

CHAPTER 3. FEDERAL AND STATE AUTHORIZATIONS FOR IMPLEMENTING MEASURES REQUIRED UNDER SECTIONS 7 OR 10 OF THE ENDANGERED SPECIES ACT FOR THE MOJAVE DESERT TORTOISE

When a project will be implemented under the purview of a section 7 biological opinion or a section 10 permit for the Mojave desert tortoise (desert tortoise), the U.S. Fish and Wildlife Service (USFWS) requires each desert tortoise survey be conducted by a desert tortoise Authorized Biologist approved by the USFWS. As a general rule, an Authorized Biologist has a bachelors or graduate degree in biology, ecology, wildlife biology, herpetology, or related discipline with prior field experience using accepted resource agency techniques to survey for desert tortoises.

The proposed Authorized Biologist shall submit to the USFWS a completed and signed “Desert Tortoise Authorized Biologist Request Form” provided below or available at http://www.fws.gov/ventura/species_information/protocols_guidelines/docs/dt/DT%20authorize%20biologist%20request%20form.pdf. USFWS may develop in the future a training and certification program for persons who want to be Authorized Biologists. Until this program is in place, Authorized Biologists will be reviewed based on information submitted on the Qualifications Form.

Submit the Desert Tortoise Authorized Biologist Request Form (Request Form) to the appropriate USFWS field office (See Chapter 4.3) **at least 30 days prior to initiation of activities**. If required, submit the Request Form to the Federal action agency with whom the USFWS has consulted under section 7 of the ESA. Submit an updated Request Form for each project even if you have been approved previously, unless you have been instructed otherwise by the USFWS or State wildlife agency. Contact the appropriate State wildlife agency for their permitting requirements. For Nevada, California, Utah, and Arizona, individuals must obtain the appropriate permits or authorizations from the respective State wildlife agency to be authorized to handle desert tortoises. Authorized individuals must comply with any section 7 biological opinion and Federal and State permits for the project. In California, California Department of Fish and Wildlife must approve all individuals involved in handling desert tortoises including Monitors and Authorized Biologists. Contact the appropriate agencies for clarification if there are questions about or conflicting conditions between a section 7 biological opinion/section 10 incidental take permit and State permit or authorization.

If you seek approval to attach/remove/insert any devices or equipment to/into desert tortoises, withdraw blood, or conduct other procedures on desert tortoises, a recovery permit (section 10(a)(1)(A) permit) or similar authorization may be required. The application for a recovery permit requires submitting completed Form 3-200-55 (<http://www.fws.gov/forms/3-200-55.pdf>) to the appropriate USFWS regional office (<http://www.fws.gov/endangered/regions/index.html>).

3.1. Desert Tortoise - Authorized Biologist and Monitor Responsibilities and Qualifications Form

AUTHORIZED BIOLOGIST – Authorized Biologists must keep current with the latest USFWS protocols, guidelines, and regulations pertaining to the desert tortoise. Some of these

are available at

http://www.fws.gov/ventura/species_information/protocols_guidelines/index.html.

Authorized Biologists will serve as mentors to train Desert Tortoise Monitors and should approve Monitors to conduct specific activities based on the Monitor's demonstrated skills, knowledge and qualifications. Direct supervision is always required for field and clearance surveys; direct supervision means that the Authorized Biologist has direct voice and sight contact with the desert Tortoise Monitor. An Authorized Biologist is responsible for the outcome of all desert tortoise related activities for which the project is approved, including errors committed by Desert Tortoise Monitors.

The Authorized Biologist must have thorough and current knowledge of desert tortoise behavior, natural history, ecology, and physiology, and demonstrate substantial field experience and training to safely and successfully conduct their required duties. Authorized Biologists are approved to monitor project activities within desert tortoise habitat and are responsible for locating desert tortoises and their sign (*i.e.*, conduct field and clearance surveys). Authorized Biologists must ensure proper implementation of protective measures, and make certain that the effects of the project on the desert tortoise and its habitat are minimized in accordance with a biological opinion or incidental take permit. All incidents of noncompliance in accordance with the biological opinion or permit must be recorded and reported.

To be authorized, the applicant must have the knowledge and experience to conduct any or all of the following, as needed:

- Locate, identify, and report all forms of desert tortoise sign in accordance with approved protocols;
- Handle and temporarily hold desert tortoises;
- Move tortoises from harm's way when they enter project sites;
- Relocate/translocate desert tortoises prior to implementation of projects;
- Excavate burrows to locate desert tortoises;
- Reconstruct desert tortoise burrows;
- Unearth and relocate desert tortoise eggs;
- Review and approve individual Desert Tortoise Monitors and their activities based on qualifications of the Monitors;
- Directly supervise Desert Tortoise Monitors during clearance surveys and train Monitors in all aspects of protecting desert tortoises during implementation of projects;
- Be familiar with the project biological assessment and biological opinion or incidental take permit (copy in hand);
- Ensure proper implementation of protective measures;
- Record and report incidents of noncompliance in accordance with a biological opinion or permit; and
- Halt project activities per provisions of the biological opinion or permit.

DESERT TORTOISE MONITOR – Desert Tortoise Monitors will be approved by the Authorized Biologist(s) or USFWS (if an Authorized Biologist is not required) for a project. Desert Tortoise Monitors will assist the Authorized Biologist on project activities within desert tortoise habitat, ensure proper implementation of protective measures, and record and report desert tortoise and sign observations in accordance with approved protocol. They will report

incidents of noncompliance in accordance with a biological opinion or permit, move desert tortoises from harm's way when desert tortoises enter project sites and place these animals in designated safe areas pre-selected by Authorized Biologists or maintain the desert tortoises in their immediate possession until an Authorized Biologist assumes care of the animal. Monitors assist Authorized Biologists during surveys and serve as apprentices to acquire experience. Monitors may not conduct field or clearance surveys or other specialized duties of the Authorized Biologist unless directly supervised by an Authorized Biologist; "directly supervised" means the Authorized Biologist has direct voice and sight contact with the Monitor.

3.2. DESERT TORTOISE AUTHORIZED BIOLOGIST REQUEST FORM

This form should be used to provide your qualifications to agency officials if you wish to undertake the duties of an Authorized Biologist with regard to the Mojave desert tortoise during construction or other projects authorized under Sections 7 (Biological Opinions) or 10(a)(1)(B) (i.e., Habitat Conservation Plans) of the Endangered Species Act.

http://www.fws.gov/ventura/species_information/protocols_guidelines/docs/dt/DT%20authorized%20biologist%20request%20form.pdf

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