

# 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, **December 12, 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
Christian Edwards	Utah Division of Wildlife Resources
Briget Eastep	Southern Utah University
Nick Fava	Southern Utah University

## 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. **November 14, 2013 – Regular Meeting**

**Page 4, paragraph 5, sentence 1: changed,**

From: "Kristen Comella felt the TC should not superimpose HCP standards in a *take* area."

To: "Kristen Comella felt the TC should not superimpose Reserve standards in a *take* area."

**Page 4, paragraph 5, sentence 4: changed,**

From: "Bob added that ~~the purpose of~~ the HCP is to facilitate development outside of the Reserve."

To: "Bob added that one of the objectives of the HCP is to facilitate development outside of the Reserve."

**Page 5, paragraph 1, sentence 3: changed,**

From: "The ~~TC's assignment~~ is to give a written recommendation on how to minimize the impact

to tortoises.

To: “The HCP was asked to give a written recommendation on how to minimize the impact to tortoises.

**Page 5, paragraph 2, sentence 3: deleted,**

“This would help make sure that the project proponents are not encumbered with future ideas.”

**Page 5, paragraph 3, sentence 1: changed,**

From: “Chair McLuckie stated that the process for *take* areas is to survey for tortoises, ~~the County needs to fill out a release form (which states if it’s in tortoise habitat or not) for the DWR to sign.~~”

To: “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.”

**Page 6, paragraph 1, sentence 9: changed,**

From: “Kristen Comella was unable to attend the meeting, but met separately with the City...”

To: ““Kristen Comella was unable to attend the meeting, but met separately with the project designer...”

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

### **3. GENERAL BUSINESS**

#### **a. Presentation from SUU students on 2013 human impact monitoring within the Reserve.**

Briget Eastep, a professor of Outdoor Engagement at SUU, has been involved with human impact monitoring in the Reserve. Briget and Nick Fava (one of her students), presented exhibit 3-a-1, a 2013 report. Briget and her students monitored human recreation impacts within the Reserve and are continuing a database that will be helpful in understanding impacts and trends.

During the fall SUU took four days and used eight students to monitor Reserve trails. They focused on desired conditions and used them to create data collection forms which were used to collect data every half mile on each trail. They took GPS coordinates and photos of all visual disturbances. If there were more than five visual disturbances within a trail, it was marked red or severe. This helped determine the severity of impacts. They monitored 29 trails and measured 40 intervals.

Standardizing trail width was challenging because it was hard to take the exact same measurements at the same place each time the trail was hiked. They measured trail widths of single-track trails, but not on the old roads. They also gathered information about off-trail impacts such as whether or not the unauthorized trail was known, if it was an established trail, if it disturbed cryptobiotic soil, and the severity of the impacts. In some places they found that users would alter their behavior off the authorized trail to navigate around erosion problems.

They categorized the data into types of uses, dominant vegetation, trail width, erosion, etc and each half mile mark was given a severity rating along with field notes. One student, Ashely, was assigned to look through the photos from all the trails and verify the severity rating.

On page eight of exhibit 3-a-1 Nick showed the initial results for each trail monitored. The database shows the trail names, the number of visual disturbances, the number of nodes (gathering areas) and the ratings given by Ashley and the trail monitor. The severe ratings were usually given to trails that were closer to urban areas.

Chair McLuckie asked if there is a way to compare the trail width of SUU's data with Northern Arizona University's (NAU) data. Briget replied that NAU's data shows a general trend by giving an average for the whole trail instead of a single point. She can compare the data of whole trail averages. Cameron Rognan added that NAU's data isn't specific or detailed enough to define exact numbers, but is better at showing possible trends.

Briget stated that differences in the fall verses the spring monitoring was mostly due to erosion from rain storms. Nick added that erosion was taken into consideration. He reported that the beginning of trails seemed wider as people gather near their vehicles. On page 12 of exhibit 3-a-1 SUU students offered suggestions that would be helpful such as more kiosks or signage with information and history about the area, updated maps, and more patrol on the trails with severe impacts.

The Mill Creek area showed a lot of equestrian use. The equestrians have chosen to create many side trails in softer sand. In other places near neighborhoods like Paradise Canyon there were also many illegal trails including ones coming out of people's backyards. Although Toe trail didn't seem to have many spur trails from backyards, there were still many illegal trails along the way and it ended up with a severe rating mostly due to erosion. She has typically found that when a trail is near a neighborhood there are more impacts. Each neighborhood seemed to have different impacts from the types of users that often access the area. Nick concluded that a final report with a map including severity line segments will be available by February 15, 2014.

Briget explained that she teaches a number of classes that could be involved with monitoring in the Reserve. She looked at the Reserve's plan and desired conditions and was able to provide a service learning opportunity for her Policy and Planning class.

She taught her students to see how management looks at conditions from a social and an environmental aspect. Her Policy and Planning class is taught every other fall and goes hand in hand with her Interpretation class which experiments with severe areas and tries to solve problems. She also teaches a Senior Seminar class every spring for Outdoor Recreation students who work on problem solving and analyzing data. Briget feels there are a number of hands on projects she could assign to her different classes that could provide the Reserve with their desired data. She is trying to figure out how much is possible. A map will be created with half mile intervals and she may be able to involve GIS students.

**b. Discussion of SUU's human impact monitoring project within the Reserve and consideration of how to proceed with human impact monitoring.**

Cameron reported that SUU is monitoring the lowland zone trails and we can decide later if it is necessary for them to monitor the upland zone as well. It would probably show that trails are not being disturbed as heavily as in the lowland zone. People are allowed to wander off trail in the upland zone so off-trail use is expected but the BLM's planning process may change some of that. The TC felt that monitoring the upland zone every two years might be an option. Briget added there are many routes in the upland zone besides trails and it would be interesting to see if those change at all.

Nick stated that he personally monitored the Middleton Powerline trail and didn't see many impacts. Kristen Comella asked if Briget went on the Scout Cave trail. Briget did and stated that the first part of the trail has more of a severity rating but the more remote segments did not. Johnson Canyon has rocks lining the trail and people are real good about staying on the trail until the gathering point at the end.

Kristen wanted to know if Briget can continue what she has been doing and expand further. Briget replied that SUU will need to hire a student to facilitate the coordination and the GIS. She feels it is a great partnership and wants to look for opportunities for students to be responsible. She is figuring out how to make the follow-through actually happen and would prefer to create an opportunity for the students to help for multiple years. Kristen said there are a lot of exciting possibilities, multiple spinoffs and a lot of value to have SUU continue monitoring. She would like Briget to come up with a cost figure to effectively run the program long term.

Briget added she is responsible for overseeing the Intergovernmental Internship Cooperative which hires interns and places them in public lands. SUU is developing a partnership with Dixie State University which means there could also be involvement from DSU biology students.

Cameron said it would be useful for all the different agencies to look at specific trails they would like to target for a project and allow SUU students to do the work. Kristen stated that Snow Canyon State Park is looking for trail stabilization crews and could use SUU's help.

Nathan felt that for this monitoring data to mean anything it will need to be done for more than one year and the interval points need to be established and sampled yearly with the exact same methodology. Briget stated that SUU can download the segments that have been collected and track specific areas. Future students will have an on-ground comparison and will know when they are on the same track as the year before.

Kristen asked if there is a way to merge NAU's data so that NAU's hard work and information is not lost. Briget can and stated it would be best to look at the information trail by trail. Tim Croissant said it is important to have consistency, especially since different people will be on different trails. Briget agreed and recapped the reason SUU created their data form. Before any monitoring is started she has the class meet together on a trail and go through the data form while walking the first half mile to collect the same data. The photos taken help provide consistency and one person has the responsibility to look through all the photos for erosion, visual disturbances, etc. Tim added that even with GPS, the BLM has at times marked both sides of the trail where they want to monitor because even ten feet can show a significant difference in width.

Bob Sandberg felt that SUU has made a very good start and would like to see SUU continue their efforts. The TC would like Briget to come up with a five year proposal.

**MOTION** by Kristen Comella to have Briget Eastep with SUU come up with a five year proposal with cost estimates for trail monitoring in the Reserve.

Seconded by Cameron Rognan.

Discussion: None.

Vote was taken: All voted aye.

Kristen commented that the five year proposal starts now and moves forward. Briget responded she will add in the proposal what it will take to look at NAU's information trail by trail. Chair McLuckie felt concerned that the old roads are not having their trail widths taken. Briget replied that the trail widths were taken in the spring but not fall. Bob felt that once Briget comes up with her final 2013 report it would be good to make a presentation to the HCAC and invite the BLM to become involved.

- c. Review and revisit the Restoration and Rehabilitation Plan for the Ivins Detention Basin, and consideration of how to incorporate and fence some acreage located near 200 East in Ivins into the Reserve.**

Kristen Comella explained a mitigation measure Ivins City agreed upon when they built their new detention basin which included fencing of six acres of their property on the side of Red Mountain near 200 East into the Reserve. The Reserve's fence line in that area took a significant hit from floods over a year ago. Instead of installing a new fence, Justin Neighbor patched the fence while waiting for Ivins to include their fenced acreage. The current fence line will go away when Ivins brings more property into the Reserve. Right now we either need to make a sturdy fence or make sure Ivins upholds their mitigation responsibilities.

Ivins had a fairly detailed mitigation plan put together and Bob Sandberg explained that at one point the line was staked and the fence was ready to be built. It appears that residences have encroached into the identified Ivins City land that is supposed to be fenced into the Reserve. Residents and their attorneys went to a city council meeting. Bob added the city had also staked the line such that they were going to fence more property than was required. Ivins realized they had problems and halted the project. Chair McLuckie reiterated that the perimeter fence around the six identified acres is where properties have been trespassing into the Reserve. She suggested that Bob follow up with Ivins City.

Cameron reported the fence still has a lot of damage. It would be nice if a new fence was put up by the city, adding more property to the Reserve because then we wouldn't have to fix the old damages. The TC discussed the possibility that Ivins may not have to fence the property. If they are not legally bound then it would be good for the HCP to fence it. There may be a separate plan pertaining to that.

**d. Consideration of HCP Administrator's assignment to make a recommendation to the HCAC about spending Other Species money to purchase water rights in Confluence Park from the VRLPA.**

Chair McLuckie read exhibit 3-d-1, an assignment for the TC. Bob Sandberg explained that LaVerkin City has a water delivery agreement which allows people to purchase on a share basis. A share of water is enough to irrigate an acre of land for a season. People can purchase shares and hold them, buy them or rent them. Gary McKell stated that the majority of people rent the water and pay a monthly delivery fee. Most of the water comes from the Virgin River. The Virgin River Land Preservation Association (VRLPA) purchased water rights in Confluence Park from the private ownership of Terry West. Terry was under the assumption that Confluence Park would continue to be irrigated and would have never sold that ground if he had known that agriculture would be taken away from the Park.

Bob further explained that the property was purchased in three different parcels over time. At one point there was water from these water rights (associated with Confluence Park) that went to the UDWR for in stream flow. All of that has been factored in and was part of the overall in-stream flow agreement with the tributaries and the river. These water rights are still there and are still available. In the process of all the partners that got together and were able to bring Confluence Park into county ownership, VRLPA put up some additional money to make the deal happen. In exchange they kept the water rights, knowing that at some point in time they would be reimbursed for the water and it would come back to the Park for agricultural use.

The Confluence Park master plan calls for these water rights and restoration work which has been happening for the last three years. The County and the UDNR are taking the tamarisk and Russian olive out of the Park and have identified and developed a parking area and trailhead facility. Now the Park needs to get the water back and the fields into production. The hope is to put everything that was once under irrigation back under

irrigation and 30 shares of water may not cover all that is needed. Gary added historically there was alfalfa but the majority was fruit trees.

Bob continued, the master plan doesn't specify what kind of production to have; it just needs to turn the area green. There have been different proposals such as a bee sanctuary, a pasture and alfalfa. Something needs to be done now to reduce weeds, fire hazard and the overall maintenance of the Park. We're assuming we can plant something that's perennial and can be watered throughout the season. Cutting and harvesting or grazing are also options. The master plan and the conservation easement held by the DWR allows for grazing in the fenced areas but anything along the riparian corridor will not be grazed. Livestock has been used to graze both pastures and reduce the fire hazard. The Gordon Wood parcel doesn't have much fence left but that area used to be irrigated and grazed with a pasture on both sides of the river.

Chair McLuckie stated the TC is discussing this topic to make sure that if Other Species money is used that it will benefit other species. Steve Meisner is the Virgin River Program Coordinator and sits on their technical committee (VRPTC). The VRPTC will look at how using water in this way will benefit the native fish in the Creek. This TC will be able to incorporate their recommendation into the council given to the HCAC.

Cameron explained that the irrigation water will again enter the river system after it drains off. Chair McLuckie felt the TC needs to understand how the use of water will specifically benefit other sensitive species or federally listed species. If the water is taken high, past the upper fields then very little water will make it back to the creek. Kristen felt that in-stream flow would have the most impact for other species but if the water is only going to make an open field green, it most likely would not benefit other species.

Gary felt different, when the pond was full of water there were many water fowl there as well as peregrine falcons. Historically everything was flood irrigated and the water that returned to the creek was significant. Cameron added that according to Steve, the native fish would receive benefit from the return of water back to the river because it would have a very good cooling effect on the river's temperature.

Christian Edwards gave an explanation of variables that predict habitat for the flycatcher. First is the distance to water, second is the understory or canopy cover and third is the willow stem count. Flycatchers prefer habitat with standing water. Most flycatcher sites along the Virgin River with thick willow growth are caused from irrigation runoff. He assumes migrants would stop at Confluence Park if there was appropriate habitat. The Park could potentially be turned into flycatcher nesting habitat if there is enough water to support a willow patch and the water would need to be there when the flycatchers are nesting.

There is a potential to fill the upper ponds on the Wood's old property. The water system that comes down off the top is antique and high maintenance. Bob shared some issues, explaining that we can't get grants for pipes if there isn't any water to put

into the pipes and in order to get a grant we would need to have it matched. Also, we have to obtain the water and initially put it into the current pipe system. There are many willow stands that have dried up and died because the land hasn't been irrigated. The cottonwood and willow galleries will have a lot better chance of survival if they have both the creek and the added inflow from the upper fields.

Chair McLuckie asked why the VRLPA kept the water rights. Bob answered that the VRLPA paid roughly double the amount that water is sold for today. They used their operating capital to purchase the water and intended to have it come back to the Park. VRLPA isn't trying to make a profit but they are not in a position to gift the water rights away. They just want to be reimbursed. If VRLPA sold their shares for \$2,000 each they would still be losing money, according to them. VRLPA passed a motion that they are willing to consider an offer for \$1,500-\$2,000/share.

Bob asked the commission for approval to purchase the water rights and was referred to the HCAC who then referred him to the TC. Kristen felt it can be easy to approve spending money for other species but a plan needs to be clearly identified ahead of time how other species would benefit. The committee decided to wait on making a decision until the VRPTC weighs in on this topic.

Cameron said it would be useful for Christian or Steve to give specific examples of how the water will and will not benefit other species. Nathan added that the TC needs to see a direct benefit to either the Virgin River fish or willow flycatcher and if it does directly benefit then it would be a great idea. The other species money comes from the Washington County HCP budget.

The DWR has shown interest in assisting with restoration efforts in Confluence Park. They would like to assist or do their own restoration efforts in the Park. When water is available, the DWR has the manpower and will be ready to help.

Cameron felt that although water fowl doesn't directly impact threatened or endangered species, they will indirectly impact other species that might become listed in the future, like the peregrine falcon. There is a trickledown effect that improving the habitat will improve the conditions. The Park plan allows for improving habitat for species that could become listed in the future. Kristen agreed there is potential for that but continued to feel the TC needs to be careful with their decision. Gary stated there is a lot of other animal use in Confluence Park. Between the beavers and the deer, the Park may lose the Cottonwoods.

**MOTION** by Kristen Comella to have the Virgin River Program look at it and identify more clearly what species would be benefited by the water and come up with a general plan of how that water would be applied. If the Virgin River Program can get something back to us we can blend the two.

Seconded by Gary McKell.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.



**e. Consideration of tentative meeting dates for 2014.**

**MOTION** by Kristen Comella to move the January meeting and to approve the meeting dates for 2014.

**Seconded** by Cameron Rognan.

**Discussion:** None.

**Vote was taken:** All voted aye.

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

Chair McLuckie reported on November 25, 2013 the DWR constructed approximately 600 meters of deer fence at the Turkey Farm. The DWR will be allowing USGS to plant cultivars and to look at different species, how they grow and identify the plant's vigor. Bob reported that Agricultural Research Service (ARS) from Logan did some plantings at Turkey Farm last fall and it would be good if we could get both entities together so that they don't duplicate the same work. Chair McLuckie added that USGS is doing more experimental rigor with their project and ARS doesn't have as much experimentation. She reported that the grasshoppers completely decimated the latest plantings.

Kristen reported that the bench to the north east of the Chuckwalla climbing wall used to be one of the city dump sites. There was some extensive clean up done long ago but there is still a lot of old stuff out there. SCSP is going to initiate a few cleanup activities with multiple volunteers sometime this spring.

Kristen also mentioned that SCSP is looking to bring in some trail crews for trail assessment and planning. This will include trail expansion to complete the Gila trail and some trail stabilization on trails such as Toe trail. The old road bed got hammered with previous rain storms and erosion is such that trail crews will likely need to bring in some small equipment like a bobcat with a small bucket and outside material to help with drainage. Kristen would like a trail crew to come in March; she has three projects lined up. The Gila trail, the Cinder Cone trail assessment (outside RCDR), and lastly, Toe trail. She is looking for funding sources to use the trail crews longer and will confer with Bob and Ann. She will have trail work done in the off season and will follow Utility Development Protocol. Toe trail has no material to work with as it has eroded away.

Bob passed out a map (exhibit 4-a-1) of the parking lot at Pioneer Park. The yellow line shows the Reserve boundaries in the Park. St. George City is proposing to build a permanent restroom facility in place of two porta-potties which would cover a larger footprint. They need to put in an ADA compliant ramp which would clip the corner of the current fence. The fence is outside the Reserve boundary. Marc Mortensen has mentioned that St. George City wants to repave the loop road in Pioneer Park. When the City is ready to move forward the HCP will make sure the TC is aware.

Chair McLuckie stated that awhile ago the TC identified places the city could fence at Pioneer Park. Bob responded that fencing Pioneer Park was tied into mitigation for the intersection at Red Hills Parkway, SR-18 and Snow Canyon Parkway. The city has a mitigation credit for the intersection and is not obligated to complete their mitigation yet. Nathan added that the design of the intersection was less than what was analyzed. The TC talked about using the HCP's fencing budget to complete the project. There are fence gaps in the Park where tortoises can get through and it would be good to fence between different rock features to seal it off. Chair McLuckie said that fencing is a responsibility of the HCP and it needs to be done. This mitigation project was given because it needed to be done but now it's sitting in limbo.

Kristen reported that Rocky Mountain Fencing is completing work on the Tuacahn fence and will put in fence gaps before the spring. The SCSP waterline contract was awarded to Orton Construction. She will coordinate with Cameron for tortoise training. By February 14<sup>th</sup> they will install the waterline adjacent to the roadway and will fence on the habitat side for its length. By April 1<sup>st</sup> they will install a new water tank. A tortoise monitor will be available to do site checks.

## 5. NEXT MEETING DATES

- a. January 22, 2014

The TC decided to reschedule their meeting after the VRPTC has their meeting.

## 6. ADJOURN

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

The meeting was adjourned at 11:45 AM.

Minutes prepared by Amber Stocks