

September 11, 2001

Memorandum

To: Desert Managers Group

From: Executive Coordinator, California Desert Management Project, DOI, Barstow, CA

Subject: Work Group Response to DMG Paper

Attached is the response of the ad hoc Work Group that was established to review and evaluate the concepts and recommendations in the DMG White Paper (June 8, 2001). The Work Group consisted of Clarence Everly (DOD), John O'Gara (DOD), Mary Martin (NPS), Tim Salt (BLM), Ray Bransfield (FWS), Phil Medica (FWS), George Walker (FWS) and John Hamill (DOI). The Work Group developed the following recommendations for consideration by the DMG. (FWS representatives at the meeting stated that FWS had not developed an official position on the White Paper).

1. Desert tortoise recovery and monitoring actions identified in the various agency land management plans should be reviewed to determine which are consistent or inconsistent and to identify where interagency cooperation makes sense.
2. Independent scientific review should be conducted on selected desert tortoise research and recovery activities. The review should be limited to certain technical activities determined on a case-by-case basis (management plans should not be subjected to independent scientific review). A task group should work out the details of the review process.
3. The DMG should facilitate coordinated budget requests for specific desert tortoise recovery or monitoring activities on a case by case basis.
4. An inter-agency team of managers and water specialists (from local and regional staff) should be established to address the collective benefits of an interagency water study versus monitoring on an individual agency basis and to evaluate funding options.
5. An inter-agency team of managers and monitoring specialists (from local and regional staff) should be established to develop a white paper that evaluates how monitoring efforts could be integrated.
6. Existing NPS and BLM Advisory Committees should be used for education and outreach purposes related to DMG activities, but not to obtain public or stakeholder input. Advisory committee members should be allowed, but not invited or encouraged, to attend DMG meetings. DMG should consider periodically hosting an open house on the DMG for advisory committee members.

Members of the Work Group either opposed, did not discuss, or could not reach consensus on other recommendations included in the White Paper.

I believe that adoption of the above recommendations by the DMG would be a positive step towards addressing desert tortoise and other potential ESA issues in the California deserts. Implementation of the recommendations will also contribute to meeting the goals for the DMG established in the DOI FY 02 Annual Performance Plan.

I request DMG consideration of several additional recommendations. First, the role and responsibilities of the DMG in coordinating desert tortoise recovery actions should be formalized in some fashion (e.g., via MOU, including in agency land management plans, and/or NEPA documents on those plans). This would help solidify each agency's commitment to participate in a long-term coordinated desert tortoise recovery effort. Second, FWS should fully explore its authorities under Section 7 of the ESA to provide incentives for agencies to implement priority recovery actions in a coordinated manner. Finally, existing NPS and BLM citizen advisory committees should be used to solicit input to DMG activities (not just to educate them about the DMG). This is consistent with the intent of Federal Land Policy and Management Act and the California Desert Protection Act, which recognized the importance of public involvement in the implementation of BLM and NPS management plans.

I look forward to discussing these recommendations at the next week DMG meeting and determining our next steps.

Attachment

--White Paper Response--
California Desert Managers Group
September 11, 2001

Role of the DMG in Agency Land Management Plans

Work Group Recommendations/Conclusions: The Group expressed concern that the recommendations in the White Paper would result in the DMG superceding the individual authority of the land management agencies. The Group emphasized that the DMG is not a separate entity and has no independent authority. The Agencies (NPS, BLM, DOD) that participate in the DMG, not the DMG per se, are authorized to develop and implement land management plans. As outlined in its Charter, Agencies participate in the DMG on a voluntary basis and no participating agency relinquishes its independent decision making authority by participating in the collaborative DMG process. The DMG is a field level effort that was created because the managers saw value in working together collaboratively i.e., direction from higher level authorities is not the reason the group has been successful.

Recommended Role of the DMG in Resolving Desert Tortoise Conflicts

1. **The DMG should integrate/coordinate desert tortoise recovery actions identified in agency Land Management Plans.** The Desert Tortoise Coordinator and the DMG's Science Work Group should evaluate the recovery actions included in the various HCP's and NPS, BLM and DOD land management plans and develop coordinated interagency Recovery Action Plans for each of the recovery units in the California Desert. The Recovery Action Plans should identify and prioritize **all** the feasible actions believed to be necessary to recover the desert tortoise in each recovery unit and identify each agency's role/responsibility and budget requirements. The Plans should address the establishment of viable management units/preserves, the role of BLM, NPS, DOD and private lands in recovery, and focus on implementation of "on-the-ground" actions with the highest likelihood of success. An element of the Recovery Action Plans should include the development and maintenance of an interagency desert tortoise data management system. The Recovery Action Plans should be developed in coordination with and adopted by the DMG, the Desert Tortoise Recovery Team, and the Desert Tortoise Management Oversight Group.

Work Group Recommendations/Conclusions: The Desert Tortoise (Mojave Population) Recovery Plan (1994) identifies a variety of recovery actions that need to be coordinated by land management agencies and recommends that interagency management plans should be developed for each of the desert tortoise recovery units. The work group agreed that actions in the various agency land management plans should be reviewed to determine which are consistent or inconsistent and to identify where interagency cooperation makes sense. However, there was opposition to developing separate "Recovery Action Plans" for fear that they may conflict with elements or priorities in agency land management plans. There was a discussion about who should review the Agency plans (the Recovery Coordinator, the Recovery Team or an independent third party), however, no consensus was reached. There was agreement that the DMG could play an important role in facilitating interagency cooperation on certain monitoring and recovery activities such as disease studies and

developing common standards for range-wide monitoring and certain recovery activities (raven control, fences, etc.). However, there was also concern that the DMG may complicate current planning efforts by adding an additional layer of review and decision making.

- 2. DMG agencies should align their desert tortoise projects/programs with priority elements of the Recovery Action Plans.** Each DMG agency should be directed to align their existing desert tortoise recovery/research efforts with the priorities identified in the Recovery Action Plans. DOI, DOD, state and local agencies should establish performance and budget incentives for managers and staff to implement the Recovery Action Plans. DOI, DOD, state and local agencies should be prohibited from undertaking or funding tortoise recovery projects that do not conform with priorities identified in the Recovery Action Plans.

***Work Group Recommendations/Conclusions:** There was limited discussion on this recommendation. Clear benefits or incentives (e.g., ESA regulatory relief) would need to be provided before DOD would/could spend money on recovery actions outside their boundaries.*

- 3. The FWS should link ESA Section 7 compliance to implementation of the Recovery Action Plans.** Implementation of the Recovery Action Plans should be linked to the Section 7 consultation process. This will provide a strong incentive for agencies/project proponents to implement the Plans and ensure that conservation actions identified in biological opinions will go beyond offsetting impact and contribute to achieving recovery. Reasonable and Prudent Alternatives or Terms and Conditions identified by FWS in biological opinions related to the desert tortoise should rely upon or be consistent with the priorities identified in the Recovery Action Plan, wherever possible/appropriate.

***Work Group Recommendations/Conclusions:** Section 7(a)1 directs agencies to utilize their authorities to carry out the purposes of the ESA and the FWS could recommend that the agencies work cooperatively to implement the desert tortoise recovery plan. However, FWS did not believe that they have authority under Section 7 of the ESA to require agencies to work cooperatively to carry out recovery actions through the DMG. It's FWS' (not DMG's) responsibility to oversee the Section 7 process.*

- 4. The DMG should establish an independent scientific review process.** The recovery effort needs to be grounded in "good" science in order to be successful. An independent scientific review process should be established to complement the efforts of the Desert Tortoise Coordinator and the DMG Science Work Group. Scientists with a vested interest in research or recovery activities should be excluded from participating in the independent scientific review process. A review panel consisting of 3-5 senior scientists should be established to advise the DMG and Desert Tortoise Coordinator on the overall direction of the recovery effort, and to review the Recovery Action Plans, work plans, and annual and final reports to ensure they are scientifically sound and will achieve the desired objectives.

***Work Group Recommendations/Conclusions:** There was support for the concept of independent scientific review of desert tortoise research and recovery activities. However, review should be limited to certain technical activities determined on a case-by-case basis*

(management plans should not be subjected to independent scientific review). A task group should work out the details of the review process.

- 5. DOI should coordinate agency budget requests to provide resources to implement the Recovery Action Plans.** Success of the recovery effort will depend on each agency having sufficient resources to carry out its responsibilities identified in the Recovery Action Plans in a timely manner. An inter-agency team (regional and Washington office staff) should be established to develop an effective process for coordinating agency budget requests and ensuring that agencies are held accountable for spending funds on DMG needs. This process should be adopted by each agency and the Department's budget office should ensure that agency requests and expenditures are consistent with the agreed upon process. The Office of Management and Budget and the Congressional Appropriation Committees should be encouraged to support the coordinated agency budget requests.

***Work Group Recommendations/Conclusions:** NPS and DOD indicated that developing coordinated budget requests did not yield additional funding for DMG activities. Thus, they do not support further attempts to obtain funding for "DMG projects". However, FWS and BLM did receive funding as a result of the DMG support/sponsorship of its funding requests. There was general support for developing coordinated budget for specific recovery or monitoring activities request though the normal agency budget process.*

- 6. BLM, NPS, and FWS should explore and implement alternative funding strategies.** DOI funding will not be adequate to fully implement the Recovery Action Plans. Significant funding for desert tortoise recovery will be generated through the West Mojave Planning effort, the proposed expansion of Fort Irwin, and other Section 7/HCP activities. These funds should be allocated in accordance with priorities in the appropriate Recovery Action Plan. Private foundations should be approached to fund recovery actions or match agency contributions.

***Work Group Recommendations/Conclusions:** There was limited discussion of this recommendation. There was a suggestion that DMG could be an effective vehicle for developing coordinated interagency grant requests.*

- 7. The role/responsibilities of the DMG in coordinating/integrating desert tortoise recovery actions should be discussed with BLM and NPS Advisory Committees and be included in BLM and NPS land management plans and the FWS Biological Opinions on those Plans.** It's important that the role of the DMG in coordinating desert tortoise recovery actions be supported by the public and accepted/adopted by the agencies. BLM and NPS Advisory Committees should be requested to review and comment on the DMG role, especially as it relates to recommendations 1-4, above. The role of the DMG should be documented in BLM and NPS land management plans and/or the FWS Biological Opinions on those Plans. This will provide an important legal/policy framework for the DMG to coordinate desert tortoise recovery actions in the California Desert.

***Work Group Recommendations/Conclusions:** There was no support for including the role of the DMG in biological opinions, agency plans and /or related NEPA documents.*

Alleviating the Need for Further ESA Listings in the California Desert

1. **Implement the DMG Desert Water Study.** While much of the ground work for this study is complete, existing funding is inadequate to implement the desert water study. Funding and implementation of this study should be a high Department priority for NPS, BLM, and GS.

***Work Group Recommendations/Conclusions:** The Group agreed that water was an important issue in the desert. Cultural resources associated with springs should be considered as part of the study. There was concern that the information derived through the water study may result in additional species listings under the ESA. Some also did not understand the collective benefit of addressing surface and/or groundwater resources on an interagency basis or how a regional study would help agencies manage resources on their land. There was support to form an inter-agency team of managers and water specialists (from local and regional staff) to address the benefits of an interagency water study and evaluate funding options.*

2. **Implement a coordinated interagency inventory and monitoring program throughout the California Desert.** For the past 3 years, the DMG has been unsuccessful at obtaining funds for GS to hire a desert-wide research and monitoring coordinator to integrate monitoring efforts in the California Desert. Funding this position will be critical to developing an integrated approach to monitoring in the California Desert.

***Work Group Recommendations/Conclusions:** Everyone agreed that this was an important issue in the desert and there was support for this recommendation. The group supported the formation of an inter-agency team of managers and monitoring specialists (from local and regional staff) to develop a white paper that evaluates how monitoring efforts could be integrated.*

Public Involvement in the DMG

Recommendation

Public input on DMG activities should be provided through existing NPS and BLM Advisory Committees established for the California Desert. Members of these committees should also be invited to attend DMG meetings. The primary role of the Advisory Committees should be to review (a) the results of DMG initiatives and projects and (b) the DMG 5-Year Plan before it is finalized each year by the DMG.

***Work Group Recommendations/Conclusions.** Everyone agreed that an additional citizen advisory committee was not needed for the DMG. DMG should consider periodically hosting an open house on the DMG for NPS and BLM advisory committee members. Several people indicated that Advisory Committees should only be used for education and outreach purposes. Formal input on DMG activities would be provided through NEPA. Everyone felt it was acceptable for BLM and NPS advisory committee members to attend DMG meeting, but members should not be invited or encouraged to attend.*