

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, **May 9, 2013.**

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)
Gary McKell	Local Biologist
Kristen Comella	Snow Canyon State Park (SCSP)

Also present were:

Bob Sandberg	Washington County HCP Administrator
Amber Stocks	Washington County HCP Recorder
Bekee Hotze	U.S. Fish and Wildlife Service (USFWS)
Alan Gardner	Washington County Commissioner
Brock Belnap	Washington County Attorney

1. CALL TO ORDER

Chairman Ann McLuckie noted a quorum existed and called the meeting to order at 9:15a.m.

2. APPROVAL OF MINUTES

a. April 12, 2013

Page 4, paragraph 2, sentence 4 & 5: changed,

From: "She stated concern for other Upland Zone areas where tortoise observations are found because people feel like they are not present in those areas. The DWR spends most of their time monitoring the Lowland Zone.

To: "She stated concern for other Upland Zone areas where tortoise observations are found because people assume like they are not present in those areas. The DWR spends most of their time monitoring areas below 4,000 feet in elevation.

Page 5, paragraph 5, sentence 3: changed,

From: "If a full range fence with tortoise mesh ~~becomes an issue, perhaps just tortoise mesh could be put in.~~"

To: "If a full range fence with tortoise mesh is cost prohibitive, reducing it to tortoise mesh is an alternative option."

Page 6, paragraph 2, sentence 7 & 8: changed,

From: “Chairman McLuckie has observed times when the electric fence is not being used and four or five goats have roamed ~~around~~. She observed the goat herder having a hard time with one of the goats going ~~over the stepover~~ into the Reserve and eating marigolds.”

To: “Chairman McLuckie has observed times when the electric fence is not being used and four or five goats have roamed outside of the right-of-way. She observed the goat herder having a hard time with one of the goats going through the fence into the Reserve and eating marigolds.”

MOTION by Cameron Rognan to approve the minutes as amended.

Seconded by Tim Croissant.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

3. GENERAL BUSINESS**a. ARS Project and Funding Request**

Chairman McLuckie showed the TC Assignment (exhibit 3-a-1) and asked for an Agricultural Research Study (ARS) one page proposal with goals and objectives. To determine if partially funding ARS from Logan, Utah with their travel is advisable, the TC discussed their project. ARS has study plots at the Turkey Farm on DWR property and at Beaver Dam. ARS is researching ways to restore the Mojave Desert habitat and is trying to come up with information on tested species of what can be planted and seeded. If they survive, which ones do the best? The sequestration is now prohibiting ARS from traveling here and continuing their work. ARS feels concern knowing that they are unable to monitor at the intended level they feel is necessary.

The TC felt the plant list looks good and would like to know how ARS will monitor and determine success. During their current phase, they have planted containerized plants. If the project is successful and proceeds, the next phase will focus on testing a seeding methodology with the containerized species that survive.

The project started and failed in 2012 because a water absorbing gel substance was added to the bottom of the planted holes. It rained hard soon after the plantings and the gel expanded to the point where the plants popped out of their holes. ARS decided in 2013 to omit any supplemental watering. They have detailed documentation of their work with each site tagged and marked. Their research has methodology, monitoring and a determination. The project will take a long time to complete.

Cameron Rognan stated that last year there were plantings done on DWR property and

he did not observe a single plant surviving. When DWR personnel checked on the plants they noticed that sand sage did the best and desert almond and creosote did not do well which shows the importance of ARS's research. The TC felt that if ARS is funded up to \$5,000 in travel costs, the money needs to be applied for this research, exclusive to Turkey Farm.

Gary McKell arrived at 9:40 a.m. The rest of this discussion took place after agenda item 3-d.

Bob Sandberg showed exhibit 3-a-2, the ARS application with the UDWR. The TC felt the reimbursement should be conditional upon submittal of a work plan to include what will take place during the study and a final report of what was accomplished.

MOTION by Nathan Brown to approve the \$5,000 upon receipt of a proposal/work plan.

Seconded by Kristen Comella.

Discussion:

Vote was taken: All voted aye.

Motion passed.

b. Tuacahn Fence

Chairman McLuckie recounted the previous Tuacahn fence discussions with the main goal to allow tortoises to access habitat within the Reserve that is currently fenced out to them. Kristen Comella stated that State Parks in Salt Lake is comfortable with fencing the northwest side of the wash up to the Tuacahn boundary and north to the cliff area. The fence would not be on the State Parks boundary so multiple spots with signage stating "Habitat Boundary" would need to be placed on the fence. The HCP, Ivins, Tuacahn and others would need to have maps on file so that in the future everyone will know that the fence is not a boundary fence.

The range fence with tortoise mesh will cost around \$10,000. Tortoise mesh alone will cost around \$5,000. SCSP will work with the HCP on potential cost-sharing.

MOTION by Kristen Comella to move forward with suitable fencing, whether it's range fence with mesh or just tortoise mesh and pursue 50/50 cost sharing between State Parks and HCP.

Seconded by Tim Croissant.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

c. Padre Canyon Trail Seasonal Closure

Kristen Comella would like to re-assess the seasonal closure on the south end of the Padre Canyon trail. Seasonal closures in the Park are becoming highly inconsistent and problematic. When the Public Use Plan was developed, the Padre Canyon trail was closed in exchange for the development of Toe trail which is on the edge of the Reserve. A few years later Ivins City approached the TC with trail issues in Ivins. A small trail committee was implemented with Ivins, HCP, UDWR, State Parks and USFWS to look at immediate trail issues in the Ivins area. The trail committee opened the Padre Canyon trail to hikers to match the Johnson Canyon trail and recently the Johnson Canyon trail had its date seasonal closure dates adjusted. Kristen would like to re-assess the Padre Canyon seasonal closure and either: 1) leave the closure date as is 2) adjust the closure date to match the Johnson Canyon trail or 3) remove the seasonal closure.

Seasonal closures are part of the HCP mandated tortoise management plan that SCSP was required to create. Pending HCAC approval, a fence will be added along the Padre Canyon trail near Tuacahn. Once the habitat is opened to tortoises, Kristen would prefer to remove the fence that bisects the habitat. However, if the fence is removed, it will become difficult to maintain the seasonal closure and Kristen would prefer to eliminate the closure on the Padre Canyon trail. If the fence line is not removed, she would like to adjust the seasonal closure to match with Johnson Canyon.

The committee talked about the trail alignment and ways that people access the area. Kristen stated that public perception is not very well understood when there are multiple different seasonal closures, especially since SCSP is the only area in the Reserve with seasonal closures. A lot of horse use has been observed in the area and horses are not permitted on that trail.

Kristen further explained that before the Layton property was fenced, horses from Tuacahn would access a trail through the Layton property and connect with Toe trail. Once the property was fenced the horses started entering SCSP property more often. There is a chance that Alan Layton may allow trail use through his property until development occurs. SCSP would pay for signage and could help with stepover placements. Until the old fence line is removed, the Padre Canyon closure will remain in effect.

MOTION by Kristen Comella to bring the seasonal closure in line with the Johnson Canyon trail closure which is March 15th – September 14th. If the HCAC approves a new fence line and new fencing is installed (bringing in habitat), and if the old fence line comes down, then the seasonal closure could be eliminated entirely. The trail will be maintained as hiking use only.

Seconded by Gary McKell.

Discussion:

Vote was taken: All voted aye.

Motion passed.

Nathan Brown asked about other closures in the Reserve. The closures are in place

because of a high density of tortoises. These are the following trails that have closures:

- Johnson Canyon: open Sept 15 – March 14, closed March 15 – Sept 14
- Jenny's Canyon: open June 2 – March 14, closed March 15 - June 1
- Black Rocks: open July 2 – March 14, closed March 15 - July 1
- Padre Canyon: open Nov 15 – March 14, closed March 15 – Nov 14

In the SCSP Tortoise Management Plan it says that SCSP will actively manage recreation use, particularly in areas of high tortoise density/high quality habitat. Strategy 2.21 says to implement and enforce seasonal closures in highly sensitive tortoise habitat during the tortoise activity windows. It talks about monitoring visitor-use-patterns to assess the effectiveness and the need to refine seasonal closures.

d. Translocation, Health Assessments

Cameron Rognan explained that the USFWS published two new guidance documents regarding translocations and health assessments. *Health Assessment Procedures for the Desert Tortoise (Gopherus agassizii): A Handbook Pertinent to Translocation and Translocation of Mojave Desert Tortoises from Project Sites: Plan Development Guidance, U.S. Fish and Wildlife Service, November 2011*. Their recommendations are different from the past and it would be good for this HCP to consider those changes. The most important factor this HCP uses when translocating animals is whether or not the animal tested positive for an upper respiratory tract disease (URTD). A general health assessment is done to determine if the animal has clinical signs of URTD but decisions are based almost solely upon the positive or negative test.

The test is insignificant in the new USFWS document. The ELISA test is taken for information purposes but does not solely influence translocation. They look at a whole suite of options such as a flowchart guideline and a rigorous health assessment (certification is needed to determine the health assessment). The tortoises that test positive are animals that have been exposed to that pathogen.

By keeping ELISA positive tested tortoises out of the Reserve, animals are being withheld that could breed and repopulate the area. There are tortoises that have been at the TCF for ten years in the positive pen and have no clinical signs of URTD. Any animal that tests positive is held in the TCF until death but some have been there for many years and seem otherwise healthy. The TCF is supposed to be a temporary care facility, not a permanent care facility. It would be good to get some of those tortoises out of the TCF. If we can't get them out of there then there should be another spot for them to go or another way to handle the positive animals.

The USFWS documents encourage testing resident populations of an area where tortoises will be placed. Chairman McLuckie pointed out that in some years over 8% of tortoises throughout the Reserve have clinical signs of URTD such as snotty nose, etc... Clinical signs could be confounded by other things such as bromus in the nares." The *Health Assessment Procedures for the Desert Tortoise (Gopherus agassizii): A Handbook Pertinent to Translocation* states that:

Objectives in regards to translocation related health assessments are to minimize the risk of spreading disease within and among populations and to promote survival of individuals when relocating tortoises from project sites... The USFWS Desert Tortoise Recovery Office in coordination with state wildlife agencies and partnering veterinarians and pathologists, will make final decisions about translocating tortoises after reviewing data from the health assessments (page 17).

Cameron stated he would like this HCP to be more consistent with the guidance given within these documents. More weight should be put on health assessments rather than solely on the ELISA test which only shows exposure to the URTD pathogen. He felt it would be good to quarantine the positive tortoises then administer another health assessment and translocate it if still in good health, which is what the FWS is doing in other areas.

A webinar is going to be held next month with the USFWS and these documents will be discussed. Kristen recommended that the UDWR and HCP staff coordinate and consult with the USFWS on current standards and decide if adjustments need to be made based on the new information coming out. There may be some things in the documents that aren't a good fit for this smaller recovery unit and may put populations at risk.

Cameron added that the desert tortoise center in Las Vegas is closing and approximately 1,000 animals (including captive and positive tested animals) will be translocated out into the Las Vegas desert. Our HCP should consider experimental areas for translocating tortoises, including areas in the Reserve that have a low density of tortoises or are depleted.

Tim Croissant stated that if our standards change then we would be releasing more tortoises. Cameron explained there would only be a handful more tortoises released each year in these experimental areas. Tim felt it may be an issue that would need NEPA. Cameron added there are other areas and opportunities besides BLM lands that could be used experimentally such as the old airport hill.

The majority of translocated animals have gone to zone 4 of the Reserve. Chairman McLuckie stated that recently animals found adjacent to the Reserve have been placed in the Reserve near where they have been found. Nathan added that based on density numbers, zone 4 most likely will not be the area for translocations when the HCP is extended. He felt that there needs to be a translocation plan made; that the TC should start the translocation process to review the current translocation strategy and protocol and revise or formulate a new translocation strategy/protocol moving forward.

Cameron added that the HCP document states that the five year translocation strategy will be revisited and it hasn't happened at this point. Tim Croissant felt it would be good to consider if the new translocation strategy should apply to this recovery unit or if we could consider releasing tortoises from the Virgin River Recovery Unit into the Beaver

Dam Recovery Unit. He also felt it would be good to look at the geography of where the tortoises come from rather than strictly which recovery unit they were living in. Chairman McLuckie felt it is not a good idea to mix genetics of tortoises that are morphologically and ecologically unique. When mixing recovery units, that uniqueness is lost. Cameron asked about the tortoises that have been pulled out from Gunlock that likely came from the Beaver Dam unit rather than the Virgin River unit. Ann said those Gunlock tortoises will not be translocated into the main part of the Reserve. Kristen recounted the April 2013 TC minutes (page 4, paragraph 8) where it was said that the Kayenta and Red Mountain areas were added to the Reserve because of a possible tortoise corridor from the Beaver Dam to the main part of the Reserve.

Cameron felt the recovery units have been made with an arbitrary line; theoretically the tortoises should be protected. Tim added this is something that can be considered and analyzed. Cameron mentioned that in Las Vegas tortoises are being located near where they are found and density is also taken into account.

Zone 4 seems to have a high density and Chairman McLuckie explained that the density estimates are only applicable to where the sampled areas are defined. In the last couple of years zone 4 has been divided into 4 survey segments. This year transects can be randomly located throughout zone 4 so that the density estimate applies to all of zone 4.

The group agreed that a revised translocation plan for the Reserve is needed. The USFWS protocol/plan in coordinated with UDWR should deal with all translocation issues. After the webinar the DWR can update the translocation protocols and bring it to the TC for further comments and recommendations. A separate plan is needed for the ultimate disposition of tortoises, where to place them and how to manage those locations.

MOTION by Nathan Brown to have the Upper Virgin River Recovery Implementation Team (and others who want to be involved) develop a new/revised translocation strategy/protocol for the whole recovery unit in coordination with HCP staff.

Seconded by Cameron Rognan.

Discussion: Chairman McLuckie stated the TC can review current documents and integrate them into a recommended translocation plan. The ultimate decision is that of the USFWS and UDWR.

Vote was taken: All voted aye.

Motion passed.

4. **OTHER BUSINESS**

a. **Red Cliffs Recreation Area**

Tim Croissant reported the two river crossings on the road to the Red Cliffs Recreation Area are a safety issue. The BLM is considering replacing those with bridges. There

will be geotechnical testing associated with the bridge work. The crossings will need to be dug down about eight feet with 20 foot long trenches on both sides of the road. Each drainage will be dug and filled back in on the same day. Tim will monitor the area and be on site during the work.

b. Cottonwood Road Goat Grazing

Kristen Comella asked if subsequent contracts for goat grazing could include penalties for goats that get outside of the work area. This could help to keep impacts as minimal as possible. It was discussed that the goat herder allows the female goats to give birth outside of the work area. Giving birth surrounded by 500 goats in a confined work area can lead to death issues. Bob Sandberg felt that when the goats were out of the work area they didn't do anything that was biologically damaging. The goats need to graze when the plants are green but late enough in the plant's life cycle that it doesn't grow behind them. Goat grazing along Cottonwood Road is a work in progress. Cameron Rognan felt they are doing what was asked of them and have provided the desired firebreak.

c. UDWR Tortoise Monitoring & Cottonwood Road Trash

DWR is currently monitoring tortoises.

More trash has been dumped on Cottonwood Road. Cleanup will be finished soon.

5. NEXT MEETING DATES

a. June 13, 2013

6. ADJOURN

MOTION by Cameron Rognan to adjourn the meeting.

Seconded by Kristen Comella.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 11:00 a.m.

Minutes prepared by Amber Stocks.