

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, **February 14, 2014.**

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

1. CALL TO ORDER

Chair Ann McLuckie noted a quorum existed and called the meeting to order at 11:30 AM.

2. APPROVAL OF MINUTES

a. January 22, 2014

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

3. GENERAL BUSINESS

a. Consideration of TC chair and vice chair positions for 2014.

MOTION by Cameron Rognan to nominate Nathan Brown as chairman and Kristen Comella as vice chairman.
Seconded by Tim Croissant.
Discussion: None.
Vote was taken: All voted aye.
Motion passed.

b. Consideration of Green Springs trail reconfiguration proposal.

The TC continued a discussion from the January 2014 meeting, agenda item 3-b. Exhibit 3-b-1 is a map showing future residential developments and the trailhead realignment proposal at Green Springs. Chair McLuckie felt concerned that Washington City is requiring the developer to create a five lane road with the idea that there will be a northern corridor. The TC felt concerned with a five lane road which could dead end at the Reserve boundary. They felt the Reserve fence could be compromised more often.

Option #1 on the exhibit would leave the existing Cottontail trail as is. Option #2 would be used as a possible access point from a large road. Option #3 would provide direct access to the Ice House and Mustang Pass trails. Public parking would be provided and a gate would be installed for city vehicles to service. It would accommodate cyclists and walkers better than the other options.

The TC felt best about the third option. The developer seemed willing to make available four or five parking stalls along with angling the trail toward the existing road so that people don't end up with individual access from their backyards. The city master plan shows a paved trail from a park below. Option #3 is the most compact of all and could more easily accommodate walkers and bikers. The TC would like to see the current Cottontail trail rehabilitated.

Bob Sandberg stated that on the current Reserve map a trail shows up alongside the west of the Green Springs development. The trail goes through private property and is not an authorized trail anymore but people still try to use it.

The BLM felt some concern with Option #3 being too close to the Mill Creek trailhead. The BLM doesn't want another trailhead to compete with Mill Creek. However, when looking at it on site, the two trailheads will not be connected. People who get on the Mill Creek trailhead typically access other trails and don't go to Ice House or Mustang Pass.

MOTION by Kristen Comella to authorize trailhead option #3 with the conditions that 1) the developer provides public parking stalls adjacent to their open space, 2) a gate is provided for city vehicles to access water wells, 3) there is creation of a new trail leading up to the existing road, 4) Jim Rains works with the city to see if they can amend the master trail plan to remove the piece leading up to trailhead #1 and 5) the current trailhead stepover and access point is eliminated and the trail is rehabilitated.

Seconded by Gary McKell.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

c. 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 Virgin River Land Preservation Association.

Chair McLuckie showed exhibit 3-c-1, a letter from the Virgin River Program Technical Committee (VRPTC). The letter basically says that the wildlife benefit is dependent upon how much water is returned to the river and whether there is flood irrigation so that a wetland area could be created for the southwest flycatcher.

Kristen Comella felt that the TC assignment and the letter from the VRPTC focused on flood irrigation. She doesn't feel comfortable spending money from the other species account since she doesn't see the benefits clearly outlined and doesn't see a connection to Other Species.

The TC discussed the way water was used on the Gordon Woods property with flood irrigation from his pond and sprinklers on the lower end. They further discussed what it might cost to install pipeline. The LaVerkin Irrigation Water Department has allowable uses for water and owns the old infrastructure from the LaVerkin Bench Canal Company. LaVerkin runs both irrigation and culinary water and requires those who purchase water to provide their own infrastructure to deliver the water where desired.

Nathan Brown felt that using water in Confluence Park would benefit a host of species. Water is hard to get and can be used in the park system. He felt it would be wise to purchase the water rights at the current price especially since we don't want to lose this opportunity. The way the water will be used is more complicated. Nathan recommended that the HCAC work with the VRP and the Washington County HCP Administration to develop a water management plan. The plan should demonstrate how water will be used and the process to optimize benefits to native and game species using necessary methods which may include flood irrigation.

Bob Sandberg explained that the Confluence Park Master Plan says that we will restore and create a nature park. The historical uses will be preserved and water will be put back on the fields. The plan also talks about irrigating fields and raising crops (specifically alfalfa, corn, etc.). If water is purchased for the park it needs to follow this plan. Bob felt it would be a great benefit to the whole system and would help insulate the park against the fire hazard that exists.

Cameron Rognan stated that the other species account is for any species that can be listed in the future. He felt that obtaining and using the water would be a great benefit overall. Even though it's hard to quantify the direct benefits to the listed fish and flycatcher, the benefits can expand to other species which may not be on the threatened or sensitive list. The Washington County HCP provided money to help purchase the park property and the county tasked the HCP with administering the park as well. Nathan felt that if the county, separate from the HCP funds, wants to purchase the water rights to flood irrigate, they can do so but not with money generated from threatened, sensitive and endangered species. It would be inappropriate to use this money if flood irrigating for alfalfa was truly the purpose of purchasing the water rights.

If there is a plan that can demonstrate how this water can be used to meet the park's needs and those of native species fish and flycatchers then it would be a great idea.

Kristen felt there would be negligible in-stream flow. She feels it unwise to purchase water rights with other species money with no plan and no guarantee in place other than putting agricultural fields into use. Nathan stated the water rights shouldn't be purchased just for the use of flood irrigation. Once a water management plan is in place, the HCAC can task the TC to look at the plan and decide whether or not the water rights should be purchased.

Right now the water is going down the river. Once the water rights are sold, water will be taken out of the river. If the HCP administration has control over where the water goes, they will be able to use the water effectively to benefit other species.

Jodi Borgeson pointed out the HCP document specifically mentions 38 candidate and state sensitive species. The term "other species" isn't just for certain species like the fish or flycatcher. A candidate species is any that could be considered as threatened or endangered. Chair McLuckie added that "other species" are federally listed and candidate species.

Bob reminded the TC that other species money was used in the past to help build the DWR building. Tim Croissant stated that if the river temperature drops because of shade it could cause a greater benefit to the fish than just the flow of water.

MOTION by Nathan Brown to not recommend the HCAC to use Other Species money to buy water rights at this time, but that the HCAC recommends to the Virgin River Program that it works with its cooperators, (specifically the Washington County HCP administration and Technical Committee, the UDNR and the Confluence Park Committee) to develop a plan on how these water rights would be used to meet the needs of the county and maximize benefits to the native endangered species of listed fish in the river, the Southwest Yellow Flycatcher, and other game and wildlife species in Confluence Park. Flood irrigation certainly could be used as the method in that plan, pending there would be a review process of the plan and the HCP and HCAC would work together with the County to determine whether we should purchase the water rights or not.

Seconded by Kristen Comella.

Discussion: Cameron Rognan stated that the DWR owns the easement on the property and will have control over how the water is used. He thinks the DWR will push for the best benefit for the wildlife. Cameron felt that water will benefit the species and feels ready to buy the water rights now and coordinate with the DWR's easement and their recommendations in how to use the water. Purchasing the water rights is one of the best uses for this money and is a direct benefit to wildlife on the ground. Ann said the water is in the River right now and we'll be diverting the water from it. Kristen feels that keeping the water in the river is the best thing for the Virgin River fish.

Cameron stated that if the water rights are not purchased we cannot guarantee how those rights will be used in the future and they may eventually be purchased by another entity and put to use in a manner that removes them entirely from the river. Gary McKell agreed with Cameron that all wildlife in the Park will benefit from the water. Gary has seen the Park when it was flood irrigated for a pasture and it was a lot better for the wildlife.

Vote was taken: Tim Croissant, Nathan Brown, Kristen Comella, Ann McLuckie voted aye. Dissenting: Cameron Rognan and Gary McKell.

Motion passed.

Nate reiterated he advocates obtaining the water rights as quickly as possible.

d. Report on the Sons of the Utah Pioneers proposal to place a monument within the Reserve.

Cameron Rognan hiked Owens Loop with an older gentleman from the Sons of the Utah Pioneers who wants to place an educational monument for the Tabernacle Quarry on the trail. He would like to see a sticker of some sort on a trail marker letting people know that the monument is there.

He has another idea of placing the monument at the quarry site outside of the Reserve boundary, by the golf course. If he places it by the golf course then he may ask the TC for a trail in the Reserve which could lead people to the monument.

On Owens Loop, the small metal monument would be placed at the end of the trail, about a mile in. Materials for the monument would be carried in and the monument would be put in by hand use only. Kristen wanted to make sure that the TC is not opening up an opportunity for other monument proposals such as for untimely deaths.

MOTION by Nathan Brown to approved the monument on Owens Loop as long as coordination is made with the Washington County HCP administration and all materials are carried out by hand.

Seconded by Cameron Rognan.

Discussion: The monument will be placed on St. George City property (with their approval) and will be on slick rock; no tortoise habitat will be harmed.

Vote was taken: All voted aye.

Motion passed.

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

Chair McLuckie passed out exhibit 4-a-1, a DWR tortoise road mortality report for the TC to review. There were two deaths in 2013 along Tuacahn Road. The report is based on anecdotal observations collected through a variety of sources and the data is somewhat biased in the sense that later years have more people present and better reporting abilities. Chair McLuckie felt it is more difficult than anyone realized to

maintain fences, keep culverts clear and gaps filled in.

Kristen reported that the law enforcement personnel in SCSP has retired. Currently, the park does not have law enforcement. The position has been advertised to all personnel whether they are law enforcement or not. There is a possibility that the park will end up with a seasonal deputy during the peak seasons. The state department is moving away from having law enforcement in state parks.

Chair McLuckie continued with her report. The Red Cliffs Recreation campground road has a range fence without any tortoise mesh. At the time the fence was built, the Reserve did not exist on the east side of the road. Nathan stated that the BLM is going to do some maintenance along the road and will impact 0.1 acres of tortoise habitat. Upon investigation, the 840 acres to the east of the road is not technically part of the Reserve but will certainly become part during the renewal process and may even generate more *take* for the county. The TC and HCAC voted on it years ago but there was never an amendment made to the FWS permit. Cameron stated that by fencing the road, the tortoises on the west side would be excluded from the east 840 acres. The tortoise density is so low that a tortoise fence may not be needed. Tim stated that the BLM may place a contact station on that road which would bring more presence to the area and slow vehicles down. The BLM may also install speed bumps.

Nathan reported that Ivins is going to have geotechnical testing done along the Ivins Toe dam. They will drive along the dam to survey and will work with the HCP. Cameron Rognan stated that if the work load is large then the HCP will request assistance from another source like JBR. Kristen would like to have SCSP put up educational signs for the public when the testing occurs.

Nathan reported there was a motion to dismiss filed on Jim Doyle's lawsuit. We will wait to see what the district judge says.

There will be a Recovery Implementation Team meeting in March to present the draft recovery actions to the public.

5. NEXT MEETING DATES

a. **March 13, 2014**

6. ADJOURN

<p><u>MOTION</u> by Gary McKell to adjourn. <u>Seconded</u> by Cameron Rognan. <u>Discussion</u>: None. <u>Vote was taken</u>: All voted aye. <u>Motion passed</u>.</p>
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The meeting was adjourned at 12:40 PM.
 Minutes prepared by Amber Stocks.