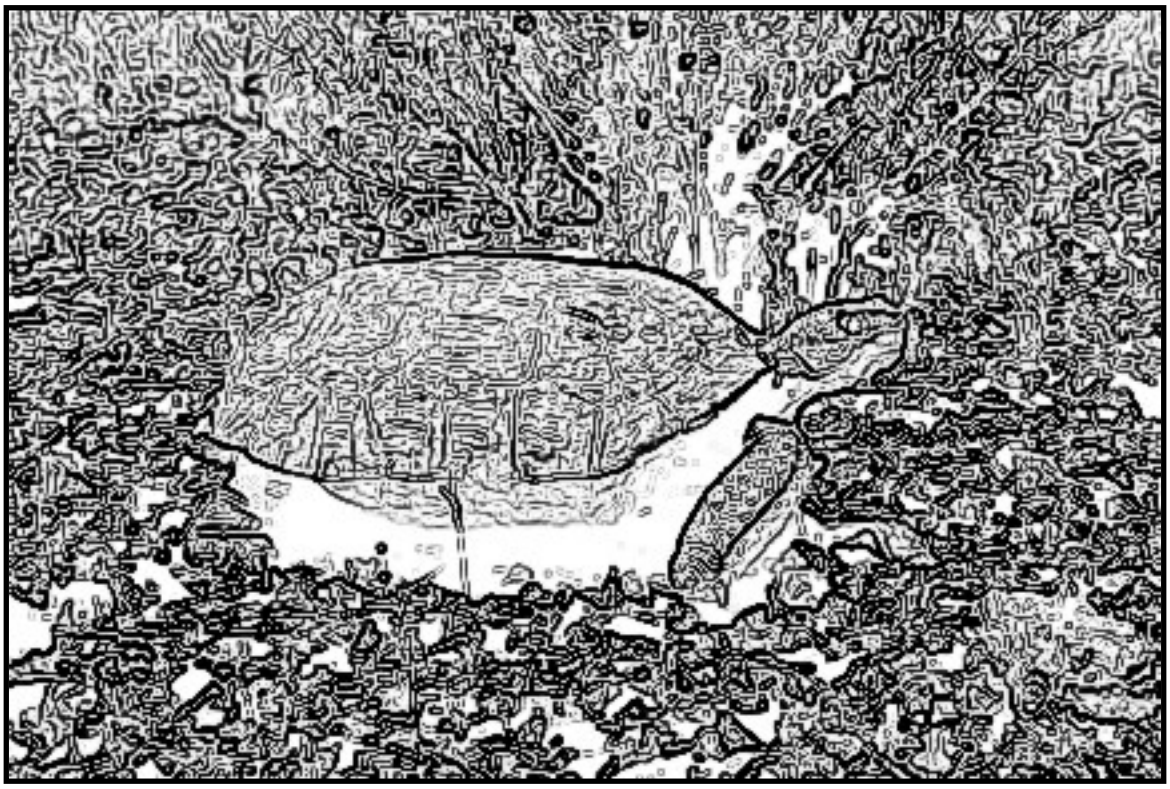
FEASIBILITY ASSESSMENT REPORT

for
Collaborative Desert Tortoise Recovery Planning Process
Proposed by U.S. Fish and Wildlife Service



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Prepared by:

U.S. Institute for Environmental Conflict Resolution
and
Center for Collaborative Policy
California State University, Sacramento

PREFACE

This assessment report is the independent work product of the U.S. Institute for Environmental Conflict Resolution[1] and its contractor, The Center for Collaborative Policy[2], serving in a neutral capacity to assess the feasibility of pursuing a collaborative approach to desert tortoise recovery planning. The authors are solely responsible for its content. This report represents the observations and analysis by the assessment team based on over 100 confidential interviews conducted between May and September 2006 with a wide range of stakeholders, including representatives from federal agencies, tribes, state agencies, county governments and agencies, scientists and researchers, recreational interests, environmental and conservation interests, mining interests, utility interests, and grazing interests.[3] As such, this report represents a "snapshot in time" from an outside independent perspective on a situation that has a long history, and is highly dynamic and evolving. The views conveyed in this report are reflective of what the authors heard during interviews, as well as their review of relevant reports and documents.[4]

ACKNOWLEDGEMENTS

The assessment team would like to express our sincere appreciation to all the interviewees for being so generous with their time and patient with the scheduling challenges. We would also like to especially acknowledge the support provided by Roy Averill-Murray at the U.S. Fish and Wildlife Service's Desert Tortoise Recovery Office, for the independence and integrity of this assessment process.

[1] The U.S. Institute for Environmental Conflict Resolution is an independent federal agency established by Congress in 1998, to provide impartial assistance to all parties seeking collaboratively developed solutions to wildlife, public lands, and environmental controversies involving federal agencies. For additional information, see: www.ecr.gov.
[2] Established in 1990, the mission of the Center for Collaborative Policy is to build the capacity of public agencies, stakeholder groups, and the public to use collaborative strategies to improve policy outcomes. The Center is a unit of the College of Social Sciences and Interdisciplinary Studies at California State University, Sacramento. For additional information, see: www.csus.edu/ccp.
[3] See Appendix A for List of Interviewees.
[4] See Appendix B for List of Documents Reviewed by Assessment Team.

EXECUTIVE SUMMARY

The U.S. Fish and Wildlife Service has recently begun the process of revising its original 1994 Recovery Plan for the threatened Mojave subspecies of the desert tortoise, *Gopherus agassizii*, which ranges though millions of acres west of the Colorado plateau in portions of the states of Arizona, California, Nevada, and Utah. Since adoption of the initial recovery plan by the U.S. Fish and Wildlife Service in 1994, over $100 million has been spent studying the desert tortoise and attempting various recovery actions. Nevertheless, the desert tortoise population has continued to decline and actions recommended in the original Recovery Plan remain controversial. In seeking a new approach, Fish and Wildlife Service sought the independent assistance of the U.S. Institute for Environmental Conflict Resolution to explore the feasibility of developing a Revised Recovery Plan through a "collaborative process" involving Regional Working Groups that would develop regionally-based Recovery Action Plans.

To assess the feasibility of a "collaborative" recovery planning process, a team from the U.S. Institute and its contractor, the Center for Collaborative Policy, conducted over 100 confidential interviews with representatives of federal agencies, tribes, state agencies, county governments and agencies, scientists and researchers, recreational interests, environmental and conservation interests, mining interests, utility interests, and grazing interests. The issues most frequently cited by interviewees focused on: 1) Information for Decision-Making about Desert Tortoise Recovery; 2) Implementation of 1994 Recovery Plan; 3) Funding of Desert Tortoise Recovery Efforts; 4) the Revised Recovery Plan; 5) Trust Among Participants in Desert Tortoise Issues; 6) Institutional Arrangements and Capacity for Collaboration; and 7) the Design and Procedures for Proposed Collaborative Process.

In analyzing the findings from the interviews to determine whether key conditions exist for successful collaboration, it is the assessment team's best professional judgment that Fish and Wildlife Service should not proceed to establish Regional Working Groups until and unless it is able to: 1) confirm the availability and commitment of adequate funding and staffing resources to support the proposed collaborative process; and 2) establish a broadly accepted and scientifically credible base of information for developing regionally-based Recovery Action Plans.

If these prerequisites can be accomplished and Fish and Wildlife Service decides to proceed, the assessment team's judgment is that a collaborative process would be both feasible and recommended. However, the dedication of the limited resources required for a collaborative recovery planning process should be viewed as a long-term investment towards the ultimate recovery and de-listing of the desert tortoise. Nonetheless, the short- and long-term benefits of a collaborative process could be significant. Potential short-term benefits include: better access to information for successful recovery planning; enhanced fairness and perceived legitimacy of the recovery planning process; providing a useful forum for determining joint fact-finding procedures; enabling Fish and Wildlife Service to make a much more informed decision regarding its final Revised Recovery Plan; and reduced likelihood of litigation. Potential long-term benefits include: smoother implementation of the Revised Recovery Plan; improved coordination and integration of desert tortoise conservation and recovery efforts; improving

working relationships at the interpersonal and organizational levels; and enhanced capacity for future collaborative problem solving.

The assessment team offers the following recommendations for proceeding with a collaborative recovery planning process: 1) Fish and Wildlife Service should reassess and reaffirm its commitment to a collaborative recovery planning process; 2) Fish and Wildlife Service should reiterate and clarify relevant recovery planning policies, parameters, and possibilities; 3) Fish and Wildlife Service should identify partners to address funding and resource requirements necessary for a collaborative recovery planning process; 4) Fish and Wildlife Service should pursue an integrated approach to engaging others in the recovery planning process; 5) Fish and Wildlife Service and the Desert Tortoise Management Oversight Group should establish appropriate organizational structures for the collaborative recovery planning process; and 6) Fish and Wildlife Service and the Bureau of Land Management should reinvigorate the Management Oversight Group.

If Fish and Wildlife Service decides that it does wish to pursue a collaborative recovery planning process and that such an approach is feasible, the assessment team recommends that the planning process be implemented in a stepwise manner involving four distinct phases. Advancement from one phase to the next would be contingent on the accomplishment of key milestones by the established deadlines. If these milestones cannot be accomplished, Fish and Wildlife Service will need to consider reverting to its “fallback” approach to recovery planning.

The assessment team proposes a timeline that would allow Fish and Wildlife Service to release a Draft Revised Recovery Plan for public comment and formal agency review by early 2009. The assessment team estimates that the total cost (including labor and travel) of providing independent third party neutral assistance between October 2006 and March 2009, for the proposed collaborative recovery planning process would be approximately $343,100 to $411,100.
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LIST OF ACRONYMS

Arizona Strip	The Arizona Strip is that part of the State of Arizona lying north of the Colorado River and south of the state of Utah.
BIOP	Biological Opinion
BLM	Bureau of Land Management
CCP	Center for Collaborative Policy
CNO	California/Nevada Office (of the Fish & Wildlife Service)
DMG	Desert Managers Group
DOI	U.S. Department of the Interior
DPS	Designated Population Segments
DTRO	Desert Tortoise Recovery Office
DTRPAC	Desert Tortoise Recovery Plan Assessment Committee
DWMA	Designated Wildlife Management Area
ESA	Endangered Species Act
ESU	Evolutionary Significant Unit
FHWA	Federal Highway Administration
FWS	Fish and Wildlife Service
GAO	Government Accountability Office
GIS	Geographic Information System
HCP	Habitat Conservation Plan
MHSCP	Multi-Species Habitat Conservation Plan
MOG	Management Oversight Group
NPS	National Park Service
OHV	Off-Highway Vehicle
ORV	Off-Road Vehicle
RMP	Resource Management Plan
SAC	Science Advisory Committee
Safe Harbor	U.S. Fish & Wildlife Service's policy that promotes voluntary management for listed species on private property while providing assurances to participating landowners that no additional future regulatory restrictions will be imposed.
SNPLMA	Southern Nevada Public Land Management Act
T&E	Threatened and Endangered
USGS	U.S. Geological Survey
USIECR	U.S. Institute for Environmental Conflict Resolution
WMP	West Mojave Resource Management Plan

I. History, Background of the Assessment Process, and Organization of Report

History

Since the 1980s, biologists have been concerned about declines in the Mojave subspecies of the Desert Tortoise, *Gopherus agassizii*, which ranges through millions of acres in the western United States. Threats to the tortoise include disease, predation, expanding development, off-highway vehicles, invasion of non-native grasses and weeds, fire, collection, poachers, sheep and cattle grazing, mining, and drought.

The tortoise was first listed as a threatened species under the Endangered Species Act in Utah in 1980; it was later listed as threatened range-wide in 1990. The listing and designation of over 6 million acres of critical habitat for the tortoise, as well as recommendations in the initial Recovery Plan, have been controversial.

The Endangered Species Act generally requires the development of Recovery Plans for threatened and endangered species. Recovery Plans should identify threats to the species, suggest actions that will reduce or eliminate these threats so the species can fully recover and be "de-listed," and recommend ways to ensure the population remains stable. Since adoption of the initial recovery plan by the U.S. Fish and Wildlife Service (FWS) in 1994, over $100 million has been spent studying the desert tortoise and attempting various recovery actions. Nevertheless, the desert tortoise population has continued to decline. Lawsuits have been filed against the FWS and the Bureau of Land Management (BLM), the major federal public lands manager in the region, regarding various decisions related to protection of the desert tortoise. Parties to litigation have included environmental advocacy organizations, county governments and off-road vehicle groups.

In 2002, the U.S. General Accounting Office completed an audit of recovery actions for the desert tortoise and recommended that FWS pursue an adaptive management approach by linking land management decisions with the results of a coordinated research strategy. This recommendation was reiterated in a Desert Tortoise Recovery Plan Assessment completed in 2004, by a committee of scientists empanelled by FWS, which also recommended establishing a Desert Tortoise Recovery Office (DTRO) to coordinate research, monitoring, recovery plan implementation, and associated recovery permitting. FWS established the recommended DTRO in 2005, and based it out of FWS's office in Reno, Nevada.

The Endangered Species Act also requires that recovery plans be periodically reviewed and updated. FWS has formally initiated the process of revising the 1994 Recovery Plan, which is to be based on regional recovery action plans. The DTRO formally established a Science Advisory Committee (SAC) in May 2005, to ensure that recovery action plans, recovery plan revision, monitoring, recovery action effectiveness, etc. meet rigorous scientific standards. The SAC includes six scientists affiliated with four universities, the Smithsonian Institution, and the U.S. Geological Survey's Biological Resources Division.

Background of the Assessment Process

The Fish and Wildlife Service's DTRO first contacted the U.S. Institute for Environmental Conflict Resolution (U.S. Institute) in August 2005, about the possibility of providing assistance in developing a Revised Recovery Plan for the desert tortoise through a "collaborative process" involving up to six Regional Working Groups that included nongovernmental stakeholders, the DTRO, and the Desert Tortoise Recovery Science Advisory Committee (SAC). FWS envisioned the Revised Recovery Plan being based on regional recovery action plans developed by these Regional Working Groups. The goal of the effort would be to develop a scientifically credible recovery plan that had realistic prospects for implementation and success, notwithstanding the various missions of the participating agencies, private property concerns, and the needs and interests of affected communities and stakeholders. FWS contacted the U.S. Institute because it recognized the need for outside independent expertise in designing and conducting a successful collaborative process, especially given the high level of controversy surrounding desert tortoise recovery issues.

FWS was motivated to pursue a collaborative approach to recovery planning, in part, by a Department of the Interior (DOI) performance evaluation element that encourages all Interior agencies to support, develop, and/or improve effective long-term collaborative partnerships, consistent with the "4Cs" philosophy of *Communication, Consultation, and Cooperation, all in the service of Conservation*. Agencies are encouraged to use these partnerships to leverage available funding, expertise, and other resources to reach common goals.

After determining that the regional recovery planning process being proposed by FWS had collaborative potential, the U.S. Institute recommended that a feasibility assessment be conducted before proceeding further. The assessment would help identify the challenges that would need to be addressed in designing and conducting an appropriate collaborative recovery planning process and determine whether there was interest among other agencies and stakeholders in participating in such a process.

In assessing the feasibility of a collaborative recovery planning process, the U.S. Institute first focused on determining the extent and depth of FWS support for this proposed approach. Given the high political profile and controversy surrounding desert tortoise recovery issues, the support of FWS and DOI leadership for the proposed approach was considered an essential prerequisite before proceeding further. In addition, the U.S. Institute wanted to gain additional insight into what FWS meant by "collaboration" and to better understand the kind of commitments that FWS was prepared to make to participants in the proposed collaborative process.

The U.S. Institute was provided assurances of leadership support both within FWS, as well as up through the Office of the Assistant Secretary for Fish, Wildlife, and Parks in the Department of the Interior. Furthermore, FWS agreed and committed to follow the *Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving*[5] to guide the proposed Regional Working Group process.

[5] *Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving* are set forth in a joint policy directive issued to the heads of federal agencies on November 28, 2005, by the Director of the Office of Management and Budget and the Chairman of the President's Council on Environmental Quality.

With these assurances, the U.S. Institute then proceeded to design a stakeholder assessment to gauge the feasibility of a collaborative recovery planning process and, if deemed feasible, to make recommendations to FWS on how to proceed. In consultation with the DTRO and with consideration of budget constraints, the U.S. Institute decided to partner with a contractor team of independent third party neutrals to conduct the California portion of the assessment and to use a team from the U.S. Institute to conduct the Arizona, Nevada, and Utah portion of the assessment. The U.S. Institute extended a broadly communicated invitation to potentially interested parties to assist in selecting an appropriately qualified and mutually acceptable contractor team to conduct the California portion of the assessment. In early March 2006, an 11-person panel, which included representation from a wide range of interests, interviewed three finalists and unanimously recommended that a team from the California State University at Sacramento's Center for Collaborative Policy be selected. The U.S. Institute concurred with the recommendation and proceeded to contract for independent neutral services with the Center for Collaborative Policy (CCP).

With the assistance of attendees at the March 29, 2006, meeting of the Desert Tortoise Management Oversight Group (MOG), the U.S. Institute/CCP assessment team finalized the design and set of interview questions for the stakeholder assessment.[6] Between May and September, the assessment team conducted 107 confidential interviews with representatives from the following categories: federal agencies, tribes, state agencies, county governments and agencies, scientists and researchers, recreational interests, environmental and conservation interests, mining interests, utility interests, and grazing interests.[7] Fifty-two interviews were conducted with individuals in California; 37 in Nevada; 14 in Utah; and 4 in Arizona. In addition, 23 respondents completed an online version of the questionnaire.[8]

Organization of Report

- Section I of this Report includes a brief background of the desert tortoise controversy and this introduction.

- Section II briefly summarizes what the assessment team heard during the interviews they conducted.[9]

- Section III provides the assessment team's analysis of what they heard and presents their conclusion regarding the feasibility of a collaborative recovery planning process.

The policy directive is aimed at increasing the effective use of collaborative processes aided by third-party neutrals. The *Basic Principles* are provided in Appendix C and are available at: www.ecr.gov.

[6] See Appendix D for Interview Questions.
[7] See Appendix A for List of Interviewees.
[8] See Appendix D for Online Questionnaire.
[9] A detailed summary of what the assessment team heard during the many hours of interviews they conducted is included in Appendix E.

- Section IV describes process options and the range of basic approaches for engaging others in recovery planning and outlines the potential benefits of pursuing a collaborative approach to recovery planning.

- Section V presents the assessment team's recommendations regarding how to move forward with a collaborative recovery planning process. Suggested next steps are provided, along with a proposed timeline, if FWS decides to pursue a collaborative approach. The report concludes with the estimated cost of providing independent third party neutral facilitation assistance for the recommended process.

Appendices to this report include:

Appendix A: List of Interviewees and Respondents to Online Questionnaire

Appendix B: List of Material Reviewed by Assessment Team

Appendix C: Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving

Appendix D: List of Interview Questions and Online Questionnaire

Appendix E: Perspectives on Key Issues: What the Assessment Team Heard

Appendix F: Assessment Team Members

II. Perspectives on Key Issues: What the Assessment Team Heard

In this section, the assessment team presents a brief synopsis of what was heard during the over 100 interviews conducted throughout the range of the desert tortoise in Arizona, California, Nevada, and Utah. The statements, comments, and perspectives of interviewees were analyzed, in addition to the input provided from the online survey. The analysis revealed the following frequently cited issues. These issues, which are not listed in a particular order of priority or frequency of mention, include:

Issue #1 Information for Decision-Making About Desert Tortoise Recovery

Issue #2 Implementation of 1994 Recovery Plan

Issue #3 Funding of Desert Tortoise Recovery Efforts

Issue #4 Revised Recovery Plan

Issue #5 Trust Among Participants in Desert Tortoise Issues

Issue #6 Institutional Arrangements and Capacity for Collaboration

Issue #7 Design and Procedures for Proposed Collaborative Process

The assessment team has attempted to capture and articulate, in an impartial manner, the essence of the various distinct viewpoints on these seven issues below. Appendix E provides a detailed presentation of the viewpoints offered by interviewees on each of these issues, as well as their suggestions for addressing these issues. When considered collectively, most of the statements of interviewees conveyed concerns that generally applied range-wide. Statements that only applied only to the situation in a particular state have been summarized on a state-by-state basis at the end of Appendix E.

Issue #1 Information for Decision-Making About Desert Tortoise Recovery

The assessment team heard a lot about this issue from nearly everyone interviewed. Frustration with the current state of affairs was repeatedly expressed. Many indicated that more should have been accomplished by now, given the amount of time and money that has been devoted to desert tortoise monitoring and research to date. Many emphasized the crucial need for better progress with respect to this issue.

In particular, many expressed a need for a better understanding of the effectiveness of various recovery actions already undertaken to promote desert tortoise recovery. Related to this point, many also stated a need for better understanding of key aspects of the threats to desert tortoise recovery and of causal factors. Additionally, many thought that essential baseline data is needed on current status and trends of desert tortoise populations, health, and habitat conditions, etc., so that progress on recovery can be determined and evaluated.

Issue #2 Implementation of 1994 Recovery Plan

Those interviewed had much to say about the original 1994 Recovery Plan regarding how well it has, or has not, been implemented. Many comments tended to reflect on "lessons learned" regarding recovery efforts to date, so that improvements can be incorporated into the revised recovery planning process.

By far the most frequently expressed opinion was that implementation of the original Recovery Plan has been handicapped by unclear and inadequate short and long-term performance measures that could be used to evaluate progress towards recovery. Many interviewees noted that the federal agencies responsible for the development and implementation of recovery actions have had to deal with intense political pressure exerted by different interest groups. Many also said that recovery actions have been inconsistently implemented across the range of the desert tortoise

Issue #3 Funding of Desert Tortoise Recovery Efforts

Many interviewees remarked that astonishingly little progress towards recovery has been achieved for the over $100M in expended funds to date on desert tortoise recovery efforts. Interviewees expressed concerns about the adequacy, distribution, prioritization, and decision making process related to the funding of future desert tortoise recovery efforts. In the view of many, without adequate funding, a Revised Recovery Plan, even if agreed to, could not be implemented and therefore would not result in recovery. Many noted that the inability to distribute the available funds more equitably and according to needs and priorities has prevented range-wide monitoring from being conducted on a consistent basis, as well as prevented the implementation of recovery actions in many locations. In addition, many perceived a lack of transparency and accountability regarding desert tortoise-related funding decisions. Lastly, many believe that "without national policy and federal level commitment, the recovery plan cannot be successful."

Issue #4 Revised Recovery Plan

Opinions regarding the objectives for the Plan varied, reflecting the diversity of stakeholders who would potentially be impacted by the Revised Recovery Plan. For some, a flexible, adaptive Recovery Plan is essential to helping ensure continued progress towards the recovery of the species. Others feel that the primary and ultimate focus of the Plan's objective should be on the delisting of the species. Many strongly believe that it will be necessary to determine the relative significance of different threats in different locations and address them accordingly.

Issue #5 Trust Among Participants in Desert Tortoise Issues

Given the challenges involved and the impacts of recovery efforts on socioeconomic and recreational interests, it's perhaps not surprising that the interviews revealed that relationships among agencies and between agencies and stakeholders have been tested, and in some cases, become hostile. The extensive geographic range of desert tortoise habitat necessarily involves diverse stakeholders, all of whom have stories to tell about their dealings with agencies and each

other around this complex and controversial issue. Clashes of values, interests and commitment have led, in some cases, to high levels of mistrust. Moreover, it appears that ongoing litigation continues to undermine trust and the willingness of some parties to try to work together to develop solutions collaboratively.

Issue #6 Institutional Arrangements and Capacity for Collaboration

Interviewees across the range of interests expressed concerns about whether FWS has the ability to lead and to fund recovery efforts. They point to inconsistencies and tensions across FWS offices within regions and across the three different regional offices involved in desert tortoise recovery efforts. Many recognized the challenges associated with reconciling the missions of the different agencies to ensure a shared priority commitment to desert tortoise recovery. Moreover, to many, it appears that FWS does not have adequate staffing or funding to meet all its ESA responsibilities and to participate consistently and effectively in interagency and public forums on desert tortoise-related issues. Deteriorating confidence in the Management Oversight Group, jointly chaired by the FWS and BLM, was expressed. Confusion about its role in the recovery process was also cited as a key concern.

Issue #7 Design and Procedures for Proposed Collaborative Process

Assessment participants offered solid support for designing and participating in a process that would be collaborative, comprised of stakeholders who are committed to the recovery of the desert tortoise and led by an independent, impartial facilitator. Establishing verifiable scientific data was seen as critical to the process. As one interviewee stated, “Using a collaborative approach is the best way to make progress on desert tortoise recovery.” However, many potential participants stated that their willingness to participate would depend on whether the process is open and transparent and whether FWS is committed to incorporating their input on the most important issues facing the tortoise.

III. Feasibility of Proposed Collaborative Recovery Planning Process

The Meaning of "Collaborative Process"

In considering the feasibility of the proposed revised recovery planning process for the desert tortoise, it is important to first be clear about what is meant by a "collaborative process." "Collaboration" has become a familiar buzzword frequently and casually used to indicate a wide variety of activities. In its common everyday use, "collaboration" has a vague and somewhat imprecise meaning that can describe attitudes, behaviors, or processes. Many people use it interchangeably and indistinguishably with *cooperation*, *coordination*, *consultation*, and *communication*.

In most cases, a feasibility assessment process will help establish a shared meaning of "collaboration" and convey the mutual commitments it entails for participants. This then allows all parties to make an informed decision about whether or not it is in their individual and collective best interests to pursue a collaborative approach.

For the purposes of this feasibility assessment, the following meaning of "collaboration" is proposed:

> *Collaboration means working together to jointly develop agreed upon actions for recovering the desert tortoise and allowing for its de-listing. Participants will be involved in designing the collaborative process and will hold themselves and each other responsible for its outcomes.*

So, in assessing the feasibility of the proposed "collaborative process," a fundamental task is to determine the extent to which key participants and stakeholders involved in desert tortoise issues would likely be able to work together to develop and implement joint solutions for recovering the desert tortoise.

Assessment Team's Approach to the Feasibility Analysis

To evaluate the feasibility of developing a Revised Recovery Plan for the desert tortoise through a "collaborative process," a number of elements must be considered, analyzed, and synthesized to reach an informed conclusion about whether it is likely to be worthwhile to proceed. An independent feasibility assessment can impartially gather and present relevant information to help potentially interested participants jointly consider the extent to which the underlying conditions associated with successful collaborations are currently in place. If they are in place, then the participants can proceed with confidence that their collaborative efforts will likely be productive. However, if an assessment indicates that existing conditions do not bode well for successful collaboration, parties interested in pursuing a collaborative approach can focus on taking the necessary steps to first establish more favorable conditions, using the assistance of a third party neutral if appropriate. Such a preliminary effort is a good indicator of the level of commitment of prospective participants to work together in developing collaborative solutions. Working together to create more favorable conditions for successful collaboration will in turn

promote additional momentum, along with increased confidence that the collaborative effort will yield better outcomes than participants could accomplish on their own.

It is important to recognize that collaboration is an emergent and evolving process, whose outcomes are not entirely predictable, since a variety of unforeseen external factors will inevitably come into play over the course of its development. Furthermore, the outcome of a collaborative effort is acutely affected by the specific individual participants, their communication and problem-solving skills, and the working relationships they create together. In addition, the outcomes achieved during each critical step in a collaborative process significantly depend on the dynamics that have preceded it. This is why the stage of initiating a collaborative process and focusing on establishing favorable conditions at the outset, is so crucial in determining its future success.

The assessment team considered all the information gathered during the assessment process to evaluate the feasibility of productive collaboration, particularly in judging 1) the extent to which key conditions for successful collaboration are currently in place; and 2) how much preliminary work might be needed to establish more favorable conditions before starting the collaborative process. A number of key conditions for successful collaboration along with the assessment team's feasibility determination are set out below.

Assessment of Key Conditions for a Successful Collaborative Recovery Planning Process

Is there a <u>Shared Problem or Common Goal</u>?
A successful collaborative process involves participants working together to solve a shared problem or achieve a common goal. The ability to articulate such a shared problem or common goal is an important prerequisite for productive collaboration.

The proposed collaborative desert tortoise recovery planning process focuses on addressing a clear task or problem (i.e., jointly developed and agreed upon recovery action plans) aimed at achieving an ultimate goal (i.e., de-listing of the desert tortoise). Although this will need to be confirmed, the assessment team's determination is that many of the parties involved in desert tortoise issues are likely to support a collaborative effort focused on this shared problem and common goal.

Is recovery planning a <u>High Priority</u>?
Developing collaborative solutions to controversial and challenging issues often takes considerable time and effort. A particular issue must be a sufficiently high priority for the potentially interested agencies, organizations, and individuals to commit the kind of time, effort, and resources required to achieve a successful outcome from a collaborative effort.

The assessment team's determination is that the development of an effective and implementable revised recovery plan is a high priority for many of the parties involved in desert tortoise issues.

Does Leadership Support and Do Internal Champions Exist?
Effective collaboration must engage at a variety of levels. Certainly, collaboration at the person-to-person direct participant level is essential. However, for collaborative efforts to achieve their ultimate goals, individual participants must also work effectively within their own agency, organization, or group to promote and build support for the process. Collaboration must also eventually take root at the interagency, government-to-government, and agency-to-organization levels in order to ensure that agreed upon solutions are implemented. To make this all happen, leadership support of participating entities is critical. It is also important to identify and encourage internal champions within agencies, tribes, and organizations who can articulate the benefits of effective collaboration and respond to the concerns of internal skeptics.

FWS has clearly indicated that its leadership supports a collaborative approach to recovery planning for the desert tortoise. Internal champions for using a collaborative approach also appear to be emerging. Such leadership support by FWS, as the lead agency and primary sponsor of the proposed process, is essential but not sufficient for successful collaboration. Leadership support and internal champions must also develop within other participating agencies, tribes, organizations, and groups. Based on interviews conducted with many individuals in leadership roles within agencies and organizations, it is the assessment team's determination that leadership support and internal champions for a collaborative process are likely to emerge.

Is the Lead Agency Committed to Seriously Considering Recommendations?
It can be very disheartening if a diverse group works very hard to reach agreement on a set of recommendations, only to have them disregarded by the ultimate decision-maker. It can also make participants forever skeptical of accepting future invitations to participate in a collaborative process. The upfront commitment of the lead agency to give serious consideration to the consensus-based recommendations it receives from a balanced and broadly representative group before making final decisions, is essential for a collaborative process to have integrity and credibility with participants.

The U.S. Institute secured this commitment from FWS during initial discussions before deciding to proceed with this assessment process. Consequently, the assessment team is confident that this condition is met.

Is there Adequate Time?
Successful collaboration, especially to develop solutions to controversial issues, takes adequate time. Arbitrary or unrealistic time constraints can severely handicap and limit the progress that can be achieved through a collaborative process.

FWS has indicated that no absolute deadline has been established for completing the Revised Recovery Plan. Consequently, it is the assessment team's determination that adequate time would be provided to allow the proposed collaborative process to succeed.

Are there Adequate Funding and Staff Resources?
A collaborative effort to address a highly controversial issue such as desert tortoise recovery planning will require substantial assistance from outside independent third party neutrals with

expertise in process design, facilitation, and mediation. Adequate funding is needed to pay for these services. Significant staffing support from FWS and possibly other partnering agencies and organizations will also be required for this effort to be efficiently conducted. However, many of those interviewed expressed concerns about the adequacy of FWS's staff resources. Representatives of other agencies and organizations who were interviewed also indicated concerns about their own agency's capacity to participate, in terms of available staff resources and travel costs. FWS has stated very clearly that it does not have the funding needed to conduct the proposed collaborative effort. Additional funding partners will need to be identified.

It is the assessment team's determination that this prerequisite condition must be addressed before proceeding with the collaborative process.

Is there a Balanced Range of Interests Willing to Participate?
For a collaborative process to be broadly perceived as legitimate, it must involve a balanced range of participants with diverse perspectives. Those who are deeply interested or who may be directly affected by the outcome should be represented. The process should also engage those who will have a role or responsibility in implementing the agreed upon solutions.

It is the assessment team's determination that a balanced range of interests are likely to be willing and able to participate in the proposed collaborative process.

Is there a Shared Base of Information?
Developing informed joint solutions through a collaborative process requires identification of – and ready access to – a shared base of credible accepted information. Many of those interviewed expressed frustration with the state of knowledge about the status of desert tortoise populations and the high levels of uncertainty associated with desert tortoise management and recovery decisions. Some feel that sufficient scientific evidence has not been adequately demonstrated to justify the kind of social and economic disruptions resulting from the implementation of the recovery actions recommended in the original Recovery Plan. Many acknowledged the weakened credibility of desert tortoise-related research. Many land managers lamented how their lack of confidence in the scientific basis for some desert tortoise-related decisions made it difficult for them to convincingly justify management actions to their stakeholders. Others cited the GAO Report[10] that concluded the recommendations in the original Recovery Plan were reasonable, given the information available at the time. Nearly all those interviewed expressed regret that the efficacy of already implemented recovery actions could not be determined because of the lack of systematic monitoring and evaluation.

For all these reasons, it is the assessment team's determination that establishing an acceptable and credible base of information to inform deliberations is a prerequisite to proceeding with collaboratively developing a Revised Recovery Plan.

[10] U.S. Government Accounting Office, Report to Congressional Requesters, *ENDANGERED SPECIES: Research Strategy and Long-Term Monitoring Needed for the Mojave Desert Tortoise Recovery Program*, GAO-03-23, December 2002

Are Solutions Negotiable?
If the solution to a shared problem and the path to achieve a common goal are not negotiable, or conversely, if the solution is already determined, then there is little point in collaborating. FWS has indicated and many of those interviewed expressed their belief that there were many possible ways to promote recovery of the desert tortoise. Many supported an approach whereby scientists first identify the needs of the desert tortoise and then land managers and stakeholders work on trying to figure out how to address those needs.

It is the assessment team's determination that scientifically sound solutions to desert tortoise recovery are negotiable.

Are There Incentives to Collaborate?
Without sufficient self-interested incentives for all the interested and affected parties to genuinely want to see a collaborative process succeed, there won't be enough motivation and commitment to work through the challenges that will inevitably be encountered along the way. Some of the incentives identified during the assessment process include: a desire to avoid litigation; the possibility of de-listing the tortoise on a regional basis; the opportunity for genuinely meaningful participation in the recovery planning process; the possibility of being able to negotiate continued use of desired areas; gaining improved access to data and information; having a voice in decisions that affect stakeholders; reducing or mitigating the negative impacts of recovery actions on stakeholders' interests; building partnerships to conserve and recover the desert tortoise as well as other listed species; better accommodating multiple uses of public lands; achieving some degree of regulatory relief; the opportunity to pool funds and expertise; and the opportunity to build ownership and support for the revised recovery plan. Ultimately, each potential participating entity will need to determine for itself whether sufficient incentives exist for them to devote the time, effort and commitment required to productively engage and work towards achieving a successful outcome.

It is the assessment team's determination that potential participating entities are likely to be able to identify sufficient incentives to productively engage in a collaborative process.

Are Parties Interdependent?
A recognition and acknowledgement of interdependence – the realization that one cannot get one's own needs and interests met without also accommodating the needs and interests of others – can often result in a self-interested awareness that working together, rather than unilaterally, is the best way forward. The Endangered Species Act requirements establish numerous interdependences. Federal agencies, for example, must consult with FWS regarding actions that may have a significant impact on listed species. No individual or entity can engage in activities that would result in the "take" of listed species without first obtaining a permit from FWS. And while FWS has substantial regulatory authority over the conservation and protection of endangered species, FWS must largely rely on other public land managers and private land owners to implement conservation measures and recovery actions. The recognition of interdependence creates incentives to collaborate.

It is the assessment team's determination that significant interdependency exists among the parties involved in desert tortoise issues.

Will there be Continuing Relationships?
If ongoing relationships among parties are expected to continue long into the future, as is the case with desert tortoise recovery, there may be incentives to invest the necessary time and effort so that future working relations can go more smoothly. This is particularly important when the support and assistance of one another is necessary to implement solutions.

It is the assessment team's determination that the parties involved in desert tortoise issues will continue to have ongoing working relationships long into the future.

Is there a Neutral Forum for Collaborative Problem Solving?
When mistrust among parties is high, it is likely they will have considerable skepticism about the fairness and impartiality of a collaborative process convened and conducted by one of the other involved parties. Heightened concerns about hidden agendas or being manipulated will likely interfere with efforts to collaborate. In situations of low trust, creating a credible neutral forum in which to engage in deliberations is a prerequisite for productive collaboration.

It is the assessment team's determination that a credible neutral forum could be established to support a collaborative recovery planning process.

Is Process Design, Facilitation, and Mediation Expertise Available?
Collaborative processes to address complex controversial issues involving many diverse parties with a long history of conflict require sophisticated process design, facilitation, and mediation expertise. Environmental conflict resolution is a field of professional practice that has developed over the last 35 years. The U.S Institute maintains a National Roster of more than 250 professional practitioners of environmental conflict resolution.

It is the assessment team's determination that process design and management expertise is available to support a collaborative recovery planning process.

Feasibility Analysis Conclusions

It is the assessment team's best professional judgment that FWS should not proceed to establish a collaborative recovery planning process until two conditions critical to success are satisfactorily addressed. These conditions are:

1) Confirming the availability and commitment of adequate funding and staffing resources to support the proposed collaborative process.

2) Establishing a broadly accepted and scientifically credible base of information that will be drawn upon to inform deliberations during the collaborative process.

The assessment team's judgment is that if these two conditions can be met, it would be feasible to embark on a productive collaborative process in a "stepwise" manner. Each of the steps outlined in the final section of this report is designed to establish the favorable conditions that will be needed to support what can be expected to be a highly challenging undertaking.
Such a stepwise approach would allow for:

- Creating a stronger foundation for successful collaboration;
- Designing the recovery planning process collaboratively;
- Building joint ownership and confidence in the integrity of the process;
- Establishing an expectation of shared responsibility and accountability for making progress and developing solutions;
- Establishing the necessary organizational structures to support the process; and
- Identifying and selecting a balanced range of participants and ensuring they have the skills and motivation to collaborate effectively.

IV. Process Options and Potential Benefits of Collaborative Approach to Recovery Planning

During their interviews, FWS representatives emphasized their desire to better understand collaborative processes and how to make them successful. However, they also wanted to become more familiar with other approaches to meaningfully engage stakeholders, if a collaborative process does not prove to be feasible. The assessment team expects that other interested parties might also appreciate knowing more about the range of potential options for participating in the recovery planning process.

Consequently, this section of the report briefly reviews:

- Range of basic approaches for FWS to engage others in the recovery planning process; and
- Potential benefits of a collaborative recovery planning process.

Basic Approaches for Engaging Others in the Recovery Planning Process

Determining the appropriate and feasible level of engagement with the various governmental entities and interested parties involved in desert tortoise issues is a management decision that ultimately FWS will need to make, based on availability of resources, time constraints, and the extent to which it would be willing to share influence over the recovery planning process with others.

It is helpful, therefore, to distinguish four distinct approaches that FWS could use in engaging others – each reflecting different levels of influence being shared by FWS over the decision-making process. From the lowest level of influence being shared to the most, these four basic approaches can be referred to as: *Inform, Consult, Involve,* and *Collaborate.*

At the ***Inform*** level, FWS could commit to keeping the public and other interested parties informed about its recovery planning process. A process designed for this limited level of engagement would essentially consist of one-way communication from FWS. This approach, by itself, would not include any meaningful way for the public or other interested parties to provide input to FWS or to influence its decisions regarding the recovery planning process.

At the ***Consult*** level, FWS would keep the public and other interested parties informed about its recovery planning process and also provide formal comment opportunities at different stages of the planning process. (For example, when recovery criteria are determined and following release of a draft Revised Recovery Plan.) FWS would commit to respond to comments received when making its final decision on the Revised Recovery Plan. At this limited level of shared influence, FWS would agree to consult with the public and interested parties and to solicit their input. FWS, however, would not commit to necessarily make any changes to its proposed Revised Recovery Plan based on that input.

At the ***Involve*** level, FWS could commit to interacting directly with interested parties on a recurring basis to seek their input at different stages of the recovery planning process to ensure

FWS understands their views and suggestions. FWS would commit to address their concerns to the extent possible within FWS's legal and policy constraints, as it proceeds with developing the Recovery Plan. FWS would also commit to report back directly to interested parties about how it addressed their concerns in the final Revised Recovery Plan.

At the ***Collaborate*** level, FWS would be agreeing to share considerable influence over the recovery planning process. FWS could invite those interested parties committed to a collaborative process, to work directly with them on the recovery planning process. FWS would actively exchange information and share viewpoints with invited participants, jointly develop potential solutions, and seek agreement on what to include in the Regional Recovery Action Plans. FWS would integrate these Regional Recovery Action Plans into the draft Revised Recovery Plan, which would then be released for public comment and formal agency review. FWS would retain its authority over final decisions regarding the Revised Recovery Plan.

If FWS does decide to pursue a collaborative process, some interested parties have indicated they will likely not be able to dedicate the time and effort required to participate in a collaborative process. Consequently, it will be important for FWS to also provide other less time consuming opportunities for parties to be engaged, as well.

FWS could decide it does not have sufficient confidence in the proposed approach to commit its limited available resources to a collaborative process. FWS might also feel that it can trust some, but not other, entities to engage in a good faith effort to seek agreement. If FWS determines that collaboration is inappropriate or not feasible, FWS must then determine what other approaches it will use to engage interested parties in the recovery planning process.

Assuming that feasibility concerns can be adequately addressed and that FWS wishes to pursue a collaborative process, FWS will need to make decisions about the following issues before proceeding:

1. Which entities does FWS wish to engage in a collaborative process?

2. To what extent does FWS wish to collaborate with the various entities?

3. When and how during the recovery planning process does FWS wishes to collaborate with other entities?

It is extremely important that FWS does not create unrealistic expectations regarding how it will engage others in the recovery planning process. The mistrust and bad faith created by promising a collaborative process and then providing something else would only harm FWS's relationships with other agencies and further undermine stakeholders' confidence in the agency.

Potential Benefits of a Collaborative Approach to Recovery Planning

Given that a collaborative process is initially more time and resource intensive than traditional ways of engaging others in agency decision-making, what practical benefits can be gained by using a collaborative approach to recovery planning? While the outcomes of collaborative processes cannot be guaranteed, the potential short- and long-term benefits could be significant. These benefits are less likely to be realized through the use of traditional approaches to public involvement. A collaborative process should be viewed as an investment that helps create the foundation for ultimately recovering and de-listing the desert tortoise.

Potential Short-Term Benefits

Enhanced Fairness and Perceived Legitimacy of Recovery Planning Process
Many of those interviewed were critical of how the original Recovery Plan was developed. Some stakeholders and agencies felt that their needs were not accommodated and that inadequate consideration was given to the likely impacts associated with implementing the Plan's recommendations. A collaborative recovery planning process would seek to productively engage those who felt their interests were not adequately addressed in the original Recovery Plan. Such efforts can be expected to enhance the fairness and perceived legitimacy of the recovery planning process.

Useful Forum for Determining Joint Fact-Finding Procedures
As highlighted in the feasibility assessment section, one of the key conditions still to be established has to do with identifying a shared base of scientifically credible and accepted information that would be used to inform the development of practical and implementable regional recovery action plans. If participants identify scientific questions that must be satisfactorily addressed before it would be productive to proceed, a collaborative process can provide a highly useful forum for designing a specific and time-limited "joint fact finding" effort that would be mutually acceptable. Once questions are clarified, participants could then proceed with exploring potential recovery actions.

More Informed Decision on Final Revised Recovery Plan
Information that is relevant to the development of a scientifically credible and also implementable Revised Recovery Plan encompasses more than just technical and scientific expertise. It also includes the local knowledge of those most familiar with on-the-ground impacts, practical implications, and implementation challenges associated with various potential recovery actions being considered. By bringing this wealth of information into a collaborative problem-solving effort, FWS will be able to make a much more informed decision regarding the final Revised Recovery Plan.

Reduced Likelihood of Litigation Over Revised Recovery Plan
An effective collaborative recovery planning process will significantly reduce the likelihood of future litigation, if it engages a broad range of interested and affected parties and succeeds in developing shared solutions to the challenges of desert tortoise recovery. By working together collaboratively from the start of the recovery planning

process, parties can address and resolve differences as they arise, thus preventing the kind of debilitating conflicts that can occur if major differences are unaddressed or only surface once the Revised Recovery Plan has been finalized or is being implemented. If litigation should ensue, the contested issues are likely to be narrow because of the effort put in during the process to satisfactorily address all participants' concerns.

Potential Long-Term Benefits

Smoother Implementation of Revised Recovery Plan

A successful collaborative recovery planning process would create the foundation for smoother implementation of the Revised Recovery Plan. Participants would have gained joint ownership of the plan, thereby establishing shared incentives to see the plan implemented in a timely manner. Obstacles that could create delays in implementation can be anticipated and avoided through a collaborative process. Participants are also more likely to remain productively engaged to ensure that "their" plan is being monitored, enforced, evaluated, and adapted over time.

Improved Coordination and Integration of Conservation and Recovery Efforts

By ensuring the direct participation of those involved in desert tortoise conservation and recovery activities, a successful collaborative process would provide opportunities for improving coordination and integration of these efforts, especially among the different land management jurisdictions. BLM, for example, will need to revise their Resource Management Plans to incorporate the provisions in the revised Recovery Plan. Future modifications to HCP take permits will also need to conform with the new Recovery Plan. Furthermore, a collaboratively developed Revised Recovery Plan can establish agreed upon priorities to help guide and coordinate the allocation of available resources to appropriate recovery activities.

Improved Working Relationships at Interpersonal and Organizational Levels

A collaborative recovery planning process can result in improved and more effective working relationships between participating individuals, as well as among agencies and organizations. Stakeholders will develop a better understanding of the various roles of the participating agencies and perhaps come to better appreciate their challenges. A collaborative process can also encourage the development of crucial partnerships among agencies, organizations, and communities.

Enhanced Capacity for Future Problem Solving

Engaging in a collaborative recovery planning process will enhance the joint problem solving skills of the participating individuals, as well as build the collective capacity of their agencies and organizations to more effectively deal with other conflicts. Those intimately involved with desert tortoise issues understand that recovery will require a shared effort over a number of years. When future unanticipated challenges do arise, as they inevitably will, the experience of successful collaboration can be drawn upon to once again develop shared solutions.

V. Recommendations, Suggested Next Steps and Proposed Timeline, Estimated Cost

Recommendations of the Assessment Team

Based on a thoughtful analysis of all the information gathered during the assessment process and drawing on a significant amount of collective individual and organizational experience, the assessment team offers FWS and other parties the following specific recommendations for how to move forward with a collaborative desert tortoise recovery planning process:

1) FWS Should Reassess and Reaffirm its Commitment to Collaborative Recovery Planning Process

2) FWS Should Reiterate and Clarify Relevant Recovery Planning Policies, Parameters, and Possibilities

3) FWS Should Identify Partners to Address Funding and Resource Requirements for Collaborative Recovery Planning Process

4) FWS Should Pursue an Integrated Approach to Engaging Others in Recovery Planning Process

5) FWS and Management Oversight Group (MOG) Should Establish Organizational Structures for Collaborative Recovery Planning Process

6) FWS and BLM Should Reinvigorate the MOG

Each of the assessment team's recommendations is addressed in detail below.

1. FWS Should Reassess and Reaffirm its Commitment to Collaborative Recovery Planning Process

Following consideration of this Feasibility Assessment Report, if FWS is still supportive of pursuing a collaborative process, the assessment team recommends that FWS publicly reaffirm its commitment to the proposed approach in a letter to all interested parties. The following specific items should be addressed:

a. FWS should articulate what it means by a "collaborative process" and describe what a "successful collaborative process" would look like.

b. FWS should confirm that "Basic Principles"[11] will guide its engagement with others in the collaborative recovery planning process.

[11] See *Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving* in Appendix C.

c. FWS should clarify the expected roles of other federal, tribal, state, and local agencies, and representatives of nongovernmental stakeholder interests in the collaborative recovery planning process.

d. FWS should explain what other opportunities for involvement will be provided for those not participating on the collaborative planning teams. (See Recommendation # 4 for description of Integrated Approach to Recovery Planning and Recommendation #5 for description of proposed Planning Teams.)

e. FWS should describe its commitment to participants on the collaborative planning teams, as well as to those choosing to participate in other public involvement opportunities during the planning process.

f. FWS should establish a realistic timeline and appropriate key milestones for the overall recovery planning process as well as for the collaborative Regional Working Group portion of the process. FWS should also establish an ultimate deadline for completing the Revised Recovery Plan.

g. FWS should indicate what "fallback" process will be used if the proposed approach turns out to not be feasible, or if adequate progress is not being made in a timely manner.

2. FWS Should Reiterate and Clarify Relevant Recovery Planning Policies, Parameters, and Possibilities

If FWS decides to pursue a collaborative recovery planning process, in the same letter to interested parties, FWS should reiterate and clarify its policies on several relevant issues related to desert tortoise recovery planning.

a. Explain how the concepts of Recovery Units (RU), Designated Population Segments (DPS), and Desert Wildlife Management Area (DWMA) may be utilized, or not utilized, in the recovery planning process.

b. Describe what criteria will be used in determining the geographic boundaries for the proposed Regional Working Groups. Will FWS determine these boundaries or will they be determined by the Range-Wide Planning Team (as suggested in Recommendation # 5)?

c. Explain the relationship between mitigation requirements under a Section 10 Take Permit and permittees' responsibilities regarding implementation of the Revised Recovery Plan.

d. Clarify the possibility that the following outcomes could result from the revised recovery planning process:
    i. Modifying the location, boundaries, and/or number of existing Recovery Units.
    ii. Adjusting the location, boundaries, and/or number of DWMAs.
    iii. Establishing "Safe Harbor" agreements with private landowners.
    iv. Revising Critical Habitat designation for the desert tortoise.
    v. Delisting the desert tortoise by Recovery Unit or region, as recovery criteria are achieved.

3. FWS Should Identify Partners to Address Funding and Resource Requirements for Collaborative Recovery Planning Process

FWS should recruit other public agency partners at the federal, tribal, state, and local levels, as well as possibly private contributors, to address the funding and resource requirements associated with conducting the proposed collaborative recovery planning process. Cost-sharing and/or contribution arrangements, along with administrative requirements and procedural expectations will need to be negotiated and documented through appropriate fiscal instruments. Anticipated resource requirements for the collaborative recovery planning process include:

a. Staffing support for Range-Wide Recovery Planning Team and for the Regional Working Group and associated public workshops. (See Recommendation #5)

b. Travel support for some participants on Range-Wide Recovery Planning Team (as needed).

c. Cost of providing independent third party neutral process design, facilitation, and mediation services. (See Estimated Budget below.)

d. Collaboratively developed compute models to help evaluate comparative benefits of different recovery action options in different habitats and locations.

e. GIS Decision Support Tools to allow participants to efficiently develop, evaluate, compare, and track different recovery action options.

f. Additional scientific symposia, peer review, or joint fact-finding efforts (as required) to aid in establishing a broadly accepted and scientifically credible base of information before proceeding to develop Regional Recovery Action Plans.

4. FWS Should Pursue An Integrated Approach to Engaging Others in the Recovery Planning Process

A relatively small number of those interviewed indicated they would be interested in participating in a collaborative recovery planning process at the range-wide level. Many, however, emphasized their potential interest in participating at the local or regional level. Widespread support was expressed for the idea of regionally developed Recovery Action Plans.

Nearly everyone interviewed mentioned some concern about the time commitment that would be required to participate in the proposed collaborative process. Several indicated that they, or a representative from their agency or organization, would undoubtedly participate if invited, regardless of time concerns. Others stressed the importance of also providing less time intensive opportunities for meaningful involvement.

Taking into consideration the range of interest expressed in participating in a collaborative process, the assessment team recommends that FWS consider using an integrated approach to engaging others in recovery planning. The recommended approach explicitly incorporates all four approaches described in the previous section. Interested parties could choose from a variety of different ways to participate in the recovery planning process.

This recommended integrated approach is briefly described below. **Figure 1** describes the combined approach in greater detail.

- FWS should **collaborate** directly with a balanced group of representatives of highly interested and committed governmental agencies and nongovernmental stakeholders in a collaborative recovery planning process at the range-wide and regional levels. FWS should also seek partners among other interested federal, tribal, state, and local agencies that have ESA responsibilities. These partners would jointly sponsor the collaborative effort at either the range-wide or regional levels, and share accountability and responsibility for the success of the planning process.

- FWS should directly ***involve*** other highly interested governmental entities and stakeholders, who are not able to participate on the collaborative planning teams, through workshops conducted at the range-wide, regional, state and local levels. Workshop participants would provide feedback on draft proposals at key points in the recovery planning process.

- FWS should ***consult*** with other governmental entities and the interested public at key points in the recovery planning process and upon issuance of a Draft Revised Recovery Plan. FWS should use enhanced public review and comment procedures. Public comment opportunities should be designed to be as user-friendly as possible and should include, for example, regional and local meetings, outreach by Planning Team members, use of “open house”

meeting formats, and providing for email and website submission of comments.

- FWS should ***inform*** the interested public about the recovery planning process through a regularly updated website and an electronic newsletter.

Figure 1. Integrated Approach to Engaging Others in Recovery Planning Process

INFORM

Objective: Provide the public with sufficient information to understand the issues being addressed through the recovery planning process, the recovery action options considered, the analysis conducted, and FWS's final decision on a Revised Recovery Plan.

FWS Commitment: FWS will keep the public informed about the recovery planning process.

Methods: Website, electronic newsletter, fact sheets

CONSULT

Objective: Provide opportunities for the public and interested parties to provide input at key points in the recovery planning process, e.g., when recovery criteria are determined and following release of a draft Revised Recovery Plan.

FWS Commitment: FWS will keep the public and interested parties informed about the recovery planning process and take into consideration, before making its final decision on a Revised Recovery Plan, the concerns expressed and suggestions offered during formal or informal public input opportunities provided during the planning process. FWS will document how input was considered in finalizing the Revised Recovery Plan.

Methods: Public comment submission via website, email, or mail; web-based surveys; public meetings

INVOLVE

Objective: Provide opportunities for interested parties to interact directly with FWS at key stages of the recovery planning process to provide feedback on draft proposals and convey directly to FWS any concerns and suggestions.

FWS Commitment: FWS will interact directly with interested parties to ensure FWS understands their concerns and suggestions. FWS will try to address their concerns to the extent possible within legal and policy constraints. FWS will communicate back to interested parties how their concerns were addressed by FWS in the final Revised Recovery Plan.

Methods: Local and regional workshops

COLLABORATE

Objective: Provide opportunity for governmental partners and balanced range of interested parties to work together with FWS to share information, jointly explore potential solutions, and seek agreement on recommendations to FWS regarding what to include in the Regional Recovery Action Plans. FWS would then integrate recommendations into the draft Revised Recovery Plan released for broader public comment and formal agency review.

FWS Commitment: FWS will work directly with partners and interested participants to work through issues and seeking agreement on all aspects of the recovery planning process – up to, but not including, FWS's final decision about the Revised

Methods: Intergovernmental planning teams and stakeholder advisory teams at the range-wide and regional levels

5. FWS and MOG Should Establish Organizational Structures for Collaborative Recovery Planning Process

The assessment team recommends that FWS work with MOG to establish a comprehensive organizational design and structure for the collaborative recovery planning process. This design should include four key elements:

a. **Range-Wide Recovery Planning Team** with an overall planning coordination and integration role;

b. **Regional Working Groups** to bring in state and local concerns and perspectives in developing Regional Recovery Action Plans;

c. **Technical Advisory Team** to provide technical assistance to the Regional Working Groups in evaluating tradeoffs among different recovery action options; and

d. **Science Advisory Committee**, which has already been established, that advises the Desert Tortoise Recovery Office on the overall scientific standards of desert tortoise recovery efforts, including the development of scientifically sound recovery criteria.

Each of the four key elements of the recommended organizational design is discussed below. See **Figure 2** for a diagram of the relationships among the different structures.

Range-Wide Recovery Planning Team

The Range-Wide Recovery Planning Team would consist of two parts: a Range-Wide Intergovernmental Team and a Range-Wide Stakeholder Advisory Team. The teams would meet together on some, but not all, occasions.

<u>Who Establishes and Chairs</u>

- MOG would appoint staff and other governmental representatives to the Range-Wide Intergovernmental Team.
- In consultation with U.S. Institute, FWS would identify the categories of interests and the selection criteria for selection of nongovernmental representatives to the Range-Wide Stakeholder Advisory Team, under the authority of Section 4 (f)(2) of the Endangered Species Act that provides an exemption to the Federal Advisory Committee Act for recovery and implementation teams.
- U.S. Institute would help recruit, accept nominations, evaluate suggestions, and recommend representatives from a balanced range of interests to serve on the Range-Wide Stakeholder Advisory Team. The Range-Wide Intergovernmental Team would select the members of the Range-Wide Stakeholder Advisory Team.

- DTRO would chair the Range-Wide Recovery Planning Team, as well as the Range-Wide Intergovernmental Team and the Range-Wide Stakeholder Advisory Team, when they meet separately.

Role and Function

- Develop, design, oversee, and coordinate the range-wide recovery planning process
- Work with DTRO, the Science Advisory Committee, and the Technical Advisory Team to establish the base of scientific information to be used in developing the Regional Recovery Action Plans. Possible tasks in this regard might include:
    - Reviewing existing scientific information.
    - Identifying scientific questions requiring clarification before proceeding with development of Regional Recovery Action Plans.
    - Determining the "joint fact-finding" process to be used in obtaining clarifications to recovery-related scientific questions. Possibilities might include:
        - Convening a Desert Tortoise Recovery Science Symposium.
        - Conducting peer review of relevant reports, studies, gray literature, scientific literature.
        - Convening a Scientific Panel to respond to the questions.
- Resolve key design issues for the Regional Working Group process, including:
    - Determining the specific geographic boundaries for the Regional Working Groups.
    - Developing the overall framework and specific guidance to the Regional Working Groups to ensure consistency of approach so regional efforts can be integrated across the entire range.
    - Recruiting and appointing the members of the Regional Working Group Intergovernmental Teams. (Several members of the Range-Wide Recovery Planning Team would also serve on the Regional Working Groups for guidance and continuity.)
- Review draft work products of Regional Working Groups and provide them with feedback.
- Integrate final work products of Regional Working Groups into proposed comprehensive Range-Wide Recovery Action Plan for recommendation to FWS/DTRO.

Regional Working Groups

Regional Working Groups would consist of two parts: a Regional Intergovernmental Team and a Regional Stakeholder Advisory Team. The teams would meet together on some, but not all, occasions.

Who Establishes and Chairs

- Members of the Regional Intergovernmental Teams would be appointed by the Range-Wide Intergovernmental Team.
- U.S. Institute would help recruit, accept nominations, evaluate suggestions, and recommend representatives from a balanced range of interests to serve on the Regional Stakeholder Advisory Teams.
- The Regional Intergovernmental Teams would select the members of the Regional Stakeholder Advisory Teams.
- DTRO would chair the Regional Working Groups.

Role and Function

- Identify, map, and characterize regional threats to desert tortoise.
- Conduct state and local workshops to present their regional threat analyses and to obtain comments and feedback. Solicit preliminary recommendations for possible recovery actions to address specific threats in the areas familiar to the workshop participants.
- Consult with interested groups regarding the recovery planning process.
- Develop draft Proposed Regional Recovery Action Plans and conduct state and local workshops to present their draft plans and obtain comments and feedback from workshop participants. (Additional iterations may be necessary.)
- Develop revised Proposed Regional Recovery Action Plans and forward to the Range-Wide Recovery Planning Team, the Technical Advisory Team, and the Science Advisory Committee for review and feedback. (Additional iterations may be required.)

Technical Advisory Team

Who Establishes and Chairs

- MOG would appoint agency scientists and possibly others to be members of the Technical Advisory Team.
- DTRO would chair the Technical Advisory Team.

Role and Function

- Provide technical advice to the Range-Wide Recovery Planning Team and the Regional Working Groups in evaluating tradeoffs among different recovery actions being considered.
- Conduct educational workshops to ensure all members of Range-Wide Recovery Planning Team and the Regional Working Groups have a shared foundation of understanding regarding desert tortoise biology and desert ecology.
- Help translate the meaning and implications of scientific studies for members of Range-Wide Recovery Planning Team and the Regional Working Groups.
- Augment work of Science Advisory Committee upon request of DTRO.

- Review and provide technical feedback on Proposed Regional Recovery Action Plans.

Science Advisory Committee (SAC)

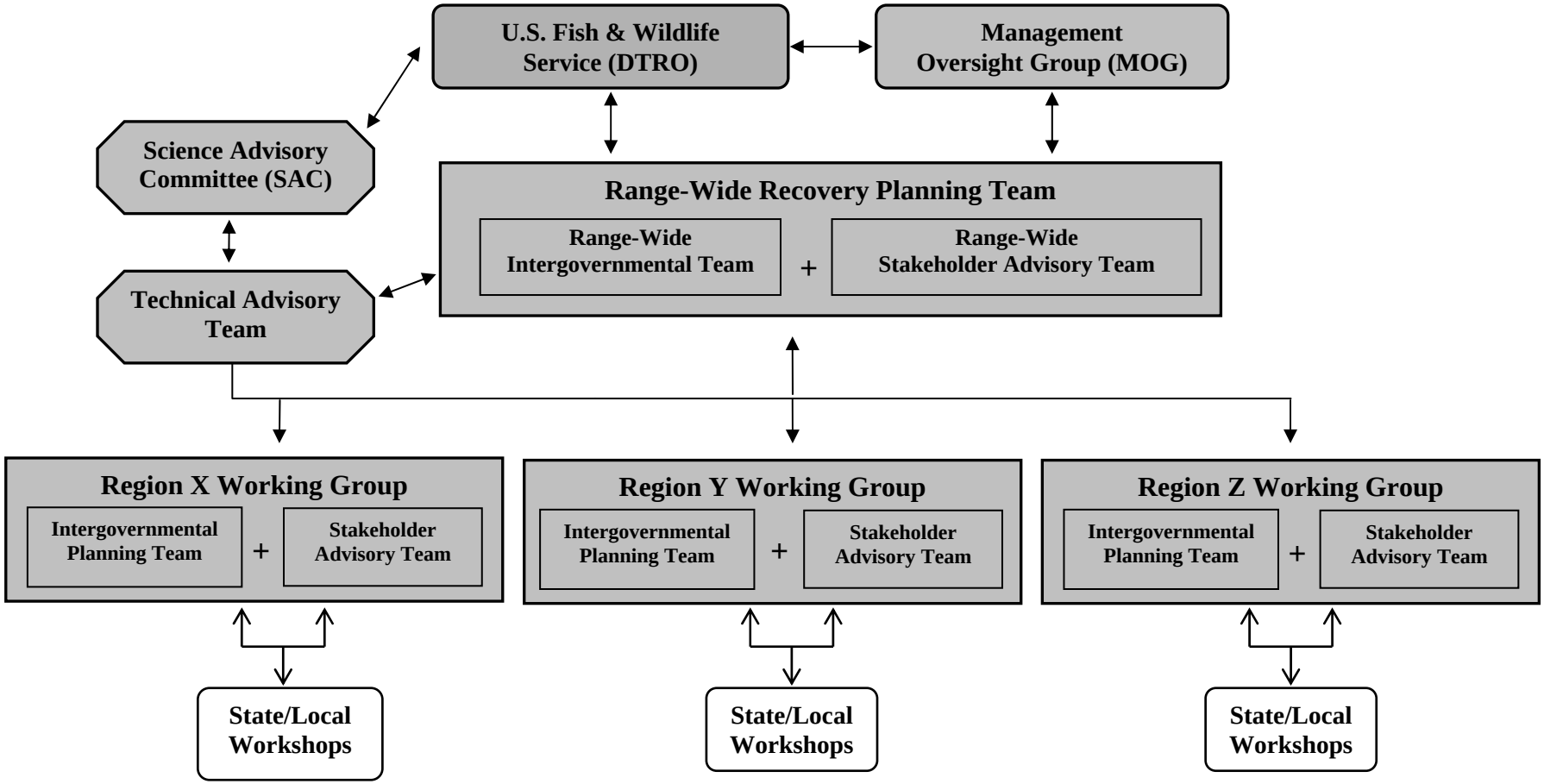
Who Establishes and Chairs

- Already established by the DTRO.
- Composed of six scientists with diverse expertise related to desert tortoise recovery. Four are affiliated with universities; one with the Smithsonian Institution; and one with the U.S. Geological Survey, Biological Resources Division.
- Chaired by DTRO Coordinator.

Role and Function

- Review and provide scientific feedback to DTRO, Range-Wide Recovery Planning Team and the Regional Working Groups on Proposed Regional Recovery Action Plans and on draft Revised Recovery Plan.

Figure 2. Recommended Organizational Structure for Collaborative Recovery Planning Process



6. FWS and BLM Should Reinvigorate the Management Oversight Group (MOG)

The proposed organizational design for a collaborative recovery planning process relies on an effective and vibrant MOG. FWS and BLM should work with members to institute necessary changes to reinvigorate the MOG. Possible actions might include: clarifying the purpose of the MOG; reaffirming member agencies' commitment to the MOG; clarifying the role and responsibilities of MOG members, its Co-Chairs, and support staff; considering the need for and benefits of establishing subcommittees; encouraging other state and local agencies with desert tortoise management responsibilities to become more involved with the MOG and considering inviting them to become formal members; clarifying the public's role at MOG meetings; and clarifying the working relationship between the MOG and the Desert Managers Group (DMG).

Suggested Next Steps and Preliminary Proposed Timeline

The assessment team recommends that the collaborative recovery planning process be implemented in four phases. Advancement from one phase to the next would be contingent on the accomplishment of key milestones by the established deadlines. If satisfactory progress is not being made, FWS would consider reverting to using a more expeditious and less collaborative approach to complete the Revised Recovery Plan.

PHASE I – Establishing Range-Wide Planning Team

I-1 **By September 26** – U.S. Institute distributes Feasibility Assessment Report to interviewees and other interested parties.

I-2 **By January 2007** – FWS determines whether it wishes to pursue a collaborative recovery planning process; FWS identifies partners to contribute towards funding and resource requirements; FWS makes a feasibility determination about whether to proceed; FWS distributes a letter to interested parties announcing its intentions and addressing the issues identified in Recommendations #1 and #2.

I-3 **By February 2007** – MOG appoints members of Range-Wide Intergovernmental Planning Team.

I-4 **By March 2007** – Range-Wide Intergovernmental Planning Team appoints members of Range-Wide Stakeholder Advisory Team.

I-5 **By April 2007** – Range-Wide Recovery Planning Team is established; MOG appoints members of Technical Advisory Team.

PHASE II – Determine Scientific Information to be used for Recovery Action Planning

II-1 **By August 2007** – Range-Wide Planning Team, in consultation with the Science Advisory Committee, the Technical Advisory Team, and other scientists if deemed necessary, determines scientific informational to be used in developing Recovery Action Plans.

PHASE III – Determine Framework for Regional Recovery Action Plans

III -1 **By September 2007** – Range-Wide Intergovernmental Planning Team develops framework and guidance for Regional Working Groups; Range-Wide Interagency Planning Team selects members of Regional Intergovernmental Teams.

PHASE IV – Develop Regional Recovery Action Plans

IV-1 **By October 2007** – Regional Intergovernmental Teams select members of Regional Advisory Teams.

IV-2 **By November 2007** – Regional Working Groups hold initial organizational meetings.

IV-3 **By June 2008** – Regional Working Groups conduct four (4) state and local workshops and develop draft Regional Recovery Action Plans for review by Range-Wide Recovery Planning Team, Technical Advisory Team, and Science Advisory Committee.

IV-4 **By September 2008** – Regional Working Groups incorporate feedback and submit final Regional Recovery Plans for review by Range-Wide Recovery Planning Team, Technical Advisory Team, and Science Advisory Committee.

IV-5 **By November 2008** – Range-Wide Recovery Planning Team integrates Regional Recovery Action Plans into Range-Wide Recovery Action Plan and recommends to FWS.

IV-6 **By March 2009** – FWS issues Draft Revised Recovery Plan for formal public comment and agency review.

Figure 3. Proposed Timeline for Collaborative Recovery Planning Process

PHASE I					
Tasks		**2006**	**2007**	**2008**	**2009**
I-1	Feasibility Assessment Report Distributed	**September**			
I-2	FWS Determines How to Proceed		**January**		
1-3	Range-Wide Intergovernmental Planning Team Appointed		**February**		
1-4	Range-Wide Stakeholder Team Appointed		**March**		
1-5	Range-Wide Recovery Planning Team Convenes; MOG Appoints Technical Advisory Team		**April**		
PHASE II					
II-I	Range-Wide Planning Team Establishes Baseline Data		**August**		
PHASE III					
III-1	Range-Wide Planning Team Develops Guidance for Regional Working Groups		**September**		
PHASE IV					
IV-1	Regional Intergovernmental Teams Select Regional Stakeholder Advisory Teams		**October**		
IV-2	Regional Working Groups Convene Initial Meetings		**November**		
IV-3	Regional Working Groups Conduct (4) State and Local Workshops and Develop Draft Recovery Action Plans			**June**	
IV-4	Regional Working Groups Submit Final Recovery Action Plans to Range-Wide Recovery Planning Team			**September**	
IV-5	Range-Wide Recovery Planning Team Submits Recommendations to FWS			**November**	
IV-6	FWS Issues Draft Revised Recovery Plan for Formal Public Comment and Agency Review				**March**

Estimated Cost to Provide Facilitation for Collaborative Recovery Planning Process

Based on the proposed design of the collaborative recovery planning process and assuming the establishment of four Regional Working Groups, each conducting four state and local workshops, the assessment team estimates the following labor and direct costs to provide independent third party neutral facilitation assistance:

PHASE I – Establishing Range-Wide Planning Team
Labor Costs: $12,000 to $15,000; Direct Costs: $1,200; TOTAL: $13,200 to $16,200

PHASE II – Determine Scientific Information to be used for Recovery Action Planning[12]
Labor Costs: $24,000 to $30,000; Direct Costs: $8,100; TOTAL: $32,100 to $38,100

PHASE III – Determine Framework for Regional Recovery Action Plans
Labor Costs: $16,000 to $20,000; Direct Costs: $3,800; TOTAL: $19,800 to $23,800

PHASE IV – Develop Regional Recovery Action Plans
Labor Costs: $220,000 to $275,000; Direct Costs: $58,000; TOTAL: $278,000 to $333,000

TOTAL ESTIMATED COSTS FOR PHASES I – IV
Labor Costs: $272,000 to $340,000; Direct Costs: $71,100; **TOTAL: $343,100 to $411,100**

Based on federal fiscal year expenditures, the estimated costs are:

FY07 – $65,100 to $78,000
FY08 – $250,700 to $298,900
FY09 – $27,300 to 34,100

[12] Does not include additional costs associated with conducting possible Desert Tortoise Recovery Science Symposium, contracting for peer review, or convening Science Panel, if required.

Appendix A. List of Interviewees for Desert Tortoise Recovery Planning Assessment

Last Name	First Name	Title	Affiliation
Anderson	Kenny	Cultural Resource Management/ Environmental Program & Council Member	Las Vegas Paiute Tribe
Anderson	Ileene	Ecologist	Center for Biological Diversity
Arnold	Brent	Senior Environmental Specialist	Kern River Gas Transmission
Averill-Murray	Roy	Desert Tortoise Recovery Coordination	Desert Tortoise Recovery Office, USFWS
Bell	Dana	Senior Project Coordinator	National Off-Highway Vehicle Conservation Council
Bell	Chuck	Director	Mojave Desert Resource Conversation District
Berry	Kristin	Supervisory Research Wildlife Biologist	Box Springs Field Station, USGS
Boarman	William	Scientist Emeritus	USGS
Borchard	Steve	District Manager, California Desert District	BLM
Bowler	Fenton	Rancher/Allottee	Utah
Bowns	James	Professor of Forestry/Range Management	Southern Utah University
Bransfield	Ray	Specialist, ESA, Section 7	Ventura Office, USFS
Burge	Betty	Member	Tortoise Group, Las Vegas, Nevada
Cablk	Mary	Assistant Research Professor	Desert Research Institute
Callahan	Gerald		U.S. Air Force, Edwards Air Force Base
Carter	Kevin	Administrator	Schools and Institutional Trust Lands Administration, State of Utah
Chi	Renee	Wildlife Biologist	Utah Field Office, USFWS
Connor	Michael	Executive Director	Desert Tortoise Preserve Committee
Cordery	Ted	T & E Program Lead	Arizona State Office, BLM
Crisp	Jim	Manager	St. George Field Office, BLM
Daboda	Darren	Water Quality Coordinator/cultural resources	Moapa Band of Paiutes of the Moapa River Indian Reservation
Dickson	Ken	Director	Lincoln County Building & Planning, Lincoln County, Nevada
Everly	Clarence	DoD Coordinator, Desert Managers Group	U.S. Department of Defense
Feldman	Jane	Southern Nevada Conservation Co-Chair	Sierra Club
Figueroa	Ernest	Deputy District Engineer	CalTrans
Folks	Casey	President	Best in the Desert Racing Association
Freeman	Ken	Past President	Southern Nevada Off-Road Enthusiasts (SNORE)

Last Name	First Name	Title	Affiliation
Fridell	Rick	Native Species Coordinator	Division of Wildlife Services, State of Utah
Gardner	Alan	Washington County Commissioner	Washington County, Utah
Goodwin	Kimberly	Biologist	Southern Nevada Environmental, Inc.
Grange	Dale	Representative	Off-Highway Vehicle Advisory Council
Gross	Howard	California Desert Field Representative	National Park Conservation Association
Haigh	William	Facilitator	West Mohave Plan
Haley	Ross	LAME Supervisor Resource Management Specialist	Lake Mead National Recreation Area, NPS
Hansen	Paul	Deputy Director	California/Nevada Office, USFWS
Harcksen	Kathleen	Assistant Manager	BLM, Arizona Strip Field Office / Grand Canyon - Parashant National Monument
Harper	Adam	Association Manager	California Mining Association
Haworth	Julene	Member	Southern Nevada Homebuilders Association
Hayhurst	Jeannette	Lead, Mohave Desert Air Quality Management Division	City of Barstow, California
Henson	Marci	Senior Management Analyst/MSHCP	Clark County, Nevada
Herder	Michael	Wildlife Team Lead	Arizona Strip Field Office / Grand Canyon - Parashant National Monument, BLM
Hiatt	John	Conservation Manager	Red Rock Audubon Society, Nevada
Hillier	Gerald	Executive Director	Quadstate County Government Coalition
Johnson	Ken		Western American Design
Joia	Manny	Natural Resources Manager	Marine Corps Logistics Base, Barstow, California
Jones	Rebecca	Environmental Scientist	California Department of Fish & Game
Knutson	Robert		PG & E Environmental Services
Lamb	Bill	Staff Representative	Quadstate County Government Coalition
LaPre	Larry	Manager	California District Office, BLM
LaRue	Ed	Wildlife Biologist/Consultant	West Mohave Plan
Leuteritz	Thomas	Assistant Professor of Environmental Studies, Conservation Ecologist	Redlands Institute
Lilburn	Stephen	President	Lilburn Corporation
Loomis	Ron	Nevada Representative	National Off-Highway Vehicle Conservation Council
Lorentzen	Ed	Science Coordinator	California State Office, BLM
Maddux	Henry	Project Leader	Utah Field Office, USFWS

Last Name	First Name	Title	Affiliation
Mader	Bill	HCP Administrator	Washington County Utah HCP Administration
Marble	Jim	Director	Nye County Natural Resources Office, Nye County, Nevada
Marlow	Ron	Biologist	Natural Resources Conservation Service, USDA
Masters	Elroy	Planning & Development Analyst	Nevada State Office, BLM
McDonald	Cliff	Project Coordinator	California Department of Food and Agriculture
McGarvie	Jim	Off-Road Business Associate	Off-Road Business Association, Inc.
McLuckie	Ann	Biologist	Division of Wildlife Services, State of Utah
Meyer	Calvin	Environmental Coordinator	Moapa Band of Paiutes of the Moapa River Indian Reservation
Miller	Kammy	Vice-Chairperson	Moapa Band of Paiutes of the Moapa River Indian Reservation
Moore	Jim	Project Manager	The Nature Conservancy, Nevada
Morgan	Larry	Needles Field Office Manager	BLM
Mrowka	Rob	Manager	Environmental Division, Clark County, Nevada
Mull	William	Grazer/Rancher	Nevada
Munoz	Frank		Kern County, California
Nagy	Kenneth	Professor	University of California, Los Angeles
Ogara	John	Environmental Planning and Management Department	U.S. Navy, China Lake
Oviatt	Lorelei	Supervising Planner	Kern County, California
Patterson	Daniel	Director	Center for Biological Diversity
Pellissier	John	President	Southern Nevada Off-Road Enthusiasts (SNORE)
Pepito	Al	Superintendent, Mojave Desert Sector	California State Parks
Quarles	Steven	Attorney	Quadstate County Government Coalition
Quillman	Mickey	Natural/Cultural Resources Lead	Ft. Irwin National Training Center, U.S. Army
Ronning	Carrie	Wildlife Biologist	Las Vegas Field Office, BLM
Sauer	Curt	Superintendent	Joshua Tree National Park, NPS
Schramm	Dennis	Superintendent	Mojave National Preserve, NPS
Scofield	Russell	California Desert Management Project	NPS
Scott	Randy	Land Use Services Department	San Bernardino County, CA
Seguenza	Ruth	Facilitator	Clark County MSHCP Advisory Committee
Selzer	Paul	Attorney/Former Facilitator	Clark County MSHCP Advisory Committee
Sickler	Heidi	Representative	KinderMorgan Pipeline

Last Name	First Name	Title	Affiliation
Small	Mike	Board Member	Redcliffs Audubon Society, Utah
Smith	Paul	Owner / Member at Large	Morongo Basin Innkeepers / 29 Palms Inn / BLM Desert Advisory Committee
Sprofera	Chris	Off-Road Coalition	San Diego Off-Road Coalition
Stevens	Ronald	President	Rebel Adventure Tours
Stewart	John	Natural Resources Consultant	California Association of 4-Wheel Drive Clubs, Inc.
Todd	Dave	Environmental Director	Chemehuevi Indian Tribe
Tomlinson	Chris	Wildlife Diversity Supervisor	Nevada Department of Wildlife
Tracy	Richard	Professor	University of Nevada at Reno
Trinko	Mark	Representative/Spokesperson	OHV User Groups
Trost	Roxie	Barstow Field Office Manager	BLM
Turner	Kent	LAME Chief of Resource Management	Lake Mead National Recreation Area, NPS
Turner	Bob	Biologist	Nellis Air Force Base, Nevada
Villalobos	Hector	Field Manager	Ridgecrest Field Office, BLM
Whalon	Larry	Chief Resource Management Team	NPS
Wilkerson	Cynthia	California Representative	Defenders of Wildlife
Williams	Bob	Field Supervisor	Nevada Fish & Wildlife Office, USFWS
Wood	Robert	Director, Environmental Management	Edwards Air Force Base, California
Woodman	Pete	Senior Co-Chair	Desert Tortoise Council
Wooten	David	Regional Representative	BIA
Wyatt	Rick	Owner	American Adventure Tours

On-Line Questionnaire Respondents

Last Name	First Name	Title	Affiliation
Bendure	Ted	Environmental Program Manager	FHWA
McEwan	Mary Jane	Council Member	Desert Tortoise Preserve Council
Sall	April	Preserve Manager	The Wildlands Conservancy
Kautzmann	Darryld	President	Havasu 4 Wheelers
Parker	Robert	Wildlife Biologist	California Desert District, BLM
Stein	Alan	Acting District Manager	California Desert District, BLM
Douglas	Robert	Wildlife Biologist	BLM, UT
Rose	Lori	Reserve Biologist	Washington County HCP
Bryant	James	Curator of Natural History	Museum Department, City of Riverside, California
Schweitzer	Jan	Permittee	City of North Las Vegas, Nevada
Koon	Lynn Stephen	Conservation Specialist	City of Boulder City, Nevada
Helton	Marty	President	Walapai 4 Wheelers, Inc., ASA4WDC
Schreiber	Sidnia Ann	Committee Member	Muddy River Regional Environmental Impact Alleviation Committee

Last Name	First Name	Title	Affiliation
Livreri	Anthony	President	Motorcycle Racing Association of Nevada
McCool	Sam	Council Member	Sandy Valley Citizens Advisory Council
Fiore	Joy		N/A
Krzysik	Anthony		N/A
Egan	Thomas	Wildlife Biologist/Ecologist	Desert Tortoise Council; California Native Plant Society, DTPC, Sierra Club
Joia	Manuel	Natural Resources Manager	Marine Corps Logistics Base, Barstow, California
Wold	Terry	Conservation Coordinator	Sierra Club, San Gorgonio Chapter, California
Freilich	Jerry	Ecologist	(Former Park Ecologist at Joshua Tree National Park)
Swigart	Michael	City Manager	City of Twentynine Palms, California

Appendix B. Desert Tortoise Recovery Planning Assessment Resource Documents

Berry, Kristin H. and Rebecca Jones. *Highlights from the November 2002 Workshop on Desert Tortoise Health and Disease*. March 2004.

Clark County Nevada. *Multi-Species Habitat Conservation Plan (MSHCP).* September 2000.

Desert Tortoise Recovery Plan Assessment Committee (DTRPAC). *Desert Tortoise Recovery Plan Assessment*. June 2004.

Desert Tortoise Recovery Team for U.S. Fish and Wildlife Service. *Desert Tortoise (Mojave Population) Recovery Plan*. June 1994.

Government Accountability Office. *Report to Congressional Requesters: Endangered Species Research Strategy and Long-Term Monitoring Needed for the Mojave Desert Tortoise Recovery Program*. December 2002.

USDA Forest Service for the National OHV Implementation Team. *Off-Highway Vehicle Use and Collaboration: Lessons Learned From Project Implementation.* August 2005.

U.S. Department of the Interior, Bureau of Land Management, California Desert District. *Record of Decision, West Mojave Plan, Amendment to the California Desert Conservation Area Plan.* March 2006.

U.S. Fish and Wildlife Service. *Critical Habitat Designation for Mojave Population of the Desert Tortoise*. February 1994.

U.S. Fish and Wildlife Service. *The Endangered Species Act of 1973*. 1973.

Appendix C. Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving

Informed Commitment	Confirm willingness and availability of appropriate agency leadership and staff at all levels to commit to principles of engagement; ensure commitment to participate in good faith with open mindset to new perspectives
Balanced, Voluntary Representation	Ensure balanced, voluntary inclusion of affected/concerned interests; all parties should be willing and able to participate and select their own representatives
Group Autonomy	Engage with all participants in developing and governing process; including choice of consensus-based decision rules; seek assistance as needed from impartial facilitator/mediator selected by and accountable to all parties
Informed Process	Seek agreement on how to share, test and apply relevant information (scientific, cultural, technical, etc.) among participants; ensure relevant information is accessible and understandable by all participants
Accountability	Participate in process directly, fully, and in good faith; be accountable to the process, all participants and the public
Openness	Ensure all participants and public are fully informed in a timely manner of the purpose and objectives of process; communicate agency authorities, requirements and constraints; uphold confidentiality rules and agreements as required for particular proceedings
Timeliness	Ensure timely decisions and outcomes
Implementation	Ensure decisions are implementable; parties should commit to identify roles and responsibilities necessary to implement agreement; parties should agree in advance on the consequences of a party being unable to provide necessary resources or implement agreement; ensure parties will take steps to implement and obtain resources necessary for agreement

Attachment to ***Memorandum on Environmental Conflict Resolution*** issued jointly by the Office of Management and Budget and the President's Council on Environmental Quality on 11/28/05.

Appendix D. Desert Tortoise Recovery Planning Feasibility Assessment Questions

Experience with Desert Tortoise Issues

1. What has been your role with regard to desert tortoise issues?

2. How have you been personally affected by efforts to recover the desert tortoise?

Key Concerns

3. What are your most important concerns related to desert tortoise recovery? Why?

Interest Group Dynamics

4. What other groups do you think substantially share similar interests with you regarding desert tortoise issues?

5. What groups do you consider to be most opposed to your interests regarding desert tortoise issues?

6. How would you describe your agency/group's working relationships with other groups involved in desert tortoise issues?

7. Do you see potential ways to accommodate these different interests while still ensuring the recovery of the desert tortoise?

Perspectives On Collaborative Processes

8. Do you think your agency/group's interests could potentially be achieved through some kind of collaborative effort involving FWS and other stakeholders? Why or why not? What are your most important interests that would need to be satisfactorily addressed for you to consider the effort worthwhile?

9. What organization and/or individual would you trust to represent your interests in a collaborative regional recovery planning process?

10. What individuals, groups, or organizations do you think would need to be involved if a collaborative recovery planning process for the desert tortoise does go forward for it to be effective and broadly perceived as fair, balanced, and legitimate?

11. Are there any groups, organizations, or individuals you believe should not be involved in a collaborative process? If so, who and why?

12. What is your experience negotiating joint solutions with others who have different strongly held views? Do you think you personally could work collaboratively with other stakeholders to develop recommendations on geographically specific recovery actions for the desert tortoise? Why or why not?

13. If asked to participate, would you be interested and would you be able to commit to a process that

will likely require bi-monthly and perhaps more frequent meetings for a 6-9 month period, potentially beginning some time this summer?

Data and Information Requirements

14. What special knowledge, expertise, or other contribution could you (your agency or organization) bring to a collaborative process to develop recovery action recommendations?

15. What information do you think will be essential in order to develop informed recovery action recommendations? What scientific questions do you think need to first be answered to make informed recommendations?

16. Who would you trust as a credible source of scientific information on the desert tortoise?

Resources Requirements

17. If asked to participate, would you or your organization need assistance in order to participate effectively and adequately represent your group or organization in the proposed Regional Working Group process?

18. Do you think your government, agency, group, or organization would be able and willing to contribute funding and/or in-kind support for a collaborative Recovery Plan revision process? What assurances or questions would you need answered first?

Assurances Needed for Participation

19. Are there any preconditions or assurances you (your organization or agency) would need first in order to fully commit to participating in a good-faith effort to seek agreement on recovery action recommendations with other stakeholders?

Insights for Success

20. What would a “successful” desert tortoise recovery planning process look like to you?

21. What kinds of characteristics and skills should participants have to enhance the likelihood that the proposed Regional Recovery Working Group process would be successful?

22. What are the major barriers to a successful collaborative desert tortoise recovery planning process? What external dynamics (e.g., litigation, political activities, legislation, actions of other jurisdictions, etc.) do you think would likely impact a collaborative Recovery Plan revision process?

23. What advice could you offer to help enhance the likelihood of successfully building agreement among a broad range of stakeholders on recovery action recommendations?

24. Who else do you think we should talk with to get a complete picture of the situation?

25. Is there anything else you would like to share with the Assessment Team?

Appendix E. Perspectives on Key Issues: What the Assessment Team Heard

Section II of this report offered a brief synopsis of the findings from the interviews conducted for this assessment. This appendix provides a detailed presentation of viewpoints expressed by interviewees from throughout the range of the desert tortoise in Arizona, California, Nevada, and Utah, as well as their suggestions for addressing the issues.

As stated in Section II, the statements, comments, and perspectives of interviewees were analyzed, along with the input provided by respondents to an online survey. The analysis revealed the following frequently-cited main issues. These issues, which are not listed in a particular order of priority or frequency of mention , include:

Issue #1 **Information for Decision-Making About Desert Tortoise Recovery**

Issue #2 **Implementation of 1994 Recovery Plan**

Issue #3 **Funding of Desert Tortoise Recovery Efforts**

Issue #4 **Revised Recovery Plan**

Issue #5 **Trust Among Participants in Desert Tortoise Issues**

Issue #6 **Institutional Arrangements and Capacity for Collaboration**

Issue #7 **Design and Procedures for Proposed Collaborative Process**

When considered collectively, most of the statements of interviewees conveyed concerns that generally applied range-wide. Statements that only applied to the situation in a particular state have been summarized on a state-by-state basis at the end of this appendix. Substantially similar comments have been combined and integrated into a single descriptive statement. Variations on themes or concerns are listed as sub-bullets. Occasionally, selected unattributed quotes are provided to further illustrate a particular viewpoint.

Recurrently expressed viewpoints on a particular issue are highlighted initially. Other less frequent but still commonly heard viewpoints are noted, as well. Also included are discrete viewpoints that although less commonly heard, were expressed by several individuals from differing backgrounds. Additional viewpoints, which may have been offered by as few as a single individual, are also included if the assessment team thought it helped provide a useful and more complete understanding of the issue.

Please note this summary presents the views and perceptions of interviewees, **not** those of the assessment team. The intent of this Appendix is to accurately reflect back in a concise manner what the assessment team heard during the many hours of interviews they conducted.

Issue #1 Information for Decision-Making About Desert Tortoise Recovery

Recurrently expressed viewpoints

- There is a need for better understanding of the effectiveness of various recovery actions taken to promote desert tortoise recovery.
  - Opportunities for learning have been lost forever because there has been no systematic requirement to monitor and evaluate the effectiveness of recovery actions implemented to date.
  - Designing and conducting the kind of applied research needed to provide practical guidance in making land management decisions aimed at aiding the recovery of the desert tortoise has not been a high enough priority to date.

Less frequent, but commonly expressed viewpoints

- There is a need for better understanding of key aspects of the threats to desert tortoise recovery and of causal factors.
  - Relationship between human-caused threats and environmental or habitat factors.
  - Locations and geographic extents of various threats.
  - Relative significance of various threats.
  - Cumulative impacts of various combinations of threats in association with different environmental factors.
  - Synergistic relations that may exist among certain threats in specific locations.

- Essential baseline data is needed on current status and trends of desert tortoise populations, health, habitat conditions, etc., so that progress on recovery can be determined and evaluated.
  - There needs to be agreed upon practical, cost-effective, scientifically sound desert tortoise population monitoring, data collection, and data sharing methodologies and protocols for use in recovery planning and implementation of recovery actions.

- There is a need for better understanding of the sources, impacts, dynamics, and remedies to address desert tortoise diseases.
  - There's a need for agreed upon strategies and protocols for dealing with disease issues when implementing recovery actions.

- There is a need for better understanding of effective methods for controlling exotic vegetation, for preventing undesired ecosystem transformations, and for habitat restoration, especially following catastrophic fires.

- The science used in making decisions related to the desert tortoise suffers from weakened credibility. Factors that were cited for this include:
    - Insufficient scientific rigor and peer review of information used for decision-making.
    - Promulgation of opinion and values-based scientific conclusions that are too categorical and inadequately supported by scientific evidence, especially regarding impacts from grazing and OHVs.
    - Evident conflicts of interests that have existed with some research practitioners who have also had an influential role in determining research and monitoring priorities, as well as funding decisions.
    - Existence of desert tortoise researcher factions has encouraged some stakeholders to only accept and support the conclusions of scientists who are also advocates for the stakeholder group's point of view and to reject the conclusions of scientists whose motives are mistrusted.
    - Adversarial relations that exist among some researchers encourage reciprocal subverting of each other's work.
    - Some scientists clearly appear to be using desert tortoise issues to pursue broader political agendas; some don't attempt to hide it.
    - Evident political influence has been exerted regarding the choice and framing of some of the information used in decision making.
    - Personalities of some scientists and turf battles between research institutions undermine the kind of collaboration needed to make collective progress in developing effective solutions for desert tortoise recovery.
    - Some scientists are reluctant to share their data with others.
    - Credible scientific data that is available has not been used to make decisions regarding recovery plan implementation and the desert tortoise population continues to decline.
    - Several independent consultants and federal agency scientists were cited as credible and trusted sources of objective science by interviewees.

<u>Less commonly expressed viewpoints, but heard from multiple interviewee categories</u>

- A lack of trust and confidence in the integrity of the science used to justify requiring certain management actions, especially given the high levels of uncertainty, has allowed and encouraged undermining, passive resistance, and active opposition to the implementation of recommended recovery actions by some agency employees, as well as stakeholders.

- There's a need for improved knowledge of desert tortoise biology, basic life history, and ecological requirements.

- There's a need for better coordination of and access to desert tortoise-related information.

Additional viewpoint expressed

- "You can't say an animal is recovering if you can't count it."

Suggestions from Interviewees for Addressing Issue #1

- Bring in new people with fresh perspectives to change the existing dynamics among the desert tortoise research and recovery community.

- Engage experts from additional scientific disciplines to help with inadequately addressed issues, e.g., range management expertise to address invasive species and vegetation restoration challenges.

- Develop and implement practices and procedures to ensure greater transparency and accountability regarding research efforts and their linkage to decision making.

- Use objective peer-reviewed research to inform the development of the revised Recovery Plan.

- Develop predictive models to help evaluate management options.
  - Habitat models incorporating key habitat parameters.
  - Population models to evaluate effectiveness of current and potential recovery actions.

- Establish population baselines in each Recovery Unit to evaluate progress made towards recovery.

- Develop agreed upon "ground rules" among researchers for sharing data.

- Rely on "objective" scientists rather than "advocate" scientists in determining the biological basis for the revised recovery plan.

Issue #2 Implementation of 1994 Recovery Plan

Recurrently expressed viewpoints

- Implementation of the original Recovery Plan has been handicapped by unclear and inadequate short and long-term performance measures that can be used to evaluate progress towards recovery.

- Federal agencies responsible for the development and implementation of recovery actions have had to deal with intense political pressure exerted by different interest groups.

- Recovery requirements have not always been clear when trying to practically apply them in specific situations.

- Recovery requirements have been inconsistently implemented across the range of the desert tortoise.

Less frequent, but commonly expressed viewpoints

- Recommended recovery actions were too categorical, without providing adequate flexibility and the kind of caveats necessary for practical local implementation, making them inappropriate or impractical to universally implement in all situations and circumstances.

- Recovery Plan's strong focus on eliminating certain specific threats, such as OHVs and grazing, contributed to a failure to adequately anticipate what now appear to be perhaps more significant threats to the desert tortoise, such as fire.

- Recovery Plan does not provide sufficient guidance and flexibility to address significant emerging threats, especially fire. Furthermore, potentially effective ways to address the fire threat may go counter to other recommendations in the Recovery Plan.

- Recovery efforts have been too focused on unprioritized categorical elimination of all identified threats and on designating preserves; not enough effort has been devoted to proactive enhancement and management intervention.

- Lack of buy-in and confidence in the recommended recovery actions resulted in staff resistance and inconsistent implementation by responsible agencies, as well as opposition among some stakeholders.

- Opportunities have been missed for public education of key target audiences regarding the threatened status of the desert tortoise and efforts for its recovery, such as working with OHV dealers.

Less commonly expressed viewpoints, but heard from multiple interviewee categories

- Responsible agencies have failed to implement original Recovery Plan; more progress would have been made on recovery if the called for actions had been implemented.

- Some BLM offices have not accepted and bought in to the recommended grazing exclusions in the Recovery Plan.

- There is a lack of accountability for implementation of agreed upon written plans and agreements.

- On-the-ground law enforcement of restrictions on OHVs and grazing is inadequate and ineffective.

- Relationship between Section 10 permittees' mitigation requirements and their responsibilities regarding recovery is unclear.

- Some regions are better organized, better motivated, and have greater staff capacity to implement the original Recovery Plan.

- Some unrelated management actions work at cross purposes to desert tortoise recovery efforts. For example, spraying water to control dust tends to concentrate desert tortoises making them more vulnerable to OHV impacts.

<u>Additional viewpoints expressed</u>

- Federal agencies are required to comply with the Recovery Plan when making land management decisions, which inevitably result in considerable public controversy and conflicts with certain resource users. Yet, land managers lack confidence in knowing whether their decisions are actually helping or hurting desert tortoise recovery.
    - Recovery recommendations "left too much to the imagination" in terms of practical guidance for land managers.
    - No guidance was provided to managers on how much additional land use restrictions were enough.
    - No guidance exists for land managers on how to evaluate the trade-offs for desert tortoise recovery between different management options.
    - No guidance is available to land managers on how to convincingly explain and justify the rationale of the Recovery Plan's recommendations to restrict certain resource uses.

- Inconsistent and seemingly arbitrary criteria have been used in establishing preserves and Desert Wildlife Management Areas (DWMAs). Some designated critical habitat areas and DWMAs include areas that do not contain "effective habitat elements." For example, some areas over 4,000' in elevation are included in DWMAs simply to enlarge their size. There's a need to develop "Principles for Desert Tortoise Reserve Design." One individual asked, "Do DWMAs still make sense?"

- The desert tortoise is not a single population. Recovery actions should be implemented in the six DPSs.

- Frequent agency staff turnover has impeded consistent implementation of recovery actions.

- The GAO Report verified the legitimacy of the scientific basis for the initial Recovery Plan, based on the best available information.

- BLM has a poor record of monitoring the effectiveness of their desert tortoise recovery-related management actions.

- OHV permit review and approval process is inconsistent, overly burdensome, costly, and too drawn out. How the process goes depends on which staff is assigned.

- Environmental advocates seem more intent on restricting OHV and grazing access to public lands than on actually recovering the desert tortoise.

- OHV users and grazing have been disproportionately blamed for impacts to desert tortoise compared to other threats without providing convincing documented evidence. These conclusions are sometimes at odds with those having direct on-the-ground knowledge of the resources, undermining confidence in the scientific basis for decision-making.

Suggestions from Interviewees for Addressing Issue #2

- Agencies should just implement the existing Recovery Plan.

- There should be proactive intervention to save the desert tortoise from decline – it is time to quit planning and begin implementing agreed upon recovery actions.

[Please also see Suggestions for Issue # 4 regarding the Revised Recovery Plan]

Issue #3 Funding of Desert Tortoise Recovery Efforts

Recurrently expressed viewpoints

- Without adequate funding, a Revised Recovery Plan, even if agreed to, could not be implemented and therefore would not result in recovery.

Less frequent, but commonly expressed viewpoints

- The inability to distribute the available funds more equitably and according to needs and priorities has prevented range-wide monitoring from being conducted on a consistent basis, as well as the implementation of recovery actions in many locations.

- There is a lack of transparency and accountability regarding desert tortoise-related funding decisions.
    - Conflicts of interest exist among a small clique of desert tortoise research contractors who are also involved in establishing funding priorities.
    - "The large amount of money involved in desert tortoise work has resulted in it becoming a scam."
    - "Lot's of people are making a living off monitoring desert tortoise."

- Astonishingly little progress towards recovery has been achieved for the over $100M in expended funds to date on desert tortoise recovery efforts.
    - "There has been more focus on getting at the money than on accomplishing recovery."

- There has been an over-reliance on a few "cash cows" (i.e., Department of Defense and Clark County MSHCP permittees) to bear the burden of funding desert tortoise recovery efforts, which goes well beyond their take mitigation responsibilities. There is a lack of equity in sharing the funding burden for desert tortoise recovery.

- FWS, BLM and NPS budgets are expected to continue to decline for the foreseeable future.

- Recovery of the desert tortoise is dependent on funding commitment and collaborative guidance from the top levels (Directors) of the agencies. "Without national policy and federal level commitment, the recovery plan cannot be successful."

<u>Less commonly expressed viewpoints, but heard from multiple interviewee categories</u>

- Costs to purchase in-holdings within desert tortoise reserves continue to escalate.

<u>Additional viewpoints expressed</u>

- If used wisely, the available mitigation monies could accelerate delisting.

- The way federal funding programs work, they are rarely able to provide support for long-term research. Unfortunately, a three-year grant, even for millions, may net few results when researching the long-living desert tortoise.

<u>Suggestions from Interviewees for Addressing Issue #3</u>

- More money should be devoted to implementing agreed upon recovery actions than on conducting additional research.

- There is a need for practical research geared toward desert tortoise conservation.

- Questions related to land management options to assist desert tortoise recovery should drive research funding decisions.

- Department of Defense may be able to help fund additional recovery efforts.

- Several stakeholder groups expressed a willingness to contribute funding for recovery efforts and indicated they would prefer funding recovery actions rather than litigation.

- Look to local economic interests for additional funding, e.g., mining, solar power, and local businesses.

Issue #4 Revised Recovery Plan

Less frequent, but commonly expressed viewpoints

- Revised Recovery Plan will need to be flexible and adaptive because the situation is constantly changing.

- It will be necessary to determine the relative significance of different threats in different areas and address them accordingly.

- Suitable habitat will need to be restored to serve as suitable translocation areas to allow for continued development; unfortunately, we don't know how to do restoration.

- Implementation of the Revised Recovery Plan won't be successful unless OHV management is also addressed effectively.

- It will be important to focus on areas with the best prospects for aiding in recovery of the desert tortoise and that will result in the least economic impacts.

- Some areas will need to be sacrificed to accommodate development.

Less commonly expressed viewpoints, but heard from multiple interviewee categories

- All aspects of desert tortoise recovery need to be identified and considered at start of planning process, including: habitat, education, law enforcement, disease, conservation, protection, monitoring, recreational activities, research, holding facilities, permits, consultation, etc.

- The ultimate goal of recovery planning should be the "delisting" of the desert tortoise.

- Delisting criteria need to be clearly articulated.

- Some groups are willing to help pay for monitoring and recovery-related activities.

- OHV use can co-exist with desert tortoise. OHV interests are not opposed to reduced access and restrictions where there are legitimate desert tortoise

concerns, but new trails should be developed to compensate for the closures. New OHV areas will need to be identified, developed, and managed to accommodate the growing number of OHV users.

- Public education is key to successfully implementing the Revised Recovery Plan.

- The best prospects for collaboration on the implementation of recovery actions include those focused on habitat conservation, habitat restoration, and public education.

- Perhaps grazing can be managed in a way to help control invasive grasses.

- More resources should be devoted to developing a vaccine for upper respiratory disease.

Additional viewpoints expressed

- Any agreements reached may soon become obsolete due to constantly changing circumstances resulting from the pressures associated with escalating population growth.

- An ongoing stakeholder body will be needed to monitor the range-wide implementation of the Revised Recovery Plan.

Suggestions from Interviewees for Addressing Issue #4

[NOTE: Because a large number of suggestions were provided regarding this issue, they are presented according to the frequency with which they were offered.]

Less frequent, but commonly offered suggestions

- The Revised Recovery Plan should be flexible and adaptable to allow for implementation under differing circumstances.

- Establish short-term measures to evaluate progress on recovery.

- Implementation of recovery actions should be focused at the HCP level.

- Recommendations included in the Revised Recovery Plan should be different for areas that have different habitat constraints.

- Revised Recovery Plan should encourage experimentation with more intensive management of some desert tortoise areas.

- Revised Recovery Plan should include positive proactive recommendations to promote recovery, instead of focusing only on restrictions and prohibitions like in the original Recovery Plan.

- Regional Working Groups should not be based on Recovery Units because that would tend to further acknowledge and legitimize Designated Population Segments (DPSs), which have not been legally designated for the desert tortoise.

- Regional recovery planning should be organized by either Recovery Unit or DWMA boundaries that tier off of overall range-wide recovery planning, to allow for flexibility and customized approaches depending on the specific habitat, threat, and conflict situation in each particular region.

Less commonly offered suggestions, but heard from multiple interviewee categories.

- Identify and inventory partnering opportunities for implementation of desert tortoise recovery actions.

- Revised Recovery Plan should provide better guidance regarding "experimental grazing."

- Revised Recovery Plan should allow for the establishment of "experimental non-essential populations" to study disease resistance.

- Revised Recovery Plan should allow for the use of "head-starting" to help repopulate depleted areas.

Other suggestions

- Future transportation and infrastructure needs should be considered and incorporated into the recovery planning process.

- "Revised Plan should be science driven, but informed by users of the desert so solutions are practical."

Issue #5 Trust Among Participants in Desert Tortoise Issues

Less frequent, but commonly expressed viewpoints

- Many rural stakeholders pretty much automatically mistrust the federal government and "outsiders," in general.

Less commonly expressed viewpoints, but heard from multiple interviewee categories

- Stakeholders mistrust FWS because of their perceived lack of leadership, consistency, and credibility.

- Some individual FWS staff and some FWS offices are viewed as more "heavy handed" and inflexible in their approach than others; some are viewed as less willing to negotiate practical solutions.

- Litigation has undermined trust and the willingness of the parties to try to work together to develop solutions collaboratively.
    - Sharing information and candidly discussing viewpoints creates vulnerability in future litigations.

- National organizations and their local chapters often have inconsistent positions and perhaps differing agendas and interests. The same dynamic occurs between organization members, their staff, and their legal counsel. This can make for difficult and complicated negotiations.

Additional viewpoints expressed

- Although BLM has engaged OHV interests in suggesting joint solutions, it hasn't followed through in implementing those solutions.

- Environmental groups use "scare tactics" in exaggerating limited specific impacts to make it seem like they involve much larger areas.

- Environmentalists are accused of not wanting to compromise, but a compromise has already occurred to the ecosystem when a species is listed as threatened or endangered.

- OHVs have so much open use in the desert - there have to be limits even though the interest in the sport is growing.

- OHV groups protest loudly if it is suggested that any access be taken away.

- Some FWS staff are viewed as having personal agendas to close off public lands to all motorized uses.

Suggestions from Interviewees for Addressing Issue #5

- It'll be better if agencies work with stakeholders through their local staff.

Issue #6 Institutional Arrangements and Capacity for Collaboration

Less frequent, but commonly expressed viewpoints

- It's a challenge reconciling the missions of the different agencies to ensure a shared priority commitment to desert tortoise recovery.

- Organizational issues within FWS create additional challenges to an effective recovery effort.
  - Stakeholders are confused about the leadership and decision-making structure of FWS with respect to desert tortoise recovery issues.
  - Stakeholders perceive tensions and inconsistencies among different FWS offices.
  - It appears that FWS does not have adequate staffing or funding to meet all its ESA responsibilities and to participate consistently and effectively in interagency and public forums on desert tortoise-related issues.
  - Efficient interagency communication and coordination is hampered by the FWS's organizational structure that involves three different regional offices to cover the full range of the desert tortoise.

- Interagency coordination on desert tortoise recovery is inadequate.

Less commonly expressed viewpoints, but heard from multiple interviewee categories

- There has been little communication or coordination between different states included within same the Recovery Unit.

- BLM will need to anticipate revising its Resource Management Plans to allow for and accommodate any new recommendations included in the revised Recovery Plan, for instance regarding habitat restoration or translocation of tortoise from one area to another.

- Managers Oversight Group (MOG) has become increasingly dysfunctional and ineffective. MOG no longer serves as a productive forum for discussion and deliberation among land management executives. Some MOG members are feeling increasingly disenfranchised. Factors cited for this include:
  - Confusion over the roles and responsibilities of the MOG and its members.
  - Inconsistent and ineffective leadership of the MOG.
  - MOG's overemphasis on desert tortoise research and inadequate focus on addressing land management issues of MOG members.
  - Ineffective and inappropriate use of agency executives' limited time.
  - Agency executives often send substitutes because it's not worth their time to attend.
  - Inadequately "teeing up" issues so executives can more efficiently resolve interagency differences and make collaborative decisions.

- Too much time and attention is spent on California issues that are not relevant to other regions.
- Presentations by researchers do not provide relevant information for informing land management decisions. MOG members need more "applied" rather than "theoretical" research.
- MOG membership does not include local and county government agencies, which are also involved in making land management decisions designed to benefit desert tortoise recovery.
- The role of stakeholders at the MOG meetings is confusing and unclear.

Suggestions from Interviewees for Addressing Issue #6

- Institute changes in the way the MOG functions. Suggestions cited include:
  - Restore the primary focus of the MOG to address land management issues.
  - Split up the MOG into smaller regionally-focused groups or create subcommittees to focus on regional issues.
  - MOG should meet more often and focus primarily on range-wide challenges and issues.
  - MOG should oversee the issuing of basic research grants to help avoid conflicts of interest among researchers and ensure benefits to land management agencies.
  - MOG meetings should not function as a stakeholder forum.

- FWS needs to assume overall responsibility for desert tortoise recovery planning.

Issue #7 Design and Procedures for Proposed Collaborative Process

Recurrently expressed viewpoints

- Potential participants need to be convinced it would be worth their time and effort to be involved in the proposed collaborative process.

- Willingness to participate in the proposed collaborative process would depend on time commitment required and associated travel costs.

- To be willing to participate, there would need to be a clearly defined endpoint to the Regional Working Groups' efforts.

- "If there's any way to solve this problem, it's going to need an independent group to help."

- "Using a collaborative approach is the best way to make progress on desert tortoise recovery."

Less frequent, but commonly expressed viewpoints

- To be willing to participate, scientifically-based recovery goals would need to be established upfront. The recovery goals should not be up for negotiation. Recovery must be primarily driven by the needs of the species.

- Willingness to participate would depend on whether:
  - Process is open and transparent.
  - FWS is genuinely seeking participants' input.
  - FWS commits to incorporating their input.
  - Their issues of most concern and direct relevance to them are going to be addressed during the process.
  - Participants' time will be utilized efficiently.

- Many interviewees indicated they were skeptical about the proposed process due to past experience with the players.

- To be willing to participate, it would need to be made clear that proposing changes to ESA would not be focus of the discussions.

- Designing a suitable process to accommodate the large scale of the planning area and the number of involved and affected parties will be challenging.

- Solutions are possible if people approach the problems with an open mind about the best way to solve them.

- Ensuring openness and transparency is the best way to build trust in the process.

- There will need to be a clearly defined starting point regarding the established "scientific facts" that will be used in deliberations to determine recovery actions.

- It is important to identify and engage everyone with a strong interest in desert tortoise issues throughout the process. All concerns that are raised should be considered whether they come from lay persons or desert tortoise experts.

Less commonly expressed viewpoints, but heard from multiple interviewee categories

- People who have already experienced the successful use of collaborative approaches are likely to be more open to the proposed collaborative recovery planning process.

- Would be willing to participate if:
  - Process is open and transparent.
  - The process was locally-focused (not range-wide).

    - Time is not going to be spent arguing over validity of broadly accepted science.
    - Assurances that the funding will be available to implement the necessary monitoring and agreed upon recovery actions are provided.
    - Assurances that FWS will dedicate adequate staff resources to the process are provided.
    - Involvement of different scientific experts including additional scientific disciplines (e.g., rangeland science) are provided.

<u>Additional viewpoints expressed</u>

- To be willing to participate, would like to see FWS acknowledge that some recovery actions have not been effective.

- To be willing to participate would need assurances that actions would be underway within one year.

- Tribal participants need a safe harbor clause.

- Would not participate if "extreme" environmental organizations are included.

- Would not want to participate if the process is being used by others to further delay implementation of recovery actions.

- Using an independent, impartial facilitator to help ensure fairness and transparency is essential.
    - Using independent, impartial facilitation will be a threat to some vested interests.
    - It will be important to have upfront agreement on "groundrules" at the beginning of the process to build trust and allow for enforcement of appropriate behavior.

- There are limits beyond which further compromise would not possible if the desert tortoise is to be recovered.

- Selecting the "right" participants is important to ensure they have an adequate understanding of desert tortoise biology, as well as effective collaboration skills.

- It isn't possible to make everyone happy.

- The process should not be dominated by agency people.

- Everything about desert tortoise recovery needs to be on the table for discussion.

- The proposed collaborative process probably cannot accommodate all the competing interests. It is unlikely that anything will come of this process.

- Groups that are intent on obstructing the process should not be allowed to participate.

- Technical advisory groups should not include non-technical people.

- Agency decision makers may be trying to use the proposed "collaborative process" to avoid their responsibility for resolving controversial issues.

- The best hope for the collaborative process would be to at least better understand the areas of disagreement and the reasons behind them.

- Time constraints on the process may not allow for the kind of relationship building that will be necessary to overcome past history and allow agreements to be developed.

Suggestions from Interviewees for Addressing Issue #7

[NOTE: Because a large number of suggestions were provided regarding this issue, they are presented according to the frequency with which they were offered.]

Less frequent, but commonly offered suggestions

- Scientists should first identify the needs of the species, and then land managers and stakeholders should determine how to address those needs.

- A state-by-state approach to recovery planning should be used because BLM is organized by states and because state Fish and Game Departments and political interests are organized by state.

- Participants in the process need to be empowered with the authority to make decisions and commitments.

- The process should have a clear "lead" with the authority and responsibility to deliver a finished product by a specific date.

Less commonly offered suggestions, but heard from multiple interviewee categories

- Ensure that tribes are invited to participate; the earlier the better. Keep Bureau of Indian Affairs informed.

- Provide reimbursement of travel costs to allow for participation in meetings.

- Recovery planning should be conducted at local level initially and then expanding up to higher levels, after a range-wide group develops an initial overall planning framework.

- Provide collaboration skills training for participants.

- Provide workshop on desert tortoise biology to "level the playing field" and ensure everyone has shared foundation of understanding.

- Provide an opportunity for HCPs to get together and share "lessons learned."

- Keep the number of participants to a manageable size in order to produce a useful product.

Other suggestions

- Engage elected officials to build support for the process and the recovery effort.

- Meetings should be brief and narrowly focused on substantive issues. Meeting time should not be spent on process issues.

- Provide opportunities for the participants to socialize informally.

State-Specific Issues

Arizona Issues

Recurrently expressed viewpoints

- Limited funding sources are available for implementing recovery actions in Arizona.

Less frequent, but commonly expressed viewpoints

- Beaver Dam Slope area has continuing unresolved trespass grazing issues.

Less commonly expressed viewpoints, but heard from multiple interviewee categories

- Most significant threats to Virgin Slope desert tortoise include: wildfires promoted by exotic invasive grasses, habitat loss due to encroaching development, and upper respiratory disease.

- No suitable forum currently exists to address Beaver Dam Slope issues; MOG is too high-level a group to address. Current conflicts which revolve around OHV

use, utility corridors, grazing, roads, and inholdings are not yet a high enough priority to receive much attention, but the conflicts are increasing. Now is the time to be proactive to help prevent future conflicts.

- Mojave County doesn't seem to be interested in pursuing an HCP.

- BLM/AZ has not really bought into and accepted grazing exclusions recommended in the original Recovery Plan.

- Impacts of development on desert tortoise habitat are more severe and permanent than grazing impacts.

- Arizona strip may be suitable area for translocation of desert tortoises from other areas because of it has established land management protections and less development pressures.

Additional viewpoints expressed

- BLM/AZ generally defers to BLM/NV and BLM/CA on desert tortoise issues.

- Resource Management Plan being developed for the newly established Grand Canyon-Parashant National Monument in the BLM/AZ Strip area may need to be revised after the Revised Recovery Plan is completed.

California Issues

Stakeholder Views on Collaborative Participation

Several interviewees participated in the collaborative development of the West Mojave Resource Management Plan (WMP). This ambitious regional habitat conservation plan for the entire Mojave Desert is supposed to provide for streamlined permitting while also providing for habitat conservation. Stakeholder working groups addressed specific tasks for more than 2-1/2 years to develop the plan. However, implementation of the West Mojave HCP is contingent on approval and implementation of BLM's West Mojave Resource Management Plan which has recently been legally challenged and, as a result, has not been implemented.

Recurrently expressed viewpoints

- Although there were varying opinions as to the success of the WMP, there was common agreement that the process lasted too long, causing "burn out" among the stakeholders and a reluctance to commit to another collaborative process.

- As a result of the duration of the process, managers often sent staff without decision-making authority, which further delayed the process.

- There was a lack of participation by the larger environmental groups, including Defenders of Wildlife, or sporadic attendance by groups such as Center for Biological Diversity.

- There were complaints that the plan was "watered down." Litigation was always a threat.

- Cynicism developed between desert users and environmentalists.

- As the process continued, there was a lack of creativity among the participants; they were not searching for proactive solutions.

- The continued interaction of stakeholders did result in more interaction and the development of friendships among some participants.

Some of the following suggestions are common to stakeholders across the desert tortoise range, but California stakeholders held strong opinions on how to improve the collaborative process if a regional working group process is undertaken. Specific suggestions included:

- There must be a clearly defined end to Regional Working Group's efforts.

- "A successful process would have a clear lead with the authority and responsibility to deliver a finished process by a specific date."

- Stakeholders must have a strong commitment to process, have proof that they represent their interest group, and have the authority to make agreements.

- Stakeholders must be willing to consider unique ideas and think "out of the box."

- There is a need for an extremely skilled facilitator outside the agencies who can enforce groundrules that are agreed upon at the beginning of the process.

- Collaborative training for all participants would be helpful.

- Travel allowances are important for many stakeholders.

- Participating stakeholders should be "open minded, educated on the issues, committed to continue their education and free of preconceived biases."

<u>Less frequent, but commonly expressed viewpoints</u>

- Several stakeholders noted that the federal and state agencies in California have a good working relationship.

- Many interviewees expressed concern that the DTRO, which is located in Reno, Nevada, is physically too far removed from the actual desert tortoise recovery activities that they coordinate in California. As a result, FWS is not invested on the ground sufficiently with the implementing actions in California, which ironically, has the most critical habitat within the tortoise range.

- Some parties said that FWS lacks credibility in the Mojave. Some interviewees also noted that the Ventura FWS office staff were competent and practical, but others stated that the Ventura office is understaffed and there are unresolved employee issues.

- It was noted the permitting process for utilities in desert tortoise habitat is often lengthy and difficult.

Research Management and Technical Matters

The DTRO in Reno took over research that used to be handled by local FWS offices. Since this happened, researchers at the University of Nevada, Reno (UNR) have played a significant role in coordinating and undertaking tortoise-related research activities.

<u>Recurrently expressed viewpoints</u>

- Many stakeholders believe there are problems with the scientific data and the findings coming out of UNR; these same stakeholders have more trust in the work being done by the University of Florida researchers.

- Many interviewees stated that they would like to see other researchers besides UNR play a bigger role in future research activities.

- Proposed head-starting programs near Fort Irwin and Twenty-Nine Palms Marine Base to raise juveniles for release back into desert has raised technical questions. Specifically, if moving females causes change in body temperature and metabolic rate, will this interfere with determination of the sex of the hatchling?

Funding Issues

<u>Recurrently expressed viewpoints</u>

- All parties agreed that funding for desert tortoise related activities is very limited in California.

- Everyone understands that the Department of the Interior agencies (FWS, BLM, and NPS) are understaffed and under funded.

- Many interviewees also understood that the Department of Defense often provides major funding for tortoise related activities, but can't always be counted on as a funding source in the future. Fort Irwin has providing funding for line sampling, disease research, and hatchling research and the expansion of their training lands in 2002, resulted in $75 million dollars for mitigation efforts. However, this funding will not provide for all the recovery activities and necessary research.

Less frequent, but commonly expressed viewpoints

- Suggestion was made by many that local business interests and private non-profits might be a viable source for potential funding. Developers may be able to pay as mitigation for the large amounts of development in desert tortoise habitat (e.g., Victorville) to purchase lands for desert tortoise habitat where OHV use would be limited. Many feel that mitigation measures should be applied locally where take is occurring.

Best Chances for Desert Tortoise Survival

Recurrently expressed viewpoints

- Many interviewees stated that the Fort Irwin expansion mitigation funds probably offer the best opportunity for assisting desert tortoise survival in the Western Mojave. Specifically, mitigation plans to translocate desert tortoises from 19,000 acres in the expanded base area to a less populated southern area is seen as a possibility.

- There is wide acceptance of the fact that desert tortoise can't survive on Fort Irwin's lands due to weapon testing or in areas in the Mojave facing urban expansion.

- Many suggested that the focus of recovery actions should be on areas where habitat is suitable and protected (e.g. Coachella). In particular, desert tortoise preserve areas should be fenced and actively managed. Fencing has not been allowed on National Park Service lands which have allowed tortoises to roam onto adjacent roads.

Less commonly expressed viewpoints, but heard from multiple interviewee categories

- A number of interviewees suggested that private lands in DWMAS should be purchased and made into preserves.

Impact of Human Activity on Desert Tortoise Habitat in California

The problem of development and urban encroachment on desert tortoise habitat exists most acutely around Joshua Tree National Park, Mojave Preserve, and Twenty-Nine Palms Marine

Base. As human activity increases, so do several threats to the desert tortoise population, including predation by ravens and feral dogs. In California there has been a significant increase in the raven population, but no agreed upon methods for effectively reducing the raven predation exist. As a result, FWS has not been able to eliminate ravens on tortoise preserves, including National Park lands.

Recurrently expressed viewpoints

- More research is necessary to determine the effect of non-native vegetation in desert tortoise habitat.

- The potential for volunteers (e.g., Mojave "desert dwellers") to help implement recovery actions and educate the public has been ignored.

Additional viewpoints

- There is a need to research what has happened in California City, a desert tortoise preserve. People abandon their pet desert tortoises and the population is disease ridden.

Red Rock Canyon (California State Park)

Parts of Red Rock Canyon are suitable desert tortoise habitat, but the area is in close proximity to BLM land where off-highway vehicle use is popular.

- This OHV area is abused by "weekenders" primarily who ride off designated trails and damage sensitive riparian zones. In addition, the area is prone to vandalism; fences and signs are destroyed. Compounding the situation, the State Parks lack enforcement personnel and are not patrolling the area regularly due, in part, to inadequate staff and proper equipment to effectively patrol the more remote areas.

- As a partial solution to this situation, it was suggested that increased public education about the desert tortoise and better signage encouraging people to stay on trails would be helpful. Additionally, seasonal closures could help restore the riparian zone and that State parks could partner with other agencies (BLM and Kern County Sheriff) to help with enforcement.

Desert Managers Group

The Desert Managers Group (DMG) was established as the forum for government agencies to address and discuss issues of common concern in the California deserts. Although DOI is the lead agency, it provides little funding. DOI member agencies provide funding for projects. When DOI discontinued funding for the DMG coordinator, DOI agency managers funded the position. DOD has contributed the 'lion's share" of funding for projects for the past five years. Most federal, state and some county land managers currently attend meetings in spite of the time and

funding commitment required. A Bureau of Indian Affairs representative attends meetings on occasion.

In 2005, the DMG invited several organizations to join in a workgroup to address threats to the desert tortoise and possible recovery actions in California. Several organizations expressed a willingness to join this workgroup. One organization, however, suggested that FWS, not the DMG, provide guidance for this workgroup. The workgroup did not materialize, because at that time, FWS retained the U.S. Institute to assess the feasibility of establishing regional working groups to assist with the recovery plan update.

Recurrently expressed viewpoints

- Interviewees consider the DMG to be a productive forum for discussion and deliberation among land management executives in California. To quote one manager, "DMG is the most effective group of land managers I have ever worked with."

- Interviewees found the meetings to be educational and providing an opportunity for interagency personnel to share information and coordinate strategies on pertinent issues.

- Interviewees noted that the DMG frequently does not have the resources (funding, personnel) to implement programs to protect the Mojave Desert.

- Several interviewees noted that the DMG generated interest in and provided funding for line distance sampling. The method was considered to be an effective and relatively inexpensive way to find desert tortoises. As the work proceeded, the method did not prove accurate in all cases. In Ridgecrest, for example, the desert tortoise is not numerous enough for line distance sampling to detect them. Some interviewees expressed frustration due to the time and money spent on this project and the meager results.

Interviewee Suggestions for the Future Role of the DMG:

- The DMG should be proactive; it should be more than just an information sharing group.

- The DMG is the best forum and mechanism to coordinate desert tortoise recovery actions in California.

- The DMG can be the forum to involve stakeholders and coordinate land managers in desert tortoise recovery efforts.

- The DMG should not be a forum for stakeholders to lobby an agency manager.

- The DMG should continue to involve stakeholders by holding meetings where one day is open and one day meetings is reserved for DMG members.

- The DMG must continue to search for funding sources. Agency members need to make their Directors aware of their needs. Directors can then discuss funding issues with the Secretary of the Interior and Congressional representatives.

Nevada Issues

Less frequent, but commonly expressed viewpoints

- Clark County stakeholders have learned how to work together over time through the MSHCP process.

Less commonly expressed viewpoints, but heard from multiple interviewee categories

- Fate of the proposed land disposal bills is unpredictable. Disposal lands introduce new challenges that may require revisions to how recovery is approached in specific areas.

- Clark County's MSHCP will likely need to be modified in 5-6 years to increase its take permit to allow for the development of additional private lands to accommodate anticipated growth. The modified take permit will need to conform with the Revised Recovery Plan.

- Role and responsibilities of Clark County MSHCP permittees' regarding "recovery" is not clear or well understood.

- Will the revised recovery planning process be redundant with Clark County's MSHCP process and therefore a waste of time and money for Clark County to participate?

Additional viewpoints expressed

- Incentives will need to be established for Clark County to willingly fund recovery efforts outside the county.

- SNPLMA is a likely source of funding for efforts in NV for funding recovery.

- NV shouldn't have to bear the entire recovery burden.

- Some tribes want to participate in the proposed process and request that BIA be kept in the loop also. Tribes will need to coordinate with their tribal councils regarding how to conduct government-to-government consultation.

- Tribes have dual interests as developers and as desert tortoise preservationists for cultural reasons.

- Tribes have survey/count data that they are willing to share with FWS. They are also interested in seeing data that FWS has previously collected on the reservation.

- Tribes have traditional cultural knowledge about the desert tortoise to contribute.

- Tribe would like to establish a desert tortoise preserve on their reservation in an area with good desert tortoise habitat surrounded by BLM land. The preserve could provide a model of how to balance development and desert tortoise preservation.

- Clark County has significant frustrations with FWS over MSHCP funding issues, program administration, and contracting oversight. Third party assistance may be needed to help address mistrust and relationship issues.

- FWS didn't consult with Clark County regarding the Coyote Springs development despite it being within the MSHCP boundary.

- An additional 57,000 acres of disposal land is anticipated to be authorized, some of which includes designated desert tortoise critical habitat.

- Water rights and withdrawals by Southern Nevada Water Authority are still unresolved and could have future impacts on areas of concern to the desert tortoise.

- Desert tortoise recovery efforts in Nevada have suffered from the compartmentalization of efforts county by county. The counties should be learning from each other.

- Clark, Lincoln, and Nye Counties probably could work together on recovery planning, but there are staff capacity issues for Lincoln and Nye Counties.

- Nye County needs to identify areas within the Recovery Unit for translocation of desert tortoises that will be required with anticipated future development.

- There is no "designated critical habitat" within Nye County.

- Providing matching funds to private landowners for the restoration of sage grouse habitat effectively encouraged shared responsibility for species protection.

Utah Issues

Less frequent, but commonly expressed viewpoints

- It is important that the proposed "collaborative" recovery planning process doesn't undermine the successes achieved by the Washington County HCP process.

- Cost of purchasing the remaining inholdings within the Red Cliffs Desert Reserve continue to escalate.

- Encroachments on the Red Cliffs Desert Reserve are increasing due to continuing residential development.

- Greatest threats to the desert tortoise in southern Utah are drought, disease, and fire.

Less commonly expressed viewpoints, but heard from multiple interviewee categories

- Washington County's HCP approach is different than Clark County approach to its MSHCP. It would be a mistake to combine the two areas and require that they pursue the same recovery strategy.

- Southern Utah is highly polarized over natural resource issues. Everyone gets labeled as either a "brown" or a "green." Everyone is forced to choose between being "for us" or "against us." There is little opportunity or tolerance for people trying to find a "middle ground."

- Strong political pressure is exerted by pro-development interests who have strong ties to elected officials. Conflicts of interest exist with some decision makers.

- There's a need to find ways to "fire-proof" prime desert tortoise habitat. Recent wildfires resulted in 30-40% mortality.

- There's a need to find ways to control invasive grasses, which promote devastating fires that result in severe habitat alterations and collapse of the desert ecosystem.
    - Habitat restoration using only native species won't be possible.

- Virgin River Advisory Committee is good model for interagency collaborative problem solving.

- Transportation infrastructure needs must be addressed to accommodate increased population growth.

Additional viewpoints expressed

- BLM/UT and FWS/UT don't work very well together. BLM/UT tends to assume that actions proposed by FWS will not really benefit the species.
- Environmental groups are poorly organized in southern Utah.
- "Ecological literacy" is poor in Washington County.
- Water Conservation District is highly influential in Southern Utah, but there is little transparency or public accountability for their actions.

Appendix F. Desert Tortoise Recovery Planning Assessment Team Members

U.S. Institute for Environmental Conflict Resolution, Tucson, Arizona
130 S. Scott Avenue
Tucson, Arizona 85701
Phone: 520-670-5299 (as of 10/19/06: 520-901-8501); Fax: 520-670-5530
http://www.ecr.gov

- Michael Eng, Project Lead
  Sr. Program Manager, Protected Areas and Natural Resources
  Phone: 520-670-5299, ext. 14 (as of 10/19/06: 520-901-8542)
  Email: mailto:eng@ecr.gov

- Patricia Lewis, Project Coordinator
  Program Assistant, Protected Areas and Natural Resources
  Phone: 520-670-5299, ext. 51 (as of 10/19/06: 520-901-8538)
  Email: mailto:lewis@ecr.gov

- Joan Calcagno
  Sr. Program Manager / Roster Manager
  Phone: 520-670-5299, ext. 19 (as of 10/19/06: 520-901-8552)
  Email: mailto:calcagno@ecr.gov

Center for Collaborative Policy, California State University, Sacramento, California
1303 J Street, Suite 250
Sacramento, CA 95814
Phone: (916) 445-2079; Fax: (916) 445-2087
http://www.csus.edu/ccp

- Greg Bourne, Managing Senior Mediator
  Phone: (916) 445-2079
  Email: mailto:GregBourne@ccp.csus.edu

- Austin McInerny, Senior Mediator
  Phone: (510) 981-1124
  Email: mailto:amcinerny@ccp.csus.edu

- Dale Schafer, Senior Mediator
  Phone: (310) 457-3004
  Email: mailto:daleschafer@msn.com