

**West Mojave Plan  
Task Group 1  
Green Tree Inn, Victorville  
July 17, 2001**

**Attendees**

**Task Group:** Ileene Anderson, Margie Balfour, Paul Condon, Michael Connor, Clarence Everly, Jeri Ferguson, Jennifer Foster, Ken Foster, Martin Gill, Sharon Girod, Art Gleason, Mark Hagan, Jeanette Hayhurst, Shirl Hibbetts, Manuel Joia, Becky Jones, Paul Kober, Gene Kulesza, Carol Landry, John Lightburn, Laurie Lile, David A. Matthews, Tonya Moore, James McRea, Gail O'Neill, Lorelei Oviatt, Doug Parham, Alan Pickard, Mickey Quillman, Bret Raines, Mike Rauschkolb, Tim Read, Courtney Smith, Pat Smith, Robert W. Smith, Donna Thomas, Barbara Veale, Marcia Wertenberger, Terry Wold, and Darrell Wong.

**West Mojave Team:** Bill Haigh, Larry LaPre, Ed LaRue, Valery Pilmer.

**Introductions**

The meeting was opened by Jeanette Hayhurst and introductions were made. The group was advised that Bill Haigh, West Mojave Plan Project Manager, was delayed, but would be there shortly.

**Subcommittee Reports**

**Compensation Subcommittee:** Laurie Lile provided a summary of the last Compensation Subcommittee meeting as follows:

- Regulatory framework: Subcommittee is still working on this process.
- Disturbed land: The Subcommittee agreed that a mapping effort to delineate disturbed areas was preferred. Staff will be providing draft maps for review by the subcommittee at the next Compensation Subcommittee meeting on August 9<sup>th</sup>. Recommendations will be provided to Task Group 1 after that.
- Land values: Subcommittee did not discuss this at the last meeting.

The following issues were raised during discussion:

- Mike Connor expressed concern that the compensation rate was difficult to determine without an understanding of what is needed to protect all species. It was noted that strategies had been provided to the Task Group for all but the plants. Mike Connor

indicated that something is needed to address the specific needs of species other than the tortoise. Bill Haigh indicated that the money received in compensation can be used for management prescriptions or land acquisition. Land acquisition could be structured to prioritize acquisition to benefit the most species. Lorelei Oviatt and Laurie Lile noted that while all the strategies have yet to be identified, they do not feel that it affects what is being proposed as a compensation ratio.

- Larry LaPre noted that the plant strategy is being targeted for review in September. Most plants occur on private land which presents special problems. Most of the endemic species are within the DWMAS which will provide protection.
- Mike Connor asked whether a new section would be included on the Arroyo Toad. Larry LaPre indicated that the toad affects the West Mojave in two areas, Mojave Forks and outside the plan boundary in Little Rock Creek. He indicated that since a separate consultation is taking place in the Mojave Forks area, the West Mojave Plan is not proposing to address this species.
- Ed LaRue indicated that the Compensation Subcommittee also discussed summer tortoise surveys. The locations of where these surveys will be conducted has changed in order to avoid private lands.

#### **Habitat Credit Component Subcommittee:**

Ed LaRue noted that the approach outlined in the handout applies to the DWMA's only. (See Minutes from the meeting of the Habitat Credit Component Subcommittee, dated July 12, 2001.) The alternative outlined provides that rather than provide 5:1 compensation, the project proponent may opt to acquire lands at a 4:1 ratio and enhance the remaining unit. The subcommittee also recommended that 20% of the compensation fee go towards enhancement projects.

Gene Kulezsa indicated he would like to see mitigation banking added as a component. He would like to include the ability for companies to enhance habitat and bank it for their future use as compensation credit, or to sell to other companies to use as compensation. This approach would give incentive to companies to enhance habitat in advance of the time they would normally need to be considering compensation for a future project.

Ileene Anderson stated that enhancement projects are very expensive, and that money might be better spent on acquisition. Mike Connor agreed and stated that the acquisition of good habitat should be a priority to make sure it doesn't become damaged. He indicated that restoration is good, but a loss of one acre does not equal one restored acre. Ileene concurred.

Mark Hagan noted that revegetation at Edwards Air Force Base has cost between \$800 to 2500 per acre.

Lorelei Oviatt stated she did not agree with the concept that you must do enhancement (the 20% part of the alternative). She sees the 4:1 with an additional acre of restoration as an alternative that a project proponent could do if they prefer it over the 5:1 compensation. She supports the concept of habitat banking.

Jeanette Hayhurst noted that there seems to be a general consensus that enhancement be included as an option.

Ileene Anderson added that criteria are needed to determine successful enhancement. Lorelei Oviatt asked staff to look at NEMO standards. Ileene added that she does not feel that NEMO standards are sufficient.

Gail O'Neill suggested that perhaps credit could be given for cleanup on parcels being acquired.

Lorelei Oviatt indicated she would like to see a whole strategy that would include the following: adding land back into the 1% disturbance allowed in the DWMA; an enhancement strategy as an alternative for individual development; and an enhancement strategy for the overall plan. She would like to see an entire section on enhancement, which could include such things as elimination of illegal dumps. She feels head starting could also be a component of an overall enhancement strategy.

Ileene felt that if an enhancement alternative is included, there should be assurance that there is no net loss of habitat. She noted that if enhancement fails, there will be a net loss of habitat.

Mark Hagan suggested setting goals and recognize that it is a work in progress. He noted that restoration is not an exact science, but rather an experiment in progress.

**Bill Haigh asked that the subcommittee meet again and work on mitigation banking as well as goals and sideboards for enhancement. Mark Hagan will be added to the subcommittee, and Ileene Anderson indicated she would be at the next subcommittee meeting. The information developed will be presented at the September Task Group 1 meeting.**

### **June 12, 2001 Meeting Notes**

The meeting notes were approved as presented.

### **Table 18. Regulatory Biologists Subcommittee**

Ed LaRue presented the information which starts on page 67 of the "Status of Management Prescription" document updated on June 27, 2001.

- **F1a.**  
This item discusses survey and no survey areas. Lorelei Oviatt and Mike Connor indicated

they cannot support the item without first seeing a map outlining the survey and no survey areas. Lorelei was also concerned about the concept of expanding SRA's beyond what is shown on existing maps.

**Bill Haigh indicated that the following action items would be added:**

- 1) Provide a definition for SRA.**
- 2) Prepare a map showing the survey and no survey areas.**
- 3) Prepare a map showing any additional proposed SRAs.**

- **F1a(i) and F1a(ii)**

The Regulatory Biologists Subcommittee does not feel that the Implementation Team should be responsible for all surveys. Rather they prefer to maintain a list of qualified surveyors that people can choose from, with the understanding that there will be large areas with no survey requirements.

Becky Jones was concerned that it would be difficult for the Implementing Team to handle large scale projects (i.e. pipeline) effectively.

Jeanette Hayhurst suggested that very large projects be considered "out of scope", and that a pool of contracted biologists be established who would agree to be on-call to do surveys. The contracted group could establish a set price per hour and a time frame for completion of surveys, or set a flat rate and be on standby to do a certain number of surveys per month.

Lorelei Oviatt indicated that the process should be kept simple so that the first time builder can easily comply with the requirements. She is more concerned about how easy it is to comply than the amount of time it takes.

Mike Connor asked that a definition be established for what constitutes a qualified surveyor. He feels this needs to be in the plan. Ed LaRue stated that the minimum requirements should include a B.A. in biology, a minimum 60 days of field experience in tortoise habitat, and a resume. It was noted that a biologist must be "authorized" by the state to touch a tortoise.

Some concern was expressed whether federal contracting for a fixed price was feasible. Lorelei Oviatt asked whether this issue would remain if a JPA were formed which would do the contracting.

**The following was agreed to:**

- ▶ **Drop F1a(i) and F1a(ii) as currently written.**
- ▶ **Add a definition for authorized biologist. [Definition: A person approved by the Fish and Wildlife Service possessing the following qualifications: A bachelors or graduate degree in biology, ecology, wildlife biology,**

herpetology or related field; a minimum of 60 days prior field experience using accepted resource agency techniques for surveying desert tortoises; and a demonstrated ability to recognize and accurately identify and record all types of desert tortoise sign.]

- ▶ **Add the following language to replace existing F1a(i) and (ii): “The Implementing Team will maintain an updated list of authorized biologists, biological consultants and others who have sufficient experience to survey for and remove tortoises from each site. The Implementing Team will also maintain (for informational purposes only) a typical billing rate range. The project proponent may opt to use any authorized biologist.”**
- ▶ **West Mojave Team will investigate contracting possibilities, including whether a Joint Powers Authority would be restricted by federal contracting rules.**
- ▶ **The Implementing Team will still “rescue” tortoises found on construction sites.**

- **F1a (Page 70)**

This item relates to creating a data sheet to be used by plan or consulting biologists. Lorelei Oviatt asked that an item be added to the data sheet to identify the jurisdiction.

**This item was approved with this addition: “....(i) legal description of the property to be developed, jurisdiction (city, county, agency), township, range...”**

**The Task Group broke for lunch at 12:10 AM.**

**Other Business**

A future meeting for Task Group 1 was set for Monday September 10<sup>th</sup> at 9:30 AM at the Green Tree Inn, Victorville.

Bill Haigh noted that legislation was introduced to Congress on Friday, July 13<sup>th</sup> regarding the Fort Irwin expansion. The legislation can be found on the BLM State website.

**Continue Table 18. Regulatory Biologists Subcommittee**

- **F1a (at bottom of page 70)**

This item refers to adaptive management to reduce the survey requirement in the event it is determined that tortoises are absent from a majority of sites in a given region.

Ileene Anderson asked whether surveys would be added to an area in the future if it was found that tortoises were present.

Some concern was expressed regarding what constitutes a “majority”. Mike Connor

suggested using the wording “vast majority”. Also, Alan Pickard questioned what constitutes a “given region.” He would like to see the trigger be land based rather than based on a certain number or percentage of surveys, and would like to come up with a way to delineate an “area”. He noted the standard of “fully mitigate” under 2081 for a take authorization provides less flexibility than the standard established for NCCP programs.

**General consensus was that the concept is adequate. Item will be brought back to the group at a future date. Alan Pickard will provide language to address his concerns. Language will also provide the flexibility to add or delete the need for surveys.**

- **F1a (Page 71)**

This item indicates that exploratory surveys should be done in certain circumstances in the DWMA's and perhaps in BTAs and SRAs.

Ileene Anderson asked whether this kind of alternatives analysis would be implemented for other species. She would like to know what happens when conflicts occur between what is best for the tortoise and what is best for an endangered plant or other species.

Lorelei suggested deleting the term “exploratory” and using the words “presence/absence” instead. **This was agreed to.** It had been her understanding that these types of surveys would always be required within the DWMA. She also expressed concern that the SRA concept and area seems to be evolving and expanding.

**Bill Haigh indicated that he will update the chart which shows what requirements will occur in the DWMA's, SRAs, and BTAs. This item will remain as an action item pending language from Alan Pickard relative to the previous item and until new mapping is presented regarding the SRA boundaries.**

- **F2a.**

This item states that monitoring following clearance surveys will occur only within the DWMA's.

Several questions were asked regarding the timing between the clearance survey and construction, the concern being that tortoises could wander back onto the site.

Mark Hagan asked whether there should be other conditions addressing monitoring, and whether higher levels of monitoring should be required for areas of higher tortoise density. Becky Jones suggested looking at conditions that are normally applied to permits, and indicated that fencing may be appropriate in higher density tortoise areas after surveying.

Alan Pickard indicated that if permit authorization is a 2081 permit, then if tortoises are

found during a survey, fencing of the site would be required. There would be more flexibility under the NCCP program. Authorization under 2080.1 is not an option for the West Mojave Plan.

**Bill Haigh indicated that this item would be rephrased to represent the difference between 2081 and NCCP.**

- **F4a.**

This item includes guidelines for tortoise translocation.

Mike Connor felt that the guidelines were not detailed enough to provide adequate guidance. He also felt that terms such as “adjacent DWMA” need to be better defined.

Concern was expressed about moving tortoises onto private property not owned by the project proponent. It was suggested that language be added to clarify the need for property owner permission.

Mark Hagan pointed out that this item and F5a/5b conflict.

**It was agreed that a Translocation Subcommittee will be formed to look at this issue further and bring recommendations back to the group. The following people will be on the subcommittee: Mike Connor, Becky Jones, Ray Bransfield, Dave Matthews and Ed LaRue. Mickey Quillman and Dave Morafka will also be asked to be on the committee.**

- **N5a.**

This item relates to dual sport events within DWMAs, and the language reflects the current biological opinion. It was pointed out that dual sport events are considered touring events.

Mike Connor expressed concern that these events are not allowed by the Recovery Plan. Doug Parham also expressed concern.

Tim Read indicated that the current biological opinion seems to be working well.

**It was noted that there is not complete consensus on this issue. The language shown is approved, and the Recovery Plan language on this issue will be shown as an alternative in the EIS.**

- **Q7a.**

This item pertains to wool growers on private land. It was noted that there is no county approval process for this type of use on private land.

Alan Pickard asked for language to clarify that this pertains to private land.

Mike Connor asked if consultation with Fish and Game is required when grazing sheep in Mohave ground squirrel habitat. Becky Jones indicated that theoretically this should be considered, but F&G hasn't been to date.

**Bill Haigh indicated that the following sentence will be added to this item: "Sheep grazing on private land will not be covered by the West Mojave Plan."**

- **T1e.**

This item addresses raven predation in relation to head starting.

Mike Connor expressed concern that the item, while a good policy idea, is not specific enough to be a measure. Others agreed that the measure needs additional clarification (i.e. what does "compromising the head starting project" mean), and needs to be more specific.

Ed LaRue indicated that we need to make certain that Bill Boarman addresses head starting in the USGS Raven Management Plan.

**The item was modified to read as follows: "The USGS Raven Management Plan shall ensure that raven predation does not compromise the integrity, function, and success of the headstarting program funded and implemented by this HCP."**

- **U1a.**

This item calls for a study to sample quail guzzlers in the DWMA's to see if they create a problem with tortoise mortality. Ed LaRue indicated that there appears to be a higher mortality of tortoises in fiberglass guzzlers than in concrete guzzlers. This item suggests that the issue be studied, then a solution developed.

Mike Connor indicated that the guzzlers should be closed until fixed rather than wait to do a study. He indicated that Bill Boarman addresses guzzlers as a raven attractor.

Lorelei Oviatt suggested checking to see how many fiberglass guzzlers exist, and if they have the same problem as shown in the East Mojave Study, remove them.

Jeri Ferguson suggested checking the guzzlers at the same time routes are being reviewed.

**The group agreed to approve the measure with the following modification: "...If the tortoise mortality level is considered unacceptable, then the Implementing Team will take immediate steps to eliminate tortoise entrapment while not impairing the function of the guzzler."**

- **U3a.**

This item relates to tortoise disease. **The item was approved as shown.**

### **Wrap up**

Bill Haigh indicated that he will reissue a chart illustrating survey requirements. He also indicated that the first draft of the glossary is about ready to be sent out for review.

The next meeting is scheduled for August 13<sup>th</sup> at 10:00 AM. Head starting, raven management, and revisiting the SRA mapping will be on the agenda.