

# The Desert Tortoise Council Newsletter Summer 1995

OUR 20th YEAR

Our Goal: To assure the continued survival of viable populations of the desert tortoise throughout its range

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## 21st SYMPOSIUM ANNOUNCEMENT

The 21st Desert Tortoise Council Meeting and Symposium will be held on March 29-31, 1996, at Sam's Town in Las Vegas, Nevada. A field trip is scheduled for Monday, April 1, 1996, following the symposium. Recognize the site? It is the same site as the 20th Anniversary Symposium. Sam's Town is at 5111 Boulder Highway near Flamingo Road. 150 rooms have been blocked for the event. Registrants should contact Sam's Town at 1-800-634-6371. Hotel shuttle service to and from McCarran International Airport MAY be available by then, but was not available in 1995.

A special session on plants is planned to include cryptograms, native vs. exotic plants, restoration of native grasses and native annual herbs. Tortoise population sampling, ecosystem plans implementing the desert tortoise recovery plan, disease and health, culverts and highways, fire, demography, behavior, survivorship, ravens, and management topics are also planned.

We will have some very special speakers and a few surprises, so mark your calendars now!

## COUNCIL TREASURER NEEDED

Beginning in March of 1996 the Desert Tortoise Council will need a new Treasurer. The Treasurer is an elected, voluntary, unpaid position. He or she serves an important position on the Board of Directors of the Council and normally serves a two-year term. Duties that follow are excerpted from the Council Bylaws:

Treasurer. This officer shall be responsible for receiving and distributing all funds of the Council. This officer shall maintain the Council's financial statements and records. A written audit of the Council's accounts for that year shall be submitted to the Co-chairpersons at the annual meeting. In the event the Co-chairpersons, Co-chairpersons-elect and Corresponding Secretary are unable to serve in their capacities, the Treasurer shall serve pro-tempore.

This is an opportunity for a Council member to contribute in a very important way. If you are interested in

the position, please contact the Council via Tom Dodson. Please submit a short resume that would relate to your abilities as treasurer.

## 1997 SYMPOSIUM NEWS:

We had so much positive feedback that we locked in the 1997 symposia with Sam's Town. We have tentatively set April 4, 5, and 6, 1997. We will inform you when these dates are firm.

## 1995 AWARDS RECAP

Mike Giusti received the Council's prestigious Annual Award for 1995.

Special Awards for outstanding efforts toward Desert Tortoise Conservation went to Dan Pearson and Mike Coffeen.

Founder's Awards went to James A. St. Amant, Kristin H. Berry, and Glenn Stewart.

Conservation Awards were also presented to the Desert Tortoise Recovery Team: Drs. Kristin H. Berry, Cecil R. Schwalbe, C. Richard Tracy, David J. Morafka, Elliott R. Jacobson, Frank C. Vasek, Michael E. Gilpin, and Peter F. Brussard (team leader).

Congratulations to all of you for outstanding efforts on behalf of the desert tortoise!

## ESA FOLLOWS GOOD SCIENCE:

In May, the National Academy of Sciences released a report from the National Research Council entitled Science and the Endangered Species Act. The National Research Council is a private, non-profit institution that provides science and technology advice under a congressional charter. The study was done in fulfillment of a bipartisan request from the previous Congress. The Council's findings:

"In general there has been a good match between science and the Act [ESA]." Recovery plans are developed too slowly or have provisions that cannot be justified scientifically. Because critical habitat is difficult to determine and requires economic analyses,

A core amount of "survival habitat" should be protected without reference to economic impact as an emergency measure when a species is listed. Biologically, standards for habitat protection, species survival, and recovery should not differ from public and private lands. Which lands receive greater protection is a policy decision, not a scientific matter. The Act's inclusion of distinct populations segments is scientifically sound and should be retained. More approaches are needed to complement the Act, including cooperative management, managing ecosystems and landscapes, rehabilitation of damaged ecosystems, and designation of mixed-use areas that provide for human activities as well as wildlife habitat, and various market-based economic incentives.

Copies of the report may be purchased from the National Academy Press, telephone (800) 624-6242.

### **SCARY NEW GRAZING BILL:**

In what appears to be a move to ward off modest attempts by the Administration for range reform, Senator Pete Dominici (NM) and Congressmen Wes Cooley (OR) have introduced legislation that would make livestock grazing the dominant use of federal rangelands managed by BLM and the Forest Service, the Wildlife Management Institute reports. The Administration's range reform provisions would go into effect August 21, 1995. The hope by some in Congress is to kill range reform by enacting the bills numbered S. 852 and H.R. 1713. The bills would make grazing actions exempt from NEPA. All vegetation would be allocated to livestock, none to wildlife, as "carrying capacity" is defined in the bills. There would be no penalty for not paying grazing fees. They would prohibit the use of monitoring rangelands to ensure permittees are in compliance and range is responding to management. The bills would also not allow a rancher to reduce grazing use for conservation purposes: a rancher would either have to make use of the forage or lose it to someone else. This kind of legislation would be a serious blow not only to the desert tortoise, but to endangered species and wildlife in general. Write or call your Senators and Representatives and tell them how you feel about such damaging legislation.

### **SENATE MULLS MINING LAW AGAIN:**

After several starts and stops in the last few years, the Senate appears ready to act in a small fashion. The Senate Energy and Resources Committee was to meet

in June and July to mark up legislation to reform the 1872 mining law. Bills under consideration range from good to lousy, the Wildlife Management Institute reports. S.504 by Senator Dale Bumpers (AR) would set an 8% royalty on mining profits, create reclamation standards, and eliminate patenting of mining claims. Conservationists support Bumpers' approach..

S. 506 by Senator Frank Murkowski (AK) and Larry Craig (ID) reportedly was written by the mining industry and does not have provisions in the public interest.

A number of committee members are negotiating a compromise between the two bills. The bill would appear to be compromised to nothingness according to the present trends. Write or call your Senators and tell them how you feel about the need for responsible mining reform legislation that returns something to the public coffers and protects long-term productivity of the land.

### **GRAZING FEES USED TO SUE FEDS**

In a perverted twist, fees paid to the government for grazing on BLM land are being used by grazer's in Nye County, Nevada to help pay for a lawsuit challenging the federal government's authority to own and manage public land. According to the Wildlife Management Institute, Half of all grazing fees collected by the U.S. Forest Service and BLM go back to grazing districts to be used for improvement of the range. You are subsidizing the use for low fees and half of the fees come back for improvements, yet these grazers seem to want it all... the public lands... for free. If you think this kind of activity is wrong, you should let your representatives in Congress know about it.

### **PROCEEDINGS:**

The 1994 Proceedings were completed and available at the 1995 Symposium. The 1993 Proceedings are due to go to the printer shortly.

The 1995 Proceedings are being prepared and edited by Vanessa Dickinson. If you gave a paper at the 1995 Symposium and receive requests from the editor, please do your best to accommodate her for all our benefits! 1995 Proceedings will be available at the 1996 Symposium.

## **PROPOSED REVISION OF BYLAWS FOR COUNCIL MEMBERSHIP TERMS**

Section 3. Members shall pay the specified dues required of active members of the Council on a calendar year basis. Membership is to be renewed on the anniversary of application acceptance, i.e. when the Council received the first dues.

Membership extends from the date of dues payment until the Thursday prior to the Annual Symposium each year (generally on or about the end of March). Memberships may be renewed any time prior to a symposium. No memberships will be pro-rated.

Dues shall be \$12.00 per year for a general membership; \$8.00 for students; \$55.00 for societies, groups or clubs; \$50.00 for contributing; and \$300.00 for a lifetime membership. There will be no additional cost to those lifetime memberships applied for prior to March 19, 1988. Student memberships require the endorsement of their Advisor or Major Professor.

## **ANNIVERSARY T-SHIRTS STILL AVAILABLE**

Commemorative T-shirts with newly-commissioned art work are available honoring the 20th Anniversary of the Desert Council. They are high-quality heavy-weight cotton and are available for \$15.00 plus shipping and come in M, L, and XL sizes.

## **VOLUNTEER SOUGHT FOR PROCEEDINGS DISTRIBUTION TO LIBRARIES:**

At the 20th Anniversary Desert Tortoise Council business meeting two positions were filled. Elected to the position of Recording Secretary is Ed LaRue, Jr. of Circle Mountain Consulting in California. Elected to the position of Co-chairperson-elect is Vanessa Dickinson of the Arizona Game and Fish Department. **OUR CONGRATULATIONS TO YOU BOTH!** One or more board positions are vacant at this time. If you would like to take an active effort to help the Council, please contact us at our business address.

## **INTERNET/WORLD WIDE WEB SITE FOR FEDERAL REGISTER NOTICES:**

An important goal of the Desert Tortoise Council is to disseminate information and education opportunities on the desert tortoise to the public. To help facilitate this, the Council is seeking a volunteer to prepare a list

of libraries, primarily within States occupied by wild desert tortoises both in the United States and Mexico. The volunteer would determine which may need sets of Desert Tortoise Council Proceedings and facilitate getting the proceedings to these institutions. If you would like to help, please contact the Council at (909) 383-7669 and ask for Lisa or Tom, or contact any board member at the symposium.

Try the following to find the latest Federal Register proposed and final rules and other notices.

<http://www.istech.com>  
<http://ssdc.ucsd.edu\gpo\fedfld.html>

## **INTERNET/WORLD WIDE WEB SITE FOR FISH AND WILDLIFE SERVICE:**

Try the following email or world wide web addresses to find the latest information from the Fish and Wildlife Service, including lists of threatened and endangered species.

R9FWS\_DES.BIM@mail.fws.gov  
<http://www.fws.gov>

## **BILLS TO DUMP PUBLIC LANDS**

H.R. 2032 and S. 1031 have been introduced by Congressman James Hansen (UT) and Senator Alan Simpson (WY), respectively. These companion bills would give away 268 million acres of public lands owned by you and me and managed by the BLM. The Wildlife Management Institute notes that the only strings attached are that wilderness areas would be managed under the Wilderness Protection Act. The bills run counter to 50 years of legislation and policy history and would squander receipts that normally go into the U.S. Treasury, squander cultural, recreational, and priceless wildlife treasures.

One wonders whether divesting of National treasures are the issues we elected our Congress to address.

## **AMERICAN ENVIRONMENTAL ATTITUDES**

Despite last November's election, Americans are truly in support of strong environmental laws. A National Wildlife Federation poll found that 62 percent of those who voted in the last election are in favor of strong or stronger environmental protection. Only 18 percent

were opposed to present levels. The pollsters believe very few voters were thinking about the environment when they voted. Issues such as crime and economy played the greatest roles. 76% favored stronger safe drinking water laws. 56% oppose compensation to property owners prevented from doing whatever they want with their land because of environmental regulations. 57% favored maintaining strong provisions in the Endangered Species Act. 63% said mining, ranching, and logging operations should be charged a "fair market fee" on public land.

## **SUPREME COURT AFFIRMS ESA TAKE PROVISIONS**

In July the Supreme Court upheld federal authority to regulate use of endangered species' habitat under the ESA, including that on private land, the Wildlife Management Institute reports. The landmark ruling was on *Babbitt v. Sweet Home Chapter of Communities for a Greater Oregon*. The suit was brought by logging interests against spotted owl protection. The case surrounded Fish and Wildlife Service interpretation of "harm" in the ESA. The FWS interpreted harm to include habitat modification that subsequently kills or injures listed animals. This decision will no doubt add more fuel to the debate during ESA reauthorization.

## **CALL FOR PAPERS AND POSTERS -- 1996 (21ST) ANNUAL MEETING AND SYMPOSIUM**

The Desert Tortoise Council will host its Twenty-first Annual Symposium on Friday, Saturday, and Sunday, March 29-31, 1996 at Sam's Town in Las Vegas, Nevada. Titles and Abstracts for Sessions or Contributed Papers and Posters are Hereby Invited. Our principal topics of interest for 1996 include: summary papers dealing with desert tortoise research, management, and recovery; trends in populations and habitat; success of mitigation measures; breeding programs; and general biology, ecology, physiology, health, disease and predation. We welcome pertinent papers on turtle and tortoise biology and conservation in general and will include them if time permits.

Please return the attached form with an abstract by January 10, 1996. Abstracts should be substantive, focused on findings and implications of findings (not methods). Abstracts should be limited to 250 words and double-spaced. Capitalize and center the title

of the paper. Underneath the title, list and center all authors (include first names) with affiliations. Underline all scientific names and statistical notations. Send ONE COPY of the abstract (on 8 X 11 1/2 inch paper) or ONE DISK (IBM WordPerfect 5.1 ONLY) to Dr. Kristin Berry, Symposium Chair. If you must FAX your abstract, use Courier 10 type and follow the FAX with a hard copy or disk. Before submitting an abstract, authors should be confident that they will attend. The Symposium Chair must be informed immediately if a cancellation or substitution is necessary.

Papers. Speakers should be prepared to give professional papers. Most papers will be scheduled at 15-minute intervals (12 minutes for presentation, 3 minutes for questions), unless other arrangements are made. Authors planning to publish in the Desert Tortoise Council Proceedings need to follow the Guidelines for Authors printed in this newsletter.

Posters. Posters will be displayed throughout the meetings. Poster presentations will be offered at specific times.

If you have questions or need assistance, please contact the Symposium Chair, Dr. Kristin Berry, at the National Biological Service via voice mail (909) 697-5361 or FAX (909) 697-5299. Information should be exact, because the program copy will be prepared from this sheet. If your title is tentative, say so.

Paper \_\_\_\_\_ Student Paper \_\_\_\_\_ Poster \_\_\_\_\_  
Author(s) and Affiliations(s). Indicate speaker with an asterisk. \_\_\_\_\_  
Title of Paper \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Daytime Phone: \_\_\_\_\_ home: \_\_\_\_\_  
Special needs (AV Equip.): \_\_\_\_\_  
Time: \_\_\_\_\_  
Mail to: Kristin H. Berry, Symposium Chair, Desert Tortoise Council, 7006 Westport Street, Riverside, California 92506

## **GUIDELINES FOR AUTHORS FOR THE 1996 DESERT TORTOISE COUNCIL SYMPOSIUM PROCEEDINGS**

Mail ONE COPY AND A COMPUTER DISK (IBM WordPerfect 5.1 or IBM WordPerfect for Windows 6.0, 6.1) of the completed manuscript, including all tables and original figures to the Editor by April 15, 1996. Label the disk with your name, program used, and document name.

### **OVERALL STYLE OF MANUSCRIPTS**

Double-space the manuscript, all margins 1 in (2.5 cm), number all text pages including literature cited. Full length papers and reports written in scientific style should include the following major subdivisions: abstract, introduction, methods, results, discussion, acknowledgements, and literature cited. Center and bold all headings except abstract. The abstract heading should be italicized and indented. The entire abstract should be indented to set it off from the rest of the paper. Title of minor subdivisions in the text should be italicized, on a separate line, and not indented. Papers not written in scientific style should include an introduction, major and minor subdivisions, and literature cited (if any).

Italicize all genus and species when the common name of the organism is first mentioned. Abbreviate the full names of agencies, organizations, and word combinations that occur frequently in the text with an acronym. Make sure ALL acronyms are defined. Use the metric system with following notations: cm, m, km, ha, C. Italicize all statistical notations, for example, *n*, *t*-test, *P*. When constructing the literature cited, DO NOT abbreviate journal and state names.

For details on general style (including tables and figures) consult the last edition of the Desert Tortoise Council Symposium Proceedings.

### **BEST STUDENT PAPER AWARD**

The Desert Tortoise Council Awards Committee will present a Best Student Paper Award at the close of each Annual Symposium. The presenter must give notice to the Program Chair of his/her student status at the time the Abstract is received. The Best Student Paper Award notice will accompany the call for papers. To qualify as a student, the person must be enrolled at a college or university in a degree program. Student status must be

affirmed by a note from the student's major professor or advisor and must accompany the Abstract. Award will be in the amount of \$200 and will include a certificate.

The Award will be based on the following factors: 1) Value of content toward furthering knowledge of desert tortoise biology; 2) Quality of content; 3) Quality of oral presentation; and 4) Quality of visual presentation.

A minimum of three people, including the Student Award Chairperson, with a broad knowledge of desert tortoise biology and literature, will evaluate all student presentations. The Chairperson, with the assistance of the other evaluators will decide upon the winner and will make the award.

### **ARIZONA ENVIRONMENTAL PROTECTION POLL**

In an April, 1995 Rock, Mountain Poll, Arizonans gave their politicians something to think about. In this very conservative state, the poll showed that only 10% of Arizonans believe that state environmental protection laws "have gone too far."

80% are not willing to accept development as a trade-off for higher levels of pollution.

80% said they are more supportive today of efforts to protect water and air quality and natural areas than before. 90% are unwilling to trade jobs and economic growth for higher levels of pollution.

More than 70% said they oppose job growth if it means extinction of some wildlife species.

### **ESA UNDER SIEGE**

Despite strong public support, a sizable contingent in Congress is trying to dismantle the ESA and other environmental laws enacted over the last 25 years. Not only does the ESA protect species in the U.S., but worldwide as well. About half of the listed species occur beyond the U.S. border. ESA implements CITES, the international convention that regulates worldwide trade in both plant and animal species. At home, the ESA protects us, our land, and our life support systems. You can Help by contacting your Senators and Representative in Congress. You can tell them how you feel about needing a strong ESA as a tool for promot-

ing conservation and responsible stewardship of our resources and protecting our quality of life. Address letters to your Senators as follows:

The Honorable \_\_\_\_\_

United States Senate

Washington, DC 20510

Address letters to your Representatives as follows:

The Honorable \_\_\_\_\_

United States House of Representatives

Washington, DC 20515

You can phone the Capitol Switchboard at (202)224-3121 and ask to be connected to your Representative or Senator.

## **HARPER LAKE TO PAY MITIGATION**

According to the Utility Environment Report, the Harper Lake Companies have long last agreed to pay \$439,000 in mitigation funds for projects required of the LUZ 160 Megawatt solar generating facility in San Bernardino County. Upon the LUZ bankruptcy, many mitigation projects were not completed, and the new owners stalled for years. The funds will go to the Desert Tortoise Preserve Committee. They will build the required tortoise-proof highway fencing and culverts for crossings along Harper Lake Road and provide follow-up biological monitoring. This settlement was stimulated by persistence of many state and federal agencies, including the California Energy Commission, and other grass-roots organizations such as the Desert Tortoise Preserve Committee and the Desert Tortoise Council.

## **WARD VALLEY REPORT ISSUED**

In May, the National Academy of Science's National Research Council submitted its report on the Ward Valley Low-Level Radioactive Waste Site, entitled Ward Valley: An Examination of Seven Issues in Earth Sciences and Ecology. This report contained several important findings on safety issues and ecological issues of the proposed project. Of importance to the Council, desert ecologists, and the desert tortoise, the National Research Council (NRC) concurred with the findings of tortoise biologists that the relocation plan of U.S. Ecology was inadequate and with great uncertainty for success, and should be revisited. The NRC also found that habitat fragmentation concerns were not alleviated. Additionally, the NRC recommended

reinitiation of consultation with the Fish and Wildlife Service on the proposal, as substantial new information and a recovery plan have been developed since the prior consultation.