

## **QuadState Local Governments Authority**

### **Statement of Activities**

QuadState Local Governments Authority (QSLGA, or the Authority) was originally organized around desert tortoise animal and habitat management issues, which emerged in the late 1990s. Bureau of Land Management (BLM), with Fish and Wildlife Service (FWS) biologists, began to apply measures to land use planning and permitting which were contained in the 1994 Recovery Plan and the 1994 designation of critical habitat for the species. Once organized as an Interstate Joint Powers Authority agency, it has expanded its interests, representation and communication well beyond that single species. Initially engaged with only the Mojave Population of desert tortoise, the Authority actively engaged in providing input on the proposed listing of the Sonoran Population, and continues to advocate for measures which do not remove economic uses from the public lands in the four-state region of the two species.<sup>1</sup> The Authority keeps its members informed regarding a broad spectrum of contacts and interagency policies and programs in both the Mojave and Sonoran Deserts. Because of the broad distribution of the desert tortoise, and its use as an umbrella species by agency planners, the Authority continues to have a strong presence before the U.S. Fish and Wildlife Service, the state wildlife agencies, and desert tortoise groups such as the Desert Tortoise Council.

Beyond tortoises, however, much of the work we do, and provide activity reports to each member, involves maintaining relationships with a broad array of public officials in the natural resources management programs of the Mojave and Sonoran Deserts, and beyond. This includes participation by my associate or me in a variety of forums and interagency meetings. This provides value and cost-savings to members in that they don't have to dedicate staff to attend, get reports upon which they can follow up, and stay abreast of current programs and policies.

With respect to the Authority, one of the benefits that members have found over the years is that they developed personal relationships among each other across State lines and other jurisdictional borders that they previously did not have. They have also found this communication provided information that was not available through the internal State associations of county governments.

QuadState initially hired outside legal counsel to assist and provide advice on the tortoise listing issues and potential litigation. We retained Mr. Steven Quarles and his law firm, Crowell and Moring LLC.<sup>2</sup> The firm has provided representation, advocacy, and opened doors within the Washington Offices of agencies. QuadState on its own, and joined by its three California member counties intervened in the West Mojave Land Use Plan of the Bureau of Land Management. Crowell and Moring attorneys provided the legal arguments and prevailed on the Endangered Species Act issues.<sup>3</sup> The case was remanded for further work by BLM on route designations, but the points on distinct population segments and recovery were successfully argued. Our attorneys also have filed a 60-day Notice to file suit regarding a variety of tortoise issues. That letter to the Department of the Interior still has standing, but in the WEMO case, intervention was far less expensive to the Authority and its members than initiating a lawsuit. Being able to hire a legal specialist on a collective basis among members offers counties value well beyond what they could afford individually.

For my part, as Executive Director, I have established relationships on behalf of our issues and programs with Congressional staffs from the region, and regional administrative officials. Through my efforts with the House Natural Resources Committee, the Authority, through two Utah members of congress, was able to secure a Government Accountability Office audit of the entire program. In 2002 it found over \$100 million had been spent with nothing to show for tortoise recovery. This effort and continuing dialogue eventually led to FWS initiating a long overdue formal review and revision of the Recovery Plan and integration of public participation in the formation of recovery measures. The pro-active work with FWS led to specific and formal recognition of county government in the planning process.

As Executive Director I participate actively at meetings of National Association of Counties (NACo), and provide feedback to our members regarding outcomes and direction. This is done since most counties do not participate in the Western Interstate Region (WIR) and Public Lands Steering Committee. If, from those reports, you glean information you wish to follow up on, that opportunity is available. Further, if there are actions you wish me to undertake follow-up, you can provide that request to me, directly, or through the Chairman.

As a cost-reduction move, we have reduced the number of in-person meetings from three or four annually to one, and perhaps two, if needed. Most of our remaining legacy members have been saddened by this loss of personal associations and camaraderie, but the distances involved for travel between Bakersfield and St. George, Independence and El Centro were just too great for members to traverse for a half-day meeting.

As to specific programs and organizations with which we engage, I offer the following:

- The BLM Desert District Advisory Council (DAC) which covers the California Desert Conservation Area, and the Southern Nevada and Arizona Resource Advisory Councils (RACs). Attendance and participation in these provides visibility as well as opportunities to network with BLM officials. It also provides a first-hand vehicle for making input to BLM and for knowing about program initiatives regarding public lands. In the case where a Board member may serve on a RAC or the DAC, QuadState can be a vehicle to enhance participation by providing information on issues beyond the member's home county.
- The Desert Managers Group (DMG) is an interagency group that includes the land and wildlife management and science organizations in the California portion of the desert. With evolution counties are technically members, but with few exceptions have never been able to actively participate. The Executive Director attends meetings, and participates in two of the work groups with specific interest of local government, the Land Acquisition Work Group and the Raven Work Group. He provides full feedback to all QuadState member counties.
- The Mojave Desert Initiative (MDI) is a group that includes managers from the non-California states, and with similar activity to the DMG. This group has been active in coordinating restoration work following the catastrophic fires of 2005 and 2006, and also in providing fire management guidance for application in areas with T & E species. QuadState has provided representation for its member counties on this group, which has built interagency networks for information flow between local government and the agencies. It has also provided an avenue of advocacy for county issues and concerns to the land management agencies.

- The Management Oversight Group (MOG), which has yet to meet in recent years, has been organized by U.S. Fish and Wildlife Service to provide management review of the desert tortoise Recovery Action Plans. It will also review the current state of research and science and set priorities for studies. QuadState is a full member of that organization. We are currently pressing the Regional Office for a meeting so as to bring the first round of the Recovery Action Planning process to a satisfactory conclusion. (The Recovery Implementation Teams met last winter.) A satisfactory conclusion means that the Plans have a management review which includes an assessment of net benefits and economic viability, and that impractical or uneconomic proposals do not rise to the surface and public distribution.
- Desert Landscape Conservation Cooperative (DLCC). This new initiative by the Department of the Interior is developing science to deal with land management and adaptation in response to climate change. Because of concerns regarding land use planning on both federal lands as well as private lands we have fully engaged but have been denied membership on the Steering Committee. We did force formation of a Local Government Work Group. Because of our presence and push the Desert LCC is the only LCC among 22 nationally that has even recognized that local government has a role to play in such science and management programs. I have provided briefings to WIR on this, and recently provided information on the other three (3) LCCs in California to the leadership of CSAC and RCRC so they can pursue contact and access for other counties in the State. We continue to represent our nine county members, monitor the outputs, and assure there is no carry-over to integrating the adaptation programs into local government planning in the region. In participating, we recognize there is no way that individual counties can participate on their own, thus we not only reflect local government positions, but keep the Steering Committee aware of private land issues, and monitor the work of the organization. (We also maintain a communication line to House Committee staffs regarding the institutionalization of the LCC program, and are working with NACo to influence national and regional policies.) The DLCC Steering Committee has adopted a group of six Critical Management Questions which indicate its science agenda. We still do not know the “managers” who developed and adopted these, and suspect it reflects more biologist opinion rather than managers or administrators.
- Western Regional Partnership (WRP). We are affiliated with this group, which is organized under DOD leadership to provide interagency contacts and access to GIS technology and products. Again, we have kept all our members informed regarding meetings and materials, and participation opportunities. Most of our members seem to believe it is more cost-effective to rely on QuadState’s participation and feedback than to have their individual staffers take time to participate, unless we have alerted them that individual participation might have value.
- Relative to the continuing interest in tortoises and tortoise management I attend the annual meetings and symposia of the Desert Tortoise Council. I report on its activities and the current state of science. Through these relationships (I am invited annually to address the symposium as “an agency representative”) we have stayed on top of the disease and predation issues, seeking action in regard to both. This participation assures that I/we know and understand the current state of research and scientific knowledge regarding the species in both the Mojave and Sonoran Distinct Population Segments. We continue to believe that these are the primary impacts to tortoise

populations and those actions which reduce human activity in the desert are doomed to failure but at high cost for investments control as well as loss of use by our constituents. Participation also carries forward and maintains a professional relationship with the science community, neutralizing the fact that there is much related to management with which we disagree.

- The Arizona Interagency Desert Tortoise Team (AIDTT) has been organized by Arizona Game and Fish Department to do conservation planning for the Sonoran Population. It is an interagency group, and we have secured QuadState's membership within the group so as to reflect local government input into any planning and decision-making. With the "warranted for listing, but precluded" decision of FWS, there has been a reluctance to move forward, but we expect initiation this fall. AGF will notify counties and QuadState will provide the overall representation on member county's behalf, recognizing that they lack staff and expertise to fully participate.

Related to the listing decision regarding *G. morafkai*, the Authority has prepared advocacy documents proposing that FWS take another look at its listing decision. In the Authority's opinion the data used (sourced by both petitioners and the Authority from Arizona Department of Game and Fish (AGF)) does not support the listing decision. We will press the case until the final decision is made by FWS.

In association with our work with NACo, the Authority is actively engaged in providing information and advocacy regarding both the Payment in Lieu of Taxes (PILT) program, and R.S. 2477 assertions. We have also provided advocacy on issues associated with renewable energy development and mitigation, mostly in opposition to the continued efforts of the federal agencies to acquire more land. Land acquisition is a particular sore point with counties as it can and has significantly reduced tax base in the county without corresponding increases in PILT or other funding to offset the losses.

Gerald Hillier  
Executive Director

September 24, 2013

Footnotes:

1. The Mojave Distinct Population Segment (DPS) was initially listed in 1980 in only the Beaver Dam Slope area of Utah and Arizona. It was listed throughout its range in 1989. The Sonoran DPS was reviewed every five years and FWS determined listing was not warranted. In 2010 in response to a petition, FWS determined that listing of the Sonoran DPS was warranted but precluded due to higher priorities within the Service. Concurrently, tortoise biologists examining DNA of the two populations determined in 2011 that they two DPSs were really two separate species. *Gopherus agassizii* was retained as the scientific name for the Mojave Population; *Gopherus morafkai* was given to the Sonoran DPS. The two names have become common in the literature over the past year, and appear generally accepted. Under a Federal District Court settlement, FWS has agreed to make a final listing determination on *G. morafkai* by FY 2016.
2. The attorney, Steven P. Quarles, Esq., recently changed firms, now being with Sedgwick LLC, also in Washington DC, and has carried his representation portfolio with him.
3. Crowell and Moring LLC, and its litigation attorney Michael Klise, has retained this representation work.