

QuadState Local Governments Authority

Statement on:

Desert tortoise

- **Mojave population (federally listed as threatened) (*Gopherus agassizii*)**
- **Sonoran population (not listed) (*G. morafkai*)**

Position paper adopted June 1, 2018

The Authority provides local government input to the land and wildlife agencies administering land and habitat in the Mojave and Sonoran Deserts:

- The Authority provides full participation representing counties and associate member on the Management Oversight Group (MOG), advocating cost effective and practical projects and mitigation
- Full participation representing counties on the Arizona Interagency Desert Tortoise team (AIDTT), advocating for cost effective and practical projects and mitigation
- Advocacy among the agencies for continuation of the range-wide inventory of both Mojave and Sonoran populations; and further, that such inventory and monitoring, include assessments of efficacy of management and investment action; and that monitoring include establishment of baseline population estimates for the Mojave Population Recovery Units
- Advocacy among the wildlife agencies for giving greater attention to predation on tortoises, particularly by ravens
- Advocacy before federal Fish and Wildlife Service (FWS) and the universities who conduct research, that greater attention be given to disease management and potential control. The authority
- Assures that local governments are not held liable for mitigation or costs associated with historic and legacy investments and capital expenditures, except as may be required for additional permitting action on changes or improvements to the existing infrastructure.
- Provide technical expertise and support to members for land use plans and other activity where desert tortoise may be an issue.

QuadState Local Governments Authority was organized during 1998-99 following a decision by six (6) counties in the Mojave Desert to join together and determine through its own investigation whether the listing of the Mojave Population of desert tortoise was truly justified, and whether the Recovery Plan (adopted by FWS in 1994), and critical habitat designations (ordered during and finalized with rule-making in 1994), were fully justified and appropriate. While the independent study confirmed that much of the data and conclusions were inadequate or questionable, the Authority lacked specific data to refute the findings, the statute of limitations had expired, and litigation was not possible. Noteworthy is that much of the data that was used for listing, historic plots across the four states, is still not publically available, particularly newly collected data from the past 10 to 15 years. Currently in possession of USGS biologists, a FOIA request revealed the retrieval as so costly that the Authority concluded it was best to continue to

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wait. A Senate colloquy of 2000 also directed FWS develop a crosswalk so the two inventory processes could be integrated and compared. To date this has yet to happen, particularly since the plot data remains locked away.

The Authority is a 4-state joint powers authority, and as such is a public agency, not an advocacy group or an NGO. It is now composed of eight member counties. It has gained four, Nye, La Paz, Inyo and Riverside, and lost two, Kern and Riverside. It has one associate member, the City of Ridgecrest.

The Service was ordered to develop measures of efficacy in a 2000 colloquy from the Senate floor, and was further criticized in a 2002 GAO report done specifically on Mojave desert tortoise recovery. The colloquy further ordered the Service to determine the full extent of the population of the Mojave Population. The GAO report cited that despite documented expenditures of \$100 million, no documented recovery had taken place. Further, it questioned that the 5-year assessments had failed to take place. After much effort FWS finally issued a revised Recovery Plan in 2011.

There are two positives over the past 15 years:

- FWS has adopted a single uniform method for inventory and monitoring of the Mojave Population. It has been used since 2001, with 2004 becoming the fully operational first year for the adopted protocol. It determines population trend, but not actual numbers.
- The FWS has kept the Management Oversight Group (MOG) engaged, which brings together agency leadership to focus on results and priorities for projects for recovery
- Working with Arizona Department of Game and Fish, the Authority receives the results of annual inventories made on the study plots by AGF and its contractors.

In the same context, the 2011 Recovery plan did establish more open groups for discussing tortoise recovery actions. Called Recovery Implementation Teams (RITs), two were established for the broad areas of the Mojave Population, with internal division of work groups to address local issues and possible solutions. The Work Groups and RITs formulate projects for moving recovery forward. This has some preference to a team of academics and scientists developing plans since the groups are field personnel with experience, and do have access to funding and monitoring. But there is still not a good bridge for needed projects and getting dedicated funding.

The revised Recovery Plan affirmed many of the actions proposed in the 1994 plan, e.g. removal of livestock from habitat. Our organization believes that until and unless the direct threats that are reducing tortoise populations are dealt with, recovery is not likely to happen. While the MOG has remained functional, and established priorities, it remains dominated by biologic interests, and though counties are now part of the organization, and are part of the RITs and Work Groups, they cannot move the priority needle past the biologist dominated opinions. MOG priorities (top 5) are:

1. Restore habitat

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2. Education
3. Decrease predator access to human subsidies
4. Targeted predator control
5. Install and maintain tortoise barrier fencing

Missing are the two items we believe critically important:

1. "Targeted predator control" is too little too late, in the opinion of the Authority. The efforts remain only on inventory and some nest destruction. Biologists seem to believe, as expressed at a raven work shop 16 months ago that direct control and taking some 10,000 or more ravens would have no effect on predation. It is a problem that cannot be resolved and FWS controls actions to protect ravens under the Migratory Bird Treaty Act (MBTA).
2. A direct attack on the diseases that affect tortoises: an upper respiratory tract disease (URTD) caused by a *Mycoplasma ssp.*, and a herpes virus. The URTD has resulted in death to thousands of tortoises and may be endemic. But FWS and the Science Committee do not seem to know what to do about it, so rely on not even listing it as a priority. Or some biologists maintain that improving habitat will overcome health issues and with stronger tortoises they can resist the disease. The diseases appear present in the Sonoran Population, but has not been shown as a critical factor in the population status.

Our issue is that we have argued for higher priority for these, but are only a single voice among other MOG agencies. The initial priority list was developed by an expert team of biologists and has since been refined by various surveys, but always led by the FWS and state fish and game agencies, land management agencies with BLM the largest, and USGS. Local government only came on to the MOG in the past decade, though it has existed since 1988.

Lack of funding is a fundamental issue. The difficulty of restoring habitat in the Mojave is monumental and has had little positive to show for efforts to change plant composition from the red brome invasive which now dominates thousands of acres and is fuel for continuing fire. Replacement is desirable but requires huge sums of money with little history of success. And we believe that without action on diseases and predation (coyotes and foxes are also a problem), no amount of habitat restoration will be effective. Ironically too, biologists want to address connectivity issues and reduce habitat fragmentation, yet they also want more protective fencing.

The one thing there is consensus on seems to be to reduce wildfires and fire impacts which lead to vegetation composition change and direct loss of habitat. At the winter MOG meeting there was agreement on elevating this item, but it still is not top 5. Predator control, in massive enough action to have an impact is just not on drawing board. Discussions drift off to non-lethal means of control, but with up to 2,500% increase over the past 30 years, green lasers moving them from one tree to the next are wholly inadequate. And while the Science Committee has disease specialists on it, no proposal has yet to come forward to even determine the extent of the disease. (Some of the disease issues have been affected by university rivalries, with

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University of Florida Veterinary School and Microbiology Department having a long-standing contractual relationship on necropsy work and developing confirmation science related to the disease in desert tortoises, and parallels with Gopher tortoises in the Southeast. Univeristy of Nevada Reno has also been engaged in research efforts and remains a player relative to disease as well landscape genetics work.)

The **Sonoran Population** was petitioned for listing, and most recently in September 2015, the FWS determined that the population was essentially stable and did not require listing under ESA. QuadState participated in submitting information regarding factors associated with listing, and analyzed data from Arizona Department of Game and Fish regarding plot populations.

QuadState is a member of the Arizona Interagency Desert Tortoise Team (AIDTT), and participates much as it does for the Mojave Population MOG.

While not affected by as many stressors as the Mojave Population, predation and disease are present in the Sonoran Population. Any effort launched for the Mojave desert tortoise would be expected to have carry-over value to the Sonoran Population.

At a meeting with the Department of the Interior Deputy Assistant Secretary for Fish Wildlife and Parks, I set forth the following immediate request:

- Predator control priority, particularly action to reduce ravens
- Disease emphasis
- Retrieve all of the plot data from USGS so that a long term (dating back to the 1970s) baseline can be established, and have FWS figure how to integrate that data with current line-distance sampling

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