

Final Final Final

**Desert Tortoise Council,
Minutes of the Board of Directors Meeting**

**25 June 2011
Doubletree Motel, Ontario, California**

Attendees: Mike Bailey, Tracy Bailey, Kristin Berry, Maggie Fusari, Becky Jones, Ed LaRue, Bruce Palmer, Raymond Saumure, Sid Silliman, and Glenn Stewart. **Absent:** Tom Egan, Dan Pearson, and Peter Woodman. **Guests:** Joe Probst.

Action items are in blue, with responsible parties in red. **Motions made, seconded, and approved are shown in bold red font.**

A. Introductions: Welcome Raymond Saumure and Ed LaRue as new board members.

B. Review Agenda: Several new issues were added as reflected below

C. Meeting Minutes of 9 April 2011: Maggie, with help from Becky, provided the draft minutes, which were reviewed. Corrections were provided to Ed who will produce final minutes for the next board meeting. **Motion made (Glenn), seconded (Sid), and approved to accept the draft minutes with corrections to be made later by Ed.** Maggie suggested that we keep separate track of all motions, which can be reported at the end of the year. Amended minutes from February were provided, but not discussed.

D. Brief Reports:

1. Treasurer's Report: Mike reported a \$500 donation to TSA (Turtle Survival Alliance, of which Raymond is a board member) in support of their conference. TSA provided DTC with one free admittance to the conference in Orlando, Florida, which was given to Kristin, who will be attending. After expenses, DTC made \$2,151.40 at the 2010 Symposium. Mike placed \$5,000 into the rainy day fund, which is included in the "Edward Jones CD." Vince Avalos is DTC's (and DTPC's) financial advisor, who is willing to advise the board on investments and financial policies. **Mike will ask Mr. Avalos to provide us a written document on options for investments.** DTC's total investments are currently \$49,203.77. **Kristin will contact DTPC, Raymond will contact TSA, and Maggie will contact Santa Cruz Museum of Natural History, who will then provide information to Mike who will serve as the point person to report financial policies for review and consideration.** DTC's current balance is \$178,338.84. **Motion made (Kristin), seconded (Becky), and approved to accept the treasurer's report.**

2. Corresponding Secretary's Report: Tracy reported DTC is now receiving mail in Ridgecrest at new postal box address: Desert Tortoise Council, P.O. Box 1568, Ridgecrest, CA 93556.

3. Recording Secretary's Report: Ed will distribute minutes to the board within a few weeks of each meeting, and Tracy encouraged members to provide feedback ASAP. Dan or Ray Butler may have the binders of previous minutes. Maggie will ask Dan, Ray, Ann, and/or Lori for binders of past minutes and other archival materials. Ed will review binders from 1992 to 2004 to extract archival materials. Sid has maintained electronic versions of comment letters during his tenure. DTC needs to develop an archival policy for materials that should be maintained, likely organized by year. Tracy will talk to Tom about his effort with the Proceedings to see how DTC may scan in archival materials.

4. Handling Workshop: Maggie reported the Workshop is scheduled for 5-6 (and possibly 7-8) November 2011. More than 250 people are on the waiting list, which may require the second event on Monday-Tuesday, as in 2010. First contacts will be made in July. Maggie and/or Ed may contact local agency people to see if they would like to help with reservations, audio-visual, outdoor set-up, etc. Some of Pete's helpers have indicated a desire to be reimbursed. Maggie will ensure presenters bring appropriate electronic materials. Several people (usually "significant others" of attenders) have offered Tracy to help out. Tracy and Joe are willing to help Maggie at the reservations desk. DTC may need to develop a policy to determine how volunteers would be used and compensated at the Workshop. Kristin suggested we have a call for volunteers placed on DTC's webpage. Maggie will contact Pete to see if he needs help coordinating volunteers for the outdoor set-up. **Motion made (Becky), seconded (Raymond) and approved for Maggie to contact David Carr and offer reimbursement of up to \$500 for audio-visual support on Monday and Tuesday.** Kristin foresees that the designation of the Sonoran desert tortoise as a new species may require additional presentation work. Bruce didn't see much need, assuming most attenders will be there to learn about the Mojave population. Becky will contact representatives from Nevada (Polly Conrad), Utah, and Arizona to help provide materials that can be distributed at the Workshop. Becky, with assistance from Bruce and Ed, will put together a list of all pertinent permits from local, State, and federal agencies to be provided to attenders.

5. Awards Committee: Glenn provided a list of five awards and the criteria for each award. All agreed that it was great to have the "Pat von Helf Recognition Award" focus on educators. Suggested Glenn adds "and/or" as follows: "...combines Pat's dedication to desert protection **and/or** the education of young people." Ed suggested that Ray Butler, Pat's brother, make the presentation. Glenn will make a few other minor changes and distribute them. There can be up to two recipients for the awards each year. Some candidates may include Sylvia Morafka, Elliott Jacobson, Evelyn St. Amant, Linda Slater, Robert Murphy, etc. to be considered by Glenn and Becky, who comprise the awards committee. Please announce any other nominees to Glenn.

6. Newsletter: Sean Daly produces DTC's newsletter. Glenn recalls a 2011 spring newsletter was produced in early April. All members are encouraged to provide Sean newsletter-worthy items. Maggie will contact Sean to determine when next newsletter is forthcoming. Bruce agreed to serve as the liaison between the board and Sean. Ed will send all future minutes to Sean (sdaly@burnsmcd.com).

7. Recovery Plan: In spite of the USFWS' promise to release the recovery plan on 1 May 2011, its release is being stalled, perhaps due to issues associated with solar energy. RITs (Recovery Implementation Teams) are also on hold until the recovery plan is released. Board members are encouraged to review USFWS' recent five-year evaluation of desert tortoise recovery successes and failures, dated 30 September 2010.

E. Ecosystem Advisory Committee (EAC) Report: Sid, Bruce, Glenn, Tom, and Raymond are the current members of the EAC. Sid's written report includes nine projects, which were distributed. Sid will provide Ed with an electronic version of his report to be included as Attachment 1.

1. Report on Committee Activities Since April 2011:

- Sid asked DTC to consider reconstructing the *Woodbury/Hardy sign* at their research site on the Beaver Dam Slope, which is maintained by the BLM office in Saint George, UT. Sid will contact St. George office of BLM about funding the reconstruction of this sign and report back to the board for a vote on performing this service.

- EAC (Sid) will write a letter to CDFG (not CEC) on the *Ivanpah Bright Source* project indicating that significant changes have resulted with the new findings of so many tortoises, which would trigger the need to rewrite CEQA documents. Whereas the environmental documents indicated 38 tortoises would be affected, it is now estimated that more than 700 would be affected on-site and more than 1,500 in adjacent areas. DTC is not an intervener, but is concerned and has a long history of commenting.

- DTC is an intervener on the *Solar Millennium, Ridgecrest Solar Plant*. There was initially a proposed "suspension" to allow for MGS study, then a decision to withdraw the proposal. On 17 June 2011, Solar Millennium proposed to change the technology so CEC could oversee the project, which is on BLM lands, and continue to pursue the project. Sid will be in a conference call day-after-tomorrow among CEC and interveners.

- On *Mountain Pass Lateral*, a Notice of Determination is forthcoming, but not sure if it will be a Mitigated Negative Declaration or an EIR. DTC has stated a full EIR is warranted. USFWS has determined that there may be an adverse affect on the desert tortoise (i.e., USFWS does not concur with FERC's determination of no adverse affect).

- There are no immediate action items on the *Stateline Solar Power Project*, which is summarized in Attachment 1.

- Bruce recently reviewed the Biological Opinion on the Fort Irwin expansion that requires tortoise translocation, monitoring, etc. The *Fort Irwin translocation plan* (by Esque and Nussear) does not have a stated deadline, and adaptive management seems to give the Army latitude to stop monitoring prematurely. The BO states that monitoring success of the translocation effort is important, which may provide DTC an opportunity to question the Army's stated intent to discontinue monitoring. DTC (Bruce) will write a letter to Army – Fort Irwin National Training Center, with carbon copies to USFWS, CDFG, and BLM asking for clarification on terms used in the translocation plan, how long translocated tortoises should be monitored, what are parameters for determining success, etc. Kristin and Becky recuse themselves from this writing effort. Maggie will distribute DTC's formal position on translocation plans to Ed.

2. Mojave National Preserve Water Resource Management Plan: NPS is now in a 90-day scoping period with public meetings scheduled throughout the end of June. Should we track this project, what sorts of comments are appropriate, and who will take the lead? As a member of an affiliated group, Sid will recuse himself from voting on this issue. This plan would include maintaining guzzlers and other water sources in the Mojave National Preserve. Ed will review this issue and draft a letter for board consideration, to be submitted to NPS by 11 July 2011, and may attend the scoping meeting in Barstow or San Bernardino. Sid will provide Ed with meeting times, locations, and formats (i.e., stations versus NPS presentations).

3. How can DTC determine habitats to be protected? Sid provided a list of existing resources, which is included in Attachment 2. At the end of May 2011, the BLM distributed an aerial view of preferred solar development sites in the Mojave, which included the DTNA and large areas of critical habitat, among other inappropriate habitats. CEERT (Center for Energy Efficiency and Renewal Technology) produced a map for “Reopening the West Mojave to Solar Energy Development.” Raymond suggested producing a GIS-based map showing the range of the tortoise, DWMAAs, critical habitats, land managers, etc. The ultimate goal would be to identify critical areas for tortoises that should be excluded from solar (and other forms) of development. There is a consensus that DTC should argue for protection of “occupied habitats,” not only critical habitat. Sid, Kristin, and Raymond will create a list of important habitat types to be protected, from critical habitats to occupied habitats, for board review and consideration.

F. Vice President’s Biden’s Recent Remarks About Desert Tortoise: Maggie will prepare a letter addressing V.P. Biden’s remarks to be sent to Senators Boxer, Feinstein, and Reed and to President Obama. Members are asked to help Maggie determine the importance of desert tortoise websites for informing educators, corporations, children, and others about tortoise conservation. DTC should take this opportunity to state how important the desert tortoise is to the environment and how important the Endangered Species Act is to its survival. It’s not about the cost of the webpage, so much as the importance of protecting the species. Keep the letter short; not longer than 1.5 pages. The draft will be distributed to board members for comment, and later consider how the letter to the senators should be changed before sent to the president. Maggie should also carbon copy the final letter to other related conservation groups (California Turtle and Tortoise Club, Desert Protective Council, Wildlife Society – Western Section, Desert Tortoise Preserve Committee, Defenders of Wildlife, Center for Biological Diversity, etc. Sid will send Maggie pertinent email addresses). Maggie will acquire the list for a possible press release; Raymond will provide her with a means to publicize DTC’s response; and Sid will provide Maggie with a template for effective press release contents.

G. Board Member Status and Vacancies: There are still two vacancies. Terry Christopher may be interested but may be too busy. Need to focus on Utah (Cameron Rognan and Mike Small were suggested) and Nevada for prospective members. Tracy will look at the DTC membership list for prospective board members.

H. Bylaws Revisions: See the second bullet in Section J, below.

I. 2012 Symposium: Kristin plans to offer recovery plan personnel (Cat Darst) an opportunity to present a poster on information considered for the revised recovery plan. DTC may consider financially helping students to produce posters for the Symposium. **Kristin will see that the September newsletter offers financial support (registration and travel) to students who want to attend the Symposium.** Kristin has asked Dr. Wade Sherbrooke to chair a session on horned lizards. She has also asked Dr. Rostal and two coauthors of a pending new book to the Symposium. Cristina Jones and David Grandmaison have been asked to work on getting authors of Arizona papers to attend. **Board members are asked to provide Kristin input on high profile issues and associated authors.** The two big issues continue to be solar development and translocation. Board members continue to look at locations for the 2013 Symposium, somewhere in Arizona.

J. Miscellaneous:

- **Maggie will email Dan on his progress to review grant guidelines to address requests such as the recent one from Red Rock Interpretative Association.**

- An open access paper (with blacked-out portions) was distributed reporting on a new species of *Gopherus*, which will be publicized next Tuesday, 28 June 2011. This new species occupies portions of the Sonoran Desert from Arizona down into Mexico. Because of habitat loss in Mexico to agriculture, this species is significantly threatened. This new determination will require that DTC change our bylaws to state protection of both *Gopherus agassizii* and the new *Gopherus* _____ (species to be announced). It also means that *G. agassizii*'s range will be reduced by 70% due to the new species' range. **DTC (Bruce) is overseeing revisions of bylaws;** formal change requires a 60-day review period followed by a 2/3 vote of the membership in attendance at the Symposium (or Annual Business Meeting, to be determined). DTC is now in the position to protect *two* species of *Gopherus* and, in time, a third species still being considered.

K. Next Meeting: Pending input from absentee members, the next meeting is tentatively scheduled for 24 September 2011, here at the Doubletree Motel. **Maggie will send out an email asking people the September and October dates they are unavailable.** The cost today was \$324 for 12 lunches, which precludes us from paying meeting room costs and will be paid by DTC. Once confirmed, **Mike will pay for the next meeting using DTC's credit card.**

L. Adjourn: Following a motion by Becky, seconded by Tracy, the meeting was adjourned by Senior Co-Chairperson, Maggie Fusari, at 16:10.

These draft minutes were recorded and respectfully submitted by Ed LaRue, (new) Recording Secretary.

Attachment 1. Ecosystem Advisory Committee report for 25 June 2011

Ecosystems Advisory Committee Report DTC Board Meeting of June 25, 2011

Beaver Dam Slope

June 17, 2011 – The sign marking the Woodbury/Hardy research site on the Beaver Dam slope has deteriorated to the point where portions of the text can no longer be read.

City of Twentynine Palms Litigation

Receipt of a check for \$5,215.29 from the court-approved settlement with Granite Construction brings this matter to a successful conclusion.

East Desert Regional Park

San Bernardino County decided not to undertake a feasibility study for the proposed ORV park on land south of Highway 62 and east of Utah Trail.

Ivanpah Solar Electric Generating System (ISEGS), BrightSource

April 18, 2011 – DTC letter to FWS urging a new BA. DTC urged, as well, that USFWS consider issuing a jeopardy finding in its revised Biological Opinion.

Sid spoke at the May 14 California/Nevada Desert Committee meeting on the anticipated impacts of ISEGS on the Mojave desert tortoise and its habitat. The Desert Committee approved a letter to FWS from Chair Terry Frewin requesting a jeopardy finding on ISEGS.

USFWS issued a revised BO June 10, stating “...it is our biological opinion that the proposed action is not likely to jeopardize the continued existence of the desert tortoise” (p. 83).

Mojave National Preserve Water Resources Management Plan

May 11, 2011 -- NOI to complete a water resources plan and EIS for the Mojave National Preserve. DTC is on the NPS mailing list. The 90-day comment period is now open with June scoping meetings in Henderson (27th), Needles (28th), San Bernardino (29th), and Barstow (30th).

Mountain Pass Lateral Project (Kern River)

June 1, 2011 – FWS gives notice that it does not agree that the project is not likely to adversely affect the desert tortoise. June 20, 2010 -- San Bernardino County accepted and deemed the application complete with respect to CEQA; Notice of Determination forthcoming.

Ridgecrest Solar Power Project (RSPP)

Interveners Desert Tortoise Council, Basin and Range Watch, Kerncrest Audubon, and Western Watersheds Project wrote to the CEC on May 4, to state our opposition to a Solar Millennium (SM) request to “suspend” its RSPP application. CEC considered SM’s request and intervener opposition at a status conference on June 21. The CEC Committee will issue an order with respect to the schedule in the near future. Solar Millennium (now apparently Solar Trust of America) submitted a motion on June 17 to “...submit to the Commission’s exclusive jurisdiction for an energy facility utilizing photovoltaic technology.” The motion is pending.

Stateline Solar Power Project (First Solar)

Sid participated in the Ivanpah Valley Regional Assessment of meeting of May 20, convened to follow up on discussions at the BLM-convened “listening session” of March 31. At the May meeting, First Solar proposed a cumulative biological assessment (limited to the Ivanpah Dry Lake watershed) that would be included in the EIS for the Stateline project. Members of the conservation community, in contrast, called for a broad conservation plan for the Ivanpah Valley. Speaking for DTC, Sid urged that any Ivanpah plan encompass the entire Valley (rather than just the ROW area for the Stateline project) and that a primary objective of the plan be to conserve desert tortoises populations within the Valley. No further meetings are scheduled.

WEMO

DTC wrote California Desert District Manager Teri Raml on May 10, 2011 to express concerns regarding WEMO Plan route designation implementation. The letter includes the observation that the BLM’s plans “...do not appear to follow the fundamental direction adopted in the West Mojave Plan for furthering desert tortoise recovery in the western Mojave Desert.” Tom Egan is credited with tracking the issue and drafting the letter.

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Habitat and Solar Development Maps and Models – List of Known Resources

Bureau of Land Management. "Aerial View. Mojave Proposed Solar Development Areas" [four maps; emailed to DTC Board May 26, 2011]

Center for Energy Efficiency and Renewable Technology (CEERT). "Reopening The West Mojave to Solar Energy Development." [with maps; emailed to DTC Board May 26, 2011].

Center for Biological Diversity. "Potential Project Sites for Solar Energy" (8/10/10). [Silliman]

_____. "Endangered Species of the California Desert Conservation Areas" (no date)

Desert Renewable Energy Conservation Plan. "Planning Boundary Map."
<http://www.drecp.org/maps/index.html>

_____. "Recommendations of Independent Science Advisors for California DRECP." 2010.
<http://www.drecp.org/documents/#science>

Desert Tortoise Recovery Plan (1994).
http://www.fws.gov/nevada/desert_tortoise/dtro_1994_recovery_plan.html
page 23, "Figure 3 Approximate boundaries of recovery units..."
page 39 to 42, , maps of "proposed" DWMA's
"Appendix H: Critical Habitat for the Desert Tortoise (Mojave Population)"

Draft Revised Desert Tortoise Recovery Plan (2008)
page 12, map of critical habitat

Mojave Desert Ecosystem Program
Home page <http://www.mojavedata.gov/index.html>
Maps <http://www.mojavedata.gov/mdep.html>

The Nature Conservancy. "Mojave Desert Ecoregional Assessment"
<http://www.scribd.com/doc/38896269/The-Nature-Conservancy-s-Mojave-Desert-Ecoregional-Assessment-2010>

The Office of Energy Efficiency and Renewable Energy and the Bureau of Land Management.
"Solar Energy Development PEIS Maps." <http://solareis.anl.gov/maps/index.cfm>

USGS. Desert Tortoise Habitat Model <http://pubs.usgs.gov/of/2009/1102/>

Revised June 25, 2011