

HABITAT CONSERVATION ADVISORY COMMITTEE

for the Washington County Habitat Conservation Plan (HCP)

A **regular meeting** of the Habitat Conservation Advisory Committee (HCAC) was held at the Washington City Council Chambers on **April 22, 2014**.

Committee members present were:

Chris Blake, Vice Chairman	Environmental Organization
Henry Maddux	Utah Dept. of Natural Resources (UDNR)
Bob Sandberg	HCP Administrator
Jimmy Tyree	Bureau of Land Management (BLM)
Chris Hart	Local Development
Marc Mortensen	Citizen-at-Large

Absent and Excused:

Larry Crist	U.S. Fish & Wildlife Service (USFWS)
John Bramall	Mayors Association

Also present were:

Amber Stocks	Washington County HCP – Recorder
Cameron Rognan	Washington County HCP – Biologist
Alan Gardner	Washington County Commissioner
Jodi Borgeson	Washington County Attorney's Office
Ann McLuckie	Technical Committee – DWR
Ashley Gilreath	Citizens for Dixie's Future
Lisa Rutherford	Citizen
Paul VanDam	Citizen

1. **CALL TO ORDER**

Chairman Chris Blake called the meeting to order at 1:00 p.m. noting that a quorum was present.

2. **CONSENT AGENDA**

The Consent Agenda is a means of expediting routine matters which come before the committee for approval. The consent portion of the agenda is approved by one (1) non-debatable motion. If any member wishes to remove an item from the consent portion of the agenda, then that item becomes the first order of business on the regular agenda.

- a. **Approval of Agenda**
- b. **Review and Approve Regular Meeting Minutes**
 1. **February 25, 2014**
- c. **Next Meeting Date**
 1. **May 27, 2014**
- d. **Declaration of Conflicts of Interest**

MOTION by Henry Maddux to approve the consent agenda.

Seconded by Chris Hart.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

3. PRESENTATIONS

a. DWR Population Monitoring Report (Ann McLuckie)

Ann McLuckie reported on the status of Mojave desert tortoises in the Red Cliffs Desert Reserve and used exhibit 3-a-1 to show details of her report. She thanked the DWR field workers for their work and the Washington County HCP and the Endangered Species Mitigation Funds for their funding.

Ann explained that desert tortoises are distributed throughout southern California, southern Nevada, southern Utah, western Arizona and Mexico. In Utah, the tortoises are at the north-eastern extent of their range. She stated there are two species of desert tortoises; the Mojave tortoises west of the Colorado River and the Sonoran tortoises east of the river. In 1990 they were listed on the Endangered Species list as a threatened species, and at that time there was explosive growth in Washington County. To resolve conflicts, a Habitat Conservation Plan was created as well as the 62,000 acre reserve. The plan permitted incidental take of 1,169 tortoises, development of 12,264 acres of tortoise habitat and 31,282 acres of potential tortoise habitat.

In 2009 the Washington County Lands Bill was passed and in 2012 Ken Salazar dedicated the National Conservation Area. The Upper Virgin River Recovery Unit, which includes the Red Cliffs Desert Reserve, represents only 1% of the all the recovery units...The small size was justified based on a high relative density of tortoises, a high quality of habitat, and high precipitation (compared to other recovery units). Intensive management is required to maintain tortoises in perpetuity.

The DWR has been charged with monitoring desert tortoises in the Reserve. The DWR uses a technique called distance sampling which looks at regional densities throughout the Reserve where tortoises can be found. This technique randomly locates several two kilometer transects that occur in tortoise habitat inside the Reserve. Although the Reserve is 62,000 acres, only about 38,000 acres are considered tortoise habitat.

The DWR has monitored tortoises yearly from 1999 to 2001 and then every other year through 2013. In 1999 there were 28 tortoises observed per square kilometer which stayed consistent through 2001. In 2003 there was a dramatic drop and by 2013 there were 16 tortoises observed per square kilometer. These estimates are only for adult tortoises and do not include juvenile tortoises as they are very difficult to observe.

All desert tortoise recovery units have shown a decline with exception of the Northeastern Mojave. The Northwestern Mojave includes the Beaver Dam Slope, extreme southwest Utah, parts of Nevada and Arizona. The graph for the Northwestern Mojave recovery unit starts at nearly zero tortoises observed while others start higher than that. The reason no tortoises were observed is unknown, but it could be that the area was monitored during a drought year when all tortoises stayed in their burrows.

Chris Hart asked if the main decline in the Reserve was due to wildfires. Ann answered yes and Chris felt that the decline is misleading as there was a specific event which led to the decline. Ann added that the first three years were stable. In 2002 there was a dramatic drought and the tortoises with Upper Respiratory Tract Disease became more vulnerable and are probably the ones that died in 2003. 2005 was a fantastic year and tortoises seemed to be recovering. Then there were devastating fires later that year and many tortoises were lost. Densities have been pretty consistent thereafter. Ann further explained that the DWR uses confidence intervals in their graphing. When a confidence interval doesn't overlap with another confidence interval then that's when we know there is a real decline.

The desert tortoise recovery plan identifies actions for each recovery unit including maintaining self-sustaining populations, maintaining well distributed populations, protecting habitat and assessing a suite of demographic measures such as density, abundance, mortality, occupancy, etc. Occupancy is the proportion of an area or patch that is occupied by a tortoise. The DWR observed that transect patches have been consistently occupied by the same tortoises throughout the study period, particularly in zone three. In zone two, occupancy has increased. Ann explained that once a tortoise exists on a patch they generally stay on that patch. After a fire, tortoises have remained on their same patch even though the habitat wasn't very good. They probably knew their landscape and felt safer even with less food availability.

Ann reported that fencing verses tortoise mortality data is all anecdotal information. The DWR has noticed a decrease in tortoise mortality over the years along roadsides that are fenced. Ann tentatively stated that fencing does work. Lastly, over 450 tortoises have been successfully translocated to zone four.

4. UTILITY AND DEVELOPMENT PROJECTS

- a. None**

5. GENERAL BUSINESS

- a. Discussion of DWR population monitoring report**

Bob Sandberg stated that there are a lot of variations between years and even within the same years due to temperatures and other effects. He asked if there is a way to take the variation out of the monitoring data. Ann responded that not all variation can be controlled or eliminated but some can be controlled through telemetric tortoises. The DWR observes whether telemetric tortoises are out of their burrows. If there are ten telemetric tortoises and only seven are observed above ground then 30% are hidden and not available for sampling. The DWR can adjust the density estimate to account for that hidden 30%. In drought years the percentage of tortoises below ground may be higher.

Chris Hart asked why all but one of the recovery units have declined. Ann answered it's a combination of reasons. If a drought hits an entire region, those tortoises with upper respiratory tract disease (URTD) aren't able to stand long periods without water, so they become more susceptible to other harsh events. Fires are another cause for decline throughout the Mojave Desert. Wildfires continue to have impacts as the native shrub land changes over time. Poor habitat from a fire could make tortoises more susceptible to URTD which could make them more vulnerable during a drought.

Bob asked if the population between 2007 and 2013 is somewhat stable. Ann said she feels it is stable, post wildfire. She explained there will always be variability and the confidence intervals shown in the exhibit are an estimation of how sure the division is that the estimate is accurate. If the same study is done 100 different times, then 95% of the time the estimate would fall within those brackets. If the confidence intervals overlap then there isn't a real difference. If they don't overlap (like 1999 and 2001) then there is a real difference. In 2013 there were 16 tortoises observed per square kilometer but with the confidence interval it could vary from 12 to 21 tortoises.

Henry Maddux stated this monitoring method has been used for a long time and asked if the division plans to continue with this same monitoring method. Ann answered yes, she is co-authoring a paper on range-wide trends of desert tortoises and is considering "effectiveness monitoring" to identify if tortoise fences work. Since monitoring data is anecdotal and not perfect data, it can make monitoring effectiveness more difficult to assess. The updated recovery plan identifies a suite of demographic measures to assess such as density, abundance, occupancy, mortality, etc.

Henry asked if the division can look at whether fire restoration efforts have made a difference for tortoises. Ann replied they would be able to look at densities post recovery or restoration. An increase or decrease could correlate to a change but correlation doesn't equate to causation. It's not easy to pinpoint exactly why a tortoise population is increasing or decreasing because it is a very dynamic system. If there is a decline we assume there is something that correlates with the decline such as drought, fire, disease, etc. but we cannot prove that the event caused the decline.

Bob stated that when the HCP was created we didn't expect to have a large wildfire like the one in 2005. At some point as we cross the 20 year permit we may want to look at the monitoring efforts and see if there are other options to tweak the monitoring efforts. The HCP has tried to take all actions identified such as fencing and removal of activities that may be detrimental to tortoises.

Ann explained that after the wildfires of 2005, the HCP funded the division to monitor burned transects. The division used existing transects and compared the data with existing data. The division is currently submitting a publication of mortality from wildfires as a significant number of tortoises have died during wildfires.

Chairman Blake asked if there is a way to bring our tortoise numbers up again. Ann replied that the quality of habitat is key to a healthy population since tortoises stay in the same area even when their habitat is degraded. Encouraging or supporting research for habitat restoration is important and Ann feels it would be more important to protect unburned habitat and to restore and protect once-burned habitat from burning again. We should control cheat grass through some creative means and continue to think creatively how to restore habitat. That will increase our tortoise success rate.

Chris Hart asked if the level of habitat degradation remains poor for an extended number of years after a fire. Ann and Bob responded that it depends on the area with existing shrub diversity, soil type, temperature or intensity of the fire, rainfall, what the fire fuel load was, etc. Ann explained that Twist Hollow burned but there is amazing habitat there now with shrub diversity. Just because an area burns doesn't mean that it is completely degraded. Bob added that through restoration efforts nobody has been able to figure out how to get desert tortoise habitat to come back in this area.

b. Report on land acquisition efforts

Jimmy Tyree reported the BLM continues to work with Washington County to develop a strategy to acquire Reserve inholdings. The BLM feels excited about the progress that has been made and the different options they have. There are a lot of conversations going on and steps being outlined for what will happen in the next few years. Bob Sandberg added the County HCP has acquired a Section 6 grant to help acquire some of the Reserve's inholdings. A notice will be sent soon to those who have inholdings and we hope to have this grant resolved before June.

c. Submission of 1st quarter report

The first quarter 2014 report, exhibit 5-c-1, was submitted to the HCAC for their review.

d. Update on status of the Reserve's visitor map

Bob Sandberg explained the supply of the Red Cliffs Desert Reserve public map is running low. Cameron Rognan has been working with the County GIS department to create an interim map until the BLM completes their planning process and creates a new visitor map. When the BLM is ready, they are welcome to use the information we have gathered for this interim map. Cameron has made contacts with all partners involved with the Reserve to get comments on the map.

Bob and Cameron both asked for comments from the HCAC on this draft map shown as exhibit 5-d-1. Cameron explained how the map works with different colors, zones, trail uses, etc. to help the public understand where they are at and the different rules for those areas. The rules and regulations are slightly different from the last map. Cameron explained the educational brochure that will be found on the back of the map.

Marc Mortensen stated the creation of a map is a ton of work. He thanked Cameron and others for all the hard work that has been put into it. Marc would like to see the map displayed at kiosks such as Pioneer Park. Marc informed the board that St. George City is trying to enhance the trail experience for users so that they know where things are. This will help people have a very clear understanding when they come to trail intersections. Marc pushed for this Reserve interim map to be free or very inexpensive and would like to see it available at all outdoor shops in the area.

Bob agreed with Marc and added the County will continue to coordinate with all partners and communities involved. The BLM and Snow Canyon have been trying to update their access points information and the HCP wants to give the public as much information as possible. The HCP is willing to share this information in as many ways as possible. It will be available on the Reserve's website for the public to view and print on their own as well as zoom in for more details. Cameron stated that all other partners can link to our website. The HCAC was impressed by the quality of work that has been done on this map.

Bob added that HCP staff has done a lot of work on the website to enter detailed information on every trail in the Reserve.

e. Technical Committee Report

Ann McLuckie reported that the Technical Committee talked briefly about updates and reports. There were no decisions made.

f. HCP Administrator's report (Bob Sandberg)

1. HCP revenues and expenditures report and discussion

The HCAC reviewed exhibit 5-f-1, the revenues and expenditures report. The lack of revenue is due to impact fees which are due at the end of each quarter, not each month. This March report looks as though there isn't enough revenue; however, impact fees for the first quarter are just starting to come in during April. The HCAC talked about reviewing this report once a quarter but wanted input from all HCAC members before making that change.

2. SITLA fee waiver request status

Bob stated that the county attorney's office has looked into the legal status of waiving the impact fee on the SITLA property near Sienna Hills. They determined there cannot legally be a fee waiver. Bob discussed this with SITLA and they seem ok with the explanation. Chris Hart stated that whatever decision is made becomes a pattern for future requests, the ruling needs to be fair and consistent. Bob added that he has never seen an impact fee waiver in the time he has been working for the County.

3. Update on the ESMF and Section 6 Grant applications submitted

Bob explained that the HCP has applied to the FWS for an additional Section 6 grant of \$2 million, in conjunction with applying to the state of Utah for their Endangered Species Management Fund of \$100,000 to help with a match on the grant. Both applications have been submitted. Henry Maddux stated the DNR will meet next Monday to review all applications. This will be considered at that time and should receive a good look. In the 2013 Section 6 grant, the HCP requested \$3 million and received \$1.4 million. Hopeful we'll get enough to cover the original \$3 million we applied for. We want the property owners to see that we're doing our best effort.

4 Update on the tortoise adoption program

The adoption program with the UDWR has been expanded to allow people to adopt positive tested tortoises. The HCAC allowed the HCP to help with veterinarian care. The Salt Lake UDWR office had a media blitz regarding the adoption program and received around 400 contacts and 76 applications for adoption. The UDWR will determine how many of those applicants will be eligible to adopt. The County can provide around 35 tortoises for adoption.

5. Report on 2014 fire suppression in the Reserve

This past winter got real cold and there was a large snow storm; however, the overall year has been dry and there hasn't been a lot of fire fuel growth. Even though the fuel is short, it is continuous and could burn. We have decided not to use the goats for grazing along Cottonwood road or the inmates because there isn't enough vegetation. The BLM sprayed herbicide plateau which is a pre-emergent chemical, reducing cheat grass and other annual species. This also inhibits the germination of seeds. The areas along Cottonwood Road that were sprayed are very visible and this may be a good option for future fire suppression efforts.

The HCP has contacted the county fire warden and the city fire chiefs. They, along with their fire crews, understand the protocol to follow when fighting fires in the Reserve. Jimmy Tyree stated the BLM doesn't have as many firemen as they've had in the past. The BLM firemen also understand the protocols to follow with fire suppression efforts.

6. Bluff Street, Red Hills Parkway project update

The Bluff Street and Red Hills Parkway intersection project has begun; there are signs up to notify the public. The contractor has put up appropriate fencing and has received tortoise awareness training. They have a monitor that will work with the project throughout the summer. They have been working with the FWS and have dealt with all encroachment issues into the Reserve. They have their mitigation worked out.

7. Report on Washington City well repair

The HCP has been working with Washington City as they've had more water well issues. Washington City had to lower their pump because they kept breaking suction due to the water table being lower. HCP staff will work with the City to ensure that they all receive the proper tortoise awareness training and follow UDP protocols during the repairs.

6. PUBLIC COMMENT

This item is reserved for items not listed on this agenda. No action may be taken on a matter raised under this agenda item (three minutes per person).

7. MEMBER REPORTS & REQUEST FOR FUTURE AGENDA ITEMS

Marc Mortensen felt it would be worth a fieldtrip to view the construction of the Desert Garden along Red Hills Parkway. The main purpose would be to look for opportunities for outreach and education in conjunction with that facility. It will become a very popular place just like Pioneer Park. Bob stated there have been plans with the Desert Garden to educate the public.

Lisa Rutherford mentioned the Red Cliffs Desert Reserve visitor center has a blank wall on the south side which could be used to advertise the visitor center. She suggested having a mural (perhaps artistically inclined students could create) or something else intriguing which visitors could clearly see and know that it is the Reserve's visitor center. The HCAC will visit this topic during next month's HCAC meeting.

8. ADJOURN

MOTION by Chris Hart to adjourn the meeting.

Seconded by Marc Mortensen.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 2:15 p.m.
Minutes prepared by Amber Stocks.