Petition to Emergency-reclassify a species that is currently Listed as Threatened, to upgrade it to Endangered, the Mojave Population of the Desert Tortoise *(Gopherus agassizii)*, Family: *Testudinidae*, Group: Reptiles.

This petition requests an Emergency Listing Determination by the U.S. Fish and Wildlife Service, hereafter the "Service," to reclassify the Listed Threatened Species, the Mojave population of the Desert Tortoise *(Gopherus agassizii)*, ("Desert Tortoise") and this action is supported by substantial information that warrants this action.

Despite the Emergency Listing 23 years ago on August 4, 1989, (54 FR 32326, 32331), this species is experiencing a catastrophic collapse, to less than 10% of their 1979 levels. Threats to this species survival, and the substantial information regarding these threats, is in the published and unpublished reports, field notes, lectures, observations and data of Dr. Kristin H. Berry, Desert Ecologist; the human impacts causing this species decline since its listing 23 years ago, are well know by the Service, as follows:

1.) A recently introduced exotic bacterial respiratory disease.
2.) A disease that attacks the Desert Tortoise's shells.
3.) The introduction or increase in the frequency of herpes virus.
4.) Gunshot, which can account for up to 20% of the species mortality in some areas.
5.) Sheep and cattle grazing, which eliminates food plants and collapses burrows.
6.) Road kills, along paved roads and dirt roads, where there is no roadside fencing.
7.) Off-road vehicles use, within the species designated Critical Habitat.
8.) Exotic annual grasses, which inhibit the growth of the necessary native food plants, and the exotics can also carry fire; and the fire then destroys food plants.
9.) Poaching.
10.) Increased open landfills, which increases ravens, who feast on the juveniles.
11.) Toxins in the livers, particularly mercury (human origin=power plants?).
12.) Military tank and other vehicle maneuvers, training, and base expansions.
13.) Mining, and their associated roads of ingress and egress.

The petitioner adds the following substantial information, and Emergency Action Plan

1.) Human activities can damage the Species necessary water-catchment areas.
2.) Ground water pumping impacts surface vegetation, increasing desertification.
3.) Other threats exist, such as electrified fences around State prisons, large-scale land clearing projects, solar and wind generating plants, solid waste dumps, etc.
4.) The listing of this species as Threatened for the last 23 years, has been wholly inadequate, thereby further endangering the survival and recovery of this species.
5.) Emergency funding must be spent for conducting actual Species recovery.
6.) Emergency funding must be spent for Critical Habitat improvement, e.g. increasing the Species native food plants, Tortoise fencing along major roads, etc.
7.) All of the thirteen HCPs that involve the Desert Tortoise must perform, to measurably improve Species survival; and non-performing HCPs must be canceled.
8.) The Service must establish a measurable scientific Standard for Evaluation of any of the Conservation Efforts *before they are put into effect*, and the Service needs Standards to measure the performance of all of the HCPs while they are operating.
9.) All of the items in this petition have been well known to the Service for at least a decade, without any action from the Service. The petitioner is asking for action now.

Respectfully Submitted,

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