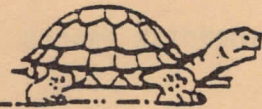


TORTOISE TRACKS



THE DESERT TORTOISE PRESERVE COMMITTEE NEWSLETTER
P.O. Box 453, Ridgecrest, CA 93555

SUMMER/FALL, 1987
Volume 8, Nos. 2 & 3

WE HAVE SOME TREMENDOUSLY GOOD NEWS FROM CONGRESS!

The Senate Interior Appropriations Subcommittee recently approved the requested \$600,000 for Bureau of Land Management (BLM) desert tortoise inholdings acquisition (\$500,000 for the Desert Tortoise Natural Area and \$100,000 for the Chuckwalla Bench Area of Critical Environmental Concern). Since the House already approved this funding, it will be included in the Fiscal Year (FY) 1988 Interior Appropriations legislation, which should be forwarded to the President soon. Due to threatened Presidential vetoes, this Interior and other appropriations bills may be combined into a continuing resolution. This continuing resolution approach has been used successfully in past years.

The Desert Tortoise Preserve Committee, Defenders of Wildlife and other conservation groups are greatly pleased and gratified with the success of this funding request. We look forward to continuing to work with desert tortoise supporters and BLM officials to pursue additional funding. The recommended four-year phased schedule for tortoise inholdings acquisition is certainly off to an exciting start. Your help has been essential to this success.

If you have not already done so, please send "thank you" letters to Senators Alan Cranston and Pete Wilson (both addressed: Senate Office Building, Washington, D.C. 20510) and to Congressmen Bill Lowery, Jerry Lewis, William Thomas and George Brown, Jr. (all addressed: House Office Building, Washington, D.C. 20515). Please convey your appreciation for their crucial support for this \$600,000 FY 1988 BLM Interior Appropriations funding for willing seller desert tortoise inholdings acquisition.

Your "thank you" letters are critical to this four-year project, and in a few months we will again be asking our congressional representatives to put desert tortoise land acquisition in the 1989 Budget.

YOUR MEMBERSHIP AND DONATIONS ARE IMPORTANT

Your support of the Desert Tortoise Preserve Committee is an expression of your concern for the welfare of the tortoise in the wild. Such support over the years has been instrumental in the establishment of the Desert Tortoise Natural Area. Much has been accomplished but we are far from reaching the goal and time is short!

The Committee will continue to seek government sources of funding for land acquisition in the Natural Area; however, the Federal Government has requested our help to purchase small parcels of land which it can't acquire.

For your convenience a membership/donation blank is included in this newsletter. So why not send in your annual dues and/or donation now.....before the busy holiday season is upon us.

NOTES FROM THE PRESIDENT

Through the long hot summer most of us have been busy with vacations and summer activities, while the tortoise has been spending a lot of time underground. For the Tortoise Committee, this has been a busy time.

I'm very pleased to announce that Jean Jones from San Bernardino and the Inland Empire Chapter, CTTC, has been elected to membership on our Board of Trustees. She has agreed to take over editing the newsletter. (In fact the last issue was her first and it looks great!) Welcome, Jean, we're glad to have you! Jean and our Treasurer, Mary Trotter of San Diego, are updating and computerizing our mailing and address list. If you have a new address, please send it to us.

The Committee is also very pleased that Mr. Curtis Horton of Pasadena, CA, has agreed to work for the Committee on public education about the tortoise, protection and fund raising for land aquisition. He will also be busy with visitor interpretation activities on the Natural Area during spring and fall. You will be hearing more about his plans and reading more from him here. Welcome aboard, Curtis.

Committee members have also been following several major construction projects now underway or proposed in the desert. They have been analyzing the projects and making mitigation and compensation recommendations for tortoise protection. We also are still working on the Desert District Tortoise Advisory Board, led by the Bureau of Land Management's (BLM) Barstow Resource Area Office. This group will finish its recommendations and report to the Bureau's District Manager, Gerry Hillier, this fall. Recommendations will be aimed at assuring stable tortoise populations in the wild. It will be a long road to full implementation, but the idea is to have the BLM, Department of Fish and Game, and Counties sign up to population and habitat management goals. We will keep you posted and ask for your support at the time needed.

Lastly, the Board accepted the resignation of Gloria Nowak of Inyokern, CA. Gloria was an active member for many, many years as well as the Corresponding Secretary and Newsletter Editor. She is leaving for personal reasons. She will retain her Committee membership and help out as time permits. Thanks, Gloria, for all your help and best wishes.

-George Moncsko-

SPECIAL AWARDS

BEV STEVESON SWEEPS 1986 PHOTOGRAPHY AWARD PROGRAM SPONSORED BY THE CALIFORNIA FISH AND GAME COMMISSION. In our last newsletter, we told you that Bev won the Photo of the Year for a dawn picture of a Great Blue Heron with fish. What we didn't know was that Bev took many prizes in the contest. She took a first in the color bird category, second in the color reptile and amphibian category, first in black-and-white raptor, as well as an Honorable Mention for a group of barn owls. Bev will receive a replica of a perpetual trophy that will be displayed in the State Capitol and will take part in a field trip with Department of Fish and Game staff. Again, Congratulations, Bev! You may see some of her prize-winning pictures in the May-June issue of Outdoor California.

FENCE REPAIR PARTY

JOIN US for our twice yearly fence repair party during the cool fall weather. We always have a lot of fellowship and accomplishment on these outings, and we would like to see some new faces join the group of regulars. Meet Saturday, November 21st, 9:00 a.m. at Munsey and Neuralia Road. It can be cold, windy, sunny. Bring gloves, lunch and water. Contact Bev Steveson at (805) 832-9121, 418 Brookhaven Drive, Bakersfield, CA 93304.

A REPORT ON THE SECOND COMMUNITY/STATE LANDS COMMISSION LAWSUIT

In 1982 the Desert Tortoise Preserve Committee filed a lawsuit against the State Lands Commission and Great Western Cities, Inc. in an effort to protect the eastern boundary of Desert Tortoise Natural Area from urban development. Several of our members contributed to a legal fund to cover expenses for this lawsuit. One of our attorneys, Francine J. S. Lane, has prepared the following report on the lawsuit. Both Francine Lane and Robert L. Goodrich contributed substantial time and effort to the lawsuit and we owe them our thanks.

TO THE MEMBERS OF THE DESERT TORTOISE PRESERVE COMMITTEE:

On September 9, 1987, the Honorable Lewis E. King, Judge of the Superior Court, granted the motion by the defendants for dismissal of our lawsuit.

Our lawsuit was filed in March 1982. We challenged action taken by the State Lands Commission in 1980 that relinquished surface entry rights to properties in the Second Community of California City. Some of those properties share a common boundary with the eastern border of the preserve. The state's action removed the cloud on title for Second Community properties, permitting them to be developed.

The State Lands Commission prepared an Environmental Impact Report. That report identified the most significant effects as those that would be felt by the Natural Area due to increased population, domestic animals, vehicles, and other threats to the preserve. The report suggested various mitigation measures, including a "buffer area" of little or no development between the preserve and development, and installation of a suitable fence. The Committee provided written comment to the State Lands Commission supporting effective measures, even though we had not been notified of the original proposals.

The Commission approved an agreement with Great Western Cities, developer of California City at that time, WITHOUT including the mitigation measures recommended in its own report. Instead, the Commission required Great Western to clear title to properties in one portion of the lands bordering the preserve and to convey that section to the Bureau of Land Management, or, in the alternative, to convey 640 acres of other Second Community properties to the BLM, even though that transfer would involve land that was not contiguous to the preserve.

The Desert Tortoise Preserve Committee went to court to compel the State Lands Commission to act as responsible trustees for the wildlife of California. It would have been preferable to file a lawsuit under the California Environmental Quality Act challenging the Commission's action that was contrary to its environmental impact report; however, we were precluded

A Report on the Second Community/State Lands Commission Lawsuit, cont.

from taking that course because the lawsuit was not filed within the thirty day statute of limitations provided in the environmental statute. We knew at the time that the prospects of prevailing under a "public trust" doctrine were not very good, but we felt it preferable to attempt to rectify an obviously improper action by the State Lands Commission in the courts rather than to sit by idly wringing our hands.

We were encouraged when the California Attorney General's office, who represents the State Lands Commission and its individual officers, answered our lawsuit in April 1982 without raising the issue of the statute of limitations under the environmental law. We were encouraged because it seemed that the State was willing to allow our claims to be heard without falling back on legal technicalities.

The lawsuit was pending from March 1982 through April 1987. During that time, we sent interrogatories and requests for admissions - standard procedures in civil litigation to gain necessary facts for trial. The State resisted our efforts. The matter went to the Court of Appeal, which ruled in our favor in August 1983. The State finally furnished the requested information. Meanwhile, a necessary party, Great Western Cities, filed for bankruptcy. DTPC co-counsel, Bob Goodrich, participated in the Texas proceedings during 1984; our lawsuit could not proceed until the bankruptcy matter was resolved. In 1986, we got permission from the Great Western trustees to proceed with our lawsuit. We filed "at issue" memoranda, indicating we were ready for trial.

In April 1987, five years after the lawsuit was filed, the Attorney General, for the first time, moved the court to permit the filing of an "amended answer" raising the issue of the statute of limitations and "laches" - a claim that we filed our lawsuit too late and had not proceeded with diligence. Judge King permitted the amended answer to be filed and rejected our motions in opposition. The State then filed a motion for summary judgment, which is a ruling without a trial, and the Court held the case should be dismissed.

Bob Goodrich and I are very disappointed -- not so much at the results, which were not wholly unexpected, but at the Attorney General's unconscionable delay in bringing these procedural issues into court. Many members of the Committee -- especially, Kristin Berry, Laura Stockton, and Bev Steveson -- expended many hours of labor on the lawsuit during the five years we all felt it was viable. Those hours could have been more productively spent had we known early on that the matter would not be allowed to proceed to trial.

However, on the brighter side, I notice that all of our original plaintiffs have remained active in promoting tortoise protection, and I want to express my deep personal gratitude to Laura Stockton, Warren and Betty Forgey, Beverly Steveson and Mary Trotter for their unflinching support, along with Kristin Berry...and I know there are many others.

As the years have gone by, the members of the State Lands Commission have changed, the Deputy Attorney General representing them has changed, the developers of California City have changed, and the officers of the City itself have changed. But the supporters of the Desert Tortoise Natural Area are unchanged, not only in person but also in commitment. That kind of commitment is the best possible protection for the animals and their habitat.

Joy Lane, Attorney at Law
Robert Goodrich, Attorney at Law

DESERT TORTOISE PRESERVE COMMITTEE INAUGURATES NEW
CAMPAIGN---THE LIFELINE FUND

In the last five years, the Board of Trustees has become increasingly concerned about the welfare of the tortoise and the Desert Tortoise Natural Area. Although 40% of the private land within the Natural Area has been acquired since the Committee formed in 1974, we have gradually realized that our efforts are not sufficient to protect the tortoise. We must move more rapidly to protect the tortoise populations and secure private inholdings.

According to recent Bureau of Land Management studies, tortoise populations in the vicinity of the Interpretive Center have declined 34% inside the fence and 45% outside the fence in the six-year period between 1979 and 1985. Vandalism (shooting of tortoises), vehicle kills, and collecting are accounting for significant losses to the population within Natural Area boundaries. These losses are not confined to the vicinity of the Interpretive Center, but are evident elsewhere along the periphery. In the interior of the Natural Area, adult tortoises are doing well.

In May of 1986 and again in May of this year, we met with Patty McLean of the Bureau of Land Management's Ridgecrest Area Office to discuss how to achieve our mutual goals more rapidly. We agreed that more law enforcement authority and on-site presence of visitor specialists are critical to reducing vandalism, collecting, and unauthorized vehicle use. We looked at ways to more rapidly acquire private lands.

In late May of this year, the Board of Trustees voted to contract with Curtis Horton of Pasadena, California, to provide visitor services and monitoring at the Natural Area and to work on fundraising, publicity, and education programs. Curtis Horton is a long-term friend of the Committee and a conservationist. Please see the special article about his background and interests.

Curtis Horton is directing the Committee's new Desert Tortoise Lifeline Fund, a campaign to win new individual, corporate, and foundation support. He is working closely with the Board of Trustees, Committee members and supporters, and affiliated organizations. A distinguished Advisory Board of national and international figures in conservation and herpetology has been formed to assist this new effort, as well.

The Committee is delighted to have the special assistance of Thomas Langton, Staff Herpetologist with the London-based Fauna and Flora Preservation Society. His successful experience with European campaigns for the protection of tortoises, toads, and other reptiles and amphibians is a source of valuable advice for the Committee's projects. Dr. Kristin Berry is acting as Technical Advisor and liaison with the Board. With full-time direction, the Lifeline Fund represents a new ability to reach potential major contributors and present the compelling case for helping the tortoise.

Since starting the program on June 15, Curtis has established an office in Pasadena, researched fundraising possibilities and made important contacts, submitted proposals, written articles, planned for special events, and spent some time at the Desert Tortoise Natural Area providing information and assistance to visitors. Informational materials on the Fund have been developed, describing its objectives and funding goals.

New Campaign--The Lifeline Fund, cont.

Tortoise protection is an urgent need, and an important objective of the Lifeline Fund during 1987-88. As part of its protection efforts, the Committee is launching education campaigns targeted against the major man-made threats to the tortoise and designed to promote interest in protection among recreational groups, local communities, and the general public. The campaigns will use stickers and other media to spread the message, which will form around the themes of "Don't Crush Me", "Don't Shoot me", and "Let Me Roam--Don't Take Me Home". Since many of the people we want to reach are still unaware of the laws protecting the tortoise, these will be stressed.

As always, land acquisition has a high priority and is by far the largest funding goal. Although much progress has been made, acquisition of the remaining Natural Area inholdings is a multi-million dollar, long-term effort requiring continued public and private cooperation.

Although the Lifeline Fund is a new approach for the Committee, it is organized with the same commitment to keeping administrative costs at a minimum that has earned the trust and respect of contributors since the beginning. Curtis is providing his own office space and equipment, and all assistance to him and the new campaign is volunteer. So your support is more important than ever. There are many opportunities for volunteer help with publicity, mailings, and special events. You have helped make the Committee an award-winning grassroots organization, and your continued support also strongly encourages corporate and foundation giving.

Look for more about Fund-related activities in future newsletters, including exciting news about a special dinner benefit for the Lifeline Fund scheduled for February 6, 1988. At press time, The Velvet Turtle restaurants have indicated their interest in helping sponsor this event, which is being organized with the help of the California Turtle and Tortoise Club and other supporting groups.

There may be ways you can help the desert tortoise you haven't thought of:

- Do you work for a company with a charitable giving program? If so, contact Curtis to see how you may be able to help the Committee make a successful grant application. While he can handle the paperwork, your support and involvement as an employee is often an important factor.
- Do you have any personal contacts with people or organizations whom you think might be interested in supporting the Committee's work, but you would like a third party to approach them?
- Do you know of a business or other organization which would make an in-kind donation of: photo printing/duplicaiton; graphics design; silk-screening or other printing services; food catering; metered postage; phone lines for phone banking; promotional or media services, etc.? If these questions do bring new possibilities to mind, let Curtis know and see how your ideas can be put to work.

For further information about the campaign or to volunteer your help, please contact Curtis Horton at (818) 797-0739 or P.O. Box 70606, Pasadena, California 91107 or use our address.

CURTIS HORTON DIRECTS DESERT TORTOISE LIFELINE FUND

In joining the Committee to direct the Lifeline Fund campaign and monitor Natural Area visitor use and needs, Curtis Horton continues what has become a family enterprise of conservation work. His parents have been active in many major conservation projects in California and abroad, and his sister is a professional in environmental policy. Curtis has served as a volunteer in many conservation causes, but his decision to make conservation a career developed gradually.

Pursuing his interest in space science, he received a B.S. in Physics from Stanford University in 1983 and, following a six-month wildlife study and photography tour of southern Africa with his family, Curtis joined the technical staff of NASA and Caltech's Jet Propulsion Laboratory. Despite his scientific interests, he increasingly felt he could make a much greater contribution in his working life, toward goals he cares deeply about, by entering the conservation and environmental protection field.

With his selection in 1985 to participate in the highly regarded Coro Fellows Program in Public Affairs, the opportunity came to gain experience in public-interest work through the Coro Program's nine month full-time work/study fellowship. During the course of the Program, under the sponsorship of The Nature Conservancy International Program, Curtis developed a tropics conservation proposal involving medicinal plant research. Following the fellowship he co-managed a Congressional campaign and continued working with the conservation committee. Curtis comes to the Committee well acquainted with its work, and wants all members and supporters to know that he considers it a privilege to be working with such a highly respected and dedicated group.

NATURAL AREA TOURS PLANNED FOR SPRING!

Spring will bring you the opportunity to participate in a guided tour of the Desert Tortoise Natural Area and VISIT THE DESERT TORTOISE in his native habitat. Your visit will be enriched by the wealth of information available from the Interpretive Center and the guides. The Committee is busy making plans and full details will be available at a later date.

ANNUAL MEETING SCHEDULED

MARK YOUR CALENDERS and plan to attend the Annual Meeting and Banquet slated for January 24th at Hodel's Buffet in Bakersfield. The meeting will be held in the afternoon followed by a social hour and dinner in the evening. Details and reservation form will be available in your Winter issue of Tortoise Tracks.

HOLIDAY GIFTS

Take the stress out of your holiday gift shopping and support efforts for the tortoise at the same time...Our fund-raising products are available by mail!

As announced in the Spring newsletter, our "I MAY BE SLOW...BUT I GET THERE" T-shirts are now available in a new color - rich maroon silk-screened in pale yellow. Several other new items have also been added to the selection of nice gift items. New product fliers are available by writing to our Products Chairman, Carol Panlaqui, 630 Plaza Amigo, Palm Springs, CA 92262 or to the Committee address on the letterhead.

THANK YOU, GLORIA

After many years of dedicated service to the Desert Tortoise Preserve Committee, serving as Corresponding Secretary and Newsletter Editor, Gloria Nowak has resigned. A very busy lady, Gloria serves as Field Representative for California Assemblyman Phil Wyman; contributes articles to her local newspaper, the Ridgecrest Daily Independent; and has been published in several Southwest nature magazines. Married to noted artist Leo Nowak, with whom she shares her concern for the environment and the tortoise in particular, Gloria plans to continue participating in Committee endeavors whenever possible. A very important part of the Nowaks' lives is the rehabilitation of sick and injured tortoises, finding homes for abandoned captive tortoises and working in a variety of ways to provide information about the tortoise. The Board looks forward to seeing Gloria and Leo in the future and wishes them the very best.

GREAT START FOR LIFELINE FUND

At press time, the new Lifeline Fund campaign has already developed strong momentum with initial major gifts and pledges now totaling \$14,500. This tremendous early response reflects the generosity and concern of these special donors: Mr. Walter Allen, Mrs. Paquita Machris, Mr. Norman C. Roberts, and Chevron U.S.A., Inc. Including both new and past contributors, their gifts represent both a new commitment to and continued confidence in the work of the Committee.

The Board of Trustees wants to take this opportunity to express their deep thanks for these important contributions, and for all the support the Lifeline Fund is receiving from individuals and organizations.

CALENDAR

- | | |
|---------------------------|---|
| November 21, 1987 | FENCE REPAIR PARTY |
| January 23, 1988 | DESERT TORTOISE PRESERVE COMMITTEE
ANNUAL MEETING AND BANQUET
See information in this issue |
| February 6, 1988 | LIFELINE FUND
Fund-Raising Dinner
Velvet Turtle Restaurant, Torrance, California
Full details in the Winter newsletter |
| March 26, 27 and 28, 1988 | DESERT TORTOISE COUNCIL
THIRTEENTH ANNUAL SYMPOSIUM
Riverside Inn, Laughlin, Nevada |
| | Further information will be included in the
Winter newsletter or contact:
Desert Tortoise Council
5319 Cerritos Avenue
Long Beach, CA 90805 |

DESERT TORTOISE PRESERVE COMMITTEE, INC.

P.O. BOX 453
RIDGECREST, CALIF. 93555

APPLICATION FOR MEMBERSHIP/RENEWAL

Name _____ Date _____
(Please Print)

Address _____ Phone _____
(Street or P.O. Box)

City _____ State _____ Zip _____ New _____ Renewal _____

I (we) hereby apply for the following membership:

GENERAL: Individual Membership \$10.00 annually
 Family Membership \$15.00 annually
 Sponsor Membership \$25.00 annually
 Benefactor Membership \$50.00 annually
 Patron Membership \$100.00 annually

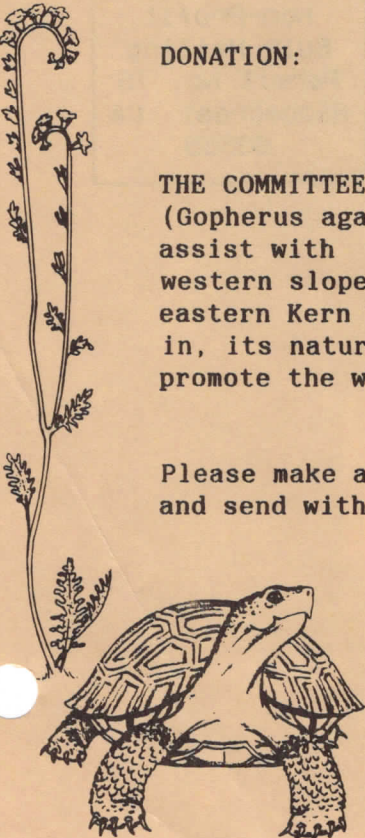
ORGANIZATION: Organizations may join by paying the annual dues of any one of the above categories of General Membership.

ADDITIONAL DONATION OR DONATION ONLY

DONATION: Enclosed is a tax-deductible donation of \$ _____

THE COMMITTEE'S OBJECTIVES: To promote the welfare of the desert tortoise (*Gopherus agassizii*) in the wild in the southwestern United States and to assist with the establishment of the Desert Tortoise Natural Area on the western slopes of the Rand Mountains and in adjacent Freemont Valley, in eastern Kern County, California, and to return the land to, and maintain it in, its natural state. Also, to engage in such further activities as shall promote the welfare and protection of the desert tortoise.

Please make all checks payable to the DESERT TORTOISE PRESERVE COMMITTEE, INC. and send with this application to the Committee at the above address.



NEWS FLASH
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New Ranger for the Desert Tortoise Natural Area and Vicinity

The Bureau of Land Management has announced that the formal delegation of law enforcement authority (swearing-in ceremony) for its new ranger, John Kalish, will be held at 1:00 p.m. on Saturday, November 21st, at the Interpretive Center on the Natural Area. Ranger Kalish will patrol the Natural Area, plus surrounding crucial desert tortoise habitat.

The Desert Tortoise Preserve Committee is pleased and excited at this announcement. Having ranger presence to reduce poaching and vandalism is a major milestone in the Committee's goal to protect the Natural Area.

Everyone is invited. We hope to see you there.

Please note that the Natural Area fence repair party, detailed elsewhere in this newsletter, will be held the morning of the same day.

DESERT TORTOISE PRESERVE COMMITTEE, INC.
P.O. Box 453, Ridgecrest, CA 93555

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