

UNIVERSITY OF NEVADA
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WAYS TO PROTECT THE DESERT TORTOISE
(Gopherus agassizii)

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It was 67 million years ago that the ancestors of today's desert tortoise roamed the earth with the dinosaurs. Climatic changes that spelled extinction for the dinosaurs did not cause the same result for the desert tortoise. This exceptional creature adapted to the changes and survived.

PROTECTION FOR THE DESERT TORTOISE

Endangered Species Act Protection

In August of 1989 there was an emergency listing of the desert tortoise under the Endangered Species Act.

Section 9 of the Endangered Species Act prohibits the taking of any listed wildlife species, including the desert tortoise. To "take" defined by law includes harassing, harm, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting, or attempting to engage in such activities. "Harming" in this definition includes significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering. Permits can be granted under section 10 (a)(1)(B) for the take of listed wildlife species as long as it is necessary because of other lawful activities and the primary purpose. The permit is granted only if the applicant institutes appropriate conservation measures for habitat maintenance, enhancement, and protection, coincident with the action.

Section 7(a)(1) directs Federal agencies to use their authorities to carry out programs for the conservation

of endangered and threatened species. Through the section 7(a)(2) process, all Federal agencies are required to ensure that any action they authorize, fund, or carry out in the United States or upon the high seas is not likely to jeopardize the continued existence of any listed species. Examples of the implementation of the section 7 process in the protection of the desert tortoise are evident. Through the section 7 consultation process, the Fish and Wildlife Service with the Marine Corps developed an alternative location for a new airfield that avoided impacts to the largest concentration of desert tortoises at the Marine Corps Air Ground Combat Center at Twentynine Palms, California. Section 7 consultations have also resulted in time and space restrictions on domestic sheep and cattle grazing and reduced impacts to desert tortoises and their habitat resulting from OHV activities, right-of-way development, mining operations, military actions and many other activities authorized, funded, or carried out by Federal agencies.

In 1991, the Fish and Wildlife Service issued a three year section 10(a)(1)(B) incidental take permit to Clark County and the cities of Las Vegas, North Las Vegas, Henderson, and Boulder City in Nevada. As a condition of the permit, the permittees are implementing a habitat conservation plan (HCP) which provides for conservation and management of at least 400,000 acres in Clark County for the benefit of the desert tortoise. The requirements for the permit include; conservation and management of desert tortoise habitat, initiation of a desert tortoise research and relocation program and imposition of a \$550-per-acre mitigation fee on projects

in the permit area. The money received will go towards funding the conservation and mitigation measures. The Fish and Wildlife Service is also involved in preparation of HCP's for Washington County, Utah, and Nye County, Nevada, and several other section 10(a)(1)(B) permits have been issued or are pending for smaller projects.

BLM Management

In 1988, the BLM issued a habitat management plan for conservation of the desert tortoise on public lands throughout its range in the United States. The plan includes three goal oriented categories as follows:

Category I - Maintain stable, viable populations and protect existing tortoise habitat values; increase populations, where possible.

Category II - Maintain stable, viable populations and halt further declines in tortoise values.

Category III - Limit tortoise habitat and population declines to the extent possible by mitigating impacts.

Habitat areas are categorized according to four criteria:

(1) importance of the habitat to maintaining viable populations, (2) resolvability of conflicts, (3) desert tortoise density, and (4) population status (stable, increasing, or decreasing). The goal is to maintain viable desert tortoise populations in category 1 and 2 habitats and to limit population declines in category 3 habitats.

In June 1992, a Paiute-Eldorado Habitat Management Plan (HMP) was prepared by the BLM. This document outlines management prescriptions for high-density tortoise populations within the three tortoise management areas of Paitue Valley, Cottonwood Valley and Eldorado Valley.

The Desert Tortoise Natural Area, five and a half miles north of California City, is managed by the BLM. Over the past ten years, the BLM has purchased more than 17,000 acres in this area and Chuckwalla Bench.

Management by Other Agencies

The National Parks Service provides protection for desert tortoise habitat at Joshua Tree National Monument and at Death Valley National Monument in California, and Lake Mead National Recreation Area in Nevada. Desert tortoise management plans have been or are being prepared for some of the large parcels of land that the Department of Defense manages. The Fish and Wildlife Service's Desert National Wildlife Refuge provides protection for a portion of the desert tortoise habitat in the Coyote Spring area of Nevada.

State Laws

All four states in which the Mojave desert tortoise occurs have laws that provide some protection for this species. For example, the collection of desert tortoises in all four states is prohibited. In Nevada, transportation of desert tortoises within Nevada or across State lines is prohibited. In California, compensation is required by the California Department of Fish and Game for any projects that result in loss of desert tortoise habitat.

HOW THE PUBLIC CAN HELP

1. Do not touch or harass a tortoise you find in the desert, respect his privacy and space.
2. Do not take a wild tortoise home for a pet, there are adoption procedures approved by the Department of Wildlife if you want to keep a tortoise.
3. Do not release a pet tortoise into the wild, this is a violation of the Endangered Species Act and may, if it is sick, cause other tortoises to die.
4. Do not pick up a tortoise unless it is in obvious danger as this will frighten the tortoise possibly causing the tortoise to empty their bladder and lose moisture essential for survival. Loss of fluid dehydrates the tortoise and may cause it to die.
5. Drive slowly and alertly on desert roads to avoid crushing a tortoise. Be cautious as they often look like rocks or debris from a distance.

6. Stay on existing routes of travel so you do not crush a tortoise's burrow, the food that he eats, or the bush under which he is resting.
7. You may move a tortoise off a busy road if he appears to be in danger. Approach him on foot from the front so he knows you are coming. Pick him up gently by placing your fingers under and thumbs on top of the tortoise's shell, grasping him on the sides. Keep your hands away from his head. Lift the tortoise slowly, keeping him level, as if he is in a walking position. Move him to a safe place no more than 100 yards away and in the same direction that he was traveling. Carefully set him down, preferably in the shade of a shrub, facing the direction he was when you found him. Do not twist him, shake him, turn him over, or play with him.
8. If you are parked in the desert, check underneath your vehicle before driving away as there may be a tortoise there enjoying the shade.
9. If you find a dead tortoise do not collect him as he is still protected from "take" under the law. On study plots throughout the desert, BLM keeps track of tortoise deaths as well as living tortoises. The cause of death can be determined from the shell and its location.
10. If you see several small (2 to 6 inches) tortoise shells at one spot, report the location to the local BLM office. This may be evidence of a predatory bird.
11. Report any vandalism, harassment, or collecting to your local BLM office.
12. Do not litter-tortoise predators such as the raven may be attracted to an area by trash, then may turn to eating tortoises.
13. Tell others about these tips and make them aware of the desert tortoise in order to help it survive in the wild.