avoided due to funding restrictions. Cameron asked how the TC would like to protect the area from construction. The TC discussed fencing the northern portion of segment 2 temporarily and later fencing it permanently if they feel a permanent solution is appropriate (if construction work in segment 2 does not occur then fencing will not be required). Nathan Brown stated that this project will go through Section 7 consultation with the FWS.

Bob reiterated this is a *take* area, not the Reserve, and potentially all tortoises could be removed. Private properties are being developed and Bob felt the TC needs to look at what UDOT and the city are proposing and figure out how to minimize *take* of tortoises from this project. If there's something that changes down the road, we will have to work that out then.

Cameron added that this is an opportunity to consider fencing due to a project that will be impacting the site. Protecting this population long term would ideally put fencing along the backsides of the developments.

Kristen Comella felt the TC should not superimpose Reserve standards in a *take* area. This project should be treated like other *take* areas by making certain tortoises are not in harm's way. The project proponent should coordinate with HCP staff and follow standard protocols. Bob added that one of the objectives of the HCP is to facilitate development outside of the Reserve. The TC agreed that this area has been identified as a nice tortoise population which would be good to protect long term but needs to be discussed at some other time.

The area was determined eligible for this widening project ten years ago. There are significant archeological sites (most are in segment 3) along the corridor with petroglyphs, pit-house features and other structures. If a permanent fence is placed within the right-of-way and in an archeological site, fencing standards (which require the fence to be buried) would become an adverse effect. To prevent ground disturbance as much as possible, excavation could be minimized by pounding in the stakes by hand. There is a provision and specification on folding the mesh at the bottom and placing rocks or soil on the bent mesh so that the fence maintains integrity.

The tortoise survey was completed in October by JBR and is good for 90 days. Bids for construction will be sent out in February 2014, construction will start next fall and paving will begin spring 2015. The HCP was asked to give a written recommendation on how to minimize the impact to tortoises.

Kristen felt that as a separate project the HCP staff can work with the city of St. George to establish long-term tortoise protection that also protects the city's interests. Bob added there needs to be a discussion with the city, developers and private property owners to find out what the potential is for future developments on the hillside. For now, the focus needs to remain on what the FWS needs for the Section 7 consultation with UDOT and any recommendations we can give them.

Chair McLuckie stated that the process for *take* areas is to survey for tortoises. The County needs to fill out a survey form when signed by the DWR releases the property for development. The release form is then given to the project proponent who gives the form to the FWS for consultation.

Nathan pointed out that by widening the road, traffic will increase over time. To minimize *take*, fencing will most likely be needed for a short distance along the northern half of segment 2, within UDOT's right-of-way.

a. Report on BLM's progress with NEPA for control of non-native vegetation in the Reserve and specifics of Cottonwood Road tumbleweed removal. (Tim Croissant)

Tim Croissant reported he hasn't made much progress on future NEPA projects. He needs to determine what chemical options work best for tumbleweeds while understanding the full effect of how they impact woody dicots. Tim has been working on application methods with a Color Country Aviation Officer to look at the possibility of aircraft application for off-road areas in the Reserve. Tim would like to find out how close the pilot can fly to the power lines.

While spraying cheat grass recently, Tim successfully drove a UTV over great swaths of tumbleweed. This winter he would like to use prison crews, fire crews and a fire-engine to burn tumbleweed piles. Some patches of tumbleweed are so big and dense along Cottonwood Road that Tim felt they could be drug onto the road surface and burned on site. Traffic is light on this road, so as long as someone is there to control traffic it should be fine to burn tumbleweeds in the middle of the road. This will help restore the firebreak and rid the fence line of tumbleweeds. Chair McLuckie suggested the tumbleweed be pulled out of the wash west of Cottonwood Road and burned as well. The tumbleweed needs to be burned right after it is pulled out to prevent it from blowing away.

b. Report on the preliminary meetings to identify long-term maintenance needs of the Ivins flood control dikes. (Cameron Rognan)

Cameron Rognan reported that Ivins is looking at performing maintenance needs on their flood control dikes around 2017 and want to work during the inactive tortoise season. They have all options for maintenance open at this point such as moving the dikes or lowering the spillway. NRCS is tasked with making sure there's not a public safety issue and they want to take out the deep rooted vegetation such as creosote and keep grasses and shrubs for aesthetic purposes. Cameron told Ivins the HCP will push to keep as much vegetation as possible. The existing dikes are located by Snow Canyon Road, Tuacahn and Ivins and have been there longer than the HCP. Cameron added they saw a few tortoises while they were out there. They looked at the fenced drains and discussed options to keep tortoises out. Lastly, because the dikes are so old, they are looking at the design to see if it is still suitable. Kristen Comella was unable to attend the meeting, but met separately with the project designer and asked Ivins to minimize impacts as much as possible.

c. Report on fencing near Tuacahn to include tortoise habitat into the Reserve that was once excluded and breakdown of fencing cost share between Snow Canyon State Park and the HCP. (Kristen Comella)

Kristen Comella reported that Rocky Mountain Fencing has been working on the fence line by Tuacahn. The fence was going to be too close to the floodplain so they moved it further north. This habitat fence, not boundary fence, will be more sustainable long-term from water coming down the wash. Maintenance will always remain an issue because of the water that comes off the cliffside. The estimate was initially \$8,000 which the HCP will cost share 50/50.

d. Update on HCP Section 6 acquisition grant to purchase private property that is within the Red Cliffs Desert Reserve and the Red Cliffs NCA. (Bob Sandberg)

Bob Sandberg reported he has talked with various people including the DWR, DNR, Eric Hyatt and Steve Hansen. A proposal has been prepared and coordinated with Gary Bezzant (DNR). One of the main issues is who will own the property after it is purchased. A proposal will be sent to the DNR director with the background information so he can make a decision as to whether the DWR or the County should own the property. Funding authorization has been given and we need to figure out if the recent appraisal (between the Trust for Public Lands and the BLM) will suffice or if an update, amendment or a whole new appraisal should be done. A response should come back sometime in November.

SITLA has contacted Bob and is interested in the \$3.5 million acquisition purchase. The BLM's recent acquisition of roughly 50 acres (which included a big donation) cost \$4 million. Bob Sandberg added \$3.5 million to the proposed budget before submitting it to the HCAC because the HCP needs to spend the money before the state will reimburse.

The county doesn't want to own the property but they will in order to make this happen.

It has to go to either the state or the county; it can't go to the BLM, the Trust for Public Lands or The Nature Conservancy. The DWR owns property in the Reserve adjacent to the parcels that are proposed for purchase. The recent LWCF purchase by BLM also acquired land right against the DWR property

e. Update on the progress of the waterline replacement in Snow Canyon State Park. (Kristen Comella)

Kristen Comella reported there was a pre-bid construction meeting a couple days ago which contractors attended to learn more about the project and what they are bidding on. When bids come back, the Park will figure out if they can afford it or not. The Park would like to begin construction in early December. The funding that is available is non-lapsing, it will not disappear. If the cost comes in too high the Park will attempt to find additional funding during the next year.

4. OTHER REPORTS FROM TC MEMBERS AND REQUESTS FOR FUTURE AGENDA ITEMS

Kristen Comella reported that SCSP law enforcement personnel went into Paradise Canyon by Turtle Wall last Friday. They made contact with an individual at a homeless camp and it appears he has moved on. They also checked previous homeless camps and saw no sign of activity. The Park has a service project scheduled for next weekend at the base of Cougar Cliffs where people hit around 200 golf balls off the cliffs. This has been a historical area for lots of trash so the project will also include broken glass and trash pickup.

East of the north entrance to SCSP is a road that crosses the Reserve and State Park property and enters into private property. Someone has inquired about the use of that road and may call Bob Sandberg about a project in that area. Bob said there is a fence there that is continually monitored because people keep cutting it.

Nathan Brown has talked with the Desert Tortoise Recovery Office (DTRO) and will be holding a meeting with the Upper Virgin River Recovery Implementation Team to develop a conservation framework for the recovery unit as a whole and also to talk about translocation. Fundamentally, the DTRO agrees with the idea of satellite reserves as long as it doesn't come at any cost to the Red Cliffs Desert Reserve.

5. NEXT MEETING DATES

- a. Consideration of holding the scheduled December 12, 2013 meeting.

The TC plans to hold the December meeting. SUU wants to deliver a report on human impact monitoring to the TC or the HCAC. SUU donated their cost to monitor in the spring and were paid less than \$1,000 to complete monitoring in the fall.

6. **ADJOURN**

MOTION by Nathan Brown to adjourn the meeting.
Seconded by Gary McKell.
Discussion: None.
Vote was taken: All voted aye.
Motion passed.

The meeting was adjourned at 11:00 AM.
Minutes prepared by Amber Stocks