



Questions and Answers: 90-day Finding For the Sonoran Desert Tortoise

Arizona Ecological Services Field Office

www.fws.gov/southwest/es/arizona/

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Q: What is the Sonoran desert tortoise?

A: The desert tortoise is a member of the Testudinidae family (terrestrial tortoises) of turtles in the genus *Gopherus*, or gopher tortoises. There are three generally recognized populations of desert tortoises: 1) the Mojave (currently listed as threatened under the Endangered Species Act (Act); occurs north and west of the Colorado River in the United States); 2) the Sonoran (the petitioned population; occurs east and south of the Colorado River, south to the Yaqui River in southern Sonora, Mexico); and, 3) the Sinaloa (occurs south and east of the Yaqui River, extending into northern Sinaloa, Mexico. Desert tortoises are recognized by their gray to orange-brown, high-domed carapace (upper shell) which displays visible growth lines radiating from the center of each scute (shell plate). The desert tortoise may reach eight to 15 inches in carapace length and four to six inches in shell height. Adult desert tortoises may weigh eight to 15 pounds. The Sonoran desert tortoise occurs within Mohave desertscrub, Sonoran desertscrub, and semidesert grassland habitats. Primarily herbivores, Sonoran desert tortoises consume a variety of plant material in their diet such as fresh, residual, and dried annuals, perennials, and plant litter. Sonoran desert tortoises are largely inactive from mid-October to late February or early March while they overwinter in constructed burrows or rocky cavities or crevices.

Q: Where are Sonoran desert tortoises found in the United States?

A: The distribution of the Sonoran desert tortoise in the United States is considered to be east and south of the Colorado River, with the exception of one population exhibiting a distinctly Mojave genetic makeup in the Black Mountains of Mohave County. Specifically, the distribution of the Sonoran desert tortoise in the United States extends south and east from northwestern Mohave County in Arizona. In Mexico, the distribution of the Sonoran desert tortoise extends from the International Border of Sonora and Arizona, south to the vicinity of Guaymas, north of the Yaqui River, in southern Sonora.

Q: What types of information is the Service seeking prior to conducting a status assessment for the Sonoran desert tortoise?

A: We are seeking information regarding the species' historical and current status; distribution, biology, and ecology; ongoing conservation measures for the species and its habitat; and threats to either the Sonoran desert population or its habitat. We are particularly interested the population's status and threats in Mexico.

Q: Once a species is petitioned for listing as endangered or threatened, how does the Service arrive at a listing determination?

A: We evaluate the petition to determine whether it presents substantial scientific information indicating that listing under the Act may be warranted (commonly known as a 90-day finding). The petition finding does not mean that the Service has decided it is appropriate to give the Sonoran desert tortoise federal protection

under the Act. Rather, this finding is the first step in a process that triggers a more thorough review of all the biological information available.

If a petition presents substantial information – as in this instance – we initiate a 12-month status review of the species to determine whether to propose adding the species to the federal lists of endangered and threatened wildlife and plants.

Based on the status review, we will make one of three possible determinations:

- 1) Listing is not warranted, in which case no further action will be taken.
- 2) Listing as threatened or endangered is warranted. In this case, the Service will publish a proposal to list, solicit independent scientific peer review of the proposal, seek input from the public, and consider the input before a final decision about listing the species is made. In general, there is a one-year period between the time a species listing is proposed and the final decision.
- 3) Listing is warranted but precluded by other, higher priority activities. This means the species is added to the federal list of candidate species, and the proposal to list is deferred while the Service works on listing proposals for other species that are at greater risk. A warranted but precluded finding requires subsequent annual reviews of the finding until such time as either a listing proposal is published, or a not warranted finding is made based on new information.

Q: What is a “Distinct Population Segment” (DPS)?

A: Under the Endangered Species Act, "species" is defined broadly to include species, subspecies, and also to include Distinct Population Segments, or DPS, of vertebrate species (that is, animals with backbones). A DPS is a portion of a vertebrate species or subspecies that is geographically discrete from the rest of its kind and also is significant to its survival. The ESA allows the Service to add populations of species that meet DPS criteria to the endangered species list, even if the overall population of the species does not warrant protection under the ESA.

Q: If the Sonoran desert tortoise is added to the federal List of Endangered and Threatened Wildlife, what protections will it receive?

A: The Endangered Species Act makes it illegal to kill, harm or otherwise "take" a listed species, or to possess, import, export or engage in interstate or international commerce of a listed species without authorization in the form of a permit from the Service. The Act also requires all federal agencies to minimize the impact of their activities on listed species, and directs the Service to work with federal agencies and other partners to develop and carry out recovery efforts for those species. Listing also focuses attention on the needs of the species, encouraging conservation efforts by other agencies (federal, state and local), conservation groups and other organizations and individuals.

Q: If the Sonoran desert tortoise is listed, will critical habitat be designated?

A: If we determine that listing the Sonoran desert tortoise is warranted, we will consider proposing critical habitat to the extent prudent and determinable at the time we would propose to list the species. Therefore, with regard to areas within the geographical range currently occupied by the Sonoran desert tortoise, we also request data and information on what may constitute physical or biological features essential to the conservation of the species, where these features are currently found, and whether any of these features may require special management considerations or protection. In addition, we request data and information regarding whether there are areas outside the geographical area occupied by the species which are essential to the conservation of the species. Please provide specific comments as to what, if any, critical habitat should be proposed for designation if the species is proposed for listing.

Q: What threatens the Sonoran desert tortoise?

A: The petitioners contend that the Sonoran desert tortoise is declining due to the following threats:

- Destruction, Modification or Curtailment of Habitat or Range

- improper livestock grazing
- urban development
- international border enforcement activities
- other Federal projects
- Overutilization
 - human disturbance from handling
 - collection
 - release of captive tortoises
- Disease or Predation
 - upper respiratory tract disease
 - cutaneous dyskeratosis (shell disease)
 - artificially inflated predator populations
- Inadequacy of Existing Regulatory Mechanisms
 - failed management policies
- Other Factors
 - off-road vehicle use
 - drought
 - invasive species-driven fire cycles
 - climate change

Q: What would listing under the Act mean for Sonoran desert tortoises held in captivity by private citizens?

A: The Sonoran desert tortoise is currently a popular household pet for many Arizona families. At this stage, it is premature to speculate whether the Sonoran desert tortoise will be listed or ramifications to captive tortoises. However, when the Mojave desert tortoise was emergency listed under the Act in 1989, Mojave desert tortoises lawfully held in captivity prior to the publication of the listing in the Federal Register were not subject to regulation under the Act (or take prohibitions thereof) provided that such holding and any subsequent holding or use of these individuals was not in the course of a commercial activity.

Regardless of whether the Sonoran desert tortoise is listed, both federal and state wildlife agencies strongly encourage private citizens to never release captive tortoises back into the wild. Breeding captive desert tortoises is discouraged, as this may hurt on-going conservation efforts and contribute to the over-abundance of unwanted tortoises. Released captive tortoises pose a threat to wild populations through the spread of disease and genetic contamination.

Q: How can I submit information for the Sonoran desert tortoise status assessment?

A: Information regarding Sonoran desert tortoise status, threats or its habitat in Arizona and Mexico should be submitted via:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket FWS-R2-ES-2009-0032.
- U.S. mail or hand-delivery: Public Comments Processing, Attn: FWS-R2-ES-2009-0032; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

While the Service always welcomes species status information, in order to be considered in this status assessment, information should be submitted by October 27, 2009.