

**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, **SEPTEMBER 13, 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)

Absent and excused:

Nathan Brown	U.S. Fish and Wildlife Service (USFWS)
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Also present were:

Bob Sandberg	Washington County Administrator
Amber Stocks	Washington County HCP Recorder
Jodi Borgeson	Washington County Deputy Attorney

**1. CALL TO ORDER**

Chairperson Croissant noted a quorum existed and called the meeting to order at 9:35 a.m.

**2. APPROVAL OF MINUTES**

**a. August 16, 2012**

The following changes were made:

**Page 2, General Business, sentence 5: added,**

From: "All work will occur outside of the tortoise fence."

To: "All work will occur outside of the proposed tortoise fence."

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

From: "Whether the fence is a HCP signature fence or a range fence it needs to have tortoise mesh."

To: "Whatever type of fence is selected needs to be a tortoise barrier."

**Page 4, paragraph 14, sentence 2: deleted,**

~~“Ann explained that the state is able to purchase a large bulk of seeds before the federal government purchases seed.”~~

**MOTION** by Cameron Rognan to approve the minutes as amended.

Seconded by Kristen Comella.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

### **3. GENERAL BUSINESS**

#### **a. Fire Rehab Update**

Chairperson Croissant shared exhibit 3-a-1, a seed mix the BLM is considering using to rehabilitate the Reserve fire. The BLM plans to fly in the seed and use labor crews wherever possible to rake in the seed, especially in the southern tortoise habitat and the northern deer habitat. The committee talked about the seed mix, where the seeds are native to, and seed availability. The BLM submitted the proposed seed list the previous week.

Cameron Rognan asked if creosote was ever on the list. Chairperson Croissant responded that it wasn't because creosote is considered a plant that will come back on its own. Cameron asked if that's the case even after a second or third burn. Chairperson Croissant was unsure and Ann McLuckie added that creosote is very expensive and the seed is challenging to establish. From DWR's shrub planting in 2011 experience, desert almond did better than creosote and sand sage did fantastic.

The BLM sent out a general fire press release for Iron, Kane, Washington and Beaver County which included all the fires that are being rehabilitated. The seed mixes used were mentioned and some pictures of the fires were included. The BLM felt that in the upper deer habitat, mechanical seed covering could be an option although it might not be effective. Due to the rugged terrain, seeding might do more harm than good.

Cameron reported that he walked up the Mill Creek drainage as far as he could. The fire burned at least a mile up the drainage. There was a live tortoise south of the burn and scat in the northern area which was as high in elevation as he has ever seen tortoise sign.

#### **b. Red Hills Parkway / SR-18 Update**

The contractors for the Red Hills Parkway expansion project have completed their required fence work. Ann McLuckie explained she had called Renee Chi, a previous FWS employee, and found that the idea was to have tortoise mesh and range fence along the Parkway; however, the original HCP document states that only tortoise mesh is required along Skyline Drive (now Red Hills Parkway). The Revised Recovery Plan for the Mojave population of desert tortoise has tortoise fence defined as range fence

with tortoise mesh. The final Biological Opinion (BO) for the parkway project doesn't refer or cite the Revised Recovery Plan. It says "tortoise fence" which can be interpreted in many ways. The HCP would like to have a range fence along the Parkway, however, there is nothing that can require the contractors to go back and install a range fence. On Red Hills Parkway there is roughly 5,000 feet of tortoise mesh without range fence. The contractor (JP Excavation) followed the fencing plan which showed exactly where to place the range fence. They installed the new range fence only in places where the old range fence was. The steep slope areas aren't a concern but there are areas where people can park on the side of the road and step over the fence. It would cost approximately \$4 per foot to add range fence to the existing tortoise mesh now that the contractor is finished.

On a side note the Rotary parking lot is undergoing some work. Cement has been poured along the edge toward the tunnel.

For the SR-18 update, Cameron explained that the temporary fence has been installed at Buckskin Wash and construction will continue in that area. JBR cleared the area but recent rainfalls pushed the fence over and tortoises can now get into their work site. Cameron notified UDOT to fix the fence. Fencing was also washed out in two other areas along SR-18.

Cameron reported that the UDOT mitigation for the modification of Exit 16 on I-15 is underway at the DWR property. Ann suggested that the TC should review the seed list. She will request to have a copy of the seed mix sent to the TC for review.

**c. Discussion and Development of Suggested Recovery Actions for the Recovery Implementation Team**

Cameron Rognan explained that the priority list for threat rankings and recovery action rankings remain inconsistent. There are still some issues with listed threats that are not real threats for this area. Cameron added findings from the Nature Conservancy study and habitat maintenance to the recovery actions.

The TC discussed the law enforcement threat. Gary said from 1996-2003, law enforcement met with the HCP staff at least once a month to discuss concerns. Currently the HCP meets with law enforcement once a quarter although law enforcement has missed the last two meetings. The HCP pays the County Sheriff to patrol the Reserve and to send a quarterly report with monthly documentation. The group talked about how the Sheriff's office needs to attend the meetings since they're receiving money for their services.

Law enforcement has been focusing mainly on zone four. During the season of greater use they should patrol more often. Chairperson Croissant stated that BLM staff can be contacted for minor things that don't require law enforcement.

Ann McLuckie mentioned there is a problematic area near the T-Bone trail towards the wash. There is an illegal trail that spirals through good tortoise habitat into multiple other trails. Ann saw someone else on those trails while hiking out there. Cameron has signed the illegal trail multiple times but people keep pulling the signs out. This would be a good area for law enforcement to patrol. The BLM is considering making a legal trail in this area and Ann stressed that the core of the Reserve should remain without trails. Gary agreed that a trail network throughout the Reserve would not be a good thing. Law enforcement issues start with recreation and there have been a lot of trails near roads with dumping issues. Cameron mentioned he found ATV tracks in Bone Wash this year.

Kristen felt that on the threat rankings, “control cheat grass” should be changed to “control cheat grass and other non-natives.” Ann felt that the goat grazing along Cottonwood Road may have stirred up the soil and created a seed bed which in turn caused excessive tumbleweed to grow and build up along the fence. Cameron disagreed with Ann and felt that while tumbleweed is abundant along the fence, it is also very abundant in other areas where goats did not graze. He also cited ground disturbance from the fence construction as another potential source for the excessive tumbleweed in that area. Kristen mentioned that puncture vine has also grown more this year than in the past and doesn’t know if it poses a long term habitat threat or not. The State Park has been working hard at removing puncture vine within the Park.

Kristen suggested creating a standardized reporting form to give to all law enforcement agencies. Ann felt that because the County Sheriff is receiving compensation they could be required to report specific information, but those same requirements should not be required of other agencies since they’re not receiving compensation. Gary felt that Washington County is not the only place of concern; there are recreational issues other places as well. Gary felt that law enforcement should be aware of concerns habitat wide and should help give suggestions on how to address problems. Cameron stated it would be nice to know which areas are patrolled by foot when officers step outside of their vehicles. The group decided that a standardized report and format should be discussed by the various law enforcement agencies at their next meeting.

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

##### **a. Compromised fence in Ivins**

Kristen Comella acknowledged that Ivins will be moving forward with their detention basin project. As part of their mitigation, the fence line will be moved to add property to the Reserve. Kristen asked how the TC wants to address the fencing issue now that recent floods have compromised the fence and now that the fence may potentially be moving anyway for mitigation requirements. She added that Justin Neighbor, the HCP’s field technician, suggested a possibility of putting up a temporary tortoise mesh fence like a band-aid until Ivins is ready to move forward. Cameron suggested meeting with Ivins to discuss where the property boundaries will be and put up a new permanent fence. Cameron felt that the biological opinion (BO) has addressed their mitigation

requirements and the ratio given in the BO can be applied to their *take* to figure out the acreage needed to add to the Reserve. Cameron will call Ivins and see if they are ready to put up a permanent fence.

#### **b. Other Reserve Issues**

Kristen added that various storms have slowly compromised the cinderblock wall for one of the property owners at Citadel Estates. Kristen, Bob, and Cameron will meet with the property owner to discuss the issue and possible solutions. Ann asked if there are any other Reserve flooding issues on the boundaries. Cameron felt that most likely Kachina Springs, Castle Rock and the Layton property have all had issues to deal with. Kristen expressed her concern where the Layton property has cut off part of a trail. There are major problems in Snow Canyon from this trail losing its access and people have started a new illegal trail. She wondered if an adaptive management process might be useful. Kristen expressed that a stepover would be ideal. Cameron said the HCP could help with the stepover if Mr. Layton will allow it. Kristen will get in touch with Kent Byland, the contact person for Mr. Layton, and find out if a stepover is possible.

#### **c. BLM Updates**

Chairperson Croissant mentioned he had turned in the Section 7 review to the FWS for the Reserve fire and for the Eagar mining claim.

A BLM staff member went to the Toe trail recently on her time off and saw five tortoises in one day. She saw a tortoise wheezing and Ann explained that tortoises can wheeze due to obstruction, which can be totally unrelated to upper respiratory tract disease. Cameron said it is common for people to see tortoises on Toe trail. Ann further explained what seems to be happening is that when the housing development was built it was cleared and all tortoises were placed over the fence into the Reserve. The tortoises will sometimes cluster around the fence, trying to get back to their old burrows due to their amazing spatial memory.

#### **d. Back Country Horsemen Want to Replace Stepovers**

Chairperson Croissant shared exhibit 4-d-1. The Back Country Horsemen (BCH) are interested in replacing some of the stepovers with a more horse friendly design. The design went through BLM review, would be lower from the existing ones and would still keep ATVs out. The main issue is that it's only half as tall as the tortoise mesh.

Ann said it would be good to find out what the current stepover height is and compare it to the new design. Tortoises can go over low line mesh easily, especially at the corners. Cameron Rognan asked if the Desert Tortoise Recovery Office can give guidance on their recommended height. The committee talked about how stepovers in the Reserve are installed at least 12 inches tall. Over time the height changes due to debris buildup and people will occasionally take out the top step. On the other hand it could get lower from people stepping over it many times. This new steel design would

make the stepover more difficult for people to change.

The BCH is looking at replacing the stepovers at the White Reef, Cottonwood, Grapevine and Mill Creek trailheads. The White Reef stepover is currently the new square design and the others have the older circular log type design. If impacts are different from changing the design, it would need to go through the National Environmental Policy Act (NEPA) procedures and informal consultation.

BCH would provide the funding for materials and would install the new stepovers. This is not a formal proposal but an idea of what they would like to have considered. BCH does a lot of community service projects and the BLM would like to accommodate them if possible.

Bob Sandberg explained the issue for the TC is deciding if the stepover is high enough to keep tortoises out. Bob would like to see the stepover tried to see if it would work. He feels concerned that this design won't keep ATV's out but the BCH claims that it will. The steel tube is a lot smaller than the railroad ties. Everything in the stepover is metal so they would either have to bolt the mesh on or weld it. BCH has installed this design at the Red Mountain trailhead and it has worked great so far. As long as they cement the stepover into the ground it should be ok. Kristen asked Bob to put the specific measurements in the Public Use Plan for future use.

**5. NEXT MEETING DATES**

a. **October 11, 2012**

**6. ADJOURN**

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

The meeting was adjourned at 11:10 a.m.  
 Minutes prepared by Amber Stocks.