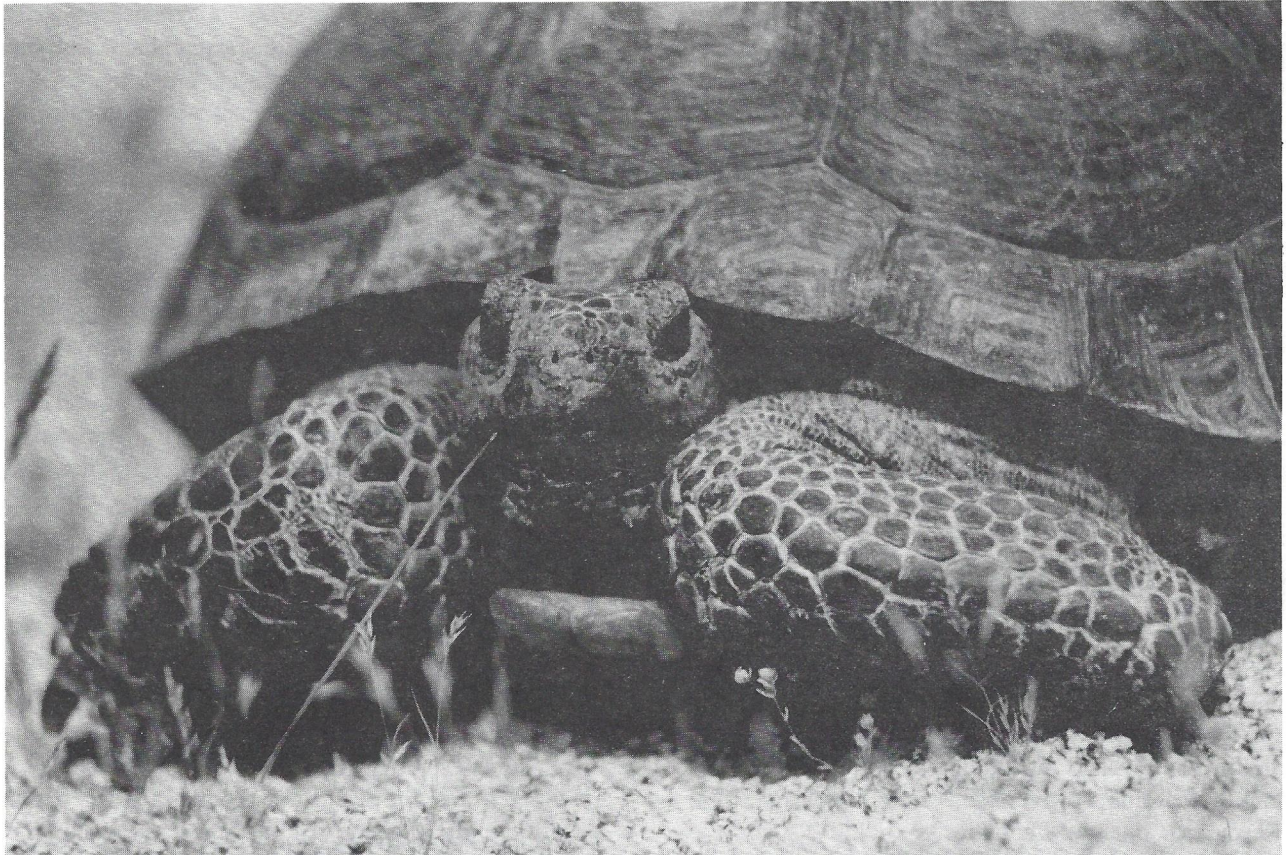


# Tortoise Tracks

The Desert Tortoise Preserve Committee, Inc.

Summer 1993

14:2



Eye-to-eye perspective of a desert tortoise.

Photo by Bev Steveson

## New Protection Proposed for Desert Tortoise Habitat

Federal wildlife officials have proposed to designate 6.6 million acres in four western states as critical to the survival of the desert tortoise, which could affect plans to build a low-level nuclear waste dump in California's Mojave Desert.

Under the proposal, projects and activities, including the planned dump, would be subjected to extra scrutiny to see if they harm land inhabited by the tortoise, which was declared a threatened species in 1990.

The proposal by the U.S. Fish and Wildlife Service stems from a settlement of two

lawsuits filed by environmentalists, including a group trying to block construction of the 70-acre dump in Ward Valley, 22 miles west of Needles.

Designation of the acreage in Southern California, southern Nevada, northwestern Arizona and southwestern Utah as critical to the large reptile could affect roads, livestock grazing, off-road vehicles, mining, weapons testing and other activities. Most of the land is owned by the U.S. Bureau of Land Management and the Defense Department.

Continued on Next Page

**Tortoise Habitat**

(Continued from first page)

Because the desert tortoise is listed as a threatened species, landowners must receive federal approval before engaging in activities that could harm the animals. But designation of critical habitat affords another layer of more wide-ranging protection--this time not just of the animal, but the land it inhabits. "It doesn't mean we're setting up sanctuaries for the tortoise. It doesn't mean no human activities are allowed, said David Klinger, a spokesman for the Fish and Wildlife Service's western region. "It does mean that when we do business with the landowners, which is primarily the BLM, there has to be a broader look at how their activities affect habitat."

Three hearings on the proposal are scheduled, including one October 6th in Riverside. A final decision by the wildlife agency is expected by December 15th.

Of the 6.6 million acres, nearly 4.8 million are in California, including seven areas in San Bernardino, Riverside, Los Angeles, Kern and Imperial counties.

Mark Manley, a Fish and Wildlife Service biologist in Reno, said dozens of activities are conducted within the proposed critical habitat zones.

"Our office here alone probably has something like 20 consultations that would require more review. Most are with federal agencies, primarily rights of way for roads and power lines, and BLM's proposed livestock grazing program," Manley said.

"With each one, we would have to weigh the number of acres affected. We would also have to look at how much of that critical habitat has been disturbed already, such as power lines set across it."

In 1992, the wildlife agency ruled that the state's proposed Ward Valley dump would not jeopardize the survival of the tortoise,

said federal wildlife biologist Jim Rorabaugh.

BLM spokeswoman Elayn Briggs said her agency will not wait until the proposal is final. She said the agency would consult with wildlife biologists before carrying out any activities in the interim. "For Ward Valley, that means we would probably need to go back into conference with the Fish and Wildlife Service," she said.

The long-delayed dump has faced many other hurdles. The major one remaining is approval from Interior Secretary Bruce Babbitt, who has said he will not transfer the federal site to the state for the dump until he holds hearings on safety and environmental issues.

Federal protection of endangered does not stop development or other use of the land. In most cases, it might force a project to be moved, or require some extra safeguards. If wildlife biologists determine that the dump adversely changes the critical acreage, they would probably require the BLM to find ways to minimize or compensate for the damage.

**Continued on Next Page****Desert Tortoise Preserve Committee****Officers**

Roger Dale	President
Tom Dodson	Vice President
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Laura Stockton	Vice President
Jayne Chavez-Scales	Secretary
Carol Panlaqui	Treasurer
Bev Steveson	Board Member
Dr. Kristin Berry	Board Member

**Tortoise Habitat****(Continued from Page Two)**

The government's proposal would not affect private landowners unless there is federal money or other federal government involvement in their projects.

The desert tortoise, the naturally occurring tortoise in the Mojave Desert, grows to a length of about 15 inches and lives most of its life burrowed in the soil near washes, rocky hillsides or flat, sandy areas.

Considered extremely vulnerable to human activities because of its size and slow movement, it also has been dying because of a respiratory virus brought in by other, illegally transported tortoises.

Elden Hughes of the Sierra Club called the habitat proposal "a very, very important" step because it would stop the "chewing up" of the tortoise's habitat by roads and other human activities.

**The above article is reprinted from the August 28, 1993 issue of the Los Angeles Times. Please see related article on Page 5.**

**Men Fined for Taking Tortoises**

Two Washington residents each were fined \$5,000 for removing nine desert tortoises from the Mojave Desert in attempts to take the threatened species to Modesto to be eaten in a Cambodian wedding ceremony.

The men were among six Cambodian nationals pulled over May 7 by California Highway Patrol Officer Dan Laza for driving slowly along the shoulder of Interstate 15 as they looked for more tortoises, officials said.

"We try to remain sensitive to the customs of other cultures, but desert tortoises are an endangered species protected by federal law," Bureau of Land Management National Director Jim Baca said.

In addition to the fine, Sok Phet and Sa Um Phon were put on probation for one year for violating federal endangered species laws and unlawfully possessing desert tortoises. Two fellow Tacoma, Washington residents, Poey Pech and Som Charan, were found not guilty by U.S. Magistrate Kirtland L. Mahlum during a July 14 trial in Barstow, California.

A fifth suspect, Sao Pet, the only one arrested at the scene, is facing more serious charges of violating state and federal laws protecting endangered species, BLM spokesman Doran Sanchez said.

Pet, who is free on his own recognizance, faces a maximum \$100,000 fine and a year in jail if convicted. A trial date has not been set.

A sixth suspect, Chom Sok, has failed to appear in both state and federal courts, Sanchez said.

Phet, Phon, Pech, Charan, and Pet have pleaded not guilty to similar state charges and are free pending a hearing in Barstow.

"I am pleased with the convictions and I hope it will deter others from illegally collecting desert tortoises," BLM desert district manager Henri Bisson said.

After he pulled over the three cars, Laza said he saw men in one of the cars trying to stuff something under a seat, reports show. Laza, a former biologist with the state Department of Fish and Game, found two rice bags containing the live tortoises and notified BLM and state officials.

The tortoises are being tested for the usually fatal respiratory disease, Sanchez said. Three of the reptiles had painted markings on their shells, denoting they were part of a study group of tortoises living in the valley between Barstow and Victorville.

**The above article is reprinted from the July 21, 1993 issue of Daily News.**

**DTPC Awarded \$400,000 Grant!**

A \$400,000 land acquisition grant has been awarded to the Desert Tortoise Preserve Committee to protect the Desert Tortoise Natural Area from the increasing use of adjacent highways by motorists. The Desert Tortoise Natural Area Buffer Zone Acquisition Project which will involve acquisition of 1,540 acres will be funded by the California Environmental Enhancement and Mitigation Program.

The acquisition project to benefit the desert tortoise was selected among 182 projects submitted to the California Transportation Commission and State Resources Agency. "This habitat acquisition grant reflects a proactive approach to resource conservation," says Jun Lee, the Preserve Committee's consultant who sought funding for the project, "because it anticipates the negative impacts to the Natural Area from increased traffic on adjacent highways."

The Preserve Committee's proposed acquisition program is designed to mitigate potential harm to the Natural Area which may result from the widening of Routes 14 and 935 in Kern and Inyo counties. The Buffer Zone project provides for additional mitigation over and above normal mitigation measures instituted for the freeway widening program, called the "Brady-Brown Tract Project" by the California Department of Transportation.

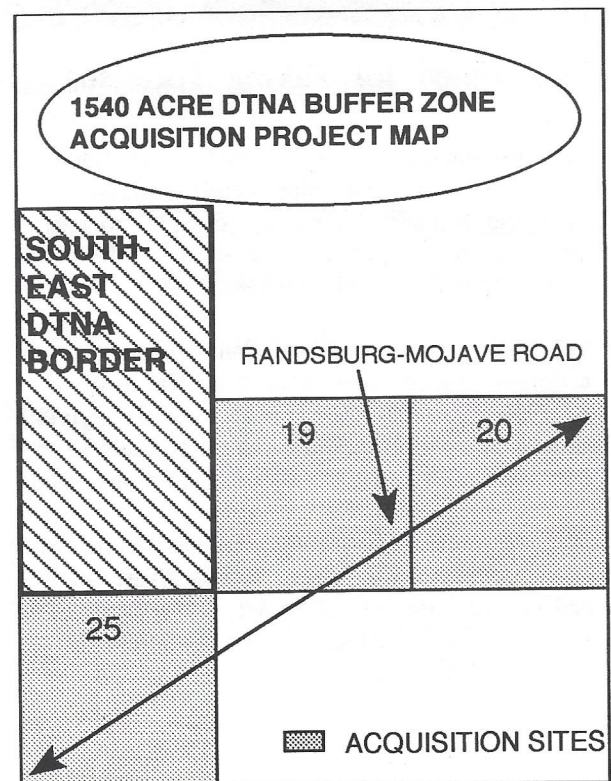
"The funds will be used to protect the Natural Area's eastern and southeastern boundaries from unmonitored trespass and vandalism originating from access points along the Randsburg-Mojave Road," observes Mr. Lee. The Preserve Committee is continuing to purchase inholdings within the Natural Area to remove the threat of development and incompatible uses. "Since we cannot use the grant monies toward our traditional focus on purchasing habitat within the Natural Area, it is important to see the grant as a significant boost--but not an alternative--to continuing our

achievements within the DTNA. The Environmental Enhancement and Mitigation Program grant makes member contributions even more powerful by relieving some of the pressures on each dollar our members dedicate to preserving our desert heritage," Jun Lee says.

The funding source was created by legislation sponsored by Assemblyman Richard Katz in Assembly Bill 471. The legislation enables the state legislature to allocate \$10 million dollars annually for 10 years in order to provide protection for resources impacted by transportation projects.

The Preserve Committee owes much to Mr. Jack Edell of the Department of Transportation, District 9 Office, Mr. Lee Delaney, BLM Ridgecrest Resource Area Manager, and Mr. Greg Thompsen of the Ridgecrest BLM office for their support in our grant application.

**The Buffer Zone Acquisition Project will focus on Sections 19, 20 and 25 pictured below.**



**DTPC to Comment on Proposed Designation of Critical Habitat**

As summarized on Pages 1 through 3 of the newsletter, the U.S. Fish and Wildlife Service has proposed to designate 6.6 acres of Critical Habitat for the Mojave Population of the Desert Tortoise. This designation is a requirement for all species protected under the Endangered Species Act (ESA) of 1973.

The proposed Critical Habitat areas are formally described in a Federal Register Notice published on August 30, 1993. The Fish and Wildlife Service will be accepting comments on the proposed designation until October 29, 1993. The Service will also be conducting a series of public hearings to receive comments on the proposal. Each hearing will be held from 1 to 4 p.m. and 6 to 8 p.m. The hearing locations and dates are as follows:

- 1) Wednesday, October 6 in Riverside, California;
- 2) Tuesday, October 12 in Las Vegas, Nevada; and
- 3) Thursday, October 14 in St. George, Utah.

The Preserve Committee is currently preparing a position paper to present at the October 6 hearing in Riverside. Our primary concern with the proposed designation of critical habitat is that it specifically excludes habitat in the Desert Tortoise Natural Area and Joshua Tree National Monument. The supposed reasoning for these exclusions is that these areas are already protected to some degree and thus do not require further protection. It is the Committee's position that these areas should be designated as critical habitat.

DTPC members who would like to write comment letters on the proposed Critical Habitat Designation should send them to the following address:

Field Supervisor  
Nevada Field Office  
U.S. Fish and Wildlife Service  
4600 Kietzke Lane, Building C-125  
Reno, Nevada 89502

All comment letters must be received by October 29, 1993.

**If you would like a copy of the complete Federal Register Notice and the Committee's position paper on the proposal, please contact the Committee at (800) 525-2443 after October 1.**

The Federal Register summary is reprinted below.

**Endangered and Threatened Wildlife and Plants; Proposed Determination of Critical Habitat for the Mojave Population of the Desert Tortoise**

**Agency:** Fish and Wildlife Service, Interior

**Action:** Proposed Rule

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) proposes to designate critical habitat for the Mojave Population of the desert tortoise [*Gopherus agassizii*], a species listed as threatened under the Endangered Species Act of 1973, as amended (Act). Located primarily on Federal land, and to a lesser extent on State, private and Tribal lands, this proposed critical habitat designation would result in additional protection requirements under Section 7 of the Act with regard to activities that require Federal agency action. Section 4 of the Act requires the Service to consider economic costs and benefits prior to making a final decision on the size and scope of critical habitat. The Service solicits data and comments from the public on all aspects of this proposal, including additional data on the economic impacts of the designation and a valuation technique for determining benefits.

### **Tim Shields, Biologist and Artist, Conducts Field Surveys at the Desert Tortoise Natural Area Interpretive Center**

This spring Tim Shields returned to the Desert Tortoise Natural Research Area's Interpretive Center after an absence of four years to conduct tortoise surveys as he has done at regular intervals since 1979. Tim, who lives near Haines, Alaska, with his wife Cathy and daughter Iris in a remote cabin most of the year, often comes south in spring and summer to look for tortoises. He is one member of teams of field biologists who work on periodic surveys of two permanent study plots at the Natural Area and elsewhere in the Southwest. The surveys are funded by the Bureau of Land Management (BLM) as part of a long-term monitoring program for desert tortoise populations and habitat.

Tim has been part of the survey team in every year that surveys were undertaken on the large, three-square mile study plot at the Interpretive Center. The survey years were 1979, 1985, 1989, and 1993, and Tim figures that he has spent more than 210 days searching, marking and recapturing tortoises, photographing them for identification, and recording data on vegetation and human uses at this site. No other field worker has shown such fidelity to this site!

According to research scientist Dr. Kristin Berry, Tim is one of a very small group of field biologists with over one thousand days of field experience. He has worked on 14 separate 60-day surveys and captured more than 1,000 individual tortoises in California and Arizona--often at sites with exotic sounding names--Chuckwalla Valley, Eagletail Mountains, Harcuvar Mountains, and Little Shipp. He has mastered the art of finding hatchling and juvenile tortoises and is well respected for his abilities by co-workers throughout the Southwest. On any survey team, he usually finds more tortoises than other co-workers and is adept in teaching others the intricacies of search techniques.

While Tim's formal education is in the biological sciences, he is increasingly turning to art to make a living. He graduated in 1976 with a Bachelor of Science degree from the University of California, Riverside, and went on in 1979 to get a Master of Arts degree in ecology. In recent years, he has become an established and successful artist in Alaska. His water color paintings and ink sketches range from tortoises (of course) and water fowl to wildflowers and scenery. Some paintings are remarkably realistic--wild roses and Jimson weed--whereas others are fanciful or carry an environmental message. The "Loony Bin," a dumpster filled with nesting loons is thought provoking, as is "Booby Hatch," a painting of blue-footed boobies emerging from a ship's hatch! This spring Tim photographed numerous wildflowers to gather material for paintings, and many of us look forward to seeing paintings of monkey flowers, apricot mallow, five-spot, and desert marigolds. Hopefully he will bring a large portfolio of his work with him when he comes south next spring. Plan to attend the Desert Tortoise Council Symposium and view his paintings!

### **Your Letters Need to Support a Strong Endangered Species Act**

This year is the 20th anniversary of the federal Endangered Species Act (ESA). Congress is considering legislation to reauthorize this Act. Pending bills would either strengthen or weaken ESA provisions. Representatives Gerry Studds (D-MA), John Dingell (D-MI), and Jim Saxton (R-NJ) introduced H.R. 2043 to reauthorize and strengthen ESA. Defenders of Wildlife and other members of the Endangered Species Coalition are supporting this measure, along with similar Senate legislation (S. 921) introduced by Senators Max Baucus (D-MT) and John Chafee (R-RI). These positive bills would encourage more proactive, preventative, and ecosystem-based approaches to protect both listed and candidate species.

**Continued on Back Page**

# DESERT TORTOISE PRESERVE COMMITTEE PRODUCTS

## DESERT TORTOISE PRODUCTS

MULTI-COLOR TORTOISE DESIGN



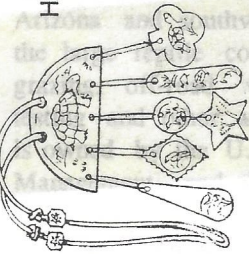
PATCH  
sew-on patch  
3 1/2 inch diameter  
\$2.85 each

TIC TAC/PIN  
Enamel  
3/4 inch diameter  
\$2.85 each

BEIGE WITH BROWN DESIGN (as above)

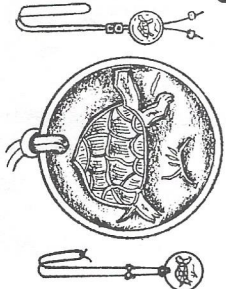
MUG 7.50  
CAP 6.00  
VISOR 4.00

## WINDCHIMES



CERAMIC,  
HAND-MADE  
brown  
\$10.00

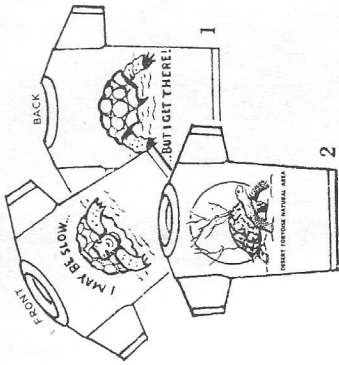
## PENDANT / BOLO



HAND-MADE  
TORTOISE DESIGN

CERAMIC &  
LEATHER,  
brown  
\$2.35 each

## T-SHIRTS

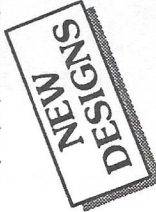
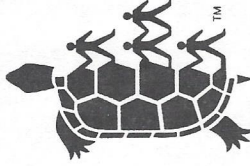


50/50  
SILKSCREENED DESIGNS

#1. "I MAY BE SLOW... BUT I GET THERE"  
Design on front and back; blue (B), yellow (Y)

#2. "DESERT TORTOISE NATURAL AREA"  
In mint only, with multicolor design on front.  
CHILDREN'S SIZES ..... S, M, L \$6.60  
ADULT'S SIZES ..... S, M, L, XL \$9.00

#3. "COMMITTEE LOGO"  
Jade with tan tortoise.  
Adult sizes only.  
S, M, L, XL.....\$11.00



#4. COMING SOON: "DESERT FLORA & FAUNA"

Children's sizes S, M, L \$  
Adult sizes S, M, L, XL \$

## NOTE CARDS & POSTCARDS

NOTE CARDS

A. Tortoise & Hare  
(watercolor) ..... 75¢ each or 5/\$3.75  
B. Tortoise (photograph) .... 40¢ each or 10/ 4.00  
C. Burrowing Owl ..... 25¢ each or 10/ 2.00

POST CARDS

D. Tortoise, front view ..... 25¢ each or 5/ \$1.00  
E. Tortoise, side view ..... 25¢ each or 5/ 1.00  
F. Kit Foxes ..... 25¢ each or 5/ 1.00

## ORDER FORM

DESERT TORTOISE PRESERVE COMMITTEE, INC.  
P.O. BOX 2710 • SAN BERNARDINO, CA 92406

### T-SHIRTS

Quantity	Children's (C) or Adults (A)	Size	Color Choice (B) (Y)	Price
#1				
#2			MINT ONLY	
#3			JADE ONLY	
#4				

### NOTES AND POSTCARDS

NOTE CARD(S), Tortoise and Hare	(A)
NOTE CARD(S), Tortoise Photo	(B)
NOTE CARD(S), Owl	(C)
POSTCARD(S), Tortoise, front view	(D)
POSTCARD(S), Tortoise, large, side view	(E)
POSTCARD(S), Kit Foxes	(F)
<b>WINDCHIMES</b>	
TORTOISE DESIGN, Brown	
<b>MISCELLANEOUS</b>	
PATCH	
TIE TAC/PIN	
MUG	
CAP	
VISOR	
BOLO	
PENDANT	
Total Amount	
Add 7 1/4% Sales Tax	
Add 20% for Postage and Handling Fee	
<b>TOTAL AMOUNT ENCLOSED</b>	

PLEASE PRINT

NAME  
ADDRESS  
CITY  
PHONE

STATE  
ZIP

**Support Letters Needed for Endangered Species Act Renewal  
(Continued from Page 6)**

Please send letters soon to your congressional representative urging support and cosponsorship for H.R. 2043; to both U.S. Senators from your state urging support and cosponsorship for S. 921; and to President Clinton urging support for both bills.

Your letters should stress the importance of strengthening the ESA to encourage more effective inventory, protection, and recovery measures for both listed and candidate species. You should also stress the need for incentives to encourage private landowners to participate in recovery efforts. Indicate that if current trends continue, 20 percent of all species may become extinct within the next 30 years. Mention that a recent nationwide survey indicated that nearly three out of four U.S. voters support a strong ESA. Indeed, this survey documented an increase in public support for ESA from 66 percent in 1992 to 73 percent in 1993. This overwhelming public support cuts across political and geographic lines, and more people recognize the link between a healthy environment and a healthy economy.

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

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Address Correction Requested

