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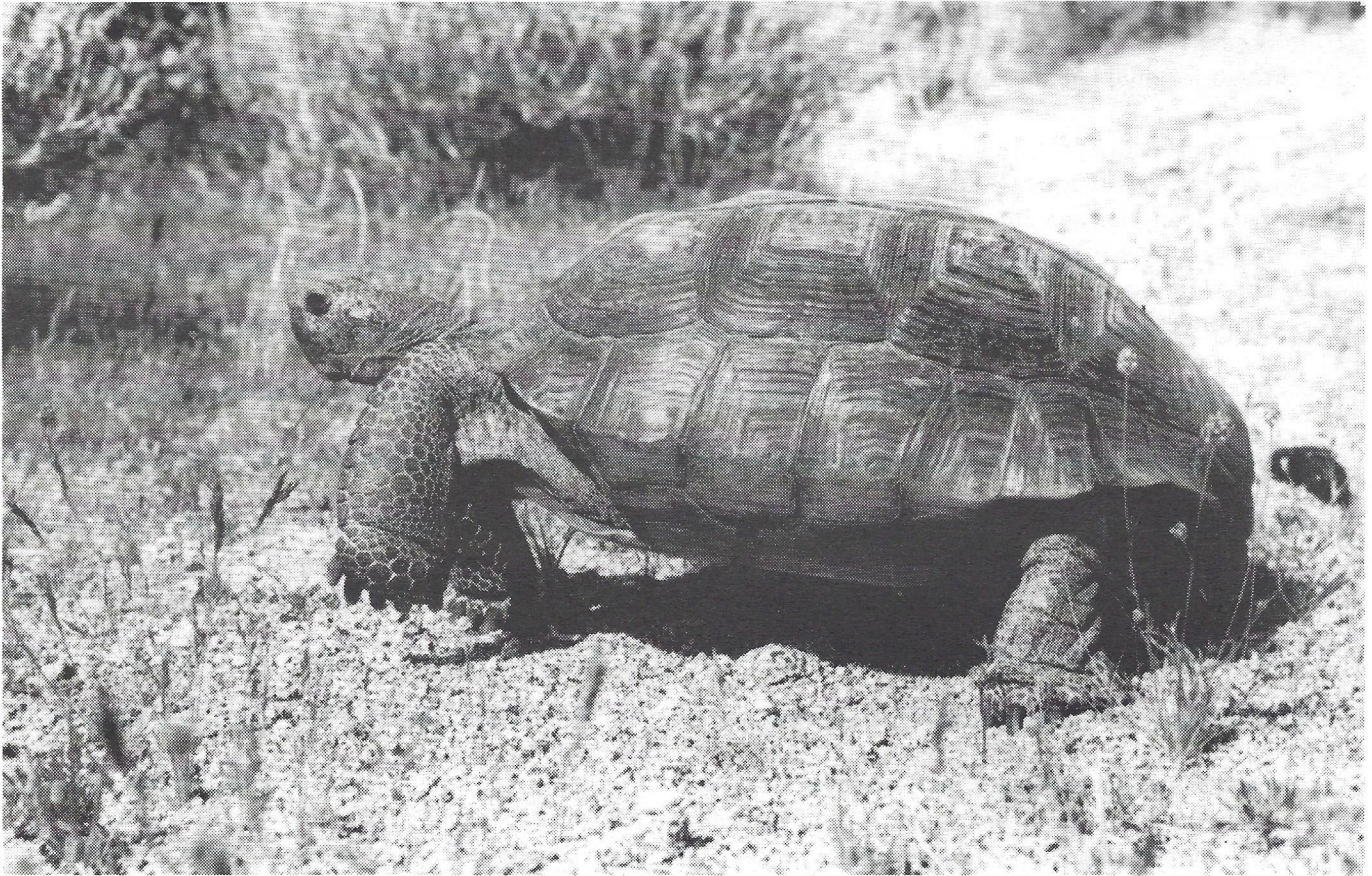
# Tortoise Tracks

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The Desert Tortoise Preserve Committee, Inc.

Winter / Spring 1995 15:3

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## ANNUAL REPORT FROM THE BOARD

During 1994, the Preserve Committee devoted approximately \$150,000 and an estimated 7,000 volunteer/staff hours to its land acquisition, stewardship, public education and advocacy programs. Highlights of these program activities are summarized below.

### *Stewardship*

The Committee organized two volunteer work parties at the Desert Tortoise Natural Area in 1994. These parties, held each fall and each spring, provide an opportunity for Committee volunteers to actively participate in the stewardship of the Natural Area. Tasks completed by the volunteers include fence repairs, trail maintenance, sign replacement, and maintenance of the Interpretive Center facilities.

During 1994, the Committee completed construction of the final five miles of the perimeter fence around the Desert Tortoise Natural Area (DTNA). This project was possible since recent land acquisitions included the last boundary parcels which remained in private ownership. The project was a joint venture between the Committee and the Bureau of Land Management.

The Bureau supplied the fencing materials and the Committee provided the fencing contractor. Completion of the perimeter fence was a major milestone for both the Bureau and the Committee, representing the fulfillment of a 20-year goal.

The Committee provided funding support for a

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*Annual Report continued from page 1*

research project by Matthew Brooks, a graduate student at the University of California at Riverside. Mr. Brooks' research evaluated the variations in habitat quality and biological diversity inside the DTNA versus outside the protective fence. Mr. Brooks presented the findings of his work at the Committee's annual banquet in January 1995.

The Committee's springtime naturalist program (described below under Public Education) also represents a significant stewardship activity. The full-time presence of professional naturalists at the DTNA during the months of peak visitation enables the Committee to effectively monitor visitor use and to deter detrimental activities such as unlawful vehicular entry, vandalism and poaching.

### **Public Education**

During 1994 the Committee again funded a naturalist program for the Desert Tortoise Natural Area. A team of naturalists was on-site full-time during the months of March, April and May when tortoises are most active and when human visitation is highest. The naturalists significantly enhance the educational experiences of visitors by providing interpretive services and informal tours of the Natural Area. As this issue of *Tortoise Tracks* goes to press, the naturalist program for 1995 is in full swing.

The Committee also continued its educational outreach efforts during 1994, presenting educational programs and distributing educational materials at turtle and tortoise exhibits in Los Angeles, Orange, Riverside and San Bernardino counties.

As summarized in a special edition of *Tortoise Tracks* last summer, the Committee has completed a Master Plan and related feasibility analyses for the proposed Mojave Desert Educational Outreach Center. The proposed site is located along Interstate 15 in San Bernardino County, California. The facility will offer a comprehensive educational program about the eastern and western Mojave Desert ecosystems, their constituent natural resources, and the impacts of various land uses on their biodiversity. The Desert Tortoise Preserve Committee is leading the planning process and capital campaign for the Center. The Bureau of Land Management and the National Park Service will potentially be joint venture partners for the project.

### **Advocacy**

During 1994, members of the Preserve Committee's Board of Trustees actively participated in a range of government planning processes and management programs for the desert tortoise. The Committee's involvement in these programs ensured that the interests of the tortoise were well served in the planning processes.

As part of this advocacy work, Committee representatives are currently serving on several technical advisory teams for management plans being prepared by the Bureau of Land Management, including the Western Mojave Coordinated Ecosystem Management Plan, and the Northern and Eastern Colorado Desert Ecosystem Management Plan.

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#### **The Desert Tortoise Preserve Committee**

<b>Roger Dale</b>	President
<b>Laura Stockton</b>	Vice President
<b>Tom Dodson</b>	Vice President
<b>Ed LaRue</b>	Recording Secretary
<b>Jayne Chavez-Scales</b>	Corresponding Secretary
<b>Dr. Kristin Berry</b>	Technical Advisor
<b>Bev Steveson</b>	Board Member
<b>Jun Lee</b>	Board Member
<b>Peter Gillis</b>	Board Member



## Government Interface Summary for 1994

By George Moncsko, DTPC Vice President of Government Interface

The Committee's interface with the Ridgecrest Resource Area of the Bureau of Land Management (BLM) involves the following major activities:

- 1) Monitoring of the implementation of the BLM's Management Plan for the Rand Mountains and Fremont Valley;
- 2) Various DTPC-BLM coordination meetings; and
- 3) Participation on the BLM's Ridgecrest area Steering Committee.

### Rand Mountains Management Plan

The Rand Plan was signed in January of 1994. The DTPC met with the BLM District Office on our concerns about the plan and reached agreement that we would not appeal the plan if the BLM would initiate satisfactory monitoring and take immediate action if degradation of tortoise habitat was occurring. I took the lead for DTPC for coordination with the BLM on development of a monitoring plan. DTPC had several meetings with the California Off-Road Vehicle Association (CORVA) and BLM, and other meetings with just BLM on this plan development. A draft plan was released in March of 1995.

I also participated in field meetings of the Rand Technical Review Team (TRT) to review progress on off-highway vehicle (OHV) trail marking and compliance, as well as to review progress on the fence installation along the southern boundary of the Rand area.

### DTPC-BLM Coordination Meetings

The annual DTPC-BLM coordination meeting was held in June with discussion of issues of concern to the BLM and DTPC. We reviewed responsibilities and accomplishments under the joint Memorandum of Agreement (MOA) for the Desert Tortoise Natural Area, and generated an action item list for the upcoming year.

I also had periodic meetings with the BLM's Ridgecrest area manager for coordination of activities of mutual interest, and to keep our dialog open. Discussion topics included: follow-up on action items from annual DTPC-BLM meeting; management of the DNTA; raven control; the Rand

Mountains Management Plan; sheep grazing; DTPC's proposed visitor education center; status of the West Mojave Coordinated Management Plan; potential impacts of the Desert Protection Act and ecosystem management plans; and OHV activity in and around California City.

DTPC and BLM also continued to hold semi-annual land acquisition coordination meetings to maintain open sharing of all accomplishments and plans. BLM expressed interest in having DTPC act as an intermediary on land exchanges in the DTNA and other critical habitat, and the DTPC agreed it would do so if required.

During 1994 I also participated in meetings with BLM personnel from the Ridgecrest and Barstow Resource Areas regarding DTPC's proposed Mojave Desert Educational Outreach Center. Items discussed included BLM requirements, location of the center, funding issues, and potential involvement of the National Park Service.

### BLM Ridgecrest Area Steering Committee

For the past several years I have been the desert tortoise advocate on this committee. The committee advises the Area Manager on many issues in the desert including wind energy development, mining, recreation and conservation. ♦

#### *Annual Report continued from page 2*

During the past year, the Committee has worked extensively with the Bureau of Land Management to establish a monitoring program for the Rand Mountain/Fremont Valley Area of Critical Environmental Concern (ACEC). The purpose of the monitoring program is to ensure that adequate compliance is achieved with restrictions on off-highway vehicle (OHV) use in the area. In addition to technical review, the Committee also committed financial resources for the photomonitoring component of the program. ♦



## Preserve Committee to Receive \$489,300 to Implement Mitigation Program for Solar Energy Facility in Western

Later this spring the Preserve Committee will receive \$489,300 from Harper Lake Companies (HLC) to implement a mitigation program for the firm's solar energy facility in the western Mojave Desert. The facility is located northeast of Kramer Junction in area designated as critical habitat for the desert tortoise. The mitigation program will involve the construction of a tortoise-proof fence to reduce vehicular mortalities of desert tortoises along the 6.5-mile access road to the plant. The Preserve Committee's specific responsibilities under the mitigation agreement will be to acquire the necessary easements and then to construct the tortoise-proof fence. Funding of this program represents the resolution of a seven-year struggle to ensure that the original mitigation requirements of the project are fulfilled.

In 1988, Luz Construction and Development Corporation filed an application with the California Energy Commission (CEC) to construct a solar electric generating facility near Harper Dry Lake. After reviewing the project's potential environmental impacts, the CEC granted certification of the facility in March 1989. CEC's environmental review included a biological assessment through consultation with the California Department of Fish and Game (CDFG). Based on CDFG's Biological Opinion, the Energy Commission incorporated Biology Condition 4(f) into its final decision:

**In consultation with the CDFG and San Bernardino County, Luz shall, to extent practicable, construct tortoise-proof fencing on both sides of Harper Lake Road between Highway 58 and the project site. Additionally, culverts shall be installed along the road at all desert wash crossings to provide safe tortoise passage.**

As part of the approval process, Luz also received a permit from the Bureau of Land Management (BLM) for the transmission line route extending from the facility across federal land. Based on consultation with the U.S. Fish and Wildlife Service, the BLM's permit also included the same requirement for a

tortoise-proof fence along Harper Lake Road. Thus, Luz was granted approval to construct the energy facility based on the expectation that it would act in good faith and construct the protective fence at some undetermined future date.

By December 1989, construction of the first energy generating station at the site was completed, and commercial operation began. A second generating station began operation in October of 1990. In November 1991, Luz filed for bankruptcy. The successor in bankruptcy to Luz was Harper Lake Companies.

In May 1993, the California Energy Commission held a public workshop with HLC and the involved government agencies to discuss implementation of the State and federal requirement for a tortoise-proof fence along Harper Lake Road. At that point--four years after the original certification of the energy facility--neither Luz or HLC had made any progress on implementing the mitigation program.

In June 1993, HLC, acting through a local insurance agency, sent letters to the approximately 60 private land owners along Harper Lake Road to solicit easements to enable the construction of a fence. To the Preserve Committee's knowledge, this solicitation was the first and only attempt to contact these land owners.

From the initial round of solicitation letters, HLC received only six affirmative responses from land owners indicating that they would be willing to grant an easement for a fence. Based on the poor response, HLC filed a request with the California Energy Commission to amend the original mitigation requirement for a tortoise-proof fence.

In particular, HLC proposed substituting long-term roadway monitoring for the as-yet unbuilt fence. HLC's request alleged that previously unknown private property ownership along Harper Lake Road

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prevented the acquisition of sufficient easements to construct the fence.

The Energy Commission conducted hearings in February 1994 and again in November 1994 to receive testimony from HLC in support of amending the fence requirement and from advocates for the retention of the fence requirement. The Preserve Committee, along with the BLM, the U.S. Fish and Wildlife Service, the California Department of Fish and Game, and Commission staff strongly supported the retention of the requirement for a tortoise-proof fence. The Preserve Committee based its position on the belief that the fence is the only effective means of directly mitigating the actual impacts on the desert tortoise caused by the project, and that HLC had not made a good faith effort to acquire the necessary easements. The Committee also felt strongly that waiving the fence requirement would set a dangerous precedent of allowing a firm to essentially dictate the terms of its own mitigation requirements after the impacts had already occurred.

The Commission ultimately supported the Preserve Committee's position and retained the fence requirement. Based on dialogues during the CEC's hearings, both the Preserve Committee and the Energy Commission recognized that an opportunity existed for the Preserve Committee to facilitate the implementation of the fence requirement. As a result of the hearings and subsequent negotiations with HLC, the Preserve Committee was designated as a third-party agent for the implementation of the requirement. Specifically, pursuant to the Commission's decision, HLC reached an agreement with the Preserve Committee whereby HLC will deposit \$489,3000 into an account to be used by the Preserve Committee to acquire the easements, construct the fence and culverts, and conduct interim roadway monitoring. The Committee has already assumed responsibility for the roadway monitoring during the spring season of tortoise activity. The Committee will have up to 18 months to acquire the necessary easements and begin construction of the fence. ♦

## ECOSYSTEM MANAGEMENT PLAN FOR NORTHERN AND EASTERN COLORADO DESERT

The Preserve Committee's President, Roger Dale, is serving on the Interest Group Committee for the Northern and Eastern Colorado Desert Ecosystem Management Plan. The Bureau of Land Management (BLM) is the lead agency for the plan and is working in cooperation with Joshua Tree National Park (JTNP), the U.S. Marine Corps (USMC), the U.S. Fish and Wildlife Service, and the California Department of Fish and Game.

### *Planning Area*

The planning area encompasses 5.5 million acres and is roughly bounded by I-40 on the north, the Colorado River on the east, I-8 on the south, and Kelbaker Road on the west. Existing land ownership within the area is as follows: 69% BLM, 17% private (mostly Catellus), 7% Chocolate Mountains Aerial Gunnery Range (managed by the USMC), 5% JTNP, and 2% State. The plan will apply only to the *public* land within the planning area. The plan area includes

portions of three counties (Riverside-42%, Imperial-16%, and San Bernardino-42%).

### *Purposes of Plan*

The primary purpose of the plan is to provide for the recovery of the desert tortoise. The plan will implement the requirements of the Desert Tortoise Recovery Plan (published by the U.S. Fish and Wildlife Service in 1994). The plan will affect tortoise populations in the Northern and Eastern Colorado Tortoise Recovery Units (Chemehuevi and Chuckwalla Desert Wildlife Management Areas, respectively). A secondary purpose of the plan is to address management of the diversity of all plants and wildlife in an ecosystem context.

### *Other Species Affected by Plan*

In addition to the tortoise, the plan will specifically

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*Management Plan* continued from page 5

consider about 30 special status species which occur within the planning area. These include the following: desert bighorn sheep, desert mule deer, spotted bat, occult little brown bat, Mexican long-tongued bat, California leaf-nosed bat, white-throated woodrat, yellow warbler, prairie falcon, vermilion flycatcher, Bendire's thrasher, Crissel thrasher, LeConte's thrasher, Gila woodpecker, elf owl, ferruginous hawk, fringe-toed lizard, legless lizard, chuckwalla, San Diego coast horned lizard, spade foot toad, Arizona southwestern toad, desert rosy boa, desert white snail, spring snails, and terrestrial snails.

### ***Management Zones***

The plan will set standards for managing desert tortoise populations and other special status species by delineating management zones and defining management prescriptions for each zone category. Three broad categories of zones will be defined:

- 1) areas to be managed primarily for viable populations of desert tortoise and other species;
  - 2) areas to be managed for multiple uses of resources as well as for viable tortoise populations; and
  - 3) areas to be managed for resource use but not for viable populations of desert tortoise and other species.
- Routes of travel across public lands will be designated as open, closed or limited.

The final plan will function as a habitat management plan and will also amend the 1980 California Desert Conservation Area Plan. The wilderness areas created by the recent passage of the California Desert Protection Act will be incorporated as a plan decision. Land users and managers will benefit through resolution of land use conflicts in a regional context and more efficient and consistent project review and processing.

### ***Planning Schedule***

The BLM anticipates completion of a final plan by early 1997. The Interest Group Committee (IGC)

began meeting in January of 1995 and will be most active during the first year of the planning process. The role of the IGC is to advise BLM on issues of

concern to each interest area and to provide public

input to the planning effort. Interest areas represented on the IGC include: the desert tortoise, other wildlife, native plants, research and education, mining, grazing, motorized recreation, non-motorized recreation, utilities, wild horses and burros, and Native American interests. The BLM will retain decision-making authority and ultimate responsibility for preparation of the plan documents.



## **CHUCK BOLAND SERVES AS HEAD NATURALIST AGAIN IN 1995**

Visitors to the Desert Tortoise Natural Area this spring have been greeted by a familiar face. Mr. Chuck Boland, who served as the Preserve Committee's head naturalist last year, returned to the position again this year. He has many years of field experience in the Mojave desert, including work on desert tortoise survey plots.

Mr. Boland, whose permanent residence is Juneau, Alaska, is working under contract to EnviroPlus Consulting, a Ridgecrest based firm which has handled the Preserve Committee's naturalist program for the past three springs.

The Preserve Committee is pleased to report that the Bureau of Land Management has committed to provide a grant of \$8,000 to support this year's naturalist program. We would also like to acknowledge our members Leslie and Richard Miller of Connecticut who have provided special funding to enable us to have an additional naturalist on site during the weekends. We very much appreciate the funding support from the Bureau and the Millers.

The next issue of *Tortoise Tracks* will be devoted to the experiences of the naturalists during the 1995 season. ◆



**DESERT TORTOISE PRESERVE COMMITTEE, INC.**  
**Preliminary Financial Summary**  
**Year ended December 31, 1994**

**INCOME:**

Donations	\$44,979
Dues	8,540
Merchandise Sales	8,289
Interest/Dividends	12,279
Land Sales	57,765
Miscellaneous	<u>2,108</u>
Total	\$133,961

**EXPENDITURES:**

Education and Stewardship Programs	\$16,736
Naturalists	13,000
Land Acquisition	58,873
Property Taxes	2,668
Administrative Expenses	22,335
Professional Services	49,645
Merchandise for Resale	<u>6,462</u>
Total	\$169,720

**Statement of Assets**  
**December 31, 1994**

**CASH ON HAND**

Restricted Accounts	\$134,717
Unrestricted Accounts	<u>197,451</u>
Total, Cash	\$332,168

**OTHER ASSETS**

Merchandise Inventory	\$9,333
Equipment (Depreciated Value)	19,661
Real Property (567.33 acres)	<u>357,200</u>
Total, Other Assets	\$386,194

**TOTAL NET WORTH** **\$718,362**

**Help Protect California's Natural Areas  
Support Senate Bill 1280  
The California Land and Water Conservation Act**

Senate Bill 1280 is a major new initiative to protect wildlife habitat, open space areas and agricultural lands throughout the State of California. The bill would establish a tax credit program for private property owners who donate valuable habitat lands to designated nonprofit groups or state or local agencies. The bill would also allow for donation of water rights and agricultural conservation easements.

Participating landowners would receive a tax credit from the State worth about 65% of the value of the land. When this credit is combined with the potential tax deduction from the federal government (about 35 percent of fair market value), property donors could receive tax incentives that approach their property's full market value.

SB 1280 was introduced by State Senator Jack O'Connell (Santa Barbara) to supplement the limited funds which state and local governments currently have to acquire important resource lands. Existing funding can address only a fraction of the overall need to acquire natural areas. SB 1280 will greatly expand California's ability to protect these irreplaceable resources.

**Your help is needed today in supporting SB 1280. Please send letters of support to your local State Assembly Member and State Senator. Letters may be sent to the State Capital Building, Sacramento, CA, 95814.**

SB 1280 is a major opportunity to do something positive to preserve valuable habitat and open space areas. Your letters and calls to our state legislators are critical to the success of this initiative. ♦



## **Tortoise Tracks**

**THE DESERT TORTOISE PRESERVE COMMITTEE  
P.O. BOX 2910  
SAN BERNARDINO, CA 92406**

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