

EXHIBIT 16

B. Ellis, "Road Bulldozed in Death Valley National Park," Desert Report, Summer 2004

DESERT



REPORT

Summer 2004 News of the desert from the Sierra Club California/Nevada Desert Committee www.desertreport.org

BY MICHAEL J. CONNOR, PH.D.

Desert Tortoises On The Move

The Mojave's desert tortoise population is about to celebrate the 15th anniversary of its listing on the Endangered Species list. It has not been a happy 15 years. Tortoise numbers have continued to dwindle. Tortoise habitat continues to be gobbled up in huge bites by developments in California, Nevada and southeast Utah. The West Mojave tortoise population has been particularly hard hit in a bruising battle with desert users.

Now the tortoises are facing their biggest challenge in recent history. Fort Irwin plans tank training on pristine habitat at the south end of the base and the adjacent Superior Valley. This designated critical habitat is a regional hot spot and home to thousands of tortoises. Although it would be much better for



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desert tortoise recovery if the Army trained elsewhere, the Army's solution is to move nearly a thousand tortoises to a another location. But this is not the easy solution it seems. Tortoise translocation is problematic and considered experimental.

Strong connection to home range

Tortoises are well known for their long life-spans. We don't know if they spend their entire lives in one territory because it has not been practical for biologists to observe a tortoise over the 60 plus years of its life. However, we do know that they spend decades in the same area. For example, two female tortoises have lived on one of the study sites at the Desert Tortoise Natural Area since they were marked there over thirty years ago.

Tortoises have been observed to make purposeful trips across their territory to the locations of specific plants and minerals licks. Males and females exhibit complex social behavior, and males appear to form "dominance hierarchies." During the summer and fall courtship periods, males will take a tour of their territory visiting burrows of favored females. Tortoises at the Beaver Dam slope in southeast Utah migrate each fall to communal hibernaculae in deep sandstone caves. These are the types of behavior that we would expect from animals that know every inch of their territory. Because of this strong connection between a tortoise and its habitat, current US Fish and Wildlife Service (USFWS) protocols require that tortoises found in construction areas move short distances out of harms way.

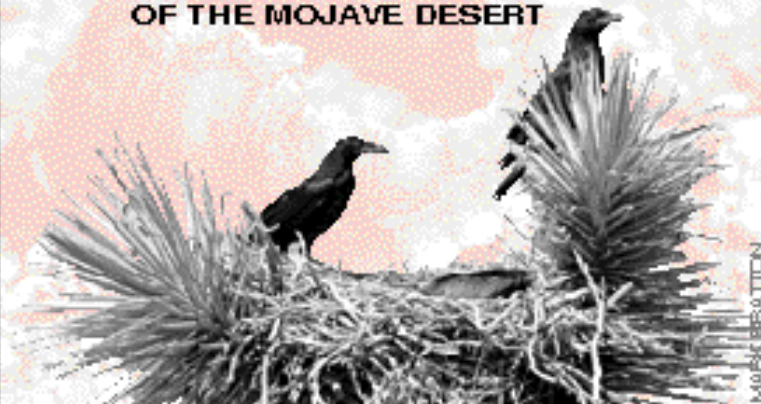
So what happens when tortoises have to be moved outside their home range? We know from studies with transmittered tortoises that their first reaction is often to go for a long march frequently in a straight line. Presumably the tortoises are looking for some familiar habitat or landmark. So strong is this reaction, that in some studies, transmittered tortoises have been lost because they simply walked out of range! Clearly then, any translocation site needs to be fenced so that the tortoises are

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Common Ravens

A GROWING THREAT TO THE ECOLOGY OF THE MOJAVE DESERT



MAJORS REPORT

View From  The Chair

BY ELDEN HUGHES

The Natives Are Restless



Patty and I were hiking the Arroyo de Pescadero Trail in the Whittier Hills. It was the golden hour for photographers, the last hour before sunset. The light was absolutely gorgeous on the bark of the eucalyptus trees.

There was a time when I thought those exotic Australian eucalyptus trees were among the most beautiful trees. As a result, when I originally purchased my home, I planted five of them. One has died, one I cut down, and three remain. They are still beautiful trees, but I realize now I must never plant another one.

Ignorance isn't bliss

At the time, I did not understand that eucalyptus trees did not produce food for our native birds. The birds of Australia have longer beaks. For our native birds, these non-native trees are useless for food and actually dangerous. Fortunately, a beautiful oak tree is now growing in my front yard. I didn't plant the oak, some bird did, but that oak belongs.

I do not propose cutting down all eucalyptus trees. We should be selective. Our raptors love the high perches. Blue herons have learned to build their nests in them. Still, we must be careful about what non-native plants and animals we allow to remain.

Our deserts were once fireproof. Now the spread of non-native grasses have made deserts very vulnerable to fire. The Joshua Trees alone certainly couldn't take the heat of a fire.

Growing up on a ranch on the Los Angeles Plain, our family had

absolutely no insight into what native vs. non-native meant. When my father's friend in Australia sent us 10 pounds of legume seeds, we planted them. Fortunately they did not do well. If they had, they could have spread across the hills of Whittier and beyond, replacing the native plants. We did not understand then the potential danger.

Slowing the spread of non-natives

We could hope that our land management agencies would have better knowledge and greater insight. Yet it took Sierra Club and California Native Plant Society pressures to stop much of the re-seeding in Southern California with non-native grasses following fires.

Can we stop the spread of non-natives? For some there are strategies that might work. For others it appears impossible. We shouldn't help the spread of non-natives. Instead, we must focus our efforts on helping the natives.

California and Nevada have an enormous diversity of plants and animals. We must do all we can to preserve this heritage. The Endangered Species Act is a major tool, but it is a tool of last resort. We need good planning and good management in all our land management agencies: Bureau of Land Management, Forest Service, Fish and Wildlife Service, Department of Defense, and the equivalent state agencies.

Most of these agencies are in the process of updating and rewriting their fire management plans. Let's help them do it right. That's a start. ♣

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BY BOB ELLIS
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Road Bulldozed in Death Valley National Park

SOME ROAD RESTORATION COMPLETED

In early March, the Death Valley National Park staff discovered that an old road segment in Greenwater Valley, closed since it became Wilderness in 1994, was re-graded with a bulldozer for its entire three-mile length. Inyo County road maintenance staff who were apparently insufficiently supervised and not made aware of the Wilderness and desert tortoise restrictions that apply in Greenwater Valley mandated the Wilderness violation.

The Greenwater Valley is Desert Tortoise habitat. The Park's management plan indicates that in tortoise habitat no routine road grading will occur, period. The Park's management plan indicates that in tortoise habitat the speed of vehicles shall be no more than 25 miles per hour. Both of these restrictions were completely ignored. The entire Greenwater Valley Road was graded and the Gold Valley side road was also graded for at least six miles. There are no signs informing motorists on the Greenwater Valley Road that this is tortoise habitat or that the speed limit is 25 miles an hour in order to protect them.

At first those of us who have followed the RS2477 and



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county vs. Federal land rights issues thought that Inyo County was setting out to confront the Federal Government by forcing open a closed route. Memories of the famous Carver-driven bulldozer driving past Forest Service road closures in the Kingdom of Nye County, Nevada surfaced immediately. However, Park staff reassured us that this was all a big innocent mistake. Inyo County has admitted fault and agreed to some sort of restoration.

Some road restoration completed

J.T. Reynolds, Superintendent of Death Valley National Park, acted quickly to prevent vehicle trespass on the newly bulldozed road. Rather than wait for a negotiated settlement to be worked out with Inyo County, he authorized the Park staff to use available resources to restore the ends of the route and stop motorized access. Park staff, volunteers, and a crew from the Nevada Conservation Corps were organized and set to work Friday March 19th.

Thursday afternoon, March 18th, a group of us drove to Gold Valley off the Greenwater Valley Road for a previously planned peak climb. The southern end of the newly graded road encouraged travel into the Wilderness.

Friday afternoon, we returned and were amazed at the "disappearance" of the road. I had seen slides of other restoration work done by the Bureau of Land Management (BLM), but this was a total re-do. For as far as you could see, the road was gone. Rocks, plants, and roughed ground were all randomly placed to conceal yesterday's open route. A similar effort was done at the north end. The more than 2.5 mile central portion was not "re-habbed" and it is hoped that Inyo County will provide some sort of recovery effort there.

How do we prevent this from happening again?

It turns out that the Park has no formal memorandum of understanding with Inyo County concerning road maintenance within the Park. There is no written list of "dos and don'ts" or any consistent coordination when work is to be done. The Park and the County need to coordinate their activities. It affects the whole Park, Wilderness or not. A strong working agreement will help both sides. 🌵

Bob Ellis is a desert activist and member of the Desert Committee



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Top and above: The amazing before and after photos.