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MEMORANDUM

April 14, 2006

To: Desert Tortoise Management Oversight Group  
From: Desert Tortoise Recovery Coordinator, Nevada Fish and Wildlife Office, Reno  
Subject: March 29-30, 2006 Meeting Summary

The Desert Tortoise Management Oversight Group met on March 29-30, 2006, at the Suncoast Casino in Las Vegas, Nevada.

**Wednesday, March 29, 2006**

**9:00am - 12:00pm**

*Range-wide Population Monitoring - Desert Tortoise Recovery Office (DTRO), Desert Tortoise Monitoring Committee (DTMC)*

- The 2001-2005 Draft Monitoring Report can be accessed at:  
[http://www.fws.gov/nevada/desert\\_tortoise/dt\\_reports.html](http://www.fws.gov/nevada/desert_tortoise/dt_reports.html).  
Comments are due to Roy Averill-Murray by April 29.
- Several members of the DTMC gave presentations summarizing various aspects of the report. Phil Medica (USGS) provided an overview of the sampling methods. Dr. Jill Heaton (University of Nevada, Reno) provided a summary of the QA/QC process. Dr. Ken Nussear (USGS) provided a summary of the results through 2004. Finally, Dr. Ron Marlow (University of Nevada, Reno) outlined future directions of the monitoring program. The presentations given at the meeting can be accessed at:  
[http://www.fws.gov/nevada/desert\\_tortoise/dtro\\_meet\\_events.html](http://www.fws.gov/nevada/desert_tortoise/dtro_meet_events.html).
- The DTMC, including new manager representatives, will finalize the report upon receipt of comments and completion of the analysis of the 2005 data.
- 2006 monitoring activities will consist of additional analysis and program review, as mentioned in the draft report.
- Funding for the new Monitoring Coordinator position and for specific data-analysis project during 2006 is still needed.

**1:30 – 5:00pm**

*Recovery Plan Revision Process - DTRO, the U.S. Institute for Environmental Conflict Resolution, Center for Collaborative Policy*

Roy Averill-Murray described progress made to date with regards to the range-wide revision of the 1994 Desert Tortoise (Mojave Population) Recovery Plan. Roy attempted to clarify the role of the Desert Tortoise Recovery Planning and Implementation Work Group (DTRPIWG), a subcommittee formed by the California Desert Managers Group, which has made a long-term commitment to work with partners to coordinate implementation of recovery actions.

Discussions among DTRPIWG members on how best to approach revising the Fish and Wildlife

Service's 1994 Recovery Plan, specifically, how best to involve stakeholders in the recovery planning process resulted in an extensive search by the FWS for appropriate professional facilitation/mediation service providers. Presentation highlights included:

- To productively engage stakeholders, FWS executed an agreement with the U.S. Institute of Environmental Conflict Resolution (U.S. Institute) to conduct a Situation Assessment to evaluate the feasibility of convening Regional Working Groups to collaboratively develop recommendations for geographically specific recovery actions to benefit the desert tortoise, while also addressing the range of stakeholder concerns.
- Mike Eng, Senior Program Manager, U.S. Institute, explained that the U.S. Institute had tentatively decided to approach conducting the Situation Assessment on a regional basis (3 regions): California, Nevada, Utah/Arizona.
- The U.S. Institute contracted with a mediation team from the Center for Collaborative Policy (CCP) to conduct the situation assessment in the Southern California region. It is expected that stakeholder interests in the Southern California region are the most complex, divergent, and contentious of the three regions.
- Members of the U.S. Institute assessment team are: Mike Eng, Joan Calcagno, and Pat Lewis.
- Members of the CCP assessment team are: Greg Bourne, Austin McNerny, and Dale Schafer.

#### Discussion:

- Division of Assessment into three regions:
  - A participant recommended that Lincoln County (NV) might have more in common and should be included with the Utah/Arizona region.
- Method of consolidation and reporting of assessment information:
  - Still not decided. Results may be presented in a report, a memo, or a Power Point presentation.
  - Method of reporting may vary by region.
  - Ultimately, FWS will probably want a summary integration of the assessment results.
  - A participant recommended the report highlight the similarities and differences in themes and issues among the three regions.
- Participants reviewed handouts titled "Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving."
  - USFWS had agreed to abide by these principles throughout the assessment process. They are posted online at:  
[http://www.fws.gov/nevada/desert\\_tortoise/documents/misc/basic\\_principles\\_for\\_agency\\_engagement.pdf](http://www.fws.gov/nevada/desert_tortoise/documents/misc/basic_principles_for_agency_engagement.pdf)
- Addressing the handout titled, "Guidelines for Conducting the Assessment and Preparation Phase of an Agreement-Seeking Collaborative Process," Greg Bourne, Senior Mediator for CCP, described more specifically what a situation assessment is, its purpose, and how it will be carried out.
- Discussion of information in handouts:
  - Question: How does the situation assessment relate to the Federal Advisory Committee Act (FACA)?

Response: Bob Williams, FWS, responded that the Endangered Species Act provides that teams developing and implementing recovery plans are not subject to FACA.

- Question: Will all parties participate in the recovery planning process, including biologists, scientists, and land managers?

Response: Greg Bourne responded that it was important to establish appropriate expectations regarding sideboards for the proposed process.

- Mike Eng explained that the Science Advisory Committee (SAC) would be involved by providing information and in iteratively reviewing draft proposals developed by the Regional Working Groups to evaluate their efficacy in aiding desert tortoise recovery. In addition, the process may require technical assistance and advice from other experts, as well.
- The assessment team members are not arbitrators; they have no decision-making authority to resolve substantive matters related to the desert tortoise. Rather, their focus will be on improving communication and facilitating productive joint problem solving among the participants.
- Potential impacts of pending or planned litigation on a collaborative process. Joan Calcagno encouraged participants to highlight any concerns about ongoing litigation with the assessment teams during the interview process.
- Question: What are the alternatives to a “collaborative” process?  
Response: Greg Bourne responded that agencies could make unilateral decisions, or they might choose to consult closely with stakeholders.
  - Mike Eng explained that potential involvement of stakeholders could be viewed along a spectrum -- from FWS merely providing information, to FWS consulting with stakeholders by seeking their comments on draft documents, to FWS involving them in addressing concerns, to FWS actively engaging directly with stakeholders to develop solutions collaboratively.
- Participants shared their experiences about working collaboratively (both positive and negative).
- A representative of the FWS responded that oftentimes when the agency made unilateral decisions they felt “good” about, the agency found itself in litigation.
- Question: What is the relationship between the recovery planning process and the land and resource management plans currently in place or being worked on?
  - A BLM representative answered that the Regional Management Plan (RMP) is different and it would be difficult to quickly revise the RMPs.
  - Roy Averill-Murray anticipated that the revised Recovery Plan would be integrated into eventual revisions of the RMPs. He didn’t expect there to be major inconsistencies.
  - Bob Williams, FWS, posited that the recovery plan could include “annexes” to address different recovery planning units/areas.
  - A participant noted that, particularly in California, geographic diversity should be considered and participants should share information with the communities they represent.

Participants were asked to break into small groups by region (CA, NV, UT/AZ, and range-wide) to brainstorm:

- 1) the issues of concern/conflicts/controversies for the region;
- 2) categories of discrete interests in the region;

- 3) the organizations associated with those interests;
- 4) points of contact or people who might represent those organizations.
- Mike Eng thanked participants and informed them that the information gathered was extremely important and the process was a successful first step in the situation assessment.
- Mike Eng explained that a small group of MOG members and others could serve as a “sounding board” for the assessment team should it have questions, need additional guidance, or want help in engaging a stakeholder group during the Situation Assessment.
  - A minimal amount of time would be required.
  - Tasks would likely involve email communications to provide feedback to the assessment team on questions that may arise and perhaps a conference call or two.
  - A number of individuals volunteered to participate on an informal Assessment Planning Group.
- Mike Eng announced that those who wished to participate in Thursday morning’s meeting with the assessment team and the FWS would review and provide feedback on the draft assessment questions and draft Letters of Introduction to interviewees for the Situation Assessment.

### **Thursday, March 30, 2006**

#### **8:30 – 10:00am**

Twenty people, representing diverse interests, attended the follow-up meeting on Thursday. Mike Eng distributed the draft interview questions, and participants then made suggestions for modifying, adding to, or deleting interview questions. Suggestions included:

- Mailing the list of questions to everyone versus selected stakeholders to enhance broad participation and avoid causing some people to feel left out or not consulted.
- Asking interviewees how the current recovery planning process had directly affected their lives/businesses.
- Asking if interviewees are willing to commit to the goals of the recovery planning process.
- Explaining that the focus is on “fixing” the recovery plan – no more, no less.
- Addressing cultural concerns (especially for tribes).
- Including questions designed to determine interviewees’ willingness to collaborate.
- Explaining that this is not a debate about whether or not the tortoise should be listed.
- Asking what interviewees know about ongoing recovery actions in their area.
- Asking about their willingness to implement the recovery plan.
- Finding out what kinds of things are not being done.
- Asking whom interviewees do not trust or who should not be invited.
- Asking about deal breakers.

The CCP assessment team will revise the questions in light of the recommendations above.

The group also provided helpful suggestions for improving the draft Letters of Introduction to interviewees – one would initially come from the FWS, followed by the second letter that would come from the assessment team.

Mr. Eng expressed his appreciation to the participants for their time and very helpful assistance in initiating the Situation Assessment process.