



January 22, 2009

Rebecca Jones, Wildlife Biologist  
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Subject: Annual Status Report for 2008 for the Copper Mountain Community College District (CMCCD) Expansion Project, State Incidental Take Permit No. 2081-2005-028-06.

Dear Ms. Jones,

This letter and attachments are intended to serve as an annual status report of activities and compliance issues for the above-noted Permit during the 2008 calendar year. This status report includes the following five items.

- 1) A general description of status of Project site and construction activities, including actual or projected completion dates, is documented in a report by Mr. Ed LaRue, Jr. of Circle Mountain Biological Consultants, Inc. (CMBC), dated 9 January 2009, entitled, "Construction monitoring of Copper Mountain College expansion activities from 15 September through 24 November 2008" (Attachment 1).

CMBC was contracted to facilitate implementation of mitigation measures for the above-referenced project, which resulted in incidental take of the desert tortoise (*Gopherus agassizii*) as authorized by Incidental Take Permit Number 2081-2005-028-06 from the California Department of Fish and Game. The report noted above (in Attachment 1) documented successful implementation of protective measures for impacts associated with authorized expansion activities at the Project site.

Authorized ground-disturbing activities began with campus expansion on 15 September 2008 when the right-of-way for fences around the Impact Area and Translocation Area were bladed and the fences subsequently installed. Critical ground disturbance effectively culminated on 24 November 2008 when approximately 43 acres of the 50-acre± Impact Area were completely bladed and grading began. Although active construction continues within the fenced Impact Area, the main likelihood of taking tortoises effectively ended on 24 November 2008.

See Figure 3 in Attachment 1 for a map showing the fenced Impact Area in September 2008 and the bladed Impact Area in December 2008.

A map of 10,400 rodent burrows in the Impact Area excavated from 18 September to 2 October 2008 may be seen in Figure 1, Attachment 1. Only one desert tortoise was found in these burrows as they were excavated. Other species found and rescued from the Impact Area were placed in the Translocation Area (see Table 1, Attachment 1 for a list of these rescued species). The locations of desert tortoise burrows excavated between 22 September and 16 October 2008 are detailed in Figure 2, Attachment 1.

2) A copy of the Mitigation and Monitoring Reporting Program (MMRP) table with notes showing implementation status of each mitigation measure is included in a report by CMBC dated 9 January 2009 entitled, "Copper Mountain Community College Expansion Site, Copper Mountain Community College District, Permit Number 2081-2005-028-06" (Attachment 2). This CMBC report documents compliance with the Mitigation and Monitoring Reporting Program outlined in the Department's permit.

3) An assessment of the effectiveness of each completed or partially completed mitigation measure in minimizing and compensating for Project impacts is documented in the above noted reports (Attachments 1 and 2), as well as a report by CMBC dated 9 January 2009 entitled, "Copper Mountain College tortoise observations during 2008 campus expansion activities" (Attachment 3).

4) During the course of surveying and monitoring Copper Mountain College campus expansion activities between 15 September and 24 November 2008, Circle Mountain Biological Consultants, Inc. (CMBC) and its subcontractors encountered 16 tortoises. Two numbering systems were used: "DT1" through "DT16" for sequential tortoise encounters and "CMC1" through "CMC7" for tortoises that were marked and currently reside inside the Translocation Area. Among these tortoises, there have been incidental observations by campus staff, such as the large male (subsequently DT12) that was photographed by Dan Cain on 11 September 2008, and a hatchling photographed by Paul Delaney on 29 August 2008.

The CMBC report in Attachment 3 combined all photographs, narrative descriptions, and mapped locations of desert tortoises encountered during the fall of 2008 into a single document. This will serve as a foundation data base to which subsequent tortoise encounters can be added as new tortoises are found inside the Translocation Area. The Translocation Area is to be surveyed each spring to determine demographics of wild tortoises contained within that fenced conservation area.

Between 14 and 16 tortoises were observed (DT6 may be DT16 and DT8 may be DT15) between 16 September 2008 and 9 October 2008. Importantly, these numbers are artifacts resulting from sequential tortoise encounters in the field and are contained in various data sheets and daily logs of field notes; these numbers are NOT marked on the tortoises. Seven of the 16 tortoise *were* marked (CMC1 through CMC7), including five tortoises that were moved from the Impact Area into the

Translocation Area and two tortoises that were observed inside the Translocation Area, marked, and left inside. As such, there are seven tortoises inside the Translocation Area that are marked and bear the sequential numbers CMC1 through CMC7 (each of these marks was photographed and appears in pertinent exhibits). As an aside, the college wanted to assign names to the tortoises, which were given sequentially as in naming hurricanes; e.g., **Alyssa** for the first tortoise, **Bert** for the second, etc. (See Table 1, Attachment 3).

Biologists encountered between 14 and 16 tortoises between 16 September and 9 October 2008 on 36 occasions and 7 of the tortoises were marked and named (See Table 1, Attachment 3). Also, 7 of the 16 tortoises (DT2, 4, 5, 6, 7, 8, and 11) were observed on only one date. Of the 14 or 16 tortoises encountered by biologists, 6 or 7 were adults and 8 or 9 were subadults, including 3 hatchlings (DT5, DT7, and DT10) (See Table 2, Attachment 3).

Biologists handled 9 tortoises (4 adults and 5 subadults) on 11 occasions, including DT1, which was handled 3 times (See Table 3, Attachment 3). Seven of these tortoises (DT3, 9, 10, 13, 14, 15, and 16) were permanently marked and are currently inside the TA. Since tortoises DT2 and DT11 were also observed inside the TA, we are aware of at least nine tortoises occurring inside the 85-acre +/- conservation area.

The locations of desert tortoises encountered during the course of surveying and monitoring Copper Mountain College campus expansion activities between 15 September and 24 November 2008 by CMBC are detailed in Figure 1, Attachment 3.

5) In summary, implementation of the mitigation measures was successful because no desert tortoises were obviously harmed or killed, all impacts were successfully contained within the designated Impact Area, and the Translocation Area was successfully established. This concludes the annual status report for 2008 for Permit No. 2081-2005-028-06.

Please contact me if you have questions or comments.

I certify that, to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of this report, the information submitted is true, accurate and complete.

Sincerely,

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#### List of Attachments

Attachment 1: Report from Circle Mountain Biological Consultants Inc. dated 9 January 2009 entitled, "Construction monitoring of Copper Mountain College expansion activities from 15 September through 24 November 2008."

Attachment 2: Report from Circle Mountain Biological Consultants Inc. dated 9 January 2009 entitled, "Copper Mountain Community College Expansion Site, Copper Mountain Community College District, Permit Number 2081-2005-028-06."

Attachment 3: Report from Circle Mountain Biological Consultants Inc. dated 9 January 2009 entitled, "Copper Mountain College tortoise observations during 2008 campus expansion activities."