

AMENDMENT TO WASHINGTON COUNTY, UTAH HABITAT CONSERVATION
PLAN EXECUTED IN CONJUNCTION WITH THE ISSUANCE OF THE FIRST
EXTENSION OF THE COUNTY’S MOHAVE DESERT TORTOISE INCIDENTAL TAKE
PERMIT

In conjunction with the issuance of the first extension of the Mohave Desert Tortoise Incidental Take Permit issued to Washington County on [date], the Parties to the Washington County, Utah Habitat Conservation Plan Implementation Agreement dated February 23, 1996 (“Implementation Agreement”) desire to amend the Habitat Conservation Plan dated December 1995 (“HCP”) and Implementation Agreement as follows.

RECITALS

1. The purpose of the HCP is to assist in the recovery of the overall Mohave Desert tortoise population and provide for the growing human population in Washington County (*see* HCP at Section 1.5).
2. The County and State need a new transportation corridor that will cross Zone 3 of the Red Cliffs Desert Reserve—a reserve created by the HCP in 1996.
3. Recent studies (*see* Attachment 1, Washington County & UDWR Survey Report: Tortoise abundance on SITLA & BLM lands west of Bloomington & St. George, September 2017) have identified a significant desert tortoise population directly west and northwest of the Bloomington community, and this area (identified by Attachment 2 (Zone 6 Map) and referred to as “Zone 6”) merits inclusion in the Red Cliffs Desert Reserve.
4. Utah School and Institutional Trust Lands Administration (“SITLA”) owns property inside Zone 6 and is willing to include its Zone 6 land in the Red Cliffs Desert Reserve (*see* Attachment 3, [Agreement Between Utah School and Institutional Trust Lands and Washington County Regarding the Inclusion of Land in the Red Cliffs Desert Reserve]).
5. The addition of Zone 6 and the construction of a Washington Parkway as described below will provide a net benefit to the recovery of the Mohave Desert tortoise because, while the Washington Parkway will permanently disturb 147 acres of desert tortoise habitat and will place a permeable barrier that will separate 1,382 acres from the rest of Zone 3, the addition of 6,865 acres of desert tortoise habitat to the Reserve, including 3,218 acres of SITLA land, will provide a net positive impact to the tortoise’s recovery.
6. [Continue recitals with reasons for other changes or updates to the HCP and Implementation Agreement.]

TERMS

NOW THEREFORE, the Parties agree to amend the HCP and Implementation Agreement as follows. (Additions are showed as underlined, deletions are shows as ~~stricken~~.)

I. Amendments to Habitat Conservation Plan

A. Addition of Zone 6

Section 3.3.6 Zone 6 West and Northwest of Bloomington

3.3.6.1 Description

Zone 6 covers the area to the West and Northwest of Bloomington more fully described in Table 3.7 which presents detailed land ownership information for Zone 6 and Figure 3.8 which presents zone boundaries and general ownership. This area entails approximately 6,865 acres, of which 3,527 acres are managed by the BLM (with 2,355 acres managed as a portion of the Red Bluff Area of Critical Environmental Concern (“ACEC”)), and 3,218 acres are owned by SITLA, 78 acres are owned by Utah Department of Transportation (UDOT), 40 acres are privately owned by Bridgeview LLC, and 2 acres are owned by St. George City.

3.3.6.2 Management

Management of Zone 6 will be similar to the management of Zones 2, 3 and 5 of the Reserve. Zone 6 will be managed by the Washington County HCP Department and the BLM St. George Field Office for the preservation and enhancement of the Mojave desert tortoise and other federally listed and candidate species.

Mitigation measures applicable to this Zone include land acquisition, maintaining existing fencing and adding new fencing where needed, law enforcement, and environmental education. Additionally, grazing permits may be acquired and retired on a willing buyer–willing seller basis if it is determined that doing so would benefit the purposes of the HCP.

The following management principles are recommended for Zone 6.

- The BLM seeks mineral withdrawal for federal minerals.
- New utility and water development is allowed consistent with the HCP Utility Development Protocols, attached as Appendix A to the HCP, as amended.
- Maintenance of existing utilities (including access roads), water resources, and road corridors is allowed consistent with the HCP Utility Development Protocols.
- Vehicles are restricted to designated roads.

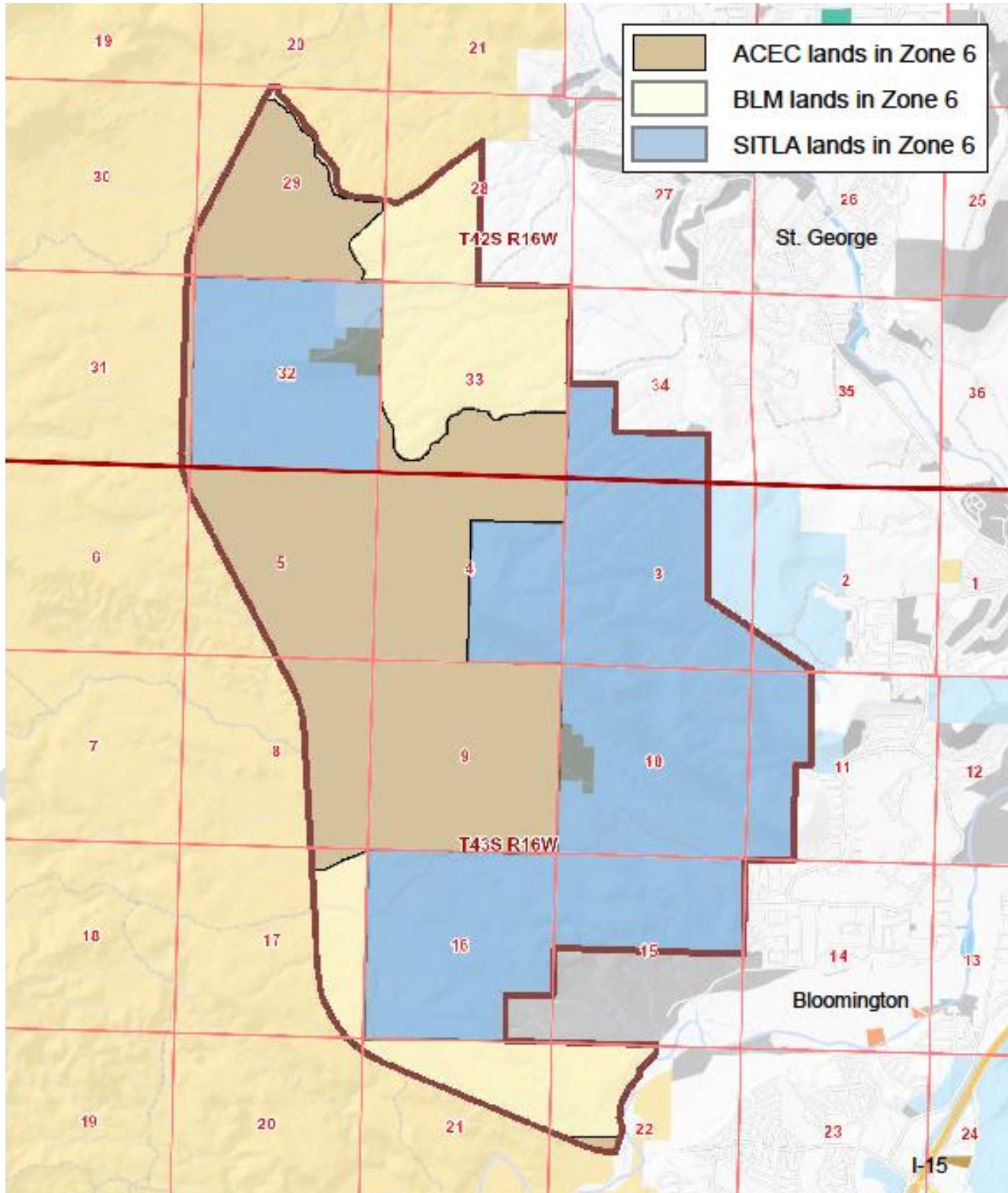
- Expansion of the Bear-Claw Poppy Trailhead and parking area as well as any other trailhead improvements are subject to appropriate approval.
- Creation of a designated camping area at Moe’s Valley, adjacent to the Zen Trail, or other high use areas will be subject to appropriate approval.
- Firefighting is allowed.
- Research that will not negatively influence the desert tortoise or other listed species is allowed.
- Non-consumptive recreation (e.g. hiking, mountain biking, equestrian, rock climbing and OHV travel all on existing, designated trails) is allowed.
- Hunting should be restricted to big game or upland birds during official seasons.
- Desert tortoise translocation is only permitted if authorized under approved translocation projects or recovery plans.

Table 3.7. Parcel Information for Zone 6 of the Reserve

Township	Range	Section	Parcel #	Owner	Acres
42 S	16 W	32	7495	Bridgeview LLC	40
42 S	16 W	32	7495-A-STL	UDOT	38
43 S	16 W	10	7496-A-STL	UDOT	40
42 S	16 W	10	SG-6-3-10-22	St. George City	1
43 S	16 W	3	SG-6-2-3-221	St. George City	1
42 S	16 W	32	7495-TR	State of Utah	563
42 S	16 W	34	SG-7563-TR	State of Utah	160
43 S	16 W	2	SG-7563-TR	State of Utah	25
43 S	16 W	3	SG-7563-TR	State of Utah	525
43 S	16 W	4		State of Utah	240
43 S	16 W	10		State of Utah	600
43 S	16 W	11		State of Utah	185
43 S	16 W	15		State of Utah	320
43 S	16 W	16	7637-TR	State of Utah	600

<u>42 S</u>	<u>16 W</u>	<u>28</u>	<u>BLM</u>	<u>180</u>
<u>42 S</u>	<u>16 W</u>	<u>29</u>	<u>BLM</u>	<u>415</u>
<u>42 S</u>	<u>16 W</u>	<u>30</u>	<u>BLM</u>	<u>5</u>
<u>42 S</u>	<u>16 W</u>	<u>31</u>	<u>BLM</u>	<u>30</u>
<u>42 S</u>	<u>16 W</u>	<u>33</u>	<u>BLM</u>	<u>640</u>
<u>43 S</u>	<u>16 W</u>	<u>4</u>	<u>BLM</u>	<u>400</u>
<u>43 S</u>	<u>16 W</u>	<u>5</u>	<u>BLM</u>	<u>502</u>
<u>43 S</u>	<u>16 W</u>	<u>6</u>	<u>BLM</u>	<u>2</u>
<u>43 S</u>	<u>16 W</u>	<u>8</u>	<u>BLM</u>	<u>230</u>
<u>43 S</u>	<u>16 W</u>	<u>9</u>	<u>BLM</u>	<u>640</u>
<u>43 S</u>	<u>16 W</u>	<u>17</u>	<u>BLM</u>	<u>160</u>
<u>43 S</u>	<u>16 W</u>	<u>20</u>	<u>BLM</u>	<u>2</u>
<u>43 S</u>	<u>16 W</u>	<u>21</u>	<u>BLM</u>	<u>176</u>
<u>43 S</u>	<u>16 W</u>	<u>22</u>	<u>BLM</u>	<u>145</u>

Figure 3.8. Zone 6: West and Northwest of Bloomington



3.3.6.3 Mitigation Credits

The Red Cliffs Desert Reserve, Zone 6 shall provide mitigation credits on an acre for acre basis for future disturbances in the Red Cliffs Desert Reserve as may be necessary under the utility development protocols, the construction of the Washington Parkway, and the development of trails that will minimize recreational impacts to tortoise habitat.

B. Inclusion of Washington Parkway in Zone 3 Management Principles

3.3.3 Zone 3: Core Zone

3.3.3.1 Description

Zone 3 covers the area from Highway 18 on the west to Interstate 15 on the east. Table 3.4 presents detailed land ownership information for Zone 3, and Figure 3.4 presents zone boundaries and general ownership. This area entails 38,541 acres, of which 23,571 are managed by the BLM and 9,927 are managed by the Division of State Lands and Forestry.

3.3.3.2 Management

Zone 3 will be managed by the Dixie Resource Area of the BLM for the preservation and enhancement of the Mojave desert tortoise. The BLM will prepare a management plan for this area. Grazing permits will be acquired and retired on a willing buyer-willing seller basis.

Mitigation measures applicable to this zone include land acquisition; fencing Highway 18, Interstate 15, Skyline Drive, the area around North Washington City, and portions of the area around North St. George; acquisition of grazing permits; law enforcement; HCP financial assistance to the BLM for management purposes; and environmental education. The following management principles are recommended for Zone 3:

- Hiking, equestrian, and camping should be restricted to designated areas.
- The BLM should be requested to apply for mineral withdrawal for Federal minerals.
- No organized or competitive sporting or recreational events should be allowed.
- Grazing permits should be acquired and retired.
- New utility development should be encouraged to be conducted during the winter months when the desert tortoise is not active.
- Hunting should be restricted to big game or upland birds during official seasons.
- Existing governmental uses, such as the City of St. George's pistol range, the debris basin behind City Creek dam, and Pioneer Park should be allowed to continue.

Expansion of use of Pioneer Park outside of the existing developed area will be subject to HCAC approval of a desert tortoise management plan.

- Vehicles should be restricted to designated roads.
- ~~Continuation of present activities associated with the Moroni Feeds Turkey Farm should be permitted but new actions, which the reserve manager reasonably believes may harm the desert tortoise, should not be allowed.~~
- Water development should be allowed consistent with the HCP protocol.³
- Firefighting should be allowed.
- Research which will not negatively influence the desert tortoise should be allowed.
- Non-consumptive recreation (e.g., hiking, birdwatching) should be allowed.
- Maintenance of existing utilities including roads should be allowed.
- Desert tortoise translocation should not be permitted except as authorized under approved translocation projects.
- ~~The eventual reconstruction of Skyline Drive should follow the existing alignment as near as possible except where engineering and/or safety considerations require deviations. Biological review under this HCP will be necessary when deviating from the current alignment. From Skyline Drive, no general public access will be permitted into the reserve, except on designated trails. However, access to Skyline Drive will be available for private landowners until their property is acquired.~~
- The eventual construction of the Washington Parkway as depicted in Figure 3.9⁴ will not conflict with any part of this HCP. Any requirement to mitigate the impact on the Reserve from the new parkway is fulfilled by the addition of Zone 6 to the Reserve and the Zone 6 mitigation measures described in Section 3.3.6.2 and 3.3.6.3.

Figure 3.9 Washington Parkway Alignment in Zone 3

³ The HCP is aware that the City of St. George is considering permanently storing water behind City Creek Dam and constructing a pipeline from the dam to deliver the water. Should this proposal be formally submitted, it will be reviewed according to the protocols contained in this HCP as further explained in the Appendix.

⁴ This configuration may be modified due to further environmental study or if further engineering shows the portion of the route crossing the reclaimed St. George landfill would be cost prohibitive to build. Any realignment shall not significantly deviate from what is depicted in Figure 3.9.

