



U.S. Fish and Wildlife Service
DESERT TORTOISE RECOVERY OFFICE
1340 Financial Blvd., Suite 234
Reno, Nevada 89502
Ph: 775-861-6300 ~ Fax: 775-861-6301



MEMORANDUM

November 21, 2008

To: Desert Tortoise Management Oversight Group

From: Desert Tortoise Recovery Coordinator, Nevada Fish and Wildlife Office, Reno

Subject: October 23, 2008, Meeting Summary

The Desert Tortoise Management Oversight Group (MOG) met on October 23, 2008, in Las Vegas, Nevada. The meeting focused on discussion of 1) the status of the revised recovery plan, 2) organization of Recovery Implementation Teams (RITs), 3) fire suppression guidelines, and 4) finalizing the MOG charter.

Recovery Plan

Few comments on the draft revised recovery plan had been received prior to the MOG meeting. Several people offered verbal comments at the meeting with the understanding that they would be submitted in writing prior to the November 3 public-comment deadline. Ren Lohofener, new Fish and Wildlife Service Region 8 Director, indicated that the Service would not be extending the current 90-day comment deadline unless formally requested. The Service hopes to have the recovery plan finalized by March or April. Comments and responses will be summarized and may be posted on the Desert Tortoise Recovery Office's website, rather than appended to the hard copy. In addition, it was suggested that the plan be published in a 3-ring-binder format to facilitate its use as a living document and ease in updating individual sections or appending recovery action plans in the future.

Recovery Implementation Teams

The MOG discussed draft "Terms of Reference" (Attachment 1) for the establishment of regional RITs. Suggested organization of regional boundaries include the three California desert land-use planning areas (Western Mojave, Northern/Eastern Mojave, Northern/Eastern Colorado), Arizona-Nevada-Utah, and Upper Virgin River. Teams would be kept as small as possible but include both agency and stakeholder representatives appointed by the Service's Regional Director (in consultation with the relevant agencies or groups). The primary discussion about the RITs centered around ensuring flexibility in the organization of each team and taking advantage of existing work groups (e.g., the Desert Managers Group, Upper Virgin River Habitat Conservation Advisory Committee) as much as possible. The terms of reference will be revised, and follow-up meetings at more local levels will be held to finalize how each RIT will be organized.

Fire Suppression Guidelines

Members of the Mojave Desert Initiative in the Northeast Mojave Desert, in coordination with managers across the Mojave Desert, developed a 1-page set of guidelines for managing wildfires (Attachment 2). The guidelines were issued to incident commanders prior to the 2008 fire season with the intent to reissue each year in an effort to minimize the amount of habitat burned, while



ensuring safety and minimizing suppression damage. One comment on the document suggested that the note to preclude drafting water from Lake Mead for use in spring/riparian areas (due to quagga infestation) be expanded to include anywhere along the Colorado River for the same reason.

MOG Charter

Since the last MOG meeting, the draft charter (Attachment 3) had been reviewed by a DOI solicitor who only offered one minor comment. The group agreed to finalize the charter with only a few additional minor edits. The document will be circulated among agencies for signature (independent signature pages). At the same time, other potential partners (e.g., Department of Energy [Nevada Test Site], tribes) will be approached to determine their interest in joining the MOG.

DESERT TORTOISE RECOVERY IMPLEMENTATION TEAMS
Terms of Reference
October 2008

Introduction

The U.S. Fish and Wildlife Service (FWS) listed the Mojave population of the desert tortoise (*Gopherus agassizii*) as Threatened in 1990 and is responsible for coordinating its conservation and recovery. FWS published a draft revised recovery plan in August 2008 as guidance for future recovery efforts, prioritization of research to ensure that new information will contribute toward the greatest needs, and development of effective monitoring to allow FWS to track recovery action effectiveness and desert tortoise status. The revised plan calls for the establishment of five regional, long-term Recovery Implementation Teams (RITs). The RITs will be formed pursuant to section 4(f)(2) of the Endangered Species Act and are exempt from the Federal Advisory Committee Act. RITs will either coordinate directly with or perform as workgroups of the California Desert Manager's Group, the Southern Nevada Agency Partnership, and the Washington County Habitat Conservation Plan's Adaptive Management Team, as appropriate.

Roles and Responsibilities

Within the FWS, Region 8 has the lead responsibility for activities related to recovery planning and implementation for the desert tortoise. The role of the RITs is to advise the FWS Region 8 Regional Director on issues concerning the conservation and recovery of the desert tortoise and, specifically, on issues concerning implementation of the revised recovery plan. The Regional Director has appointed the Desert Tortoise Recovery Office (DTRO) to direct this effort. The DTRO is responsible for: 1) serving as the liaison between the RIT and the FWS Regional Director, Desert Tortoise Management Oversight Group (MOG), Science Advisory Committee (SAC), and appropriate regional management groups; 2) providing guidance, coordination, and facilitation for completing RIT products; and 3) supplying staff support. The RITs will serve as advisory groups to the FWS through DTRO and Region 8.

The primary goal of each RIT is to partner across local and regional jurisdictional boundaries to coordinate development and implementation of a recovery action plan, review progress towards recovery, and assess the effectiveness of recovery actions for the desert tortoise within logistically practical geographic boundaries. Because of the many political jurisdictions involved and stakeholders interested in or affected by desert tortoise recovery, effective implementation of recovery actions will require extensive cooperation and coordination. A cooperative/coordinated effort among land managers, wildlife agencies, and stakeholder interests will:

1. Accomplish recovery goals that would be unattainable on a local scale;
2. Reduce duplication of effort and increase the efficient use of resources and expertise;
3. Increase public and federal/state/local agency support of the recovery effort by providing consistent information on the status of the tortoise and recovery implementation throughout the range of the desert tortoise.

The specific tasks for each RIT are to:

1. Develop a coordinated, consensus-based, implementable 5-year Recovery Action Plan (RAP) for its assigned geographical area;
2. Coordinate implementation of recovery actions contained in the RAP through the development of annual work plans;
3. Provide/secure the necessary resources for implementation of annual work plans;
4. Assess effectiveness of implemented recovery actions;
5. Compile results into a range-wide database and local-level decision support system;
6. Annually report findings and status to appropriate regional groups and the MOG;
7. Annually review recovery action plans and revise as necessary.

Recovery Implementation Teams will be established within 6 months of publication of the revised recovery plan. Five-year action plans should be completed and submitted to appropriate regional groups and the MOG for endorsement within the first year of publication of the revised recovery plan. During the implementation of the 5-year action plans, RITs will update the underlying data (data on threats and current recovery-action implementation) in the decision support system for at least two recovery units (minimally, Western Mojave and AZ/NV/UT RIT regions in the first year). This stage will be completed for the remaining RITs during the second year. Regular updates to all regions will occur on an on-going basis in conjunction with the annual report to the appropriate regional management group, MOG, and SAC. After three years of implementation, the recovery action planning process will be reviewed by the FWS.

Each RIT will normally meet on a quarterly basis. Additional meetings may be called by the MOG, RIT chair, or DTRO in connection with special needs (for example, updating decision support system data).

Terms of Service

Each Recovery Implementation Team is expected to be convened indefinitely and will periodically review the recovery plan, RAPs, and supplemental work plans to advise FWS if revisions are required. The RIT will also receive and review status reports on the progress made by FWS, SAC, other regions, and other collaborators involved in the implementation of the recovery plan.

All RIT members must have a commitment to working collaboratively for recovery of the desert tortoise and be knowledgeable about desert tortoise issues. Members will be appointed by the FWS Regional Director based on demonstrated interest and participation in the recovery planning process. Others will be considered upon request. Team members will be asked to commit to a term of service of 5 years. Members may be reappointed to the team upon completion of their term. The Regional Director may disband the team or replace or reappoint members of the RIT at any time if they no longer meet the requirements under which they were approved, fail or are unable to participate regularly in RIT meetings and work, or if removal is in the public interest. Stakeholder representatives appointed by FWS are encouraged to coordinate among their interest groups.

RIT Organization and Composition

Organization of the five RITs will be based on a combination of recovery units and land management planning areas configured to be logistically practical for implementation activities from an agency jurisdictional perspective:

1. Western Mojave Desert
2. Northern and Eastern Mojave Desert
3. Northern and Eastern Colorado Desert
4. Arizona, Nevada, & Utah
5. Upper Virgin River

Each team membership will consist of approximately 12-16 individuals. RIT members, appointed by the FWS Regional Director, will be representative of the following groups:

Agency representatives:

1. land management
2. wildlife management
3. county government
4. tribal resource agency

Stakeholder representatives:

1. natural resources use group
2. recreation group
3. conservation organization
4. scientific community

Each RIT will have a chair to facilitate each meeting. The chair will be nominated by the RIT to serve a one-year term and will work with a designated DTRO member to ensure timely performance and reporting. The DTRO will serve a leadership role and as the liaison between the RIT and the FWS Regional Director, MOG, SAC, and appropriate regional management group. Independent facilitation will be secured, if necessary.

Conflicts of Interest

Recovery Implementation Team members are advised to avoid conflicts of interest and other ethical problems in accordance with the following guidelines:

1. Members must disqualify themselves from advising on a matter which has a direct and predictable effect on their personal financial matters, those of a client, or those of a company by which they are employed, apart from matters which are inherent in their employment or outside affiliation.
2. Members must not solicit business for themselves or their firms or seek an economic advantage based on their position on the RIT.
3. Members must hold any non-public information obtained as a result of their services on the RIT in confidence and ensure that it is used exclusively for official purposes. Members should not use or permit the use of such information for their own private gain or the gain of another person.
4. Members must not use the resources available to the RIT for the purposes of assisting a political campaign, or for any campaign business.

**MANAGING WILDFIRES IN THE MOJAVE DESERT
PRIORITIES AND GUIDANCE FOR INCIDENT COMMANDERS
SPRING 2008**

During periods of high fuel loads and hot, dry, windy weather conditions, wildfires in the Mojave Desert have the potential to exhibit extreme fire behavior and grow large quickly. The Mojave Desert is not a fire-adapted ecosystem, but exotic vegetation can fuel fires that can drastically alter the landscape. Firefighters are encouraged to safely and aggressively suppress wildfires to reduce total acres burned, while minimizing impacts from their suppression actions. Agency administrators must provide guidance to incident commanders on resource values, goals, and constraints.

MOJAVE DESERT PRIORITIES

1. **ENSURE SAFETY OF FIREFIGHTERS AND THE PUBLIC**
2. **MINIMIZE ACRES BURNED (HABITAT LOSS) THROUGH RAPID FIRE SUPPRESSION**
3. **MINIMIZE SUPPRESSION DAMAGE TO RESOURCES**

DECISION MAKING

Protecting life and property is paramount in every decision and action. Consider the current and predicted weather, fire behavior, fuel loading, available suppression tools, and resources that are threatened by the fire, and implement appropriate firefighting methods that will minimize resource damage. Rapid and aggressive response may be warranted and can minimize acres burned. Resource damage occurs from both fire and some suppression actions, but burned desert is damaged desert. Use Best Management Practices to minimize resource damage.

Incident commanders should not wait for Resource Advisors before implementing all safe and aggressive suppression tactics necessary during Initial Attack:

- **Consider immediately the use of air attack resources to limit fire spread**
Do not draft water from Lake Mead for use in spring/riparian areas – quagga infestation
- **Using backfires, off- road driving or heavy equipment** to construct fireline may have substantial impacts, but may be justified in order to minimize acres burned. Use tactics appropriate for the area designation and administering agency. **For NPS lands the Resource Advisor must be consulted before use of heavy equipment or off-road driving**.
- **Stop all habitat damaging tactics when they are no longer required** to prevent a larger or more severe fire. Constantly assess the fire situation and Mojave Desert priorities as they relate to your operations. Document actions to facilitate post-fire rehabilitation of suppression actions.
- **Upon communication with the Resource Advisor**, incorporate his/her knowledge and advice into the Incident Operations in a safe and efficient manner.

STAY CALM, BE ALERT, THINK CLEARLY, ACT DECISIVELY

DESERT TORTOISE MANAGEMENT OVERSIGHT GROUP
DRAFT CHARTER (*REVISED*)

October 23, 2008

I. Background

The Desert Tortoise Management Oversight Group (MOG) was established in 1988 to coordinate agency planning and management activities affecting the desert tortoise in the Bureau of Land Management's (BLM) Desert Tortoise Rangewide Plan. Charter members of the MOG included the four BLM State Directors from Arizona, California, Nevada, and Utah; the four State Fish and Game Directors from these States; the three Fish and Wildlife Service (FWS) Regional Directors that share tortoise management responsibilities; and a BLM Washington Office representative. Membership was subsequently expanded to include representatives of the National Park Service, Biological Resources Division of the United States Geological Survey (USGS), and officials of the four branches of military service (Army, Air Force, Navy, and Marine Corps) that manage Mojave Desert tortoise habitat.

The original charter of the MOG, while never formalized, called for meetings at least once annually to review a variety of topics, including a) standardize procedures for the analysis and interpretation of tortoise information, b) report on management actions completed for the benefit of the desert tortoise, c) recommend funding priorities, d) identify areas lacking sufficient information for management of Category 1 and 2 habitat, e) identify research needs to resolve management issues, f) identify threats and conflicts, g) complete annual status or progress reports, h) coordinate existing laws and guidance, and i) review ongoing research. A combination of events spurred change in the MOG and its charter. Emergency listing of the Mojave Desert population as endangered in 1989, followed by the Mojave population's listing as a threatened species in 1990, preceded a 1991 finding that the Sonoran population was not warranted for Federal listing. Following the publication of the Mojave Desert tortoise recovery plan in 1994, the MOG assumed a leadership role in coordinating agency activities directed toward recovery plan implementation, and the Sonoran population was de-emphasized as efforts for the Mojave population intensified.

In December 2002 the U.S. General Accounting Office completed an audit of recovery actions for the Mojave population of the desert tortoise. The primary recommendation of this report was to "develop and implement a coordinated research strategy that would link land management decisions with research results." This recommendation was reiterated in the October 2004 Desert Tortoise Recovery Plan Assessment, which called for the establishment of a Desert Tortoise Recovery Office (DTRO) to facilitate such coordination. In December 2004, the FWS formally established a DTRO. The DTRO includes a Science Advisory Committee (SAC), which serves in an advisory role to the DTRO and cooperators to ensure that recovery action plans, recovery plan revision, monitoring, evaluation of recovery action effectiveness, etc. meet rigorous scientific standards. The DTRO also coordinates the range-wide monitoring program in collaboration with MOG representatives and independent experts. Finally, in September 2006 a situation assessment for collaborative recovery plan revision conducted by the U.S. Institute for Environmental Conflict Resolution found that the

effectiveness of the MOG could be improved by clarifying its roles and function relative to the current state of recovery efforts.

II. Vision

Achieve recovery of the Mojave population of desert tortoise (hereinafter, desert tortoise) through effective coordination of agency planning and management activities.

III. Mission

The mission and guiding principles of the Desert Tortoise Management Oversight Group are to:

- A. Provide a vehicle for interagency coordination of desert tortoise recovery efforts, where discretion allows within each agency's separate mission, including:
 - 1. Plan, prioritize, and recommend recovery actions on lands administered by members of the MOG and elsewhere;
 - 2. Formulate and prioritize management-related questions and needs, direct research relevant to those needs, evaluate results, and assess effectiveness to lead to appropriate changes in management;
 - 3. Coordinate resource allocation and budget initiatives to support implementation of coordinated recovery actions.
- B. Provide a roundtable for sharing information and raising issues that cross jurisdictional boundaries, including consideration of other species.
- C. Provide a forum for stakeholder input on desert tortoise issues (see stakeholder participation guidelines following the charter).

IV. Membership

The Desert Tortoise Management Oversight Group shall be chaired by the Region 8 Director, FWS. The DTRO shall provide coordination and technical support services. The MOG shall be comprised of executive-level managers of the following agencies or designated representatives:

Department of Interior

Bureau of Land Management state offices from Arizona, California, Nevada, and Utah
Fish and Wildlife Service regional offices from Region 2 (Arizona), Region 6 (Utah), and
Region 8 (California-Nevada)

Bureau of Indian Affairs, Western Regional Office

Lake Mead National Recreation Area

Death Valley National Park

Joshua Tree National Park

Mojave National Preserve

U.S. Geological Survey, Western Ecological Research Center

Department of Defense

Naval Air Weapons Station, China Lake
 Marine Corps Air Station, Yuma
 Marine Corps Air Ground Combat Center, Twentynine Palms
 Marine Corps Logistics Base, Barstow
 National Training Center, Fort Irwin
 Edwards Air Force Base
 Nellis Air Force Base

States

State Fish and Game agencies from Arizona, California, Nevada, and Utah

County Governments

Mohave County, Arizona	San Bernardino County, California
Imperial County, California	Clark County, Nevada
Inyo County, California	Lincoln County, Nevada
Kern County, California	Nye County, Nevada
Los Angeles County, California	Washington County, Utah
Riverside County, California	Quadstate Local Governments Authority

Additional government agencies/offices may be added to the MOG based on the consensus of the group. Federal, state, local, and tribal government agencies that are not members of the MOG may serve as members of MOG Work Groups, subject to approval of the MOG. Tribal governments will be kept informed of MOG activities and invited to MOG meetings.

V. Duties and activities

The activities of the Desert Tortoise Management Oversight Group differ from other similar interagency groups, such as the California Desert Managers Group which provides a forum for interagency coordination of on-the-ground recovery action implementation within the California range of the desert tortoise, in that the MOG provides executive-level oversight and coordination of desert tortoise management on a range-wide basis. Coordination of MOG oversight activities may generally be addressed in a single annual meeting in October or November, which will include discussion of current fiscal year recovery goals, the resources to implement those goals, and identification of out-year recovery goals and their required implementation resources. Additional meetings will be scheduled, as necessary. The MOG's primary coordination activities are outlined below.

- A. Recovery planning and review: Contribute to recovery plan five-year reviews and revisions in collaboration with the DTRO. Technical working groups will be formed, or coordination with other regional working groups will occur, as necessary to conduct this activity.
- B. Recovery implementation: Direct and support active agency participation in the cooperative implementation of management actions prescribed in the recovery plan with

support from the DTRO. Technical working groups will be formed, or coordination with other regional working groups will occur, as necessary to conduct this activity.

- C. Tortoise monitoring: Support the range-wide desert tortoise population monitoring program overseen by the DTRO. The MOG commits to implement the General Accounting Office's recommendation (from its 2002 audit of desert tortoise recovery efforts) to seek continued funding for range-wide population monitoring through its emphasis on this activity in the charter. The DTRO will annually report on the previous year's monitoring activities.

Identify opportunities for and coordinate implementation of effectiveness monitoring of recovery actions with support from the DTRO. Information from recovery action implementation and effectiveness monitoring will be integrated into a recovery decision support system identified in Activity D.

- D. Integrate and share data for effective recovery implementation and planning: Support and contribute available pertinent data to a recovery decision support system and database for all desert tortoise recovery implementation, monitoring, and research data. The DTRO will provide oversight for the decision support system and database in coordination with the DOD Mojave Desert Ecosystem Program and other technical partners. The MOG will coordinate to ensure that the database is kept up to date as new management actions are implemented and/or data are available.
- E. Crisis intervention: Coordinate in response to unforeseen or emergency situations, such as wildfires, invasion of exotic organisms, disease outbreaks, excessive predation, extreme climatic events, etc.
- F. Formulate budget initiatives for major range-wide activities: Coordinate agency budgets and develop coordinated budget initiatives to fund coordinated implementation of recovery actions or other MOG initiatives.
- G. Review MOG initiatives and activities: Evaluate progress and effectiveness of MOG initiatives and activities covered under this charter. Revisit and revise the charter at least every five years to modify listed activities, including expanding its scope beyond the desert tortoise, as necessary or desired by consensus of the group.
- H. Sunset: This charter shall expire if no activity occurs for a period of five years.

Stakeholder Involvement Guidelines

Purpose and Background

To promote and facilitate constructive stakeholder involvement in the Desert Tortoise Management Oversight Group. The primary purpose of the MOG is to provide executives of government agencies working within the range of the Mojave population of the desert tortoise a forum to share information and discuss and collaborate on issues relevant to desert tortoise recovery. MOG meetings are not part of any legally mandated environmental or administrative hearing process (Federal Advisory Committee Act, National Environmental Policy Act, or other open-meeting laws) that requires public involvement. For the purposes of these guidelines, a “stakeholder” is defined as an officially designated representative or member of a local government, tribe, federal, or state agency who is not a member of the MOG; the general public; or a member of a non-governmental organization.

Guidelines and Procedures

MOG meetings are working interagency meetings and are not required to be open to attendance by stakeholders. However, MOG agencies recognize that involving stakeholders will foster support and understanding of the MOG and its goals and will help meet their agencies' responsibilities to keep interested parties informed and provide opportunities for comment on MOG activities and initiatives.

Stakeholder involvement in MOG meetings will be conducted in accordance with the following guidelines:

- a. As a general rule, the first half of the MOG meeting will be open to stakeholders. The second half of the meeting will be restricted to MOG members, agency staff, and invited guest speakers. Exceptions to this general rule may be approved by consensus of the MOG members.
- b. Stakeholders will be invited to provide comments at designated times identified on the meeting agenda or other times at the discretion of the Chair. Stakeholder comments will generally be limited to three minutes unless agreed to otherwise with the meeting organizers prior to the start of the meeting. Stakeholder comments should be relevant to a topic on the agenda or a goal or objective identified in the MOG charter.
- c. Stakeholders may suggest topics for discussion on the MOG meeting agenda to the Chair.
- d. Notification and summaries of MOG meetings will be posted on the DTRO website (www.nevada.fws.gov/desert_tortoise).

Additional Public Involvement Opportunities

Stakeholders are encouraged to also participate in:

- a. The agency land and resource management planning process related to specific projects or areas of interest;

- b. Meetings of the BLM advisory councils; and
- c. Appropriate NEPA and State compliance activities as specified in the guidelines for those processes.

All actions implemented or coordinated by the MOG are subject to compliance with all appropriate Federal and State laws, as applicable.