



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

Eastern Sierra Inland Deserts Region  
Bishop Field Office  
407 W. Line Street  
Bishop, CA 93514  
(760) 872-1171  
(760) 872-1284 FAX



<b>DOCKET</b> 07-AFC-1C	
DATE	SEP 30 2008 <del>OCT 14 2008</del>
RECD.	_____

September 30, 2008

Mr. Jon Roberts  
City Manager  
City of Victorville  
14390 Civic Drive  
Victorville, CA 92392

Subject: Letter of Permission to Enter West Mojave Desert Ecological Reserve to Translocate Desert Tortoises from the Victorville 2 Hybrid Power Project

Dear Mr. Roberts,

This letter is to grant permission to your agents named below, working in cooperation with the Department of Fish and Game (Department), to enter certain areas (see attached map) within the West Mojave Desert Ecological Reserve (Reserve), located in San Bernardino County, to conduct desert tortoise translocation and monitoring activities as described below. The Department desires to gather preliminary data on the feasibility of re-establishing or augmenting desert tortoise populations using surplus animals removed from disturbed areas. Desert tortoises will be translocated to Department land from the Victorville 2 Hybrid Power Project.

Permission is hereby granted to the individuals named in the Memorandum of Understanding Between the Department and Mr. Michael Wilcox (MOU) to enter the Reserve to conduct desert tortoise surveys, construct artificial burrows, construct and remove temporary fencing if necessary, and conduct desert tortoise monitoring, as described below. All activities described below will be permitted under Scientific Collection Permit (SCP # 801024-03) and the MOU described above.

Please be advised this Letter of Permission to Enter contains the Department's requirements for the translocation of desert tortoises onto Department lands. This state authorization does not necessarily create an entitlement to proceed with the Victorville 2 Hybrid Power Project. As the Permittee, you are responsible for complying with all other applicable state, federal, and local laws, and it is your responsibility to obtain any required federal authorization or permits associated with the described project activities, including the translocation activities referenced in this letter.

Desert tortoise surveys shall be conducted as follows: Prior to translocation of tortoises, a site walkover to ensure the best location for the translocated tortoises shall be completed. Within the 100-acre area where tortoises will be translocated, a 100%



coverage survey (using USFWS protocols) shall be conducted. The remainder of the section shall be sampled using transects spaced at broad intervals (100-200m). This sampling may extend outside the Reserve as appropriate, depending on where the tortoises are placed. The sampling shall include an assessment/mapping of the habitat (shrub species composition, evenness and size; soils; substrate; topography; anthropogenic influences, especially those that might be harmful to translocated tortoises), as well as a mapping of the tortoise sign to identify the abundance and distribution of sign. Results of the surveys shall be transmitted to the Department within 5 calendar days of completing the surveys. If resident desert tortoise(s) are located within the translocation area, the Department shall be notified within 24 hours. Department personnel will work with project personnel to determine the best possible translocation area without impacting resident desert tortoise.

If juvenile tortoises are to be translocated, a temporary, predator-proof enclosure shall be erected at the translocation site, pursuant to the description on Page 45 of the Final Desert Tortoise Translocation Plan for the Victorville 2 Hybrid Power Project, dated September 9, 2008 (Translocation Plan). Construction and design of the fence shall be coordinated with the Department prior to installation. At least two artificially-created burrows shall be constructed at the translocation site for each translocated tortoise, as described in the Translocation Plan.

Translocated tortoises shall be captured, handled, disease-tested, fitted with radio transmitters, transported to the translocation site, and released, in accordance with measures described in the Translocation Plan. Monitoring shall be conducted as described in the Translocation Plan, with the following exceptions: After release at the translocation site, translocated tortoises shall be monitored no less than every other day until tortoises have moved underground. Upon emergence the following spring, translocated tortoises shall be monitored no less than 3 times/week in April (not consecutive days), twice per week in May (not consecutive days), once per week in June, and twice per month the remainder of the summer and fall (allowing no more than two weeks between each monitoring session) until tortoises move underground. The second spring, translocated tortoises shall be monitored once per week in April and twice per week (not consecutive days) in May. The above schedule may be modified in consultation with Department. Monitoring must be of sufficient frequency to ensure that contact with telemetered animals is not lost. Email status reports documenting monitoring results shall be submitted to the Department weekly (or every other week, as appropriate) during periods when tortoises are active. These status reports will contain but not be limited to a map showing the animal locations for that monitoring period, UTM coordinates in NAD 83, and photographs showing each tortoise and the surrounding habitat.

The translocation shall occur on DFG property described as T11N R6W S3, as shown on the attached map. Initial desert tortoise surveys shall be conducted in September and October, 2008. Translocation shall take place when weather conditions are favorable, anticipated to be in fall, 2008 or spring, 2009, as described in the Translocation Plan. Monitoring shall be conducted from release date until tortoises



move underground for the winter, and shall resume in spring, 2009. Monitoring shall continue on this same schedule through summer 2010, unless the Department determines that monitoring is no longer necessary.

All project personnel shall comply with the following general regulations pertaining to public entry and use of ecological reserves:

- 1) No person shall mine or disturb geological formations or archeological artifacts or take or disturb any bird or nest, or eggs thereof, or any plant, mammal, fish, mollusk, crustacean, amphibian, reptile, or any other form of plant or animal life.
- 2) No collecting shall be done except by permit.
- 3) No person shall drive, operate, leave, or stop any motor vehicle, bicycle, tractor, or other type of vehicle in an Ecological Reserve except on designated access roads and parking areas.
- 4) No person shall fire or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within or into an Ecological Reserve or possess such weapons within an Ecological Reserve, except law enforcement personnel and as provided for in individual area regulations that allow for hunting. Hunting is permitted within the West Mojave Desert Ecological Reserve from July 1 to January 31. Only licensed hunters shall be permitted to possess firearms. No plinking, firearms practice or target shooting is allowed within the Ecological Reserve.
- 5) Employees of the department may eject any person from an Ecological Reserve for violation of any of these rules or regulations or for any reason when it appears that the general safety or welfare of the Ecological Reserve or persons thereon is endangered; or, if conditions of this letter, the MOU or the Translocation Plan are not met.
- 6) No person may enter any Ecological Reserve between sunset and sunrise except with written permission from the Department.
- 7) The release of any fish or wildlife species, including domestic or domesticated species, or the introduction of any plant species, is prohibited.
- 8) The feeding of wildlife is prohibited.
- 9) The use of pesticides is prohibited on any Ecological Reserve.
- 10) No person shall deposit, drop, or scatter, any debris on any Ecological Reserve except in a receptacle or area designated for that purpose. Where no designated receptacles are provided, any refuse resulting from a person's use of an area must be removed from that area by such person.
- 11) Pets, including dogs and cats, are prohibited from entering reserves unless they are retained on a leash of less than ten feet or are inside a motor vehicle.
- 12) No person shall light fireworks or other explosive or incendiary devices, or start or maintain any fire on or in any Reserve.
- 13) No person shall camp on/in any Ecological Reserve.
- 14) No person shall tamper with, damage, or remove any property not his own when such property is located within an Ecological Reserve.

This Letter of Permission is contingent upon the following terms and conditions:

1. A copy of this letter shall be distributed to all crew members working in the Reserve, and at least one copy of this letter shall be in possession at all times, while working or driving within the Reserve;
2. The State of California shall not be liable and Permittee and/or any associates shall indemnify, hold harmless and at the option of the State, defend the State, its officers, agents, and employees, against and for any and all liability, claims, damages or injuries of any kind and from any cause, arising out of or connected in any way with the exercise of this Letter of Permission;
3. A copy of the data collected (including GIS/shape files, photographs, and final report) shall be provided to the Department;
4. Entry upon the Reserve by Permittee and/or his associates for the purposes stated herein shall constitute acceptance by Permittee and/or his associates of all terms and conditions of the Letter of Permission.

We appreciate the opportunity to cooperate with City of Victorville to conduct research on Department lands and look forward to working with you on this important project. If there are questions or concerns about this Letter of Permission, please contact Ms. Denyse Racine, at (760)872-1158, email [dracine@dfg.ca.gov](mailto:dracine@dfg.ca.gov). Please forward monitoring reports to and coordinate logistics (dates, times, access, etc) with Ms. Alisa Ellsworth at (760) 872-1173, email [aellsworth@dfg.ca.gov](mailto:aellsworth@dfg.ca.gov).

Sincerely,



Bruce Kinney  
Deputy Regional Manager  
Inland Deserts Region

Cc: Ms. Tonya Moore, DFG, Victorville  
Ms. Alisa Ellsworth, DFG, Bishop  
Ms. Denyse Racine, DFG, Bishop  
Mr. Troy Kelly, DFG, Bishop  
Lieutenant Mike Stefanak, DFG, Ontario  
Mr. Rick York, CEC, Sacramento  
Mr. Ray Bransfield, USFWS, Ventura

Attachment



