

Desert Tortoise-Article

http://banwaste.enviroweb.org/html/tortoise_fact_sheet.html

CRITICAL HABITAT FOR THE THREATENED DESERT TORTOISE OR NUCLEAR WASTE DUMP

by Philip M. Klasky

A Keystone Species in Decline

Desert tortoise (*Gopherus agassizii*) populations have declined by about 90% in the last 50 years and the species has lost half its numbers in the last seven to ten years largely because of the destruction and fragmentation of its habitat.

Compounding the effects of habitat destruction are two diseases, upper respiratory tract disease (URTD) and shell necrosis, which are a major cause of tortoise mortality in the western Mojave desert area. Surveys indicate that URTD is widespread among wild tortoises in the western Mojave Desert of California, around Las Vegas Valley in Nevada, and on the Beaver Dam Slope of Utah and Arizona. Recently, URTD has been discovered in the wild population of desert tortoises near Goffs, just north of Ward Valley.

History of Protection

In 1988, the Bureau of Land Management (BLM) designated Ward Valley as Category 1 habitat "essential to the maintenance of large viable populations," and deserving of the highest level of protection.

In 1989, the U. S. Fish and Wildlife Service (USFWS) published an emergency rule listing the Mojave population of the desert tortoise as endangered.

In 1990, the California Department of Fish and Game (CDFG) recommended protection of the subpopulation in the Ward Valley area stating that, "the Fenner/Chemehuevi population [including Ward Valley] is of worldwide significance and its maintenance is essential in the effort to prevent the extinction of the desert to

In 1990, the desert tortoise was listed by the USFWS in a final rule as a threatened species.

In 1994, in response to a court order, the USFWS designated 6.4 million acres of critical habitat for the tortoise including Ward Valley.

USFWS Biological Opinions

In 1990, the USFWS issued a Biological Opinion on the question of whether the proposed Ward Valley project would cause the extinction of the desert tortoise.

The "no jeopardy" Biological Opinion was narrowly limited to the determination of whether the loss of 90 acres of habitat would cause the extinction of the species. Although the USFWS ruled that "the proposed project is not likely to jeopardize the continued existence of the desert tortoise," the Biological Opinion states:

The Service [US. Fish and Wildlife Service] **opposes** the siting of this facility in an area that has been identified by the Service, the Department [California Department of Fish and Game] and Bureau [Bureau of Land Management] biologists as important to this species' future management and recovery.

In 1995, the USFWS issued another Biological Opinion on the effects of the proposed nuclear dump project on critical habitat.

The "no jeopardy" opinion stated that although 90 acres of critical habitat would be disturbed, there would be no destruction or adverse modification of critical habitat. The USFWS decided that tortoises killed in the construction and operation phases of the nuclear dump should be considered as "incidental take" and sacrificed to the dump project. The decision has been criticized as political by conservation biologists.

US Ecology's Mitigation Plans

US Ecology is the dump contractor chosen by the State of California to operate the Ward Valley facility. In order to mitigate the loss of 90 acres of critical habitat at Ward Valley, US Ecology has offered to translocate tortoises to the north side of Interstate 40 near the town of Goffs and build a fence along 6.5 miles of the Interstate to prevent tortoise deaths by vehicular traffic.

According to the USFWS Desert Tortoise Recovery Plan, relocation and translocation is a threat to recovery and that, "translocating desert tortoises is not likely to be very successful." Translocation has adverse effects on both the relocated and recipient populations as tortoises compete for resources and social position. In addition, upper respiratory tract disease (URTD) has been discovered near the proposed relocation area. If the proposed mitigation measures were carried out, healthy tortoises at Ward Valley would be placed into an infected population.

In their 1995 review of US Ecology's mitigation plans, a panel of the National Academy of Sciences (NAS) stated that, "the introduction of desert tortoises from the proposed Ward Valley disposal site into an area closer to the Goffs study plot where disease has been detected is inadvisable," and could result in the spread of disease.

The NAS also suggested that fencing the Interstate would not likely mitigate the loss of habitat at the proposed dump site. The NAS concluded that loss of habitat and habitat fragmentation at Ward Valley should be avoided.

USFWS Desert Tortoise Recovery Plan

In 1994, at the request of the USFWS, a group of distinguished conservation biologists developed a Recovery Plan for the threatened desert tortoise. The Recovery Plan recommended the protection of Ward Valley and stated that,

Currently the largest and most robust population of desert tortoises remaining within the geographic range is found in portions of the Ward and Chemehuevi valleys.

The Recovery Plan prohibits the construction of landfills and other habitat destructive activities in tortoise management areas, "if population trends are to be reversed and recovery is to occur within a reasonable period of time."

In summary, the construction of a nuclear waste dump in the midst of critical habitat for the desert tortoise would result in the destruction and fragmentation of habitat in the largest and most robust of the remaining desert tortoise populations. Activities at the site will attract ravens and other tortoise predators. The translocation of healthy tortoises into a diseased population will further diminish the species' ability to recover from assaults on its recovery and long-term viability.

[Read further information in articles by Dr. Stebbins](#)