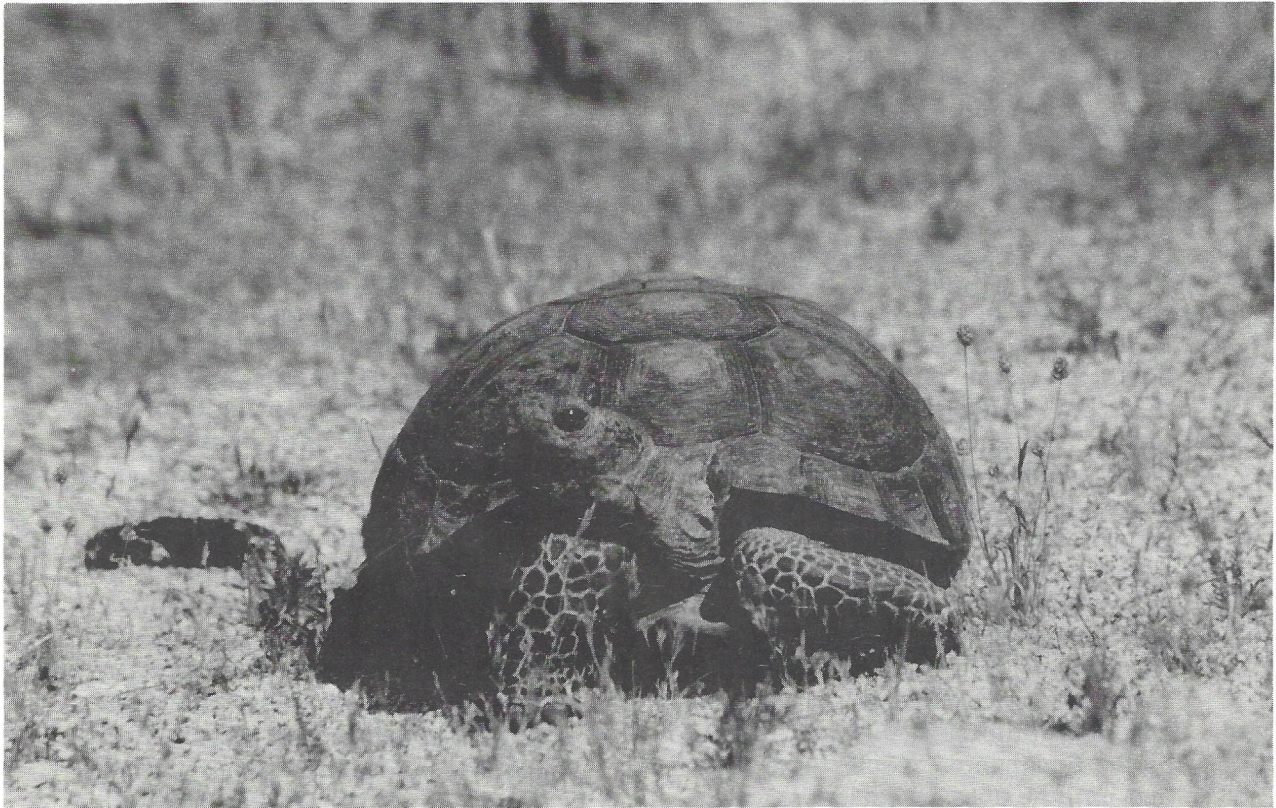


Tortoise Tracks

The Desert Tortoise Preserve Committee, Inc.

Spring 1993
14:1



Desert tortoise at the Desert Tortoise Natural Area.

Photo by Bev Steveson

CONSERVATION GROUPS GAIN VICTORY IN SHEEPGRAZING BATTLE

As reported in the last issue of Tortoise Tracks, the Desert Tortoise Preserve Committee and other conservation groups were very alarmed at the Bureau of Land Management's proposal for desert sheepgrazing in 1993. As proposed, the sheep grazing program for this spring would have been devastating to prime desert tortoise habitat on public lands. The plan would have allowed for grazing on over 50 percent of the total Category I tortoise habitat and more than 50

percent of Category II habitat. These areas amount to a total of approximately 400,000 acres of Category I and II habitat.

We are very pleased to report that thanks to a litigation effort mounted by conservation groups concerned about the desert tortoise and its habitat, the Bureau's sheepgrazing program for this year was not implemented as proposed.

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Sheepgrazing Victory (Continued from Front Page)

The litigation effort was led by the Sierra Club Legal Defense Fund (SCLDF) and the Natural Resources Defense Council (NRDC). The plaintiffs for the legal action also included The Wilderness Society, Defenders of Wildlife, the Desert Protective Council, and the Southern Utah Wilderness Coalition.

In March, attorneys from SCLDF and NRDC filed a Temporary Restraining Order (TRO) against the Bureau of Land Management (BLM) with the intent of preventing the turnout of sheep on Category I and II habitat this spring. The attorneys were successful in this effort, with the result being that the parties involved agreed to a stipulation that the woolgrowers would restrict grazing to Category III areas.

The basis of the case was that the Secretary of the Interior has failed to designate critical habitat for the desert tortoise within the timeframe required by the Endangered Species Act, and that until he does designate critical habitat for the tortoise, the Secretary cannot authorize sheepgrazing on lands likely to receive this designation. Moreover, the attorneys argued that sheepgrazing would destroy or adversely modify significant portions of this habitat.

The Desert Tortoise Preserve Committee was naturally very pleased with the stipulation restricting this year's sheep grazing to Category III desert tortoise habitat. However, we had definite concerns about how effectively it would be enforced. In order to monitor the Bureau's effectiveness in enforcing the stipulation, the Committee retained EnviroPlus Consulting to conduct a field survey to verify that sheep were being kept out of Category I and II

areas.

During the course of their short-term field study, the EnviroPlus monitoring team found several clear violations of the court stipulation. Due to these documented instances of sheep trespass and because we had evidence that the violators were in fact woolgrowers who are operating under BLM permits, the SCLDF and NRDC attorneys went back into court on May 11 to pursue additional enforcement of the March stipulation. At the May 11 hearing, the judge sent out a very clear message that the court will absolutely not tolerate any further sheep trespasses into Category I and II habitat. Effective May 11 and for the remainder of the grazing season, BLM is required to report to the court every 48 hours with an update on the names of all woolgrowers that are still grazing the desert, the numbers of sheep remaining, and their exact locations. The judge also required BLM to upgrade its level of enforcement, immediately report all violations and pursue criminal charges against violators.

The May 11 rulings represent a very clear victory for the Committee and the other groups involved in the ongoing effort to keep sheepgrazing out of

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Desert Tortoise Preserve Committee

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Sheepgrazing Victory (Continued from Page Two)

critical desert tortoise habitat. The Committee is indebted to attorney Deborah Reames of SCLDF and Johanna Wald of NRDC for their tremendous effort in preparing the litigation, and to Elden Hughes of Sierra Club for his continued work on this issue. We would also like to thank our Vice President, Tom Dodson, for devoting many hours to coordinating our support of the legal action and for personally funding a large portion of the EnviroPlus monitoring contract.

As a footnote to all of this, we would like to mention that both the Committee and the BLM would like to avoid repeating this type of legal conflict again next year. We and the Bureau have met and have concurrence on two general goals:

1) The BLM Desert District Manager, Henri Bisson, has proposed that DTPC participate on a technical review team or some similar forum to provide input on the grazing program for 1994. The Committee is in definite concurrence with this idea since a major part of the problem this year was that we were not given access to the planning process, and by the time we were able to review the grazing plan we really had no other choice but to resort to legal action.

2) The second thing we hope will result from our discussions with BLM is that as the Desert Tortoise Recovery Plan and the Western Mojave Coordinated Management Plan are finalized, we want to ensure that these documents contain adequate information and management guidelines for any future grazing programs.

As new developments on the sheepgrazing issue unfold we will

continue to report them in Tortoise Tracks.

COMMITTEE CONTINUES PLANNING FOR EDUCATIONAL OUTREACH AND RESEARCH FACILITIES

The Committee's plans to establish permanent facilities for educational outreach and research related to the desert tortoise are progressing rapidly. The proposed facilities will encompass multi-faceted scientific research and educational programs geared towards the protection of the threatened desert tortoise. Program components may include the following:

- 1) Living quarters for researchers and the Committee's naturalists.
- 2) Research laboratory facilities for studies on desert tortoise feeding habits, immunology and other facets of desert tortoise conservation biology.
- 3) A pilot semi-wild breeding program.
- 4) Administrative space for the Committee, area law enforcement personnel, and habitat management personnel.
- 5) A multi-media room for slide shows and audio-visual presentations.
- 6) Research library and archives.

Based on public input, the Committee's Board of Trustees has tentatively decided to site the educational and other visitor-oriented components of program in a separate facility from the research and habitat management activities. The thinking behind this decision is that the research facilities

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Committee Continues Planning for Educational and Research Facilities (Continued from Page Three)

should be located in close proximity to the Desert Tortoise Natural Area since the Natural Area has historically been and will likely continue to be a focal point for desert tortoise research.

Furthermore, the research infrastructure which is already at the former Honda plot within the Natural Area may provide the core of the proposed research facilities. The Honda research infrastructure includes a well and an extensive irrigation system which could support the semi-wild breeding program proposed for the research facilities.

By the same token, the Committee also believes that the proposed office space for law enforcement personnel should be located near the DTNA to facilitate patrol and monitoring of this prime area of concern.

In contrast to the research and law enforcement activities which would logically be located at or near the DTNA, it is the Committee's current thinking that the proposed public outreach facilities should not be located near the DTNA. Our concern is that the increased visitation which would likely result if the facility were sited at the DTNA would cause an unacceptable level of human impacts to this prime tortoise habitat. Moreover, since we hope to reach as many people as possible with our public education programs, the DTNA's relatively remote location would be inferior from a public access standpoint to a site along a major highway. In this regard, the Committee is currently considering sites along Highways 58, 14, and 395, as well as Interstate 15 as potential locations for the educational outreach facility.

"We are considering various sites and

design schemes, and are weighing our options at this point," says Jun Lee, the Preserve Committee's coordinator for the capital project. "We are definitely open to public input and invite any interested parties to contact us about joining the building committee or to help in any way."

At this point, the Committee is discussing the proposed facilities with the Bureau of Land Management, the California Department of Fish and Game, the California Department of Transportation, and the U.S. Fish and Wildlife Service. "We are attempting to build a private-public partnership for this project and hope to include some prominent foundations and perhaps even the University of California as potential sponsors," Mr. Lee stated about the planning process. "The most important component, though, is membership engagement in the process," Mr. Lee adds.

As part of the planning process, Jun Lee and DTPC President Roger Dale have been visiting other public education facilities in the desert to get design ideas and to identify operational issues that the Committee's facility will need to address. These other facilities have included the Living Desert in Palm Desert, the visitor center at the Anza Borrego State Park, and the Arizona Sonora Desert Museum in Tucson. Min Yang, who is working on preliminary designs for the Committee's facilities, also participated in the site visits. In addition to coordinating the design and planning effort, Mr. Lee is also actively seeking major funding for the project.

DTPC members interested in participating on the planning committee for the educational and research committee should contact Jun Lee at (310) 277-9250.

RECOVERY PLAN UPDATE

DESERT TORTOISE RECOVERY PLAN RELEASED

The draft Recovery Plan for the Mojave population of the desert tortoise has been released by the U.S. Fish and Wildlife Service. A notice of availability in the Federal Register was dated March 30, 1993. The Board of Trustees of the Preserve Committee is currently reviewing the draft Plan and will provide formal comments to the Fish and Wildlife service. An article on the Plan from the April 13 edition of the Riverside Press Enterprise is reprinted below.

TORTOISE PRESERVES MAPPED

By Susan Sullivan
The Press Enterprise

Saving the desert tortoise from extinction will require protecting at least 10,000 square miles of desert scattered across four states, according to a draft of one of the largest recovery plans ever written under the Endangered Species Act.

"It's probably the broadest in the nation," in terms of the size of the preserves and the complexity of the threats to the creature's survival, said And Robinson, recovery program coordinator for the U.S. Fish and Wildlife Service's regional office in Portland, Oregon.

The final version of the plan will be used by local governments in the four states to guide their tortoise habitat conservation plans.

For the rapidly developing high desert areas, particularly Western San Bernardino County, the tortoise

represents a conflict between growth and environmental protection along the lines of the Stephens' kangaroo rat which brought development to a wrenching halt in western Riverside County when it was declared endangered in 1988.

The Fish and Wildlife Service document is a watershed in the efforts to save the normally long-lived desert dweller from a dramatic decline in numbers during the last two decades.

The tortoise whose burrows dot the California desert from Inyo County south to Mexico, was declared threatened in 1990, making it a crime to kill it or disturb its habitat.

"This is a major milestone. It is the pivot point from which everything will now flow for management" of the tortoise, said Tom Dodson, Vice President of the Desert Tortoise Preserve Committee.

Disease, development, and predators have been killing off the tortoise over much of its range in Southern California, southern Nevada and a corner of northwestern Arizona and southwestern Utah. Tortoise populations are declining at rates ranging from 3 percent to 59 percent per year, according to the report.

The plan maps 14 preserves where wildlife officials should rebuild tortoise populations to at least 50,000 adults in order to give the creature a 50 percent chance of surviving for 500 years. The boundaries of each area are somewhat flexible to allow local governments leeway in shaping the permanent preserves.

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Recovery Plan Update (Continued from Page Five)

"This is a serious biological approach," commented Marc Graff, vice chairman of the California Turtle and Tortoise Club and senior co-chairman of the Desert Tortoise Council.

Graff said he is concerned about the estimated \$15.5 million it will take to buy land and establish the 14 preserves, educate the public and conduct research.

"It's not clear to me that this is a realistic budget," Graff said, because the money has yet to be budgeted.

Under the recovery plan's 12-year timetable, the costs would be divided among federal agencies such as the Fish and Wildlife Service, the Bureau of Land Management, the military and the National Park Service, and the four states' game and parks departments.

The plan is not a mandatory conservation program, but must be negotiated and approved by the various local and regional governments. Regions that follow the plan's guidelines will find it easier to get a permit to disturb the tortoise and its habitat, according to Robinson of the Fish and Wildlife Service's Portland office.

Local governments in the West Mojave area have indicated they will comply with the plan as much as possible, according to Fish and Wildlife biologist Sherry Barrett.

The BLM has undertaken a similar planning process for eastern Riverside County, but lack of funding and staffing has made for slow going, according to Theodora Glenn of the BLM's Palm Springs office.

After a 60-day comment period which

ends June 1, the team of scientists that drafted the recovery plan will reconvene to consider all comments and produce a final version of the proposal, according to Barrett of the Fish and Wildlife Service.

CRITICAL HABITAT LITIGATION

In November of last year the Sierra Club Legal Defense Fund filed a notice of intent to sue the U.S. Fish and Wildlife Service for its failure to designate critical habitat for the desert tortoise within the timeframe required by the Endangered Species Act. The notice of intent was filed on behalf of the Natural Resources Defense Council, The Wilderness Society, Defenders of Wildlife, the Desert Tortoise Council and the Desert Tortoise Preserve Committee. A settlement on this issue is currently in progress. Under the terms of the settlement, the Fish and Wildlife Service will accept a 9-month period in which to complete the critical habitat designation for the desert tortoise. This continued delay in designating critical habitat will likely slow finalization of the Recovery Plan for the Mojave population of the desert tortoise.

OUR MEMBERS ARE IMPORTANT!

As many of you know, the Committee is now sending out membership renewal notices on a quarterly basis. We would like to remind you how important your renewal is to the Committee.

Your dues provide a major source of the Committee's operating revenue and enable us to continue our many programs geared towards protecting the desert tortoise. Through the generous support of our members we are confident that we can continue to expand upon our record of accomplishment.

NEW PARKS & WILDLIFE INITIATIVE GEARS UP "CALPAW" RIDES AGAIN

DTPC members can make a major difference in preserving desert tortoise habitat in the Desert Tortoise Natural Area, and in preserving open space, wetlands, native forests and wildlife habitat throughout California. DTPC volunteers are needed to help collect the 650,000 signatures to place the California Parks & Wildlife Initiative (CalPAW) on the June 1994 ballot.

CalPAW '94 follows up on the very successful Proposition 70 which won 65 percent of the vote when conservationists placed it on the June 1988 ballot. CalPAW '94 would ensure that parks, open space and wildlife habitat are protected for future generations.

CalPAW '94 would allocate nearly two billion dollars to hundreds of specific park and wildlife projects throughout California and to regional and statewide acquisition and restoration programs. **Of this total, \$4 million would be earmarked for habitat acquisition in the Desert Tortoise Natural Area! This level of funding would enable us to protect several thousand acres of prime desert tortoise habitat.**

The Desert Tortoise Preserve Committee has committed to gathering 10,000 signatures for the CalPAW '94. In order to meet this goal, we will need the participation of our members in the signature-gathering effort. If each our members can collect just 9 signatures in addition to signing the petition themselves we will meet the goal. Petitions will be available in June and all signatures need to be submitted by the end of August. Think about it--for just a few minutes of your time you can help raise \$4 million for the purchase of desert tortoise habitat.

DTPC members interested in collecting signatures for CalPAW '94 should contact Mr. Jun Lee at (310) 277-9250 to get petition forms. You may also request petition forms by mail by writing to the Committee P.O. Box. We look forward to hearing from you.

UPDATE ON BLM'S RAVEN REDUCTION PROGRAM

Common Ravens have recently become common predators in the deserts of California due to the expanding presence of human activities. One probable cause for tortoise population declines is predation by ravens on juvenile tortoises.

The Bureau of Land Management (BLM) is developing a plan to reduce the impact of raven predation on tortoise populations. The plan includes research, habitat alteration, lethal control, and monitoring actions. In the interim the BLM has implemented an experimental program to remove all ravens within the Desert Tortoise Natural Area and specific problem ravens in other areas of the desert.

The program was designed under the direction of the BLM's Raven Technical Review Team, but met with last-minute objections from the Humane Society of the United States, which had previously approved the program. To effect some removal of ravens in 1993, the BLM modified the interim program to only remove birds closely associated with tortoise shells showing evidence of raven predation.

Editor's Note: This article was adapted from a paper presented by William I. Boarman at this year's Desert Tortoise Council Symposium.

DTPC Vice President Tom Dodson represents the Committee on the BLM's Raven Technical Review Team.

RECAP OF ANNUAL SPRING WORK PARTY AT DTNA

By Laura Stockton

Spring visitors to the Desert Tortoise Natural Area were welcomed by a well-groomed Interpretive Center following the Committee's April work party. Before the volunteer trail crew tackled the job, the paths around the kiosk and outhouses were barely visible. The equivalent of 41 large, well-packed trash bags of "weeds" was hoed and removed on April 3 and 7. Also accomplished on April 3 was the installation of a gate at the entrance to the Interpretive Center parking area; three fence repairs; and two sign replacements.

The April 3 crew included: Roger Dale, Rick DuBall, Ron and Mary Ann Henry, Barbara Maxwell, Bonnie Morey, Carol and Clay Panlaqui, Bob Parker, Bev Steveson, and Mary Wartens. On April 7 a follow-up crew completed the under-estimated task of trail cleaning. The April 7 volunteers included: Barbara Maxwell, Bev Steveson, Laura Stockton, and Mary Wartens.

As always, we appreciate the efforts of our work party volunteers. If you would like to be on the contact list for future DTNA work parties, please contact the Committee at (800) 525-2443.

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