

From: 
To: [FGC](#)
Subject: Comment on CBD FTHL Petition
Date: Wednesday, January 28, 2015 5:02:09 PM

Re: Evaluation of the Petition by the Center for Biological Diversity to List the Flat-tailed Horned Lizard as an Endangered Species

To the California Fish and Game Commission:

I would like to address a couple of key points while recommending an affirmative vote on the CBD petition putting the flat-tailed horned lizard forward for listing consideration.

First, a big deal was made at the last Commission meeting about how well the FTHL is doing at Ocotillo Wells in that they were able to do a survey that had failed in 2007-2008. As someone who worked at Ocotillo Wells on those surveys, please let me clarify. Following the protocol established by the Interagency Coordinating Committee for Flat-tailed Horned Lizard Management (ICC), an area was selected where the prerequisite number of adult FTHL's should be able to be found. (The protocol was dependent on finding 18 adult animals, 2 per hectare on 9 hectares, approximately 22.5 acres.) Surveys done several years earlier of a different type had found enough animals that it was thought the threshold could be reached. The area was allowed to be selected, but then plots were to be chosen at random within the area. In 2007, one plot was worked, finding only 22% of the required minimum number, i.e. four lizards. A second plot was abandoned part way through when it was readily apparent that nowhere near the needed 18 adults were going to be found. In 2008, we re-did the 2007 plot finding only 2 adults, half of 2007. A second plot (different than the second plot tried in 2007) was attempted. It was abandoned due to equipment malfunction (the PIT tag scanner failed), but it was going to fail with only 4 adults found in 6 days and only 3 days left to find 14 more. With the concurrence of the ICC science coordinator, Ocotillo Wells gave up on this type of demographic survey and concentrated on occupancy surveys, surveys which were badly neglected in the other ICC areas. In 2014, Ocotillo Wells did a successful demographic survey (16 adults which is close enough to the required 18). However, they did not randomly select the plot in a pre-chosen area per the protocol. Furthermore, this plot was nowhere near the survey attempts that failed in 2007 and 2008. So this one survey on a cherry-picked plot and having no comparability to past work says nothing about the FTHL at OW. Furthermore, the occupancy surveys conducted 2007-2011 had valuable information as we watched the number of roads, trails, and tracks accumulate on our survey plots, heavily degrading the habitat. OW no longer documents this important piece of the occupancy survey.

The other significant point to make is to recognize, as noted on Page 3 of the Department's Evaluation, the Department recommended listing in 1989; however, the Commission then voted negatively. What has improved for the species in these past 25 years? When you look at the increased human population with its increased land usage for development, agriculture, recreation, and renewable energy and with its propensity for changing habitat even without direct usage by introducing invasive plant and animal species and by changing water availability, the amount and quality of habitat has significantly dropped. Even if enough population evidence seems lacking, we should be erring on the side of conservation when we see the measurable habitat disturbance and destruction. The one "improvement" that some—like those presenting in December—are pointing to is the formation of the ICC, referred to above, which positions itself as the watchdog for the flat-tail. However this group is "voluntary" and has no ability to discipline any member agency for misdeeds. When the resources staff at OW submitted an entry to the ICC Annual Report for 2010 about the habitat degradation documented in our occupancy surveys, the OW administrative staff deleted it and inserted a generic statement about the protection afforded FTHL. When I brought this up at the ICC meeting, we were told that the MOG (Management Oversight Group) had the final say-so on what was in the report even if what was written did not represent the evidence on the ground. I pursued this and other misrepresentations in subsequent years until it was written to me by the Chair of the ICC (and this e-mail can be provided upon request): "If stakeholders choose to not be in compliance, or lie outright in the worst possible instance, the entire RMS [Rangewide Management Strategy, the guiding document of the ICC] is a voluntary action." Protection for the Flat-tailed Horned Lizard must come from your Commission.

Thank you for your consideration. I was an employee in the Resources Department of

Ocotillo Wells State Vehicular Recreation Area from 2006-2012 and a member of the ICC from 2007-2013.

Joseph C. Hopkins

