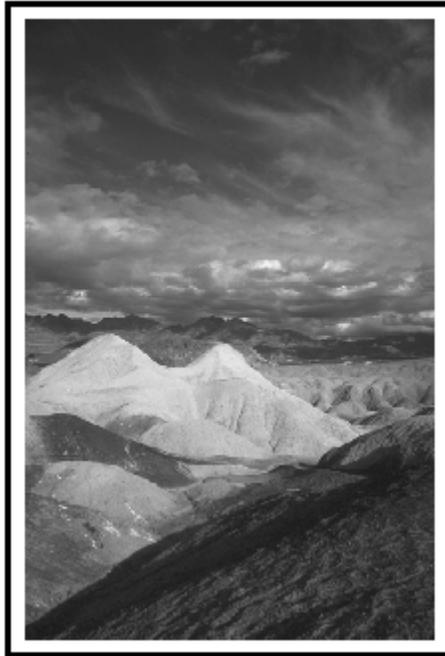


--White Paper--
California Desert Managers Group



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California Desert Managers Group

Executive Summary

The purpose of the White Paper is to: (1) evaluate the role of the Desert Managers Group (DMG) to effectively and proactively address Endangered Species Act (ESA) controversies in the California Desert, and (2) evaluate options for increasing citizen involvement in the DMG. The California Desert includes some 100 communities, two national parks, one national reserve, six military bases, 8 counties, 14 state parks, 37 federally recognized Native American Indian tribes, and more than 12 million acres of public lands managed by the Bureau of Land Management (BLM). The 25 million-acre desert region is situated within a day's drive of 40 million people. The desert's permanent population is expected to increase by over 1 million by 2020. The population of the surrounding area is expected to increase by about 10 million by 2020.

The most prominent listed species in the California Desert is the threatened desert tortoise, which occurs over large portions of the desert and is a significant factor affecting public and private land use in many areas. Recovery and delisting the desert tortoise is the best long-term strategy for allowing continued uses of public and private lands and avoiding conflicts with the ESA.

The Desert Managers Group (DMG) was established to promote cooperative working relationships among Federal and State agencies that manage land and resources in the California Desert. The DMG can best help avoid and resolve ESA conflicts in the California Desert by coordinating desert tortoise recovery and monitoring efforts among managers and scientists across jurisdictional boundaries. Seven recommendations are provided to achieve this goal:

1. The DMG should integrate desert tortoise recovery actions identified in agency Land Management Plans and develop coordinated Recovery Action Plans for each recovery unit in the California desert;
2. DMG agencies should align their desert tortoise projects with priority elements of Recovery Action Plans;
3. The Fish and Wildlife Service (FWS) should link ESA Section 7 compliance to implementation of the Recovery Action Plans;
4. The DMG should establish an independent scientific review process for desert tortoise activities;
5. The Department of the Interior (DOI) should coordinate agency budget requests to provide the resources to implement the Recovery Action Plans;
6. The National Park Service (NPS), BLM, and FWS should explore and implement non-federal funding strategies; and
7. The role/responsibilities of the DMG in coordinating/integrating Desert Tortoise recovery actions should be discussed with BLM and NPS Advisory Committees and should be included in BLM and NPS land management plans and the FWS Biological Opinions on those plans.

Left unchecked, the number of listed species in the California Desert will likely increase as human populations in and around the desert grow. Two additional actions are recommended to

alleviate the need to list species in the future: (1) implement the DMG Desert Water Study, and (2) implement a coordinated interagency inventory and monitoring program throughout the California Desert.

Currently, the three national park units in the California Desert each have an Advisory Commission established pursuant to the California Desert Protection Act. BLM also has a California Desert Conservation Area Advisory Committee (DAC) established pursuant to the Federal Land Policy and Management Act. 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 and comment on the DMG 5-Year Plan annually before it is finalized by the DMG, and discuss the results and implications of DMG initiatives and projects.

--White Paper--
California Desert Managers Group

Background and Purpose

This White Paper is being produced in response to a request from Tom Fulton, the Assistant Secretary, Land and Mineral Management Liaison to the Secretary of the Interior, who was briefed on the Desert Managers Group (DMG) on March 20, 2001. The purpose of the White Paper is to:

- (1) Evaluate the role of the DMG to effectively and proactively address Endangered Species Act (ESA) controversies in the California Desert, and
- (2) Evaluate options for increasing citizen involvement in the DMG, including the possible establishment of a citizen advisory committee pursuant to the Federal Advisory Committee Act.

California Desert Overview

The California Desert (Figure 1) includes some 100 communities, two national parks, one national preserve, six military bases, 8 counties, 14 state parks, 37 federally recognized Native American Indian tribes, and more than 12 million acres of public lands managed by the Bureau of Land Management. The 25 million-acre desert region is situated within a day's drive of 40 million people and is a well-known destination for hundreds of thousands of out of state visitors each year. The desert's permanent population is expected to increase by over 1 million by 2020. The population of the surrounding area is expected to increase by about 10 million by 2020.

The demands of increasing use by millions of visitors and permanent residents have created mounting pressure and new challenges within the Desert. Traditional uses such as livestock grazing, mining, and off-highway vehicle recreation have been curtailed as a result of the California Desert Protection Act, the ESA, and other laws. Management agencies are finding it more difficult to balance many competing legal mandates and societal values. Agencies are frequently litigated, and resources are being diverted from resource management and visitor services activities to respond to compliance and litigation requirements. Projected human population growth in and around the California Desert will almost certainly add to the conflict and controversy in the future.

Desert Managers Group Background

The DMG was established in 1994 to facilitate implementation of the California Desert Protection Act and provide a forum for various government agencies to work collaboratively and explore innovative ways to more effectively and efficiently manage the California Desert's natural and cultural resources. Membership in the Group includes the Department of Defense (DOD), State of California, and Department of the Interior agencies shown in Table 1. The DMG currently operates pursuant to a Memorandum of Understanding among the Department of the Interior, the Department of Defense, and the State of California that was signed on

September 27, 2000. Table 1 provides a brief summary of the Group's major accomplishments. More information on the DMG, including the Group's mission, organization, membership, governing principals, coordination staff, 5-Year Plan, and budget process/status is included in Appendix A.

There is increasing recognition among DMG agencies that good stewardship of the Desert's natural and cultural resources is the best way to facilitate continued use of the desert for recreation, mining, grazing, military training, residential development and other intensive uses. While the DMG agencies all have different missions, they share many common resource management goals--goals that are beyond the ability of any agency to achieve alone. Examples include:

- Recovering the federally listed desert tortoise (the California Desert includes 4.7 million acres of critical habitat for the desert tortoise).
- Preventing the decline of native species to a point where protection under the ESA is required.
- Managing wild burro populations (populations exceed "appropriate management levels" in many areas of the desert).
- Monitoring the status and condition of the desert's biological, air and water resources
- Managing the spread of non-native plants such as salt cedar/tamarisk which occurs in most of the riparian and spring areas in the desert.
- Educating the public about the desert's natural and cultural resources and recreational opportunities in the California Desert.
- Ensuring the safety of the visiting public and of agency rangers and law enforcement personnel.

To date, the DMG has focused its efforts on working cooperatively/collaboratively on these and other issues that the member agencies hold in common.

Resolving ESA Issues in the California Desert

The DMG was established to promote cooperative working relationships among federal and state agencies that manage land and resources in the California Desert. The DMG has **not** been involved directly in resolving ESA conflicts or disputes among member agencies and local governments and/or stakeholders. These issues are currently being addressed at the local/agency level according to each agency's own policies and procedures. For example, BLM's West Mojave planning effort is a consensus based process involving over 100 stakeholders representing all major interest groups and government agencies (including many DMG members). When complete, the plan will provide a framework for conservation of the desert tortoise and a wide variety of other listed and sensitive species while allowing for continued economic development in the area. The process has allowed stakeholders and agencies to openly discuss conflicting values and needs and develop solutions that are consistent with the requirements of the ESA. The West Mojave Plan is scheduled for completion in 2002.

The BLM is also developing coordinated management plans for the Northern and Eastern Colorado Desert (NECO) and the Northern and Eastern Mojave Desert (NEMO), and a multi-

species Habitat Conservation Plan is being developed for the Coachella Valley. In addition, the General Management Plan (GMP) for Joshua Tree National Park was completed in 1994, and the GMP's for the Mojave National Preserve and Death Valley National Park will be finalized in August 2001. All these plans are focused on meeting the requirements of the ESA.

There are currently 30 animals and plants in the California Desert on the federal endangered species list (Table 3). Although most of the species have restricted ranges or are only occasional residents of the California Desert, some occur over large areas that are managed by several different agencies. As such, the DMG can only play an important role in conserving or resolving issues related to these species by insuring that the planning efforts described above treat the species with consistent management prescriptions. In particular, the DMG can play a significant role in the conservation of the desert tortoise and in alleviating the need for future listings under the ESA. These roles are discussed below.

Desert Tortoise Conservation

The most prominent listed species in the California Desert is the threatened desert tortoise, which occurs over large portions of the desert (Figure 2) and is a significant factor affecting public and private land use in many areas. The desert tortoise is a major issue related to the proposed expansion of the Fort Irwin National Training Center, continued livestock grazing on public lands, off highway vehicle use, mining, and rapidly growing residential development along the west edge of the California Desert. The desert tortoise is also a major focus of the current lawsuit related to BLM's failure to complete Section 7 ESA consultation on its California Desert Plan.

Recovery and delisting of the desert tortoise is the best long-term strategy for allowing continued uses of public and private lands and avoiding conflicts with the ESA. As populations of tortoise increase, there will be increased flexibility to allow current and new land uses to continue in compliance with the ESA. This is the underlying principle behind several successful ESA recovery programs, including the Platte River, Upper Colorado River and San Juan River recovery programs. In these programs, certain new and existing water development projects are able to proceed in compliance with the ESA based on conservation actions implemented through the recovery programs.

The primary means of achieving desert tortoise recovery will be through the development and implementation of agency land management plans. However, in order to be effective, planning and implementation of desert tortoise recovery actions and monitoring efforts must be coordinated and integrated among managers and scientists across jurisdictional boundaries. A coordinated effort among land managers will:

1. Allow agencies to accomplish recovery goals that would otherwise be unattainable on a local scale;
2. Provide the opportunity to prioritize needs and activities across the range of the desert tortoise to achieve the greatest benefit to the species;
3. Reduce duplication of effort and increase the efficient use of resources and expertise;
4. Increase public support of the recovery effort by providing consistent, range-wide information on the status of the tortoise and recovery implementation; and

5. Provide an effective means to track accomplishments and progress towards recovery on a range-wide basis.

The DMG, which includes all the land and resource management agencies in the California Desert, is well suited to coordinate desert tortoise recovery effort in California for several reasons:

1. The desert tortoise occurs over much of the DMG's area of interest (Figure 2);
2. Nearly every DMG office is involved in desert tortoise recovery, research, and/or compliance, and most of desert tortoise critical habitat in the California Desert is on public land managed by members of the DMG;
3. No other entity is currently coordinating recovery actions in the California Desert;
4. The FWS Desert Tortoise Coordinator is available to assist the DMG coordinate monitoring and recovery activities in the California Desert; and
5. One of the DMG members, the Geological Survey, has several scientists conducting research on the desert tortoise and other sensitive species.

DMG Activities Related to the Desert Tortoise Conservation

In FY 2000, the DMG recognized that FWS did not have enough staff to actively participate in BLM and NPS planning efforts, develop Habitat Conservation Plans (HCPs), and provide timely ESA reviews of proposed projects. As a result the DMG endorsed and FWS received \$570K in FY 2000 and 2001 to provide increased support for ESA Section 7 consultations and HCPs in the California Desert. In FY 2000, the DMG also successfully supported a funding request for the FWS to hire a Desert Tortoise Coordinator. Under the leadership of the Desert Tortoise Coordinator, the DMG has implemented a monitoring study to determine the status of desert tortoise populations, assess the effectiveness of desert tortoise recovery actions, and identify whether recovery goals are being achieved. A report on the first year's work and recommendations for FY 2002 will be developed in the fall of 2001. BLM funding to continue this effort in FY 2002 is uncertain at this time.

In addition, a variety of goals in the DMG 5-Year Plan (Table 4) will potentially benefit the desert tortoise, these projects. These goals contribute to desert tortoise recovery to the extent that specific projects focus on areas/factors that are important to the desert tortoise.

Recommended Role of the DMG in Resolving Desert Tortoise Conflicts

The DMG can best help avoid and resolve ESA conflicts in the California Desert by coordinating an aggressive recovery effort for the desert tortoise. The following recommendations are designed to achieve this goal.

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.

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.
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.
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.
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.

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.
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.

Alleviating the Need for Further ESA Listings in the California Desert

Left unchecked, the number of listed species in the California Desert will likely increase as human populations in and around the desert grow. Taking actions today that will alleviate the need to list species is a prudent strategy for avoiding ESA controversies in the future. The desert tortoise is generally regarded as a sentinel species that reflects the overall health of the upland desert ecosystem. Thus, many of the actions taken to conserve desert tortoise will benefit and alleviate the need to list other species that utilize the same habitat types/areas.

Two additional actions are recommended to address the listing of additional species in the future:

1. **Implement the DMG Desert Water Study.** Springs and wetlands are of very limited area extent in the California Desert, but they support a disproportionate number of endangered, threatened, and sensitive species (Table 5). Protection of water resources and the associated biologic resources is a critical issue facing all land management agencies in the Desert and is necessary to alleviate the need for future listing under the ESA.

Natural wetlands in the California Desert have been heavily impacted by human activities and invasive species over the past century, and future impacts are imminent if they are allowed to continue. Rapid population growth in southern California and Nevada, related plans to export the desert's underground water resources, and increased recreation use will further impact the critical desert water and related biological resources. Information on the desert's water and water-dependant biological resources will be essential to effective stewardship of water and biological resources in the California Desert.

Under the auspices of the DMG, NPS, GS, BLM, FWS, and several DOD facilities have initiated an interagency study aimed at improving management and protection of water and biological resources in the California Desert. The DMG water study includes a

comprehensive assessment of hydrological and biological resources associated with priority wetlands and riparian sites and implementation of actions to restore their Proper Functioning Condition (PFC). Standardized protocols have been established for collecting hydrological and biological data, and an interagency data management system has been developed by DOD on the DMG web site.

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.

- 2. Implement a coordinated interagency inventory and monitoring program throughout the California Desert.** All land management agencies have programs to assess the condition of their lands and determine the effectiveness of management actions. These monitoring programs should also be designed to be early warning detection systems for species that are declining. Early detection will allow agencies to implement conservation actions to reverse the decline and alleviate the need for listing under the ESA.

Monitoring is an element of all the agencies land management plans. NPS is initiating inventories of plants and animals in NPS units in the California Desert. Over the next several years, NPS expects to receive funding through the Natural Resource Challenge to develop and implement a comprehensive monitoring program. BLM is currently working with GS to develop monitoring programs to address the impacts of OHV use and assess range land health in the California Desert. DOD installations also have monitoring programs in place to assess the condition of their lands. Monitoring programs are also being developed for water and wetland resources and desert tortoise. Currently, these efforts are proceeding independently with little regard to developing compatible objectives and approaches or data management systems.

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.

Public Involvement in the DMG

The DMG Charter includes a commitment to provide appropriate opportunities for public involvement. Notice of DMG and work group meetings are posted on the public DMG website and an "Interested Parties" mailing list is maintained for the DMG and each DMG work group to provide notice of upcoming meetings. Only a few private parties currently attend work group and DMG meetings. These individuals are allowed to provide comments, but they do not participate in formal decisions at the meeting.

The primary mechanism for providing public input on DMG activities has been through the National Environmental Policy Act (NEPA). Most of the DMG's activities involve implementing actions that are identified in various agency land management plans, which have been or are being subjected to public review under NEPA. In addition, NEPA compliance is

completed for site-specific actions implemented by DMG agencies. For example, habitat restoration activities, dump clean-ups, and burro removal have all undergone appropriate NEPA compliance, which provides for public notice/involvement, as appropriate.

The request for this White Paper asked for an evaluation of the merits of establishing a new Federal Advisory Committee Act (FACA) citizens' advisory board for the DMG. Currently, the three national park units in the California Desert each have an Advisory Commission established pursuant to the California Desert Protection Act (CDPA) of 1994. Their purpose is to "advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan" for each national park unit. These advisory commissions were established for 10 years and are slated to retire in 2004/05.

BLM also has a California Desert Conservation Area Advisory Committee (DAC) established pursuant to the Federal Land Policy and Management Act (FLPMA) of 1976. The purpose of this committee is to "advise the Secretary with respect to the preparation and implementation of the comprehensive long-range plan" for the public lands in the California Desert Conservation Area. The DAC and the NPS Advisory Committees have been periodically briefed on various activities of the DMG, but have not been used to review DMG plans or activities.

According to its Charter, DMG activities are intended to be consistent with and support the coordinated implementation of approved plans that have been developed for lands managed by NPS, BLM, FWS, DOD and the State of California. In fact, DMG activities generally focus on elements of these plans that are regional in scope, and the DMG develops interagency work plans to address certain plan elements of mutual interest. In the past, these work plans also have been the basis for the DMG funding requests that were included in the President's budget in FY 2000 and 2001.

Using the existing NPS and BLM Advisory Committees to comment on DMG plans and activities has several advantages:

1. It avoids the need for the DMG to establish its own FACA authorized Committee.
2. It simplifies public input by using existing forums instead of creating a new Committee/process for the DMG.
3. Members of the public who serve on the existing committees represent the major interest groups in the California Desert (e.g., ranching, mining, industry, local government, conservation, etc.) and are familiar with desert land management issues and BLM/NPS management plans. It would be an easy, logical extension of their responsibilities to provide comments on DMG activities.

Increased public involvement in the DMG through the existing advisory committees would achieve the following objectives:

1. Meet the spirit and intent of FLPMA and the CDPA, both of which recognized the importance of public involvement in the development and implementation of BLM and NPS management plans.

2. Allow for an open dialogue and exchange of information between the public and the DMG agencies and allow the DMG to be more responsive to public and stakeholder concerns related to DMG goals and activities.
3. Educate the public and stakeholder on desert wide issues and the benefits of collaboration among land and resource management agencies.
4. Foster support for the DMG and its goals and initiatives.

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.