

HABITAT CONSERVATION TECHNICAL COMMITTEE
for the Washington County Habitat Conservation Plan (HCP)

A regular meeting of the Habitat Conservation Technical Committee (TC) was held remotely using Zoom on **February 8, 2024.**

Members present:

John Kellam
Danielle Costantini
Mike Schijf
Ron Torgerson
Sarah Seegert

Bureau of Land Management (BLM)
U.S. Fish & Wildlife Service (USFWS)
Washington County HCP Biologist
SITLA, Local Biologist
Utah Division of Natural Resources (UDNR)

Members excused:

Elaine York

Nature Conservancy, Biologist-at-Large

Also present were:

Cameron Rognan
Ranee Sanders
Steven Scott
Ryan Thomas
Debi Turner

Washington County HCP Administrator
Washington County HCP Executive Assistant
Washington County Attorney
DSG Engineering

1. CALL TO ORDER

Cameron Rognan noted a quorum existed and called the meeting to order at 9:00.

2. APPROVAL OF MINUTES

a. January 11, 2021

Page 4, Paragraph 2, Sentence 4:

Change from: "It seemed to him *like* the TC is being asked to potentially vote on a project without all the facts laid out."

Change to: "It seemed to him *that* the TC is being asked to potentially vote on a project without all the facts laid out."

MOTION by: Mike Schijf

Seconded: Danielle Costantini

Discussion: To approve the minutes with the approved changes.

Vote was taken: All voted aye.

Motion passed.

3. GENERAL BUSINESS

a. TC Assignment 1: Re-evaluation of Zone 6 boundary adjustments

Cameron began by reading the TC Assignment (*see Exhibit_3a*).

The 3.5-acre area proposed to be pulled out of the Reserve would be for the Moe's Valley trailhead and a utility road (which would eventually become paved and extend to DiVario). The TC had previously recommended the SITLA 3.8-acre parcel to be added to the Reserve to offset the impacts for this proposal. However, SITLA later rejected that option, leaving the 3.5 fragmented parcel as the only mitigation parcel available to evaluate. There was fresh tortoise sign found on that property (as well as a kit fox sighting during a site visit), and it does have good habitat. There is a caveat that the access would be limited by a culvert because there will be a two-lane road and bike path between the parcel and the Reserve. Areas surrounding that parcel are slated to be developed, but Ryan Thomas confirmed that it would be completely fenced to limit access by humans/pets and to keep the tortoises from escaping from the Reserve.

John Kellam expressed concern that if the TC were to make this recommendation, it would set a horrible precedent for fragmented islands being used for mitigation in the future. Cameron responded that he knows that this is a unique situation, and all those concerns should be identified in the spreadsheet. The parcel being pulled out of the Reserve is a utility road and isn't good habitat. There are benefits in fencing that road out of the Reserve and preventing tortoise road mortalities.

Mike Schijf generally agreed that adding a fragmented piece for mitigation is obviously not ideal. However, in this instance he thought that it is justifiable due to the low habitat quality and lack of tortoise sign on the removal piece during the survey. If it would have been a loss of high quality habitat, he wouldn't have thought it would have been an adequate proposal. However, that is not the case with this proposal so there is a need to take everything into consideration.

The tortoise culvert would need to be 3'-6'. John suggested a box culvert, as has been successfully used for wildlife crossings in other areas. If the culvert is too big, people will use it, which Cameron cautioned against. Mike thought upwards of 6' would be best, allowing for other wildlife (such as the kit fox) to also use it for passage.

Sarah Seegert expressed discomfort of setting a precedent for including non-contiguous and fragmented parcels as part of the Reserve. She understood that this might be unique case, but urged the TC to be pretty clear about what cases that would be acceptable. Additionally, she wondered who would be responsible for maintaining the fence and the culvert, as well as monitoring the culvert to make sure that its working in the way that we think it would.

Mike responded that the HCP did include a general acknowledgement of Sarah's concerns in the drafted *summary of net outcomes*. He suggested that it would be acceptable to ask the project proponent for ongoing maintenance of both the fence and making sure the culvert is clear of debris. It does appear that tortoises are more likely to use culverts that are totally clear with daylight visible through them. He also thought it would be important to acknowledge that this would represent an unusual situation that is not ideal, but given the habitat quality that is being removed it can be justifiable.

Cameron said that he had included under *other recommended conservation measures* that the County would commit to installing game cameras on the culvert and monitor it for at least 2 years. Sarah wondered, what would happen if the culvert is monitored and found that tortoises are not using it, is there any room for requesting modification to the culvert to make it better for tortoise use? Cameron responded that nothing like that has been proposed at this point. John appreciated the HCP's offer to monitor the culvert, but worried that the findings could be later used as justification for other/future fragmented mitigation parcels being approved.

Sarah wondered if there was any additional USFWS guidance that she could look at for the criteria that justifies acceptable mitigation. She was directed to the last paragraph at the end of the evaluation spreadsheet, as well as the UFSWS letter (*included in exhibit 3a*). She was encouraged to pay special attention to bullet #1 at the end of page two of that document.

Ron Torgerson wondered if the TC were to accept the mitigation parcel, if it could be seen as a temporary mitigation until/if SITLA land could be exchanged for BLM land in the future. He said that there is a statewide need for land exchanges, and perhaps this habitat could be secured upon contingencies for the future. Cameron responded that that was how this was initially being seen when SITLA was willing to have their parcel included in the Reserve, but the current mitigation piece is owned by the developer and he didn't think there would be any need to do any exchange. He also doubted that the BLM would be interested. Realistically it would stay in ownership of the developer and have an easement placed that there will be no building or development on that parcel.

John wondered, if that fragmented piece were added to the Reserve boundary, under the language in the amended HCP, is there a potential that the BLM would be on the hook for trying to acquire it? Cameron responded, "not necessarily". The developer will know of the restrictions and can decide what to do with it. If they want to sell it to BLM, that would be fine, but he didn't know that there would be a need for that to occur. John said that the BLM does everything they can to avoid isolated chunks of land, in fact, they try to dispose of those parcels. He was curious, because in the language of

the HCP it says BLM is required to purchase land in the Reserve. Cameron responded that that is more in reference to SITLA and private landowners who want to get out, not developers going in with the knowledge that it won't be developed.

Cameron said that this decision doesn't have to be a consensus. Members can have their own opinions and viewpoints on how this should be seen, and there is a space at the bottom under *TC member evaluations* for TC members who feel that this should be considered slightly differently. The TC should fill the sheet out as accurately as possible, capturing all of the good and bad in the proposal so that when it is delivered to the HCAC they will have all the information they need to make their recommendation back to the County.

The TC then worked on reviewing and updating the evaluation form together. Their discussion is reflected on the completed spreadsheet which is included in the exhibit. Any members who had any independent comments (if any) were invited to send them in to be included for the HCAC's review.

MOTION by: Mike Schijf

Seconded: Danielle Costantini

Discussion: To present the TC evaluation form to the HCAC as the TC's formal recommendation on this project and its corresponding mitigation area, and to emphasize that this is an exceptional circumstance.

Vote was taken: All voted aye.

Motion passed.

b. Continuation of RCDR Habitat Fire Management Guidelines & addition of comprehensive fire management plan

The past month proved to be a busy one with other priorities taking precedence. Mike still intends to put together a template to be sent out to the TC members to review and collaborate on via-email prior to the March meeting. He is hopeful to have something ready to pull up on the screen at the next meeting and finalize it as the 5-10-year plan.

John also committed to implementing language into the HMP to include language for the Integrated Weed Management document by the next meeting. He intends to finalize his revisions and send the document the TC members in the next few days for their review.

MOTION by: John Kellam

Seconded: Sarah Seegert

Discussion: To table the discussion until the March meeting. In the meantime, Mike is to prepare information that the TC can deliberate and comment on via email, then later discuss at the next meeting.

Vote was taken: All voted aye.

Motion passed.

4. ADMINISTRATOR UPDATES

a. Update on Cottonwood road culverts & fencing in Zone 6

Cameron had previously mentioned that he was going to try and get a few culverts installed on Cottonwood Rd. However, it has proved to be more challenging given all the activities going on with the SEIS. The County has decided to take a pause and step back and see how that is resolved prior to moving forward with the culvert installation.

b. Weeds management at Middleton Power line & Mill Creek

Cameron thanked Mike, John, the city, and the Fire Warden for their efforts in a project to pile up the tumbleweeds accumulating along the power line. Many of those tumble weeds were burned a couple days ago, but due to the rains, they will need to burn the remaining tumbleweeds once they dry out.

Mike added that the Fire Warden reported that they made it about a mile in working from the East to the West from Mill Creek up towards Cottonwood Road along the Middleton power lines. There are still a number of piles that need to be burned, but the conditions need to be just right for that to happen. The fire warden will inform Mike when they are able to get back out there and finish burning those piles.

c. Raven workgroup update

Danielle reported that since spring of last year, and at the direction of the HCAC, a sub-team have been meeting monthly to work on a raven management strategy and a draft depredation permit from USFWS Migratory Birds office. This month the group has worked toward a final permit draft, which includes 2024 actions of adding up to 21 nests that are within 2 kilometers of the Reserve on non-federal lands. There is a complete list of 40 nesting territories that have been prioritized into actions this year. Potential actions outside of the Reserve have also been identified given available resources, funding, and timelines. The third priority would be nesting territories on NCA lands in the Reserve, which would require additional NEPA. The draft permit is now circulating through FWS leadership as well as with Russell Norvell (UDWR) for last minute questions/comments/thoughts. The hope is to submit it before the end of this month, and to get the permit in process and begin actions in April. Danielle is happy to share the draft permit with anyone on the TC who would like to see it.

5. NEXT MEETING DATES

- a. Possible dates/times remaining for the year, as needed: 3/14/24 (9:00 a.m.), 4/11/24 (1:00 p.m.), 5/9/24 (1:00 p.m.), 6/13/24 (1:00 p.m.), 7/11/24 (9:00 a.m.), 8/8/24 (9:00 a.m.), 9/12/24 (9:00 a.m.), 10/10/24 (9:00 a.m.), 11/14/24 (9:00 a.m.), & 12/12/24 (9:00 a.m.).

March 14th occurs during the Washington County School Districts' spring break. Cameron suggested to reschedule the meeting to the 7th or 21st. The 21st didn't seem to be a good date for several of the members so it was decided that the HCP office would send out a doodle poll to determine the date for the next meeting.

6. ADJOURN

MOTION by: Mike Schijf

Seconded by: Sarah Seegert

Discussion: To adjourn the meeting.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 10:15.
Minutes prepared by Randee Sanders.