

HABITAT CONSERVATION ADVISORY COMMITTEE

for the Washington County Habitat Conservation Plan (HCP)

A **work meeting** of the Habitat Conservation Advisory Committee (HCAC) was held at the Washington County Water Conservancy Office on **June 25, 2013**.

Committee members present were:

Karl Wilson, Chairman	Mayors Association
Chris Blake, Vice Chairman	Environmental Organization
Jimmy Tyree	Bureau of Land Management (BLM)
Henry Maddux	Utah Dept. of Natural Resources (UDNR)
Marc Mortensen	Citizen-at-Large
Bob Sandberg	HCP Administrator
Chris Hart	Local Development
Larry Crist	U.S. Fish & Wildlife Service (USFWS)

Also present were:

Amber Stocks	Washington County HCP – Recorder
Alan Gardner	Washington County Commissioner
Cameron Rognan	Washington County HCP - Biologist
Brock Belnap	Washington County Attorney
Jodi Borgeson	Washington County Attorney
Lisa Rutherford	Citizen
Paul VanDam	Citizen
Kuzina Cheng	Ivins Student Visioning Project
Jessica Shimazu	Ivins Student Visioning Project
Lu Bai	Ivins Student Visioning Project

1. CALL TO ORDER

Chairman Karl Wilson called the meeting to order at 10:30 a.m.

2. DISCUSSION ITEM

a. HCP / Permit Renewal

Explanation of Process

Larry Crist explained that during the previous work meeting held on May 28th, an internal draft HCP review (which summarizes where the current HCP is at) was given to HCAC members for evaluation. Their comments will help lead up to a review the public can see. The review shows areas where the HCP has been succeeding and where there might be some areas where obligations are not completely fulfilled. The review is separate from the renewal. When the county and partners ask for an extension to the current permit, as long as good-faith negotiations are being made, then the existing HCP permit will remain in force and more time can be given for the renewal if needed.

The details in the review should be summarized as precisely as possible but shouldn't cause us to get lost in them. The details should substantiate the assertions.

Overall, the report shows we are moving along the right path and there are not any huge deficiencies. There are things that need to be wrapped up and the new HCP can address how to handle other issues that might arise. An addendum to the renewed HCP can talk about or reference any new plans. Achievements are often measured monetarily which can make successes difficult to measure at times. The group found some minor wording and grammatical changes to be made in the review along with areas that need further clarification.

Mitigation

Chris Hart would like a discussion about mitigation and would like to see a more comprehensive mitigation section with appropriate justification. The MOG mitigation document has been widely accepted by the USFWS and does not give credit for superior versus inferior habitat. He feels the MOG document is seriously lacking in justification. If specific mitigation is accepted, and the MOG ratios are going to be used, it should be referenced in the HCP with an explanation why it is incorporated.

Fire

Fire is another subject that needs to be discussed as fire is the largest detriment to tortoises in the Reserve. The BLM is addressing fire in their Resource Management Plan which may be a tool in handling fires and fire prevention. Chris Hart felt that if other documents are relied on for things such as fire and mitigation, then they should be referenced in the HCP. Because fire issues are a relatively new condition, it will need more clarification in the HCP renewal, details (like how many acres have burned). The TC has put together a habitat management plan which deals with fire issues. It may be something to tie into.

Next steps section of review

Bob Sandberg asked if the "next steps" portion of the review needs to be done before the renewal. There are items addressed such as fencing, education, grazing, etc. that has been completed. It would be helpful to identify decisions made from meeting minutes.

HCP funds obligated to BLM

Washington County HCP was obligated to fund the BLM \$250,000 over the first ten years which was accomplished. The HCP continues to meet obligations with the BLM.

Translocation

Bob explained that a translocation study was done for the first five years of the HCP but since then there hasn't been significant follow-up or any studies done. The UDWR conducts transects and submits a report every other year to determine population trends. Zone 4 hasn't had anything done to evaluate the effectiveness of translocation there. Some kind of credit should be given for the successful translocation efforts

especially since translocations weren't expected to be a success in zone 4. What can we glean from that to add to other areas of the Reserve or other areas range-wide? Larry stated the USFWS tends to look at success of the Reserve as a whole and success in Zone 4 helps to balance the losses elsewhere. Henry felt it would be good to discuss a new translocation strategy with disease and current ideas of handling tortoises at the temporary care facility (TCF). Larry asked if the draft review should have historic information incorporated into it along with what is being done now. Bob felt nothing should be done to complicate or make the HCP more voluminous. The HCP review document recommends looking at a translocation plan which could be done as part of the Recovery Implementation Team (RIT) or something else. It should be looked at as soon as possible in case changes need to be made. There are diseased tortoises in Zone 4 which makes it seem strange to send a disease free animal there where it has a good chance of meeting up with a diseased animal. Tortoises are continually picked up at Foremaster Ridge. Before the hill was cut where I-15 goes through, the area was an extension of Zone 3. Why not send those tortoises to an area like Turkey Farm instead of Zone 4 where they have never been?

Cameron Rognan felt it would be wise to assign the RIT or TC to look at the new translocation guidelines from the USFWS. The translocation success we have had should be studied, reported and published. The success story should be out there so that it can be incorporated throughout the tortoises' range to help recover the species range-wide. The sooner it is out there the better. As long as the RIT can come to terms with it, the Beaver Dam Slope is now a viable option for translocation as guidance from the USFWS is to translocate within 200 kilometers.

If incidental take areas remain the same and other properties are not added into the HCP permit then this could be an easy candidate for a permit renewal. If the Beaver Dam Slope is added as a relocation site it won't change the HCP mitigation requirements.

Monitoring Costs

Right now the state and the HCP both pay for tortoise monitoring. There needs to be a long term monitoring plan made. The HCP pays the state \$80,000 each year for monitoring and they monitor every two years (\$160,000 for every monitoring cycle). The review states the HCP has spent \$1,072,000. This money does not include what other signatories such as the UDWR, BLM and SCSP have spent. This review only looks at Washington County requirements.

Mineral Rights

Jimmy Tyree stated it would be a slippery slope if the BLM were to encourage people to relinquish their mineral rights. In the past, those who wanted to do mineral work had to file a notice of intent with the BLM. Since 2001, areas that have special designations are now required to complete a plan of operations with a validity assessment and section 7 consultation if they are proposing to do anything more than casual work.

Land Acquisitions and Exchanges

The HCP has provided support to the BLM for exchanges. The HCP references money needed to be spent by the county for acquisition and the credit that would be given by the USFWS for doing so. HCP 3.2.3 (page 24) states:

The Steering Committee, in concert with the BLM and USFWS, submitted a joint funding request for fiscal year 1995 for \$7,000,000 for land acquisition. The HCP budget includes a matching grant of \$1,000,000 for land acquisition. To our knowledge, this is the first matching grant ever proposed to the L&WCF. If the majority of the lands can be acquired through land exchange, substantially less money from the fund would be necessary. If, on the other hand, the private-BLM land exchange were to prove unsuccessful, these monies would help to acquire some of the proposed reserve. The fund probably would not be sufficient to acquire all the private parcels, and additional requests to L&WCF would be made in subsequent years.

HCP 5.3.1 (page 98) states: *An exchange budget has been created with \$500,000 to pay for appraisals, inventories, title work, legal consultation, and other necessary expenses.* The Implementation Agreement, page 7 talks about facilitation:

The HCP has established a fund of \$1,000,000 to be used for the facilitation of acquisition of Reserve lands. These funds will be disbursed by the HCP administrator, based on recommendations by the HCAC, and upon approval by the County.

The money was put in the budget to be used for land purchases. It wasn't a county commitment, it was an HCP commitment. The end goal of the HCP (which is mitigation for development) is to acquire all lands that were identified to be acquired. Also, to monitor, operate, maintain and manage those areas so that this land that has been set aside for the desert tortoise offsets the development that has occurred outside the Reserve in tortoise habitat. In the HCP Executive Summary, page vi it states:

Washington County has prepared this Habitat Conservation Plan (HCP) anticipating that it will provide a comprehensive approach to preserving and protecting Mojave desert tortoise habitat in Washington County, while at the same time allowing controlled growth and development in those portions of desert tortoise habitat which are less essential to the species.

Summary

Washington County and its partners have done a good job implementing this HCP. Some things will need to be fine-tuned but the HCP is in good shape to renew the permit. Chris Blake sees the group getting ready to amend the permit which he feels, shouldn't be done. Chris felt the permit should be renewed and amendments should be made afterward. We don't want to put this HCP in peril because, it has worked well. All of this work that has been talked about should be looked at after the HCP is renewed. The changes can be brought forward as management plan amendments, minor amendments or major amendments depending on discussions. He suggested to renew the permit for ten years because there will be other issues needing to be addressed at that time. Amendments can include the successes and our list of issues that need to be covered. Each issue can be brought forward individually as plan amendments. The issues should stand on their own merit, not jeopardizing the whole plan. This should make it a simpler process and should help to get it done faster.

Larry added the USFWS is still trying to figure out the best way to work through this process. Written comments will be helpful. The HCAC decided to focus on one or two topics at a time for future work meetings to resolve the issues.

3. ADJOURN

The meeting was adjourned at 11:45 a.m.
Minutes prepared by Amber Stocks.