

**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, **JULY 12, 2012**

Members present were:

Tim Croissant, Chairperson	Bureau of Land Management (BLM)
Ann McLuckie, Vice Chairperson	Utah Division of Wildlife Resources (UDWR)
Cameron Rognan	Wash Co. Habitat Conservation Plan (HCP)
Gary McKell	Local Biologist
Kristen Comella	Snow Canyon State Park (SCSP)
Renee Chi – conference call	U.S. Fish and Wildlife Service (USFWS)
Nathan Brown - conference call	U.S. Fish and Wildlife Service (USFWS)

Also present were:

Amber Stocks	Washington County HCP Recorder
Bob Sandberg	Washington County Administrator
Myron Lee	Utah Department of Transportation (UDOT)

**1. CALL TO ORDER**

Chairperson Croissant noted there were at least four voting members present, a quorum existed and the meeting was called to order at 9:30 a.m. with Renee Chi and Nathan Brown participating via conference call.

**2. APPROVAL OF MINUTES**

**a. June 26, 2012**

The following changes were made:

**Page 2, General Business, last paragraph, sentence 4: added,**

From: “Before the fire fighters began, Chairperson Croissant briefed them...”

To: “Before the fire fighters began on the second day of suppression, Chairperson Croissant briefed them...”

**Page 3, paragraph 2, sentence 4: added,**

From: “Chairperson Croissant was able to listen to the radio unit communications and he drove Babylon Road a few times to monitor the traffic.”

To: “Chairperson Croissant was able to listen to the radio unit communications and he drove Babylon Road a few times to monitor the vehicle traffic.”

**Page 3, paragraph 2, sentence 3: changed,**

From: “~~The TC didn’t think~~ there was any cross contamination.”

To: “Some members thought it was unlikely there was any cross contamination.”

**Page 6, paragraph 6, sentence 2: changed,**

From: “Ann McLuckie mentioned that Reed Harris had ~~stated the HCP should more actively aid recovery of tortoises.~~”

To: “Ann McLuckie mentioned that Reed Harris had concerns about the amount of money in the HCP fund and he would like it to be used for the recovery of tortoises.”

**Page 7, paragraph 1, sentence 2: changed,**

From: “During the last TC meeting the TC discussed having more formal ~~actions.~~”

To: “During the last TC meeting the TC discussed having more formal assignments, recommendations and HCAC actions.”

**Page 7, paragraph 1, sentence 4 and 5: changed,**

From: “~~Kristen stated she feels~~ their silence was an approval to continue the project. Bob Sandberg stated that is ~~probably~~ the case.”

To: “Kristen asked if their silence was an approval to continue the project. Bob Sandberg stated that is the case.”

**MOTION** by Kristen Comella to approve the minutes as amended.

Seconded by Gary McKell.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

**3. GENERAL BUSINESS****a. Leeds Fire Update**

Exhibit 3-a-1 shows where the Quail fire burned. Chairperson Croissant reported that the burned area has been surveyed for tortoises; a live tortoise and a couple of dens were found. Chairperson Croissant and Dawna Ferris-Rowley, the BLM manager, are working with Melanie Mendenhall in the Color Country District office on an Emergency Stabilization and Rehabilitation (ES&R) plan.

The BLM will perform an intensive treatment in a small area where the tortoise was found. Hand crews will rake in seed to improve germination and they may also scatter seed balls to help stabilize the area. In the remaining areas a standard treatment is preferred using aerial application of herbicide followed by aerial re-seeding with native species. In most BLM areas non-native seeds will be included in the seed mix.

Chairperson Croissant completed a document of NEPA adequacy (DNA) shown in exhibit 3-a-2. The DNA authorizes many seed species that probably won't get funded through the ES&R. The herbicide might not be applied because of concerns that the herbicide could suppress the seedlings and reduce recovery. The Arizona Strip has done some recovery work with herbicide and seeding but their success has not been repeated elsewhere.

From the date the fire was contained there are 21 days to submit a proposal for funding. The ES&R focuses on stabilization; a short term fix. There is concern with some of the species in the seed mix because the ES&R doesn't see them as short term stabilization. The ES&R is more concerned with preventing mudslides and focusing on erosion control.

Non-native seeds such as intermediate wheat grass and crested wheat grass might be used. Renee Chi stated there have been misgivings about crested wheat grass. Renee suggested finding something in this desert tortoise critical habitat that's not so incredibly dominant and persistent in the system. Bob Sandberg responded that intermediate wheat grass likely won't even come up. The elevation is too low and the response, if any, will be very low and will not dominate or make a monoculture.

Ann McLuckie advised that big galletta is a good plant because it responds well in fires and comes back quickly. Renee asked what the chances are for the TC to provide alternative suggestions on the seed mix. Chairperson Croissant answered that he has provided some alternatives such as desert marigold. Desert marigold hasn't been tried by the ES&R and these seeds are the most expensive out of all the seeds chosen.

Kristen Comella suggested running some experiments in little patches and Chairperson Croissant said the intensive treatment area covers an area outside the Reserve and could potentially have some experiments done. Ann added that when experiments are made there needs to be some intensive follow up monitoring, especially when introducing species that could potentially be invasive right on the edge of critical habitat.

Chairman Croissant added this is a unique area for two reasons. It's a National Conservation (NCA) area which gives it distinct status within the BLM and it's desert tortoise critical habitat. These two aspects justify doing things differently and experimenting with seed mixes that normally wouldn't be used because of the expense. Melanie is familiar with the plants on the seed list even though she hasn't worked with some of them. She couldn't justify spending the money on some of the plants until now. The Color Country office suggested using kochia which might be a good plant.

The BLM is not willing to allow kochia in the NCA because there's not enough firm data; it might be too dominant and spread.

Final say on the seed mix comes from the BLM manager, but it might also get tied up in the national office. Bob explained that the national office will look closely at the cost and long term verses short term stabilization. The national office hasn't been willing to spend exorbitant amounts of money for species that are difficult to find and are not on their procurement list. They'll look at funding the species that are available and which they think will work in other situations. Over the past few years the knowledge base has been expanded in desert tortoise habitat but there's still much of the world where the national office can put this mix and it will stabilize. The Mojave Desert is just different and people don't have a good handle on it yet.

Chairperson Croissant added that it's easier to remove seeds from the mix than to add seeds to the mix. The treatment areas will cover 1,338 acres of BLM land. The DNA approved flying the entire area with herbicide and premixed seeds. For about 1,150 acres that will occur. For the remaining 150 acres which has a lot of tortoise sightings and sign, it will have more intensive treatments. This would include raking the seeds in and the DNA leaves it open for other agencies to assist with funding.

Kristen asked if the TC doesn't want specific seeds from the final seed list to be used, is it possible for the HCP to augment those with species that are recommended. It was answered they can be removed and Chairperson Croissant explained that due to time constraints it will be difficult for the TC to review the final seed list. He explained there are two lists, an improved list in the DNA and the list that will be funded. The DNA can be revised later on to acquire seeds through other channels but the revised parts wouldn't be funded by the ES&R. The Color Country office will procure the list and do the contracting. If the FWS objects to any of the seeds, the Color Country office can be contacted and those seeds may be pulled from the list. If desert marigold is too expensive for the ES&R to fund, the HCP can step in and help with funding but it probably wouldn't be spread aurally with the other seed mix.

Bob Sandberg asked Tim to send him a list of the seed species and offered to help with suggestions of plants that would be native or acceptable from a tortoise standpoint and plants that would be successful. The committee discussed side oats gramma and crested wheat grass. Ann suggested that crested wheat grass should be removed from the list as it is a non-native species and shouldn't be used in critical habitat. Bob responded that the TC needs to look at what effect it will have on tortoises. Crested wheat grass has been used before. It hasn't been hugely successful but it's possible it could have enough success to help stabilize the area and compete against cheat grass. Cheat grass will come back and it's certainly non-native. Bob pointed out he'd rather have crested wheat grass than cheat grass because it won't burn like cheat grass will.

Chairperson Croissant concluded that the seeds applied aurally will be extremely inefficient if they're not chained or raked to cover it. He will continue to consult with the FWS. Bob added that when there is a proposal, the TC should weigh in and help

facilitate the consultation with the FWS. The TC's responsibility is to look at and make recommendations on biological impacts and other impacts to tortoises.

**MOTION** by Kristen Comella to have Tim Croissant continue to consult with the FWS and provide plant lists to Bob Sandberg and Ann McLuckie for additional guidance and input.

Seconded by Ann McLuckie.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

Nathan Brown stated a wish list needs to be made with desired seeds since there will be more fires in the future. The TC talked about the very detailed list Bob Douglas put together with variations made based on soil types. It includes a map of the Reserve broken down by soil type and within the soil types there are recommendations of the various species. This list needs to be distributed again so the TC can be up to date on it.

Nathan agreed with Bob about crested wheat grass and felt that it's not bad to have in the seed mix as it could provide structure. Ann replied the revised recovery plan states that non-natives won't be used in NCAs. There are available native plants that will establish like galleta grass. It would be good to focus using native plants that do well. The TC should prioritize the native species higher than the non-natives. Chairperson Croissant added that the recovery plan only gives a strong suggestion. It says "you should not use non-natives", it does not say "you shall not use non-natives".

Cameron Rognan asked how accessible the galleta grass would be. The TC is not sure as it depends on timing and moisture and studies have not been done on it. Ann reiterated that galleta does really well in fires and it comes right back. If the TC can try hard to establish galleta it would be very beneficial. Cameron added if crested wheat grass is used it would be good to put in another plot of galleta to compare how they respond. Bob agreed that galleta would be good to have in the mix as it withstands fire and improves well. He added that in the existing situation, there are non-natives throughout the system like cheat grass. If something can be found that is better than cheat grass and will compete with it, then it will help reduce the fire spread and intensity. Otherwise tortoises and their habitat will continue to be lost.

A seed mix was used after the 2005 fires and there was no response. There were plots and transects to study the success rates and it was found to be unsuccessful without any establishment. When something is planted aerially, it bounces off the ground. If it doesn't get incorporated there is a very low percentage of establishment. Renee added in some cases, even if the seeds are incorporated, the stars still have to align.

Chairperson Croissant stated in the DNA he created another seed layer for supplemental seeding. In 2008 the BLM did an Environmental Assessment (EA) for

emergency stabilization after fires. With every fire, the BLM develops a plan, then the BLM does a DNA to document the plan make sure that it conforms to the 2008 EA.

### **b. Fire Management Update**

Chairperson Croissant stated the BLM is working on an EA for plateau application along some roads and mowing some trailheads and pullouts where tortoises cannot get to. The EA will be limited to the BLM portions of Cottonwood Road, Red Cliffs campground road, Babylon Road, and the Toquerville cutoff road. The shoulders will be sprayed with plateau up to 50 feet off the road surface. The EA will allow spraying the trailheads and commonly used pullouts and mowing 15 feet from the edge of the parking areas. This will help reduce the chance of accidental fires igniting without causing too much damage to tortoise habitat. The EA will be out for review very soon and applications can probably be done this fall.

More wide spread applications can be done fall of 2013 and Paul Briggs (Southwest Utah Fire Management) can help with that, to hash out more complex issues of applications across multi-jurisdictional land areas. A scoping meeting will be made with Dawna Ferris-Rowley (NCA manager) Paul Briggs and the TC after this current fire season is over. The BLM will facilitate the meeting.

A recent five acre fire burned in the Reserve in some rocky areas and was out quickly.

### **c. UDOT I-15 MP 1-16 Project**

Bob Sandberg showed exhibit 3-c-1 which includes an assignment to the TC. UDOT is doing a project from the Arizona/Utah state line to milepost 16. There isn't supposed to be any incursion into the Reserve along the interstate between milepost 13 and 16. The redesign of exit 16 will incur into the Reserve on SITLA land beyond the existing right-of-way (ROW) fence. Renee Chi stated the onramp will be widened so vehicles can travel faster on it. In UDOT's write-up summary, they stated that .99 acres of desert tortoise critical habitat within the Reserve would be lost as a result of reconstructing SR-9 interchange onto I-15. Approximately .22 acres of suitable desert tortoise habitat would be affected as a result of the cut and fill impacts. Approximately .77 additional acres would be required in order to establish a new ROW.

The TC went through the Management Oversight Group (MOG) document together to determine appropriate mitigation. They came up with a ratio of 5.5 acres.

- Under "Category of Habitat" the group agreed lands are category one, desert tortoise habitat, *value of three*.
- Under "Term of Effect" the group agreed that it will have a long-term effect greater than ten years, *value of one*.
- Under "Existing Disturbance on Site" the group agreed that there is little or no disturbance on site, *value of one*.
- Under "Growth Inducing Effects" the group agreed that there is a growth inducing effect as a bigger onramp facilitates faster speeds and growth, *value of 0.5*.

- Under “Adjacent Habitat Impacts” the group agreed that the adjacent habitat will not be impacted, *value of 0*.

Because there is a permanent loss of habitat, the TC thought about types of mitigation that would be appropriate. Cameron will visit the areas of possible mitigation and talk to UDOT about them. The first area is in zone three near Industrial Park with good desert tortoise habitat. The second area is north of the failed golf course and is owned by the Virgin River Land Trust and the third is within The Trails development open space which may never be developed. All mitigation options are contingent upon land owners being willing to sell their property.

Ann mentioned the TC looked at the area just north of the failed golf course. Because of the Reserve design, the TC wasn't interested in that piece. The group talked about how The Trails piece would be nice to have. It would be best to try and incorporate land into the Reserve without having a sharp edged boundary line. Kristen stated that The Trails area has been identified as a high priority area; it is good tortoise habitat and is currently occupied by tortoises. The Trails has 24 acres of open space. Cameron stated the TC should prioritize what is the highest priority and then make sure the property owners are willing to sell.

Bob Sandberg pointed to the mitigation map in exhibit 3-c-1 and showed the area where the failed golf course is at. He explained that where the house juts out into the Reserve there is an area that looks like an appendix along Middleton Wash and it was officially added to the Reserve by a boundary adjustment around 2007. It is privately owned by the Virgin River Land Trust and they would like to sell. Around 2002 it was offered to the County as a donation to match section six funding. It was never used as a match and in 2007 the HCAC approved to add it to the Reserve and modify the Reserve boundary. This land is an inholding within the Reserve and needs to be purchased. Bob wondered if it would qualify as mitigation. Renee said it wasn't originally identified as the Reserve, but where it is now a part of the Reserve it makes it tricky. Virgin River Land Trust wants the Reserve to buy it and Ann stated that since it is already part of the Reserve she wouldn't consider it as mitigation for removal of tortoise habitat.

Renee and Nathan talked about the protection of SITLA lands in the Reserve and about the original mitigation for the HCP. Renee explained that there can't be any double dipping by having mitigation purchase land that is already in the Reserve. The SITLA land within the Reserve is protected from development unless they create their own HCP. SITLA is not exempt from the incidental take permit and it was part of the original mitigation that was analyzed to be protected and eventually acquired. There cannot be impact in the mitigation area and then acquire lands that are already protected. FWS has a general practice of mitigations for the HCP so that when there is a section seven project, mitigation to acquire land has to be adding to the existing Reserve and there should be no net loss of land.

The group talked about the lower map on exhibit 3-d-1 shows SR-18 where the half completed overpass is at. They also talked about The Trails development and their 44 acres of open space which may be purchased.

Cameron asked if UDOT should figure out the mitigation or if the HCP should facilitate it. Ann said the TC should give UDOT the first priority. Bob explained the TC has been asked to come up with a recommendation to give to the FWS who will then go to UDOT and tell them what is necessary for mitigation of the impacts. Renee asked Bob if he could help facilitate. The FWS can tell UDOT what the TC's recommendation is, and similarly cc: the Reserve to keep everyone in the loop. FWS would then want to talk about who would be managing those lands.

Recommended Priority #1 – the triangular piece on southeast corner of The Trails open space.

Recommended Priority #2 – the Buckskin wash piece

Recommended Priority #3 – The diagonal piece of St. George/private property in Industrial Park where five tortoises were removed.

**MOTION** by Kristen Comella based on the MOG ratio, the TC has come up with a 5.5 ratio to offset impacts from the proposed SR-9 interchange. The HCP and the FWS will move forward in conjunction with UDOT to acquire properties in the order they were prioritized.

Seconded : by Gary McKell

Discussion: the map shown in exhibit 3-c-1 needs to be included with this motion.

Vote was taken: All voted aye.

Motion passed.

Gary and Cameron discussed how the cliff at milepost 16 is very steep with the tortoise fence below the upper cliff. There are a lot of tortoises to the northwest.

UDOT will be taking most of the habitat from their ROW; mitigation comes from what is technically taken from the Reserve. Kristen explained the TC has treated the area like it is Reserve but most of the habitat is taken from UDOT's ROW.

**d. Discussion and development of suggested recovery actions for the Recovery Implementation Team**

Cameron Rognan used the internet to show what was discussed at the desert tortoise Recovery Implementation Team (RIT) webinar. The FWS has asked the RIT members to prioritize some recovery actions. The TC reviewed the recovery actions together, acknowledging that members can add their own ideas individually as well.

Cameron showed the separate ranked threats for the Upper Virgin River recovery unit and for the Red Cliffs Desert Reserve. The Upper Virgin River unit is a larger part of the County than the Reserve which is a subunit.



The TC noted the threats are ranked curiously. They discussed the ability to give input and re-rank the threats as the threats seem incorrect. The group also wondered about how up to date the data is. Bob Sandberg gave an example of how the data is not up to date as landfills have been listed as a threat. Bob stated there is only one in the County and all other dumps have been closed and rehabilitated to some extent.

Kristen Comella added that as the group looks at the threats, the first step should be to come up with a new, more accurate ranking system. Bob reported that he talked to Kat (FWS) and asked if there is an opportunity to change the input in the model. From their conversation, Bob understood that there isn't opportunity to change the model but hopefully they'll take the RIT's knowledge and understanding from being on the ground. The RIT is supposed to come up with recovery actions that focus on the highest ranked threats. If the threats are wrong then they need to be re-adjusted.

Kristen said the group should be cautious ignoring something that is wrong because the public can view this and wonder why the RIT focuses on certain activities that are different from the biggest listed threats. Things can then be twisted. The group discussed the different threats and how the FWS may be using a generic model and generic threats throughout the entire Mojave Desert. For example, the FWS may look at an area and say that there are a certain number of wild dogs a certain distance from a community or city. Bob added there are issues with people not leashing their dogs but there isn't a problem with packs of wild dogs.

The HCP has tried to address many of the listed threats. The dumps and roads have been closed, roads have been fenced, the boundary has been fenced and FWS's data doesn't seem to give credit for the actions that have been taken.

Cameron said the group can send the FWS different opinions or better information along with data, studies, maps, etc. to support and give credibility to ideas. FWS wants the RIT to focus on the top recovery action items, prioritize them and give specific suggestions of how those objectives can be achieved. The group went through the following suggestions together and will continue to add ideas to this list in further TC meetings as time allows.

#### **1. Restore habitat**

On this item, the group discussed how the smaller populations of tortoises throughout the County are important because if something like a big fire were to happen in the Reserve, those small populations would become very important.

- We think maintaining habitat should be included as a recovery action.
- Control cheat grass to control the threat of fire. Experiment with new methods and technologies such as five fingers of death to help reduce the density and spread of cheat grass. Additional research should include adaptive vegetated material.
- Within large scale fires, create islands of seeded habitat to enhance recovery. Pursue other fire recovery actions that become available.

- Restore habitat on old roads and social trails.
2. **Environment education**
    - Continue onsite and offsite outreach efforts.
    - Take advantage of local resources such as The Spectrum and St. George magazine to highlight the desert tortoise and Reserve management issues. Submit a minimum of two articles per year.
    - Maintain up to date recreational brochures, information, kiosks, trail signage, etc...
    - Maintain up to date web resources.
    - BLM should pursue more tortoise awareness opportunities, including at a new visitor center and outreach materials associated with the NCA designation.
    - The HCP needs to build a new visitor's center and outreach materials associated with the NCA designation.
    - The HCP needs to build a new visitor's center or education facility in a more ideal location to support higher use and greater outreach opportunities.
  3. **Increase law enforcement**
  4. **Install and maintain tortoise barrier fencing**
    - Complete the remaining gaps of tortoise fencing around the Reserve where tortoises occur.
    - Continue to maintain tortoise fence around the perimeter of the Reserve with appropriate maintenance agreements.
  5. **Sign and fence protected areas**
  6. **Decrease predator access to human subsidies**
  7. **Targeted predator control**
  8. **Install and maintain human barrier (wildlife – urban interface)**
  9. **Restore roads (vertical mulching-road)**
  10. **Manage disease in wild population**

#### 4. **OTHER BUSINESS**

Renee Chi stated this is her last TC meeting. Nathan Brown will be the new FWS representative on the TC.

Bob Sandberg informed the group of a fire that started the previous night from lightning. The fire is off Exit 13 up the road to the Grapevine Wells. The fire chief said the fire had burned about 500 yards northeast of the upper Grapevine Well and burned into the ledges into BLM wilderness area. Justin Neighbor went out to the site. The land is very rough and the firefighters have a tough time getting in there. Ann McLuckie called Justin on the phone and Justin said the fire had burned itself out. The fire burned about four acres in very steep terrain. Fire crews were there to mop up the hot areas.

#### 5. **NEXT MEETING DATES**

- a. **August 16, 2012**

6. **ADJOURN**

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

The meeting was adjourned at 11:55 a.m.  
Minutes prepared by Amber Stocks.