

Citizens Against Recreational Eviction-USA

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Dear Sir,

We, the undersigned organizations, submit the following questions and concerns for consideration in preparing to revise the existing Desert Tortoise Management Plan. The execution of the current Management Plan has created an extremely high level of suspicion and distrust between desert land owners, recreational user groups, environmental user groups, elected officials, other stakeholders, and agencies and land managers.

- How do you plan to mitigate this suspicion and distrust?
- There is a huge disparity of values and viewpoints among stakeholders that does not show any sign of diminishing. What planning objectives will be included in the revision to address this?
- What steps will be taken to address the inherent value bias displayed by agency staff demonstrated with regard to human presence and use on the desert?
- What measures will be incorporated in the revision to mitigate the loss of tax revenues to cities and counties impacted by land management decisions?
- What can be done to prevent the loss of utility corridors and other facilities needed to support expanded renewable energy projects needed as a result of the need to shift away from carbon based energy generation?

Although the desire to eliminate all factors that are deleterious to desert tortoise populations exists and is, in fact, stated in the current Recovery Plan. Changing conditions in the world and on the desert make this an impossibly lofty goal. No matter how much research and management planning takes place, the evolutionary process cannot be stopped. There is no way to deny that conditions on desert tortoise habitat have changed and will continue to change due to factors beyond human control. It is extremely important that this be reflected in the revision.

- How do you plan to address this in the Recovery Plan revision?

The state of the research regarding the biology, habitat range and population densities is appalling. The state of research examined in the DTRPAC Report supports the assertions made in a report that asks, "Have desert tortoises undergone a long term decline in population in abundance?" by R. Bruce Bury and Paul Stephen Corn in 1995. Although assertions have been made and embellished that, "Historical information show that desert tortoise populations in the Mojave Desert have lost 60% of their range and 90% of their numbers in the last 100 years"¹ there is an astounding lack of data to support this claim. "Most of the evidence for a long-term decline of *G. agassizii* was presented in one chapter² of a major report (Berry 1984) submitted to USFWS by the Desert Tortoise Council in support of the initial petition to list the tortoise.", the dependence that the USFWS has placed on this report and, in particular, this chapter is cause for grave concern. The lack of analysis of the Berry report, which is based primarily on anecdotal information and does not describe the methods used to estimate historical abundance leads us to the conclusion that the strong declarative statements included in it are suspect. There is simply no

¹ (Bur. Land Manage., rep to U.S. House of Representatives...U.S. Senate Comm. Energy and Nat. Resour., 1990)

² (Berry 1984:118-153)

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historical data to support its claims. In fact, what published data that does exist supports small widely scattered groups of desert tortoise (currently described as meta-populations) that was summarized in the report of Miller (1932) thusly, “after twenty years of observations in the deserts of California, ‘In none of these areas is the reptile at all common.’” This is, an all too frequent, example of the shoddy data used to add species to the Endangered Species List. The far-reaching impacts of such a listing require much better data gathering and research than we have seen so far with regard to endangered species.

The scenario of the long-term decline of tortoises is widely accepted, however, the severe lack of data to support this hypothesis and the lack of focused research under the existing Recovery Plan greatly increases the loss of credibility of scientists and land managers.

- How will the revision address this?

The DTRPAC Report confirms that much of the underlying data and analyses that have been used to form management decisions have been flawed. Given the amount of research that has been funded by multiple agencies, the fact that we still have little appropriate data, only data that has been poorly planned and intermittently carried out does not inspire confidence. We doubt establishment of another level of bureaucracy, a Desert Tortoise Recovery Office, with associated increased funding needs, will improve the situation. The concept of even more agency personnel communicating with academic and USGS advisors without real world input and without accountability for their actions is distressing in view of past performance.

- What other options can be included in the revision that are less costly?

The dismal lack of improvement in the body of knowledge of the biology of the desert tortoise is frustrating. Especially in view of the enormous costs associated with this listing and Recovery Plan. Over \$100 million has been spent on desert tortoise recovery. An amount that does not include establishing management conservation plans, purchase of private property, loss of tax revenues for county and local governments, costs of mitigation for development, costs of mitigation and habitat restoration for military facilities, loss of recreational opportunities and revenues, loss of grazing rights and revenues, loss of hunting and camping opportunities, and even drastic loss of opportunities for solitude on the desert. It does not include research grant funding for non-focused research that has failed to produce published peer reviewed data to serve as accurate baseline data. By almost any measure implementation of the Recovery Plan has been an expensive and abysmal failure. The lack of solid baseline data to support recovery efforts thus far in face of such large costs is both frustrating and baffling. It causes us to seriously question the ability of the agencies to support cost effective research and guarantee that expending future taxpayer dollars will, in fact, result in recovery of this species. Recommendations for revisions outlined in the DTPAC Report indicate that intentions to revise the Recovery Plan are still based on inaccurate estimates, inferred data and lack of any understanding of the impacts, positive or negative, on the desert tortoise. It amounts to rearranging the deck chairs on the Titanic.

While we acknowledge the extreme difficulty of assessing the effects of recovery efforts on such a long-lived species, we find proposals to revise the Desert Tortoise Recovery Plan to be of great concern. The lack of focus and serious bias reflected in implementation of the original Recovery Plan in conjunction with shifts in values and attitudes towards land management causes us to worry. The stated desire to depend on principles of conservation biology that, are themselves suspect, is a grave concern.

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There are many principles of conservation biology that seriously need to be challenged based on the results of their implementation over 50 years. For example, studies of Northern spotted owl populations have determined that the greater threats to their survival are from causes other than loss of old growth forest, therefore acquisition of forested lands and establishment of critical habitat have not proved to be the most effective land management strategies. The objective to ensure that habitat is protected and managed to support long-term viability of desert tortoise populations is speculative at best since there is little data available to establish historic population densities and range. The recommendation in the DRTPAC Report to continue to acquire desert land to preserve corridors between desert tortoise populations demonstrates a continuation of the practice of setting an agenda for land management without sufficient data to support that agenda.

The lack of accurate historical data regarding DT populations causes serious question about the need to maintain them at some artificially determined number. A careful review of current data points to some lower level of persistence of this species than appears to be generally accepted by conservation biologists. Therefore the objective to maintain well-distributed populations is questionable. The objective to mitigate threats to the viability of desert tortoise populations sufficiently to ensure persistence of the species is also questionable based on the current body of knowledge research thus far has produced. We question the commitment of future taxpayer dollars in view of the appalling lack of quantifiable results produced so far.

Perhaps it is time to recognize that we live in a changing world that makes it impossible for any species to persist at a particular population size and distribution indefinitely. We find the principles of conservation biology that support maintaining stasis in dynamic ecosystems baffling, as they defy the very premise of evolution biology. Surely it is time to review these principles before completing a revision of the Recovery Plan that continues to follow entrenched views in the face of poor research that produces poor, unfocused data.

The determination by the DTRPAC group that the Distinct Population Segment territories need to be revised is interesting given the lack of understanding of desert tortoise biology.

- We strongly suggest that changes be postponed until studies pertaining to this type of change are fully peer reviewed and published.
- The Report recommends additional land acquisition efforts continue to provide wildlife corridors for desert tortoise populations. We encourage that this strategy be postponed until adequate data exists to support this latest hypothesis.
- The paradigm that artificially facilitated ecosystem processes, such as, head starting, genetics management, habitat management and facilitated dispersal, and others begs the question, when do these kinds of recovery management tools completely abrogate natural evolving ecosystem conditions in favor of one species at the expense of others?

Revision of the Desert Tortoise Recovery Plan is or should be contingent upon a collaborative process. However, the actions of the Desert Managers Group and the Management Oversight Group that make meetings extremely difficult, if not impossible, for the public to attend. This has increased distrust and suspicion. These actions are perceived by many interested members of the public as arrogant and dismissive. This does not bode well for establishment of an effective collaborative process. It is an example of how badly the values and interests of the public have been misconstrued.

Discussion of the use of a collaborative process to develop the Revised Desert Tortoise Recovery Plan is quite optimistic. Unfortunately the inherent value bias demonstrated by agency lead personnel demonstrates what will most likely be a fatal flaw. This bias in conjunction with a serious lack of adequate scientific evidence to support current measures to implement recovery actions will be hard to overcome. The perceptions of hidden agendas and arrogant disregard for public input will inevitably

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harm the collaborative process. It will be a huge effort to establish a neutral forum for collaborative problem solving. The agencies have serious work to do to repair relations with many user groups. The integrity of the process used to implement the existing Recovery Plan is suspect. A review of the data currently available to support management decisions does little to reduce this. It is time for the agencies to listen to the public and not exclude them.

We appreciate the opportunity to provide our views in conjunction with the revision of the Recovery Plan. We consider ourselves to be active and interested stakeholders that wish to be included in this process. We look forward to being fully engaged in the collaborative process proposed as a part of the revision. Thank you for your attention.

Sincerely,

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