

# 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 **May 27, 2014**.

Committee members present were:

Chris Blake, Chairman	Environmental Organization
John Bramall, Vice Chairman	Mayors Association
Henry Maddux	Utah Dept. of Natural Resources (UDNR)
Bob Sandberg	HCP Administrator
Chris Hart	Local Development
Marc Mortensen	Citizen-at-Large
Larry Crist	U.S. Fish & Wildlife Service (USFWS)

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
Jodi Borgeson	Washington County Attorney's Office
Ashley Gilreath	Citizens for Dixie's Future
Bette Arial	Senator Lee's Office
Eric Holt	Stantec
Lisa Rutherford	Citizen
Paul VanDam	Citizen
Mike Small	Citizens for Dixie's Future

**1. CALL TO ORDER**

Chairman Chris Blake called the meeting to order at 1:05 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 Agenda**
- b. **Review and Approve Regular Meeting Minutes**
  1. **April 22, 2014**
- c. **Next Meeting Date**
  1. **June 24, 2014**
- d. **Declaration of Conflicts of Interest**

Chairman Blake declared his conflict of interest with agenda items 5-a and 5-c due to his involvement with the Virgin River Land Preservation Association.

**MOTION** by John Bramall to approve the consent agenda.

Seconded by Chris Hart.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

**3. PRESENTATIONS**

- a. None

**4. UTILITY AND DEVELOPMENT PROJECTS**

- a. None

**5. GENERAL BUSINESS**

- a. **Update on the Confluence Park water use plan (Bob Sandberg)**

Bob Sandberg reminded the HCAC that they recommended a committee be put together to develop a water use plan for Confluence Park. That committee hasn't met yet; however, Bob has investigated the water use. The Technical Committee (TC) and the Virgin River TC feel that other species would receive the best benefit if the park is flood irrigated. The LaVerkin City ordinance doesn't allow flood irrigation off their system. Bob wondered how much benefit would be given to other species if the water was used in another way to create a pond or something else to raise willows and cottonwoods. The cooling effect of runoff into the streams could be a benefit to the fish.

Henry Maddux wondered how water will be delivered to the fields. Bob answered there is piping in place but the pipe's integrity is questionable. At one point there was a diversion upstream on the LaVerkin Creek that fed the existing pipeline in Confluence Park. That diversion was flooded out in 2005 which raises question where the pipeline is now. The original system was designed for flood irrigation and may not be able to handle a pressurized system for a sprinkler operation. The Gordon Wood property had a sprinkler system set up which is in major need of repair.

Bob stated the first thing that needs to happen is to make the water available before we apply for grants. Grants for the pipeline won't be offered if we don't first have the water rights. John Bramall would like to see the water used in the park. He felt it may be possible to obtain a lease purchase or lease agreement for the water. If the water is leased there are grants available through the Natural Resource Conservation Service

(NRCS). NRCS may give 50% for water system improvements. Perhaps LaVerkin would give an exception and allow for flood irrigation if a valve is installed to restrict the amount of water that can be used. Bob mentioned his discussions with the LaVerkin City attorney who didn't seem very receptive to the idea of an exception. However, there may be a possibility since the property was flood irrigated in the past.

Exhibit 5-a-1 is a letter from the Hurricane City Fire Chief who urges Confluence Park to keep the fields green to reduce the fire hazard. Bob explained that in the past few years a lot of old dead fall and invasive species along the creeks and Virgin River have been removed. Cheat grass and weeds have also been treated and livestock have been put onto the fields to keep the flammable flash fuel down. In spite of all that, the Fire Chief still urges additional work. Chris Hart suggested that Bob take this letter to City Council meetings and ask for their consideration.

**b. Report on HCP Visitor Center outdoor south wall sign or mural (Bob Sandberg)**

During the previous HCAC meeting Lisa Rutherford suggested putting up a sign or mural on the outside wall of the HCP building to advertise the HCP. Bob Sandberg reported that St. George City allows signs on building fronts to be 20% of the wall and side walls can be 10%. Since the HCP building is on a corner, the wall on 100 East can be the "side" at 10% and the wall on Tabernacle Street can be our "front" at 20%. A mural is considered public art and is not a sign. If a mural is put up on the wall it could cover the entire wall. If students are involved in creating something then it would need to be in the fall since schools have dismissed for the summer. If the HCP hires out it could become very expensive.

Marc Mortensen asked if the HCP office uses the entire building or if there are other uses within the building. Bob answered the County uses the entire building for different storage reasons but the HCP is the only department with office space. Marc added there are many artists in southern Utah that could help besides schools.

Bob stated, if the HCP office is going to relocate in the future, the County Commission may not want the HCP to spend much on this. Chris Hart suggested a wall wrap which would allow opportunities for digital art work. Marc added that a wrap wouldn't be permanent and could be taken down. St. George is very conscientious of how the downtown area looks and some serious tact needs to be used. Chris Hart stated a sign or mural is educational and recognition is needed. This is a public relations investment, not just a building identifier. The HCAC wants to see this pursued.

**c. Report on land acquisition efforts, Section 6 grant offer letters, ESMF availability (Bob Sandberg)**

Bob Sandberg reported the HCP has assisted the BLM by surveying parcels identified

as possible land exchanges for Reserve inholdings. Some tortoises were found on the north end of the Warner Valley parcel. No tortoises or tortoise sign was found at the Sand Hollow, Toquerville Bench or Silver Reef parcels (last year the Long Valley was looked at). The HCP also surveyed 80 acres of Mr. Brennan's property inside the Reserve and found four tortoises, multiple dens and other tortoise sign. Mr. Brennan's property remains valuable tortoise habitat in the Reserve.

Bob also reported the HCP acquired Section 6 funds from the state to help with land acquisition of Reserve inholdings. The state sent proposal requests to all property owners within Zone 3 which are due back by May 30<sup>th</sup>. There will be an opening of all the proposals at the DWR office at Quail Lake on June 2<sup>nd</sup>. As part of the Section 6 grant, the HCP applied to the state for Endangered Species Mitigation Funds (ESMF) to help with a match for the Section 6 grant. Henry Maddux indicated that the state legislature approved a carry forward of some money that is not used up by the end of this fiscal year which ends June 30<sup>th</sup>.

The HCP also applied for ESMF funding for 2015 to receive \$100,000 to put towards an additional Section 6 application that was turned in. This additional \$100,000 can be used to facilitate a purchase. The USFWS will decide if we will be awarded this grant. The BLM has been working with our County Attorney's office to come up with an MOU so the County can facilitate anything that may develop with land exchange proposals. The MOU has been finalized and will be put on the Commission's agenda.

**d. Consideration of using HCP funds to facilitate the Section 6 land acquisitions**

Bob Sandberg stated that Greg Hansen with the DWR has been working on the Section 6 request for proposals (agenda item 5-c) to complete the land exchange. There have been questions about facilitating the exchanges with surveys, appraisals and such. Bob asked if the HCP should help facilitate the completion of the Section 6 acquisition which would satisfy the county's commitments.

Larry Crist stated that the biggest remaining thing that needs to be done with this HCP is to take care of the inholdings. Larry supports anything the HCP can do to enhance the ability to acquire inholdings. The HCP renewal will look at our track record of acquiring inholdings within the Reserve. John Bramall is okay using funds to facilitate this but he doesn't want a burden to be placed on the county and he doesn't want impact fees to be raised. Bob stated the county's HCP money can be used for facilitating land acquisition and this would follow the HCP's guidelines.

**MOTION** by Chris Hart to affirm the HCAC is in favor of using HCP funds, amount yet to be determined, to facilitate the Section 6 land acquisitions.

Seconded by Marc Mortensen.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

**e. Discussion and possible action on first quarter 2014 report**

**MOTION** by Chris Hart to accept the first quarter 2014 report

Seconded by John Bramall.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

**f. Technical Committee report (Nathan Brown)**

Cameron Rognan reported for the Technical Committee (TC) in Nathan Brown's absence. The TC discussed a law enforcement fieldtrip to the T-Bone trail. Law enforcement personnel who patrol the Reserve were shown tortoise burrows and tortoise scat so they know what to look out for.

The TC briefly discussed the Winchester Hills south trail connection which is being considered on the new visitor map. BLM representation was not at the TC meeting so no decisions were made; the discussion will continue later on.

Ann McLuckie gave the same DWR tortoise monitoring presentation that was given to the HCAC in April, 2014. The TC discussed the methodology of monitoring and how it compares to monitoring in other recovery units. Monitoring in Utah is a little different than in other parts of the tortoise's range. The TC talked about the possibility of changing the monitoring methods along with the timing and frequency. No decisions were made during the discussion. The TC feels that the way monitoring will be handled in the future should be considered at the time of the HCP renewal.

Chairman Blake asked if the TC is inclined to change monitoring in the future. Cameron stated the frequency could change. Cameron's opinion is that it's important to monitor other areas in this recovery unit, outside of the Reserve, to get an idea what the tortoise population is doing unit wide. Currently we see what is happening in the Reserve but we don't have an idea what is happening outside the Reserve. During the HCP renewal process it would be important to consider whether we want to monitor outside of the Reserve. Cameron is not sure which direction the DWR and FWS wants to go with that.

John Bramall felt that Confluence Park could be developed into optimum habitat for

tortoises or other species by putting in renewable flowering plants and annuals. Cameron stated that Confluence Park has a separate committee which could address such options and could also ask the TC to review.

**g. HCP Administrator's report (Bob Sandberg)**

**1. HCP revenues and expenditures report and discussion**

Bob Sandberg shared exhibit 5-g-1 with the HCAC. He explained that not all impact fees for the quarter are reflected in these financial reports but have since been recorded. The HCP is in good shape and is balancing out between revenues and expenses. The HCAC felt this report can be brought to the committee on the same schedule as the quarterly reports and will be listed as a separate agenda item.

**2. Report on survey of potential mitigation property for UDOT**

Bob reported that over a year ago tortoises were found where the southern parkway will be built and they were left on the BLM property which isn't covered under the HCP. The roadway design was changed to avoid the tortoises but UDOT still needs to mitigate impact for tortoise and poppy and they need to find mitigation property. The HCP agreed to help the BLM and UDOT survey potential mitigation property. Parcels were looked at behind Green Valley that were identified by the BLM as land they would be interested in taking ownership of. UDOT would need to purchase those parcels from SITLA and offer them to the BLM. The HCP staff gave a recommendation to UDOT and UDOT is working with the FWS, BLM and SITLA to come up with an agreement. After the mitigation is complete UDOT should be able to finish the last segment of the southern parkway. Larry Crist explained that UDOT completed a Section 7 consultation with the FWS. Cameron Rognan added UDOT will also be installing a tortoise culvert so tortoises can access both sides of the road.

**3. Report on clearances completed in 2014**

The HCP completed clearances in Hurricane, Stone Cliffs and Winchester Hills. No tortoises were found on any of the clearances.

**4. Report on tortoise translocations in 2014**

Seven tortoises were tested this spring, four tested negative and were translocated. Most were taken to zone 4 and a few went to the Reserve near where they were found. A few juvenile escapees were also released back into the Reserve.

**5. Report on the BLM exchange parcel surveys**

Bob covered this topic under agenda item 5-d.

## 6. Update on the pre-2015 budget planning

The TC will begin the 2015 budget process next month and will make their budget recommendation to the HCAC. Chris Hart asked if there will be money budgeted for the HCP renewal process. Bob replied the HCP does not anticipate spending money on the renewal. Larry Crist added the burden falls mostly upon the FWS who is looking to hire a contractor through the state to help with the renewal. Henry Maddux stated that Larry has assigned funds to the DNR to assist with the contracting process.

Henry further stated that fire continues to be a threat and should be part of the budget discussions, especially habitat restoration post-fire. Bob explained the restoration line-item in the budget and feels there are efforts that can be done to further on-going restoration efforts at Turkey Farm with ARS, USGS and UNLV. Goat grazing was not needed this year but funding needs to be kept available. Larry asked if there are viable projects or technologies that can reduce the areas that have converted to cheat grass. Bob replied there are many challenges to restore this habitat. There is a lot of research going on in other areas but the Mojave Desert seems behind the curve. JBR has done a lot of restoration reclamation work after projects have occurred and we may be able to use those projects to help figure things out. In absence of the goats this year the BLM treated the Cottonwood Road right-of-way by spraying a pre-emergent herbicide plateau to suppress cheat grass germination. It wears off after awhile but helps give the desired plants an advantage over the cheat grass.

John Bramall felt it would be good to have a test plot and plant native plants before and after summer rains. Bob has observed a challenge of getting others to shift their thinking. It is a paradigm shift for researchers in the Great Basin desert who are used to cold season species, we need warm season species. John has noticed Indian rice grass, Siberian wheat grass, brome grasses and buffalo grass do well here. Bob has noticed that some burned areas are growing galleta grass and as time goes on it seems to expand. We need to figure out how to keep the cheat grass and tumbleweeds down so that something else can grow.

Henry stated that if we ever want to try something on a bigger scale, the state has a watershed program that funds habitat restoration and conversion of things like cheat grass to a mix of native and non-native species that do well and are more fire resistant. Many projects are in the \$100,000 range or more. John stated that NRCS was recently allocated \$236 million this year for projects. Henry added the ESMF program has money allocated towards it too. The money is primarily to help fight catastrophic wildfires by turning range and forest back into fire resistant lands. Larry added the key to getting a grant like this is a good restoration proposal.

Chris Hart asked if wildlife protection would come into play in a proposal. Henry answered yes; most of these grants are done for wildlife. If there is something we want to try, even if it's labor intensive or costly, let's try for it. The HCAC feels this is an

essential part of the HCP's success.

**6. PUBLIC COMMENT**

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).

Lisa Rutherford reinforced her idea that the mural on the HCP building's exterior wall is to engage young people in the area and raise their level of awareness. She reminded the HCAC of the Coyote Chalk Art Festival which shows incredible young artists in southern Utah. Their art is very professional and there are some real opportunities to engage kids.

**7. MEMBER REPORTS & REQUEST FOR FUTURE AGENDA ITEMS**

Marc Mortensen would like to have an HCAC fieldtrip to the Desert Garden next month. Chris Hart mentioned there are many who feel a long term HCP building next to the Desert Garden would be a good thing and wants to keep the idea alive. Bob Sandberg explained that the Virgin River Program and the Water Conservancy District haven't been available for a fieldtrip but they will be in June.

Chairman Blake asked if there has been much participation with the SR-18 and Red Hills Parkway intersection project. Bob reported the HCP has been involved with UDOT and the FWS throughout the project and HCP staff has been to the job site multiple times. Eric Holt and his JBR staff have also been there multiple times. The right-of-way is fenced and the HCP will continue to stay involved with the project.

**8. ADJOURN**

**MOTION** by John Bramall to adjourn the meeting.

Seconded by Chris Hart.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

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