



THE DESERT TORTOISE COUNCIL NEWSLETTER

FALL 2004
OUR 30TH YEAR

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

2005 ANNUAL SYMPOSIUM TUCSON *The 30th!*

The Desert Tortoise Council Symposium returns to Tucson after four years- and it's the 30th!!! We will be downtown, at the Radisson Hotel (181 West Broadway), from February 18 to 21, 2005.

The 30th Anniversary Symposium will have special sessions, featured speakers, and anniversary events. We are working on presentations on tortoises in Mexico and elsewhere in the Sonoran Desert. We also plan to have local authors speak and sign their books and having local artists present. In addition, Dr. Stebbins has expressed an interest in attending again. We will have books, shirts, and other items on sale.

Dr. Peter Pritchard of the Chelonian Research Institute, and the world's foremost authority on turtles and tortoises in general, will join us. The author of numerous books and papers, including a monograph on the Galapagos tortoises, Dr. Pritchard will speak on his recent expedition to find Pinta Island tortoises, the helicopter and ground surveys, collections of shells, and the worldwide genetic evaluation of Galapagos

tortoises in zoos. He will also talk about Lonesome George, the last of the Pinta Island tortoises. He will also sign some of his books.

Presentations made on PowerPoint must be on a compact disc and must be Power Point 2000 compatible and presented at registration. All Power Point presentations will be on computers provided specifically for that purpose. No personal laptops and no zip disks! Slide presentations (35 mm) are still acceptable, but overhead projections are not. PowerPoint is the preferable presentation format. These rules will help the presentations flow smoothly and keep the sessions on time.

The Symposium begins Friday, February 18 with the Annual Business Meeting in the morning. Sessions will begin Friday morning after the Annual Meeting and continue until Sunday afternoon. Field trips will occur on Monday. Current plans include a mixer and book signing Friday evening, continental breakfast Saturday morning, the mixer and banquet Saturday evening, and continental breakfast Sunday morning.

www.deserttortoise.org

A block of rooms at the downtown Radisson is reserved for February 17 to 21. The room rate is \$80 - this is less than half the normal room rate! When making reservations (520-624-8711), ask for reservations and state that you are with the Desert Tortoise Council. Rooms should be reserved before January 19, 2005 as the remaining unused rooms will be released into hotel inventory. Refer to the Radisson Downtown Tucson web page for additional information:

<http://www.radisson.com/tucsonaz>

QUESTION

If you would be interested in attending a field trip on Thursday, please e-mail Doug Duncan at fdhcky@cox.net, or vote on the web page.

If any individual or group is interested in making a donation for the symposium, please contact Doug Duncan, local host chair, at fdhcky@cox.net.

CALL FOR PAPERS, REGISTRATION, PHOTO CONTEST INSIDE THIS ISSUE

You must register to attend. Preregistration as a member is the best value. The deadline for early registration is January 15, 2005. Note that the deadline for papers is December 1. If you plan on attending the banquet please note your meal choice on the registration form.

TECHNIQUES WORKSHOP

THE TECHNIQUES WORKSHOP IS FULL!! The Council's 2004 Tortoise Handling Workshop is now **FULL**. There is a waiting list to fill cancellations at this year's workshop and to make reservations for next year's workshop. To get on the list send an e-mail to: bailey0714@earthlink.net. Once we receive your e-mail, we will let you know where you are on the waiting list. Those on the waiting list that do not attend, will automatically be placed on the waiting list for the 2005 workshop.

NOTE: Anyone **not** registered for the Workshop will be turned away. For those of you on the list to attend, notification of registration has already been sent. Registration information will be available at our website www.deserttortoise.org at this time.

THERE WILL BE ABSOLUTELY NO WALK-INS AT REGISTRATION. You need to be registered before you make the trip to Ridgecrest. Remember, we are a nonprofit organization that is trying to make the registration process fair and easy for everyone involved.

CHANGE OF ADDRESS

If you change your mailing address or e-mail address, please notify us. We use addresses for sending the newsletter, reminders of expired memberships, and last minute notices for the symposium. The membership database is only used for Council business and is never shared. Please note that the DTC working address has changed: **P.O. Box 5685, Sun City West, AZ 85376-5685**, or e-mail Doug Duncan at fdhcky@cox.net.

CALL FOR PAPERS AND POSTERS
30th ANNUAL MEETING AND SYMPOSIUM
Friday, Saturday, Sunday, and Monday, February 18-21, 2005

The Desert Tortoise Council will host its Thirtieth Annual Symposium on Friday, Saturday, Sunday, and Monday, February 18 to 21, 2005 at the Radisson City Center, Tucson, Arizona. **Titles and abstracts for sessions or contributed papers and posters are hereby invited.** The Council welcomes pertinent papers on turtle and tortoise biology and conservation, especially regarding the Sonoran Desert and Mexico. (*All authors of paper and poster presentations are encouraged to submit their papers for publication in the Symposium proceedings. The deadline for submission is July 1, 2005. Instructions will be in meeting registration packets and future newsletters.*)

Please return the form below with abstract by **December 1, 2004** (If necessary, abstracts can be submitted by January 1, 2005, but the form below must be submitted by December 1, 2004).

Abstracts

Content: They should be substantive, focused on findings and implications of findings (not methods). Abstracts for 15 minute papers should be limited to 250 words (body, not title and addresses) and double-spaced. Capitalize and center the title; underneath the title, list and center all authors (include first names) with affiliations and addresses. Italicize all scientific names and statistical notations.

Submission: Send a virus-free file by e-mail or on a 3.5 inch disk (WordPerfect 9.0 or Word 2000 for Windows, or more recent versions) by surface mail. ALL e-mail transmissions must include all the information requested below, including author's address, phone, e-mail address, and fax numbers. E-mail transmissions must include the abstract as an attachment in WordPerfect 9.0 or Word 2000 (or more recent versions), not in the body of the text. The Program 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, three 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](#).

Featured Speakers: The Keynote and Invited or Featured Speakers will be allotted additional time, to be arranged with the Program Chair.

Posters

Posters will be displayed throughout the meeting. Poster presentations may be offered at specific times. If you have questions about your paper or need assistance, please contact the Program Chair, Dr. Kristin Berry, at the address below.

Information should be exact, because the program copy will be prepared from this sheet. If your title and the speaker list are tentative, say so.

Paper _____ Student Paper _____ Poster _____
Author(s) and Affiliations(s). Indicate speaker with an asterisk _____

Title of Paper _____

Address of Speaker _____

Work phone _____ Home phone _____ E-mail _____

Special needs (e.g., AV equipment): _____ Time: _____

Submission

Mail to: Dr. Kristin H. Berry, Program Chair; USGS; 22835 Calle San Juan De Los Lagos, Moreno Valley, CA 92553 . E-mail to: kristin_berry@usgs.gov and to fldhcky@cox.net (send copies to both).

PHOTO CONTEST

The Council sponsors the annual Photo Contest to honor and encourage our members to participate in educating the public through photography. Mike Bailey is managing the 2005 Photo Contest.

FORMAT. For 2005, the format is mounted print and digital photographs either in black and white or color (no slides). All prints must be matted, NO GLASS FRAMES please. All prints must be labeled with the following information placed on the back of the PRINT: common and scientific names of subject; location; date PRINT was taken; contestant's name, address, and phone number; and entry category. No names on the front, please, but titles and date are acceptable. This year, the Council encourages contest entrants to also submit electronic copies (in jpg format) of their entries so that they can be posted on the website before the Symposium.

AWARDS. Qualified winners will be awarded first, second, and third place ribbons in each of the eight categories. First Place awards will be \$50; second and third place winners will receive ribbons. The Best of Show will receive \$100.

CATEGORIES.

1. WILD DESERT TORTOISES
2. CAPTIVE (PET) DESERT TORTOISES
3. OTHER DESERT REPTILES
4. DESERT MAMMALS
5. OTHER DESERT WILDLIFE
6. WILD DESERT PLANTS
7. DESERT SCENICS
8. TORTOISE CONSERVATION. This category covers a range of subjects, but must depict activities or subject matter important to the perpetuation of the species. Examples are research, impacts (i.e., raven predation), improvements (i.e., fencing), and environmental education.

OTHER RULES. With the exception of Captive (Pet) Tortoises, **all PRINTS** must be taken of WILD (i.e., unrestrained and photographed in its natural habitat) subjects occurring **within the geographic range of the desert tortoise**. Each contestant may submit a maximum of two PRINTS per category. Photos must have been taken by the contestant.

SUBMISSION OF PRINTS. PRINTS must be available for viewing no later than 3:00 p.m. on Friday afternoon, February 18. You may either bring your prints and provide them to Mike Bailey at the Symposium early on Friday or mail them to him at: 619 Pinon Court, Ridgecrest, CA 93555. PRINTS must arrive at this address by Friday, February 11, 2005. Photographers do not need to be present to win. To ensure that your entries are posted on the website before the Symposium, submit electronic copies (in jpg format) to the [DTC webmaster](#).

JUDGING. Prints will be judged at the Symposium by the attendees. Attendees will pick up ballots at the registration table and voting will be from 3:00 p.m. Friday to Saturday until 3:00 p.m. Winners will be announced at the Banquet on Saturday night.

PRINTS will not be returned, except upon advance request, and will become the property of the Desert Tortoise Council. The Council will have the right to use these photographs in its publications and educational programs, as well as to assign such permission to others, with full credit given to the photographer.

REGISTRATION FORM

Desert Tortoise Council 30th Annual Meeting and Symposium February 18-21, 2005

Return to
Desert Tortoise Council
P.O. Box 5685
Sun City West, AZ 85376-5685

Please complete a SEPARATE form for each attendee.
Please print or type

Name: _____ Organization: _____
(First, Last) (Name to be used on ID badge)

Address: _____ City: _____ State: _____ Zip: _____

E-mail: _____ Daytime Phone: _____ Fax: _____

SYMPOSIUM FEES

		ENTER AMOUNT
Member Registration	\$90.00 (\$120.00 if postmarked after 1/15/2005)	_____
Student Member Registration	\$40.00 (verification required) (\$60.00 if postmarked after 1/15/2005)	_____
Non-member Registration	\$110.00 (\$130.00 if postmarked after 1/15/2005)	_____
One-day Registration	\$60 Day _____	_____
Regular Membership Dues	\$15.00 (see dues schedule in newsletter)	_____
Banquet	\$30.00 Buffet	_____
	Chicken _____ Vegetarian _____	_____
Raffle Ticket(s)	@ \$1.00 each	_____

TOTAL ENCLOSED _____

Make check payable to **Desert Tortoise Council**.
Only checks or fully executed purchase orders are accepted.

Monday Field Trip
I would like to attend one of several Monday, February 21, 2005, field trips.
Yes: _____ No: _____

CONSERVATION NEWS

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The Endangered Species Act has provided protection to desert tortoises throughout much of their range in the United States.

Because the tortoise is protected by the Act, great focus and funding, and research and management has been brought to bear on tortoise conservation. While we would prefer that the desert tortoise did not need the protections of the Endangered Species Act, the Act is a necessary tool to insure the goal of the Council is met: To assure the continued survival of viable populations of the desert tortoise throughout its range.

ENDANGERED SPECIES ACT LEGACY PLEDGE

The Endangered Species Act is a safety net for our nation's wildlife, fish, and plants on the brink of extinction. For more than 30 years, it has provided critical protections for endangered species and the places they live.

Unfortunately, the Act, and the protections it provides our nation's endangered fish, plants, and wildlife, has been under constant assault from both Congress and the Administration and is facing serious threats.

For all those who support the protection of threatened and endangered species, the time for action is now. We owe it to our children and grandchildren to stand up against these attacks, so that they will enjoy the wildlife legacy with which we have been blessed.

Despite the fact that the Endangered Species Act has been one of the nation's bedrock environmental laws since 1973 and, according to a recent poll, 90 percent of U.S. voters recognize the importance of providing a safety net for wildlife, plants, and fish that are on the brink of extinction, the opponents of strong endangered species protections seem to

be winning the messaging war. We know better, the American public supports a strong Endangered Species Act.

Representative Dingell, an endangered species champion who helped write the Endangered Species Act in 1973, has created an Endangered Species Act Legacy pledge. Conservation organizations are working to get thousands of concerned citizens across the country to sign this pledge and let the media and our elected officials know that we need to be good stewards of the environment by protecting endangered species and the special places they call home.

When various threats arise to the Endangered Species Act, in the form of legislation in the U.S. House of Representatives or the Senate or negative administrative actions, the conservation community will be able to take the list of pledge supporters to members of Congress and let them know that their constituents support strong protections for our nation's endangered fish, plants and wildlife.

THE PLEDGE

Endangered Species Act Legacy Pledge

WHEREAS, the United States has a long and proud tradition of respect for the Earth's wildlife and natural resources, and

WHEREAS, we have a responsibility to our children and future generations to be good stewards of our environment and to leave behind a legacy of protecting endangered species and the special places they call home, and

WHEREAS, the strength and vitality of the human environment is inextricably linked with the health of all species and the places they live, and

WHEREAS, species' extinction and habitat destruction are a serious threat to our own welfare. For example, nature is the source for most of our commonly-prescribed medicines and the loss of

species could mean the loss of life-saving drugs, and

WHEREAS, we have a responsibility to use the best available science to ensure we protect this legacy for future generations, and

WHEREAS, for over 30 years, the Endangered Species Act has served as the nation's safety net for wildlife, saving hundreds of plants and animals from extinction, putting hundreds more on the path to recovery, and safeguarding the habitats on which they all depend,

WE, THE UNDERSIGNED, PLEDGE to uphold the Endangered Species Act so it may continue to protect our plants and animals and the special places they live from the finality of extinction.

You can sign the pledge at:

<http://www.stopextinction.org/petitions/Petition.cfm?petitionID=8>

Endangered Species Coalition:
www.stopextinction.org

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More background on recent Endangered Species Act legislation

Two bills were passed by the House Resources Committee passed earlier this year. H.R. 1662, "Endangered Species Data Quality Act of 2004" (formerly the "Sound Science for the Endangered Species Act Planning Act"), and H.R. 2933, the "Critical Habitat Reform Act of 2003." Resources Committee Chairman Richard Pombo (R-CA) is hoping to bring these highly damaging bills to the House floor yet this year. Congress is expected to return to Washington after the elections for a "lame duck" session during which we all will have to be ever vigilant. Moreover, even if these bills do not make it to the House floor this year, they are likely to be introduced in 2005. The situation in the Senate is better. The Senate is supposed to be working on an Endangered Species Act bill; but

since the language has not been reviewed, it is unknown what the bill will be like.

However, even if the Senate Endangered Species bill turns out to be good for wildlife, there is no guarantee what the House of Representatives will do with it.

Meanwhile, the administration has been busy slicing away at Endangered Species Act protections outside of Congress. From new pesticide and forest regulations that try to exempt the Environmental Protection Agency and the U.S. Forest Service from the important checks and balances of having the required review from wildlife experts at the U.S. Fish and Wildlife Service for projects that may harm listed species to politicization of science in regard to wildlife listing and critical habitat designations, this administration has shown it is not friendly to endangered fish, plants, and wildlife.

\* \* \* \* \*

Regarding critical habitat designated under the Endangered Species Act, a recent court case regarding the tortoise (in addition to one in the Pacific Northwest, also in August 2004), upsets the U.S. Fish and Wildlife Service's definition of critical habitat on it's ear. Since the court cases are recent, the outcome for tortoises is uncertain. However, it is likely that actions reviewed under the Act may need to be more protective of critical habitat.

NEWS RELEASE

Court decision finds U.S. Fish & Wildlife Service used improper definition of 'destruction or adverse modification' to critical habitat. Biological opinion struck down for BLM's California Desert Conservation Area management.

In August, federal judge Susan Illston struck down a biological opinion (permit) issued by the Fish and Wildlife Service (FWS) that authorized extensive cattle grazing and off-road vehicle use within the 4.1 million acres of critical desert

tortoise habitat located in the California Desert Conservation Area. FWS had issued its opinion in response to management plans issued by the Bureau of Land Management (BLM) for the Virginia-sized Conservation Area. The BLM plans have been highly controversial and have been sharply criticized by biologists over their failure to protect endangered species' critical habitat and implement recovery plans already approved by FWS.

The Court found that the FWS failed to consider the negative affects of the BLM plans on endangered species' recovery, instead of looking only at survival, as the regulations are written. Recovery means increasing the size of key desert tortoise populations to the point that the species can eventually be removed from the endangered and threatened species list. In contrast, survival does not necessarily include any improvement to the health of an endangered species.

"[T]he Court finds that congressional intent in enacting the ESA was clear: critical habitat exists to promote the recovery and survival of listed species..." wrote Judge Illston in her 16 page opinion and order. "Conservation means more than survival; it means recovery. The Court finds that formulating a biological opinion of "no adverse modification" "only where an action affects the value of critical habitat to both the recovery and survival of a species imposes a higher threshold than the statutory language permits." She adds, "...the biological opinion itself suggests, and the administrative record confirms, that had the Service considered the impact of the CDCA Plan on recovery alone, it might have made a different finding regarding adverse modification."

"Since the passage of the Endangered Species Act, FWS and other agencies like BLM have been actively avoiding complying with Congress' command that they take all necessary actions to recover endangered and threatened species," said Earthjustice attorney Michael Lozeau. "The federal court's ruling restores Congress' intent that critical habitat, including the desert tortoise critical

habitat located in the CDCA, be managed to restore tortoises, not to subsidize grazing cows in the desert or serve as off-road vehicle highways."

"This is a very important ruling which upholds the recovery intent of the Endangered Species Act, America's most important wildlife conservation law," said Daniel R. Patterson, ecologist with the Center for Biological Diversity, who formerly worked with BLM in the CDCA. "Critical habitat works, and now FWS and BLM will have to follow the law and the public-interest in protecting critical habitat for endangered species recovery, not just survival."

"The Court's decision is a critical step in stopping habitat degradation and the killing and crushing of tortoises and their dens by cattle and off-road vehicles," explained Center attorney Brendan Cummings. "It's unfortunate it took a federal lawsuit to force FWS and BLM to read the statute and implement FWS' own recovery plan for the tortoise."

"This decision is not only an affirmation of Congressional intent for species recovery under ESA; it is a poster-child for the value of an independent judiciary," said Karen Schambach, California Director of Public Employees for Environmental Responsibility.

By invalidating the biological opinion issued for the CDCA management plans, the remaining question in the lawsuit is what activities within desert tortoise critical habitat may be stopped or drastically curtailed.

"In order for the desert tortoise to recover from the brink of extinction, the recovery plan for the tortoise prepared by FWS must be fully implemented immediately, including its call for the complete elimination of livestock grazing and drastic reduction of off-road vehicle use on essential tortoise habitat," said ecologist Patterson.

"Recovering the desert tortoise will take a maximum effort," said Elden Hughes of the Sierra Club. "Unfortunately, the Bush Administration



seems determined to do something less than minimum, but this important ruling will force them to change and follow the law.”

For more information contact: Brendan Cummings, Attorney, Center, 909-768-8301; Michael Lozeau, Attorney, Earthjustice, 650-725-4217; Daniel R. Patterson, Ecologist, Center, 520-906-2159.

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### BLM Offers Reward for Information About Death of Desert Tortoise Mascot

The Bureau of Land Management’s (BLM) Needles Field Office is offering a reward for information leading to the conviction of the individual(s) responsible for the death of Scarface, a desert tortoise who was found dead in his enclosure at the BLM field office in Needles on Wednesday, August 4th.

A State and Federally listed threatened species, the desert tortoise is protected by California law and the ESA. Under the provisions of the ESA, anyone who “takes” a desert tortoise is subject to civil and criminal penalties of up to a \$100,000 fine or one year in jail, or both. The law defines “taking” as harassing, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting, or attempting to engage in such activities.

Scarface became well-known after making many appearances at the Needles Health Fair, summer library programs, and classroom presentations as an educational tool for people to learn about and interact with a desert tortoise. Thousands of local children and adults had the opportunity to see and touch Scarface at outreach programs throughout the tri-state area.

The tortoise received his name a few years ago when he was brought to the Needles BLM field office by a motorist who found him on the roadside. He had been struck by a car in the face, and hence was named “Scarface” for his lop-sided

nose. BLM biologists estimated he was about 50 years old.

“Scarface was a unique tortoise in that he was very friendly and enjoyed attention from people,” said Larry Morgan, BLM Manager for the Needles Field Office. “He served as a mascot and ambassador for the desert tortoise, and we are all truly saddened by his cruel and senseless death.”

BLM is asking anyone with any information about the death of Scarface to contact BLM law enforcement officers John Bierk at 760- 326-7028 or Kurt Schmidt 760- 326-7010.

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### The Current Board of Directors of the Desert Tortoise Council

|                         |                |
|-------------------------|----------------|
| Senior Co-Chair         | Bob Turner     |
| Junior Co-Chair         | Doug Duncan    |
| Junior Co-Chair Elect   | Pete Woodman   |
| Treasurer               | Mike Coffeen   |
| Corresponding Secretary | Pat von Helf   |
| Immediate Past Co-Chair | Becky Jones    |
| Products Manager        | Tom Egan       |
| Board Member            | Tracy Bailey   |
| Board Member            | Kristin Berry  |
| Board Member            | Kristen Murphy |
| Board Member            | Dan Pearson    |
| Board Member            | Lori Rose      |
| Board Member            | Glenn Stewart  |

Newsletter Editor [Doug Duncan](#)  
Webmaster [Michael Comor](#)

Thanks to Dan Pearson and Lori Rose for agreeing to serve on the board!

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Desert Tortoise Council  
c/o Doug Duncan  
P.O. Box 331  
Tucson, AZ 85702

Check one: MEMBERSHIP APPLICATION/RENEWAL

CHANGE OF ADDRESS

DATE: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_  
NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_  
*(Please Print)* *(Include Area Code)*  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

\_\_\_\_\_ Regular (**\$15.00** per year) \_\_\_\_\_ Organization (\$55.00 per year)  
\_\_\_\_\_ Contributing (\$50.00 per year) \_\_\_\_\_ Lifetime (\$300 or more)  
\_\_\_\_\_ Student (**\$10.00** per year- Requires endorsement of student's advisor or Major Professor)

NEWSLETTER FORMAT:

\_\_\_\_\_ Mailed paper copy \_\_\_\_\_ Pdf file via e-mail \_\_\_\_\_ E-mail notice for web page viewing

Make check or money order payable to the Desert Tortoise Council and **send** with this application  
to: **Desert Tortoise Council, P.O. Box 5685**  
**Sun City West, AZ 85376-5685**

*The Desert Tortoise Council does not release its membership list*

[www.deserttortoise.org](http://www.deserttortoise.org)