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California Energy Commission  
Docket Unit  
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Subject: **CHAPTER 7 GUIDELINES FOR HANDLING DESERT TORTOISES-  
MOJAVE POPULATION AND THEIR EGGS  
PALEN SOLAR POWER PROJECT  
DOCKET NO. (09-AFC-7)**

Enclosed for filing with the California Energy Commission is the original of **CHAPTER 7 GUIDELINES FOR HANDLING DESERT TORTOISES- MOJAVE POPULATION AND THEIR EGGS**, for the Palen Solar Power Project (09-AFC-7).

Sincerely,



Marie Mills

## **CHAPTER 7. GUIDELINES FOR HANDLING DESERT TORTOISES-MOJAVE POPULATION AND THEIR EGGS**

### **7.1. Objectives**

- Provide the reader with the most current methods for handling desert tortoises based on research and experience implementing previous handling protocols.
- Provide guidance to ensure the health and well-being of desert tortoises while allowing collection of data and necessary handling of desert tortoises.
- Ensure that diseases and parasites are not transmitted among desert tortoises.

### **7.2. Specific Considerations before Handling Desert Tortoises**

Depending on the circumstances, desert tortoises that are beneath machinery, in trenches or pipes, under pallets, or anywhere on the project site may be in danger and may need to be moved. Desert tortoises may be handled only by authorized personnel, but other project personnel may move a desert tortoise the shortest distance necessary to remove the desert tortoise from imminent danger if an Authorized Biologist is not present. The desert tortoise shall be monitored until an Authorized Biologist or USFWS is contacted for further instruction. If desert tortoises must be moved, a secure location must be available and the appropriate procedures in this Manual must be followed to ensure safe handling. If a secure location is not available, the tortoise must be held pending instruction from USFWS and the appropriate State wildlife agency. Before touching a desert tortoise, implement procedures described in Section 7.6.

### **7.3. Temperature Considerations**

Desert tortoises, particularly small ones, have been observed to be active aboveground every month of the year. However, the preferred daytime body temperature of desert tortoises is 69 degrees F to 101 degrees F (20.5 degrees C to 38 degrees C) (McGinnis and Voigt 1971). The critical maximum body temperature is between 103 degrees F and 112 degrees F (39 degrees C to 44 degrees C) (Brattstrom 1965, Naegle 1976). Berry and Turner (1984) found that juvenile desert tortoises preferred air temperatures of 63 degrees F to 66 degrees F (17 degrees C to 19 degrees C) during March, and 77 degrees F to 83 degrees F (25 degrees C to 28 degrees C) during June. Consequently, more juvenile desert tortoises were located in the morning (76.1 percent) than in the afternoon (23.9 percent). Zimmerman et al. (1994) found that air temperatures were comparable between 2 and 10 inches (5 centimeters to 25.4 centimeters) aboveground, with maximum variance of less than 3.5 degrees F (1.2 degrees C). Current information on lower temperature limits for desert tortoise activity is not well known.

Walde et al. (2003) observed that desert tortoises retreated into burrows when the air temperature reached 91.0 degrees F  $\pm$  3.5 degrees F (32.7 degrees C  $\pm$  1.2 degrees) and ground temperatures reached 95 degrees F  $\pm$  6 degrees F (35 degrees C  $\pm$  2.4 degrees); 95 percent of the desert tortoise observations aboveground occurred at air temperatures less than 91.4 degrees F (33 degrees C). Ground temperatures shall be measured on the ground surface in an area near the desert tortoise in full sun, with the thermometer in the shadow of the observer. Ambient air temperature shall

be measured in the shade, protected from wind, at a height of 2 inches (5 centimeters) above the ground surface.

During extreme heat, desert tortoises that shelter in relatively shallow burrows will remain in the burrow as long as the burrow temperature is lower than the temperature outside of the burrow. At night the air and surface temperatures drop faster than the temperature in the burrow. When the air and surface temperature drop below the burrow temperature, the desert tortoise may exit the burrow in an effort to lower its body temperature. Desert tortoises have been observed moving from a few feet out of the burrow to 50 feet (15 meters) or more during the night (Steve Ferrand, 2009, Nevada Biological Consulting, *in litt.*). Tortoises shall not be blocked in burrows during extreme temperatures and construction sites shall be carefully inspected during these periods for tortoises aboveground.

#### **7.4. Hot Temperatures**

Desert tortoises shall be treated in a manner to ensure that they do not overheat or exhibit signs of overheating, which include aggressive struggling by the desert tortoise, hot to the touch, frothing at the mouth, excessive salivation, or voiding its bladder. Desert tortoises shall not be placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Desert tortoises shall be kept shaded at all times until it is safe to release them. Ground temperatures are much hotter than air temperatures thus never place a desert tortoise on unshaded ground. Removal of the upper layer of hot substrate would expose a cooler layer below.

No desert tortoise shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ground temperature is above 95 degrees F (35 degrees C). Temperature must be measured in the shade and protected from the wind at a height of 2 inches (5 centimeters) above the ground. No desert tortoise shall be captured if ground temperature is anticipated to exceed 95 degrees F (35 degrees C) before handling and relocation can be completed. If the ground temperature exceeds 95 degrees F (35 degrees C) during handling or processing, desert tortoises shall be kept shaded in an environment where the ambient air temperatures do not exceed 91 degrees F (32.7 degrees C) and ground temperature does not exceed 95 degrees F (35 degrees C). The desert tortoise shall not be released until ground temperature at the release site declines to below 95 degrees F (35 degrees C).

If a desert tortoise is found aboveground when these upper temperatures are exceeded and the desert tortoise must be moved from harm's way, place the desert tortoise in a clean, unused cardboard box or disinfected open plastic container, and keep it in a climate-controlled environment (e.g., air conditioned vehicle or building) until the ambient air and ground temperatures are below upper limits.

## Hyperthermic Desert Tortoises

Before touching a desert tortoise, implement procedures described in Section 7.6. If an animal begins frothing at the mouth, it is probably nearing an upper lethal body temperature and immediate action is required: a) capture, transport, and hold the desert tortoise in a climate-controlled environment, or b) if a nearby climate-controlled environment is unavailable, place the desert tortoise in an unused or open disinfected plastic container in the shade and pour cool water over the shell to a depth that ensures the nares remain above the water level. If no container is available, excavate a depression in a shaded area; place the desert tortoise in the depression and pour water over the shell. Heat-stressed desert tortoises shall not be released until they resume normal behavior. Monitor the desert tortoise after release until normal behavior resumes including sheltering.

### **7.5. Cold Temperatures**

If a desert tortoise is found aboveground during cold temperatures (i.e., ambient temperature less than 55 degrees F or 12.8 degrees C) and its burrow cannot be located nearby or will be destroyed, then capture the animal and implement the appropriate actions in Table 7.1. Before touching a desert tortoise, implement procedures described in Section 7.6. If relocating the desert tortoise to a natural burrow, ensure that the burrow is unoccupied; both a natural or artificial burrow must be of appropriate size within the average home range for that size and sex animal. If the end of the burrow cannot be seen, the burrow must be examined with a fiber-optic scope to ensure that the burrow and all side channels are unoccupied by other desert tortoises. Placing a desert tortoise in a burrow occupied by another desert tortoise may promote disease transmission and aggressive behavior between the desert tortoises.

**Table 7.1. Actions to implement for desert tortoises in harm’s way or adjacent to project areas during cold temperatures.**

CIRCUMSTANCE	ACTIONS		
	Find natural, unoccupied burrow; block tortoise inside	Construct artificial burrow; block tortoise inside	Construct pen around tortoise and burrow (Section 6.9)
<b>Desert tortoise above ground:</b>			
Desert tortoise in harm’s way, not in burrow	<b>X</b>	<b>X</b>	
Desert tortoise and burrow in harm’s way	<b>X</b>	<b>X</b>	
Desert tortoise in harm’s way, nearby burrow not in harm’s way			<b>X</b>
Desert tortoise adjacent to project, burrow in harm’s way	<b>X</b>	<b>X</b>	
Desert tortoise adjacent to project, no burrow	<b>X</b>	<b>X</b>	
Desert tortoise and burrow adjacent to project, not in harm’s way			<b>X</b>
<b>Desert tortoise in burrow:</b>			
Desert tortoise in harm’s way	<b>X</b>	<b>X</b>	
Desert tortoise adjacent to project			<b>X</b>

## **7.6. Procedures to Avoid Transmission of Diseases or Parasites**

At all times, handle a desert tortoise as if it has a contagious disease or parasites, and in such a way to avoid transmitting disease or parasites from one desert tortoise to another. Much of the following information was developed by Berry and Christopher 2001.

During handling each desert tortoise, wear a new pair of disposable latex or rubber gloves (i.e., one pair of gloves, per desert tortoise, per encounter). If a glove is torn while handling a desert tortoise, which is likely when its toenail scrapes the glove, put on a new glove over the old one. Used gloves and disposable supplies (e.g., surveyors tape or flagging, etc.) must be placed in a plastic trash bag and disposed of offsite.

All tools that contact desert tortoises shall be disinfected in accordance with procedures described in Section 7.6.2.

### **7.6.1. Disinfecting Clothing**

Do not allow a desert tortoise to contact clothing. If it does, change clothes before handling another desert tortoise. Contaminated clothes must be washed before worn again while handling desert tortoises. Keep a change of clothes on-hand and change clothes, including shoes, before leaving the site for another geographical location (e.g., another valley or mountain range would

be considered a separate location). As an alternative, wear disposable jumpsuits or gowns and disposable paper or plastic shoe covers. Use disposable paper or plastic sheeting to place under the desert tortoise or on the lap of field workers; disposable baby changing sheets may prove useful.

### 7.6.2. Disinfecting Tools and Equipment

All equipment and work surfaces after contact with each desert tortoise, any equipment (e.g., scales, calipers, ruler, etc.) that comes in contact with a desert tortoise, including poles used to probe burrows or tap desert tortoises from burrows (Medica et al. 1986), must be disinfected. Disinfecting solutions shall be either 0.175 percent sodium hypochlorite (bleach) (Wendland et al. 2009) or *Nolvasan* (prepared according to the manufacturer's instructions). A 0.175 percent sodium hypochlorite bleach is a 1:10 dilution of 5 percent household bleach to water. Before disinfecting, first remove any organic debris (e.g., dirt, feces, etc.) by rinsing the area with water or brushing off the area with paper towels or a scrub brush. If using a bleach solution, the equipment and work surface shall be saturated with the solution and allowed to air dry. If using a *Nolvasan* solution, the equipment and work surface shall be submersed in the solution (bath) for a minimum of 10 minutes before being used on another animal. Equipment baths shall be changed regularly according to the label instructions. Measures should be taken to avoid transmission of pathogens between burrows when using a fiber-optic scope which may include covering the scope with a disposable plastic cover.

Between study sites, equipment, particularly buckets will be scrubbed using a dish soap and bleach solution. After rinsing, the bleach solution will be sprayed on the equipment and allowed to air dry. This will minimize the chance of cross-contamination between study sites.

Only metal or plastic rulers may be used; never use a wooden ruler, which is too porous and cannot be properly disinfected. If permitted to notch desert tortoises, files must be disinfected after each use.

Thoroughly clean field vehicles inside and out at a car wash before moving to another geographical location.

## **7.7. Capturing Desert Tortoises**

When encountering a desert tortoise outside its burrow, approach the animal slowly (e.g., if the desert tortoise is 15 feet (4.5 meters) away, pace your approach with pauses to contact the desert tortoise in 30 seconds). Put on a clean, unused pair of latex or rubber gloves and grasp the desert tortoise at its bridge (connection between the carapace and plastron) with both hands, holding it firmly with its plastron parallel to, and facing the ground. Slowly lift the desert tortoise to your waist height and slowly and smoothly walk to where the desert tortoise will be placed (e.g., remove from harm's way).

If a desert tortoise is collected at or near sunset and intended to be released the same day, hold the desert tortoise overnight in a clean, unused cardboard box or open disinfected plastic container, and release it the next morning at or near the capture site. Monitor the desert tortoise until it resumes normal behavior.

## 7.8. Processing Desert Tortoises

Before touching a desert tortoise, implement procedures described in Section 7.6. A desert tortoise shall only be processed (i.e., weighed, measured, or sexed) if authorized in a biological opinion or permit. An experienced biologist should be able to process a desert tortoise in 5 to 10 minutes. **Do not process a desert tortoise if the ambient temperature exceeds 95 degrees F (35 degrees C)** (Section 6.3 or 7.4.) or if there is a chance that a second desert tortoise could be in harm's way and requires timely action while processing the first one.

Inspect a desert tortoise and record data on size, sex, distinctive features, indications of health and disease (e.g., ectoparasites, shell lesions, signs of osteoporosis or osteomalacia, injuries, evidence of URTD, etc.). Ensure that the desert tortoise is maintained in a horizontal position at all times.

### 7.8.1. Measuring and Sexing

If authorized and required, measure the midline carapace length (MCL) of the desert tortoise from the nuchal to pygal scutes using calipers, which provide the most accurate measurement. Measurements should be taken in millimeters (mm). Before touching a desert tortoise, implement procedures described in Section 7.6.

The sex of desert tortoises less than 180 mm MCL cannot be accurately determined based on external characteristics. Generally, the following male characteristics differentiate them from females: a) concave plastron; b) longer, more curved gulars; c) larger, well-developed chin glands; d) longer, broader, more conical tail; and e) shorter, thicker toenails. Pay particular attention to the gular projection and the shape of the plastron, which are the two best features for differentiating the sexes. For very large desert tortoises, feel the concave (male) or flattened (female) plastron or see it by holding the desert tortoise at eye level without turning the desert tortoise on its back. When in doubt, record all other information and mark "sex unknown" on the data sheet.

### 7.8.2. Weighing

Handle desert tortoises carefully. Mishandling may result in injury or cause the tortoise to void its bladder. Before touching a desert tortoise, implement procedures described in Section 7.6. If using a digital scale, immobilize the desert tortoise as described in Section 7.8.3. If using a spring scale, place the desert tortoise inside a harness made of clean, unused cord that will avoid the spread of pathogens. It will also minimize gross contamination to the desert tortoise and to field equipment from urination or defecation. The harness shall consist of a double loop with one loop crossing the plastron posterior to the forelimbs and the other anterior to the hind limbs. As the Authorized Biologist slowly begins to raise the tortoise, the tortoise shall remain positioned horizontally and care shall be taken to ensure that the tortoise does slip out of the harness or fall. Using the harness allows the Authorized Biologist to observe any stressful behavior exhibited by the desert tortoise (e.g., flailing of legs) and act quickly to correct this situation. Suspend the harness from the scale, ensuring the desert tortoise is securely and safely positioned, a few inches above sand or soil substrate. Keep weighing time to a minimum; and

take every precaution to prevent the desert tortoise from falling or voiding. Once the desert tortoise has been weighed, dispose of the harness.

The following spring scale sizes are recommended: a) 0 to 100 gram scale with a 1.0 gram precision for small desert tortoises; b) 1 kilogram scale with a 10 gram precision for moderate-sized desert tortoises; and c) 5 kilogram scale with a 50 gram precision for large desert tortoises. It is best to use the smallest scale that will accommodate the weight of a desert tortoise. Occasionally a desert tortoise will weigh more than 5 kilograms; in this case you may use two 5-kilogram scales simultaneously on the harness and add the weights. Keep scales clean and calibrated.

Experts recommend weighing a desert tortoise immediately after capture. This provides a true weight. Should the desert tortoise void its bladder, weigh it afterwards to determine how much fluid has been lost. Another reason for weighing a desert tortoise is to determine if it is underweight for its size. Low weight may be the result of disease, drought conditions, recent egg-laying, or other factors.

### 7.8.3. Restricting Mobility

*Using cylinders* - Before touching a desert tortoise, implement procedures described in Section 7.6. A desert tortoise may be placed on the top of a cylindrical holding stand such as a coffee can or other large can to facilitate processing. The stand should be large enough to support the desert tortoise and small enough to prevent any waving appendages from touching the stand, and tall enough to prevent desert tortoise from touching a solid surface below. Given that desert tortoises come in all sizes, a range of stand sizes will be needed. Note that coffee cans and other types of stands come in several sizes and can be "nested" in one another for ease of transport thereby accommodating different-sized desert tortoises. Freedom to move its appendages may encourage a desert tortoise to extend its head, which allows observation of the eyes, nares, chin glands, and beak where most signs of URTD are observed. The stand must be disinfected before using it with another desert tortoise, or place waterproof plastic on top of the stand prior to each use, then position the desert tortoise on top of the plastic, and discard the plastic afterwards.

### 7.8.4. Assessing Desert Tortoise Health

A section 7 biological opinion or section 10 permit may require a health assessment for encountered desert tortoises. Before initiating this assessment, contact the appropriate USFWS office to determine the information to be included in the health assessment. This will determine the qualifications needed by the person conducting the health assessment. You will need the approval of the person conducting the health assessment from the USFWS.

### 7.8.5. Marking Desert Tortoises

You must contact the DTRO and appropriate State wildlife agency before marking desert tortoises. Before touching a desert tortoise, implement procedures described in Section 7.6. If authorized, first restrict movement of the desert tortoise (Section 7.8.3.). Next, use a clean, disinfected toothbrush to remove dirt from the left fourth costal scute, where the desert tortoise will be marked. If this scute is damaged, use the right fourth costal scute. Next, place a small



dot (i.e., no larger than 1/4 inch (0.64 centimeter) in diameter) of correction fluid (i.e., white out) or acrylic paint on the scute. The number is likely to last longer if placed on a rough, off-centered surface where shell-wear is less common, which is one reason only the fourth costal scutes are used for marking. Once the spot is dry, write the identifying mark on the spot using a waterproof, permanent black ink pen. Some biologists recommend using a capillary type technical pen (e.g., fine-tip Sharpie).

Allow the number to dry before applying 5-minute epoxy. Mix the epoxy on a file card or piece of paper, then transfer the mixed epoxy to the dot on the shell using a toothpick, wooden coffee stirrer, or tongue depressor. Wait several seconds until the epoxy starts to thicken but is still liquid enough to spread over the numbered spot with ease. Cover the paint spot overlapping its edges just enough to seal the paint. **Never allow the epoxy to spill over onto the growth area, which occurs at the border between two scutes.** Anticipate this when applying the paint so there will be space for the epoxy to overlap the paint without entering the seams. It may be helpful to cover the margins of the scute with 1/2-inch wide masking tape before applying the epoxy, to ensure that the epoxy does not touch the growth area, especially on smaller desert tortoises. Record the identifying mark on the data sheet. Dispose of used materials appropriately after use on each desert tortoise.

#### 7.8.6. Photographing Desert Tortoises

Before touching a desert tortoise for photographing, implement procedures described in Section 7.6. If permitted, photograph processed desert tortoises as follows: a) dorsal view of the carapace; b) the numbered scute; and c) frontal view of the desert tortoise's face and forelegs. Photograph any recent or previously healed injuries or unusual anomalies. Unless specifically required, do not photograph the plastron which would require unnecessary handling and risk to the tortoise. It is important that each object fills 80 to 90 percent of the frame and that the object be clearly focused. Digital photographs are preferred. Two types of labels are recommended: a) hold a small card adjacent to the desert tortoise so that the above information is clearly visible on the photograph without blocking the part of the desert tortoise being photographed; or, b) attach a 1/2 inch x 1/2 inch, adhesive label to the desert tortoise to allow for closer, more detailed photographs of the subject. Dispose of label appropriately following use on each desert tortoise.

Keep a log of the photographs in your field notes (e.g., "photo number 453, carapace of desert tortoise 4"). You must be familiar with the features of the camera. Label photographs with the following information: date, biologist's name, project name, desert tortoise number, UTM or lat/long, county, and state.

Supplies and equipment:

- 3 inch x 5 inch file cards (for identifying photographs)
- 1/2 inch x 1/2 inch labels or other stickers (to attach to desert tortoise to identify photograph)
- Camera

## **7.9. Desert Tortoise Urination and Hydration**

Desert tortoises may void their bladder: 1) when first encountered, picked up, or carried; 2) the longer you handle them; and (3) during drought conditions, which is also when water availability is at its lowest. Since desert tortoises store water in their bladders, any loss of this fluid may result in death (Averill-Murray 2002). Discourage bladder voiding by gently and slowly moving the desert tortoise. If the tortoise does void, record on the data sheet the quantity, color, and viscosity of the urine. If the desert tortoise has already been weighed, weigh it again to estimate the amount of lost fluid. Avoid all unnecessary actions that may result in stress to the animal.

If the desert tortoise urinates, it should be rehydrated. To rehydrate, soak the desert tortoise at the release location in a tub with a clean unused plastic disposable liner for a minimum of 10 to 20 minutes in a quiet protected area. Water level shall not be higher than the lower jaw of the animal; the water temperature should be tepid. Desert tortoises must be soaked individually. Weigh the desert tortoise before and after placing in water. Even if desert tortoises do not drink, they can absorb water through their cloaca. Weighing the desert tortoise before and after placing it in water will determine if the tortoise took in water (James Jarchow, veterinarian, pers. comm.).

On warm days, transport the desert tortoise in the shade. Remember to roll up your sleeves and wear protective clothing to avoid transmitting disease or parasites to other desert tortoises that may come in contact with your clothing. When handling is complete, remove and properly dispose of your gloves and protective clothing.

## **7.10. Moving and Releasing Desert Tortoises**

In this Manual, relocating desert tortoises is defined as moving them from harm's way but allowing them to remain within their home ranges. To relocate, move the desert tortoise the distance directed in the permit or biological opinion once the desert tortoise has been processed. The minimum distance from the edge of the project footprint that a desert tortoise can be relocated will be determined by its age and sex (different home range sizes), the presence or absence of desert tortoise-proof fencing around the perimeter of the project footprint, and the duration of the project activity. Desert tortoises may attempt to return to their point of capture. A desert tortoise should not be placed on private land without the written permission of the landowner.

In this Manual, translocating desert tortoises is defined as moving them from harm's way to a location outside their home range (e.g., more than 1,000 feet (305 meters)). Translocating tortoises should only occur when authorized by the permitting agencies and in accordance with an approved, project-specific translocation plan. Translocation not only affects the desert tortoise being moved but also may impact resident desert tortoises in the translocation area. The effectiveness of translocation of desert tortoises as a conservation or recovery tool has not been proven. Until its effectiveness is determined, it should be implemented only on an experimental basis and in close coordination with the USFWS and State wildlife agency.

For temperature considerations, refer to Section 7.3. To discourage urination or if the tortoise voided during handling, refer to Section 7.9.

After processing is completed, release the desert tortoise as soon as possible while considering its well-being. Desert tortoises shall be released individually and not in groups. The biological opinion or permit may require that desert tortoises be removed from the project site and placed in the shade of a shrub, in a natural unoccupied burrow, or in an artificial burrow. Desert tortoises shall be released at a safe location as near to the point of capture as possible. If a desert tortoise is found aboveground, release it aboveground if environmental conditions are suitable (Sections 7.4 and 7.5), or hold it until conditions are suitable, then release it. When releasing the desert tortoise, slowly lower the animal to the ground, release it, and slowly walk away. Following release, monitor the desert tortoise until it exhibits and maintains normal behavior. Further, we recommend that desert tortoises **not** be put into existing burrows to avoid exposing the desert tortoise to diseases.

If a desert tortoise and its burrow are not in harm's way but adjacent to project activities, as an alternative to moving, construct a temporary restraining pen around the desert tortoise and its burrow to protect it during project activities (See Section 6.9.).

#### 7.10.1. Temporarily Holding Desert Tortoises

There may be a situation where a desert tortoise needs to be removed from the field, held overnight or longer, and then released at its point of capture. While held, each desert tortoise shall remain in a clean, unused or disinfected container that is covered or closed. Newspaper placed in the bottom will absorb any urine that is voided. The box shall be ventilated in such a way that a desert tortoise's leg or head cannot be caught in the ventilation hole. Never put more than one desert tortoise in a container, and avoid placing anything in a container occupied by a tortoise that previously came in contact with another tortoise without following disinfection procedures (Section 7.6.).

#### 7.10.2. Transporting by Vehicle

Do not allow desert tortoises to roam freely in the vehicle. Do not transport desert tortoises in shopping or grocery bags or other containers less sturdy than a new cardboard box. Discard the box immediately after use to ensure that it is not used for another desert tortoise.

Never place desert tortoises over the catalytic converter or other area in a vehicle that becomes hot. Pad truck beds or floorboards and travel at speeds that minimize vibrations or shifting of the box. Never leave a desert tortoise unattended in a vehicle. During summer months, transport desert tortoises in an air-conditioned vehicle, placing them in a covered, unused cardboard box while maintaining the vehicle interior temperature between 75 degrees F and 80 degrees F (23.9 degrees C and 26.7 degrees C). If a desert tortoise is captured during the winter, maintain the desert tortoise at its current body temperature, which will be less stressful to it than much warmer temperatures, and may allow it to remain in a physiological state of brumation. When transporting an adult female desert tortoise, assume it may be gravid (i.e., April through July) and take special care to avoid jolting and jostling to ensure that the eggs are not ruptured which may result in her death from egg yolk peritonitis.

## **7.11. Injured or Dead Desert Tortoises**

If an injured desert tortoise is encountered that may have been the result of project activities, follow the instructions of the biological opinion/permit, which typically requires immediate transport to a qualified veterinarian. Contact the USFWS and appropriate State wildlife agency. Document the injury with photographs and a written description of the injury; circumstances and probable cause; and recommendations to avoid future injuries. Submit this information to the USFWS and other appropriate agencies.

If a dying or dead desert tortoise is encountered, you may not salvage or collect it unless authorized to do so under a biological opinion, section 10 permit, or under 50 *Code of Federal Regulations* 17.31.

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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
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APPLICATION FOR CERTIFICATION  
FOR THE *PALEN SOLAR POWER*  
*PLANT PROJECT*

Docket No. 09-AFC-7

**PROOF OF SERVICE**  
(Revised 8/27/10)

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DECLARATION OF SERVICE

I, Marie Mills, declare that on October 22, 2010, I served and filed copies of the attached **CHAPTER 7 GUIDELINES FOR HANDLING DESERT TORTOISES- MOJAVE POPULATION AND THEIR EGGS, dated December 2009**. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [\[http://www.energy.ca.gov/sitingcases/solar\\_millennium\\_palen\]](http://www.energy.ca.gov/sitingcases/solar_millennium_palen)

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

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- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery;
- by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

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Attn: Docket No. 09-AFC-7  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.



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Marie Mills