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Via email only on 18 July 2008

From: Ed LaRue, Circle Mountain Biological Consultants, Inc.

To: Robert Kirschmann, Town of Yucca Valley; Karen Messaros, Joshua Tree National Park; Mike Tree, City of Twentynine Palms; Stephanie Weigel, Sonoran Institute; and Shellie Zias-Churchman, County of San Bernardino.

RE: Latest information on tortoises and other special-status species in Morongo Basin.

Dear Affected Parties,

At one time or another, each of you has expressed an interest in biological information we have assembled in the Morongo Basin (Basin) area between 1989 and 2008. This transmission includes the latest, updated information, including the following:

- Presence-absence distribution map for 220 tortoise surveys within the Basin (page 2);
- Special-status species observed during 220 tortoise surveys within the Basin (page 3);
- (Under separate cover as an email attachment) Excel spreadsheets with UTM coordinates for these first two maps;
- Annotated bibliography for the 220 surveys; numbers on the first map correspond with the numbers in the bibliography (pages 4 through 36);
- Some (unfortunately) think that discussion of a regional conservation plan is very new or has yet to occur. FYI, there have been numerous meetings since January 2005 in which we have met to discuss regional planning. I compiled the following minutes during the meetings on the dates indicated:
 - Morongo Basin Coordinated HCP, Conference Call Minutes, 10 January 2005 (pages 37 through 40);
 - Minutes of the Morongo Basin Coordinated Habitat Conservation Plan, 4 February 2005 (pages 41 through 44);
 - Minutes of Meeting #2 Morongo Basin Coordinated Habitat Conservation Plan, 22 March 2005 (pages 45 through 53);
 - Minutes of Meeting #3 Morongo Basin Coordinated Habitat Conservation Plan, 26 April 2005 (pages 54 through 63);
 - Minutes of Three Meetings Relative to Morongo Basin Coordinated Habitat Conservation Plan, 29 September 2005 (pages 64 through 67);

- Minutes from 19 April 2006 meeting with BLM on regional conservation area (pages 68 through 71);
- Minutes from 17 May 2006 meeting with BLM on regional conservation area (pages 72 and 73); and,
- Minutes of Meeting for Cooperative Protection of Desert Tortoise in Morongo Basin: Yucca Valley, Twentynine Palms, San Bernardino County, 26 January 2007 (pages 74 through 84).
- (Under separate cover as an email attachment) the Power Point presentation given to the agency personnel on 26 January 2007.

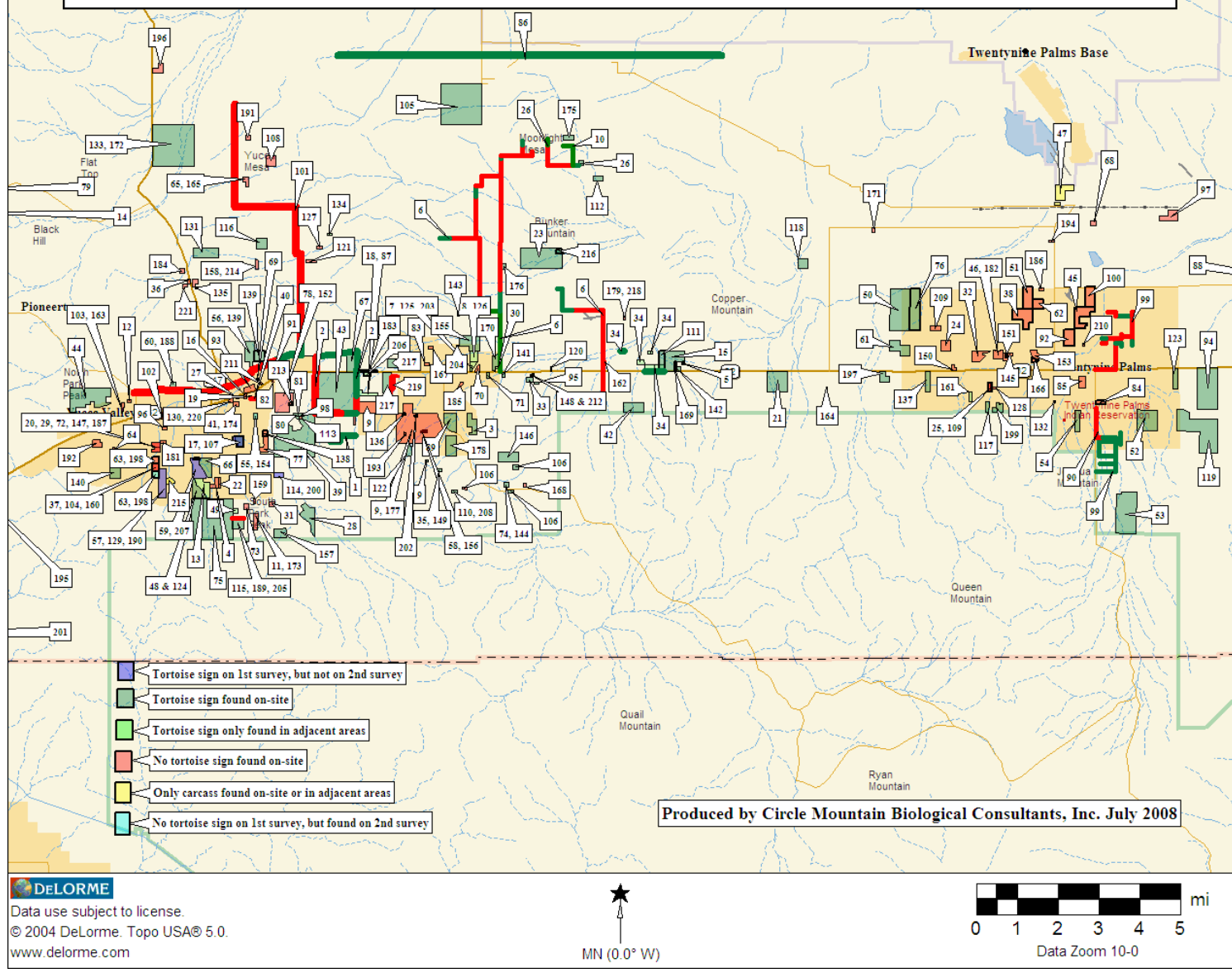
As such, this information includes everything I have documenting (a) tortoise occurrence and other species in the Basin and (b) various coordination meetings for a subregional HCP between January 2005 and January 2007.

As I emphasized to Stephanie Weigel several days ago, I believe it is important to include regional conservation of tortoises and other biological resources in the most recent attempt to revive the West Mojave Plan. As is, the West Mojave Plan has not provided focused conflict resolution in the Basin. If the right people provide input, it may be possible to develop a subregional plan to be incorporated into the West Mojave Plan to ensure that local tortoise conservation does not fall through the cracks.

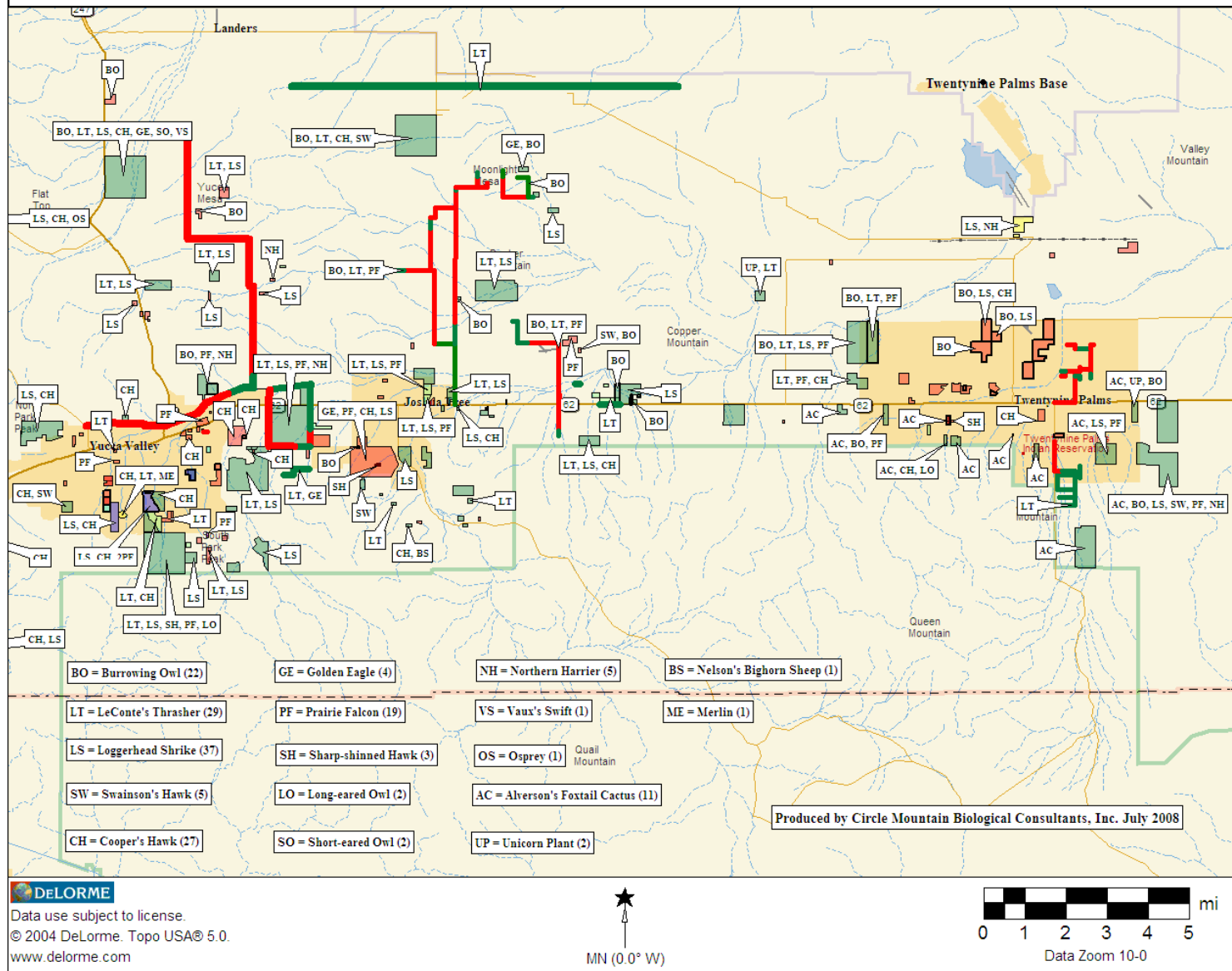
Regards,

Circle Mountain Biological Consultants, Inc.
Edward L. LaRue, Jr.
Tortoise Biologist

Results of 220 Desert Tortoise Surveys between 1989 and 2008



Special-status Species on 220 Tortoise Surveys between 1989 and 2008



**References for 217 Tortoise Presence-Absence Surveys in
Morongo Basin, San Bernardino County, California
1989 Through July 2008**

The following references relate to a map showing results of presence-absence surveys in Yucca Valley, 29 Palms, and San Bernardino County, which are collectively referred to as the “Morongo Basin.” Numbers in the left margin for each reference are depicted on the map, so that this reference list is necessary for the map to be complete. For ease of comparison, subsequent bulleted information where tortoise sign was found is shown in various font colors as follows:

- dark green = Tortoise sign found on-site
- light green = No tortoise sign on-site, but found in adjacent areas
- red = No tortoise sign found on-site
- brown = Only carcass found on-site or in adjacent areas
- dark blue = Tortoise sign found on first survey but no sign found on subsequent survey
- light blue = No tortoise sign on first survey but sign found on subsequent survey

Following references are cross-referenced with USA 5.0 Topo Map showing locations of negative and positive tortoise surveys in Yucca Valley.

- (1) Circle Mountain Biological Consultants. 1994. Joshua Basin Water District Onaga Trail Pipeline, J-1 Reservoir: Focused desert tortoise survey. Unpublished report prepared by Ed LaRue on behalf of Joshua Basin Water District. Job #94-012. Wrightwood, CA.
 - 4,000-foot pipeline + 0.3-acre tank site. 1 burrow, 23 scat. Other species: Golden eagle, LeConte’s thrasher.
- (2) Circle Mountain Biological Consultants. 1997. Joshua Basin Water District: Proposed water treatment plant and associated pipeline: Focused desert tortoise survey, Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Krieger & Stewart, Inc. Job #97-007. Wrightwood, CA.
 - 11 acres + 2.5-mile pipeline + 2.3-mile pipeline. 3 burrows, 4 tracks, 10 scat. Other species: None.
- (3) Circle Mountain Biological Consultants. 1998. Shadow Ranch, Joshua Tree, San Bernardino County, California: Endangered species biota report for desert tortoise. Unpublished report prepared by Ed LaRue on behalf of Mr. Matthew Patrick. Job #98-005. Wrightwood, CA.
 - 57 acres. 2 carcasses, 56 scat. Other species: None.
- (4) Circle Mountain Biological Consultants. 1998. Joshua Springs Calvary Chapel, Yucca Valley, California: Focused desert tortoise survey. Unpublished report prepared by Ed LaRue on behalf of Joshua Springs Calvary Chapel. Job #98-009. Wrightwood, CA.
 - 20 acres. No tortoise sign. Other species: LeConte’s thrasher.

- (5) Circle Mountain Biological Consultants. 1998. Focused desert tortoise survey for proposed 2.2-acre Childcare America Facility in an unincorporated portion of San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Childcare America. Job #98-020. Wrightwood, CA.
- 2.2 acres. None on-site; 1 burrow, 7 scat in adjacent areas. Other species: None.
- (6) Circle Mountain Biological Consultants. 1999. Biological Assessment for the Joshua Basin Water District's Copper Mountain Well Project. Unpublished report prepared by Ed LaRue on behalf of the Joshua Basin Water District. Job #99-002. Wrightwood, CA.
- 18.5 mile pipeline + 4 tank sites. 1 tortoise, 5 burrows, 53 scat. Other species: Burrowing owl, Prairie falcon, LeConte's thrasher.
- (7) Circle Mountain Biological Consultants. 1999. General biological survey and focused survey for desert tortoise on +/- 18 acres, near the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Morongo Basin Transit Authority. Job #99-009. Wrightwood, CA.
- 18 acres. Site clear; adult tortoise +/- 1,200 feet east of site. Other species: LeConte's thrasher, Loggerhead shrike.
- (8) Circle Mountain Biological Consultants. 1999. General biological survey and focused survey for desert tortoise on +/- 33 acres, near the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Splatball West. Job #99-010. Wrightwood, CA.
- 33 acres. Site clear; adult tortoise +/- 1,200 feet east of site. Other species: LeConte's thrasher, Loggerhead shrike. See CMBC #99-009.
- (9) Circle Mountain Biological Consultants. 2000. Joshua Basin Water District, 2000 H-Zone Pipeline Replacement Project, San Bernardino County, California: Focused desert tortoise survey and habitat assessment. Unpublished report prepared by Ed LaRue on behalf of the Joshua Basin Water District. Job #00-005. Wrightwood, CA.
- Assessment District. No tortoise sign on pipeline; 5 burrows, 48 scat on tank site. Other species: None.
- (10) Circle Mountain Biological Consultants. 2000. Joshua Basin Water District Copper Mountain Mesa Well and Pipeline: Results of focused desert tortoise survey. Unpublished letter report from Ed LaRue to Tom Dodson & Associates. Job #00-013. Wrightwood, CA.
- 2.0-mile pipeline. 2 tortoises, 3 tracks, 17 burrows, 13 scat. Other species: Burrowing owl (1 dead young and 1 live adult).
- (11) Circle Mountain Biological Consultants. 2001. General biological survey and focused survey for desert tortoise on +/- 28 acres in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty and Ed LaRue on behalf of Mr. Leon Strand. Job #01-003. Wrightwood, CA.

- 28 acres. No tortoise sign. Other species: LeConte's thrasher, Loggerhead shrike. (Portions of this site were resurveyed in February 2006, when no tortoise sign found; that survey is not included in this comprehensive list).
- (12) Circle Mountain Biological Consultants. 2002. Focused desert tortoise survey and general biological inventory for Culver Construction Company's proposed 4.4-acre site, Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Culver Construction Company. Job #02-005. Wrightwood, CA.
- 4.4 acres. No tortoise sign. Other species: None.
- (13) Circle Mountain Biological Consultants. 2002. General biological survey and focused survey for desert tortoise on six tracts totaling +/- 64 acres (Nos. 11209, 11209-2, 11209-3, 12225-1, 12225-2, and 12225-3) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty and Ed LaRue on behalf of Sunbelt Construction. Job #02-011. Wrightwood, CA.
- 64 acres. None on-site; active burrow, juvenile scat, and carcass during zone of influence. Other species: 2 LeConte's thrasher, Cooper's hawk. See CMBC #04-038.
- (14) Circle Mountain Biological Consultants. 2002. General biological survey and focused survey on 77.74 acres (APN 593-151-02) in the vicinity of Pipes Canyon, near the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Mr. Paul White. Job #02-013. Wrightwood, CA.
- 77.74 acres. No tortoise sign. Other species: None.
- (15) Circle Mountain Biological Consultants. 2002. College of the Desert Copper Mountain College: General biological survey and focused desert tortoise survey on +/- 115 acres in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of The Addington Partnership. Job #02-018. Wrightwood, CA.
- +/- 115 acres. 1 egg shell fragment, 3 tracks, 5 tortoises, 7 carcasses, 250+ scat. Other species: Loggerhead shrike.
- (16) Circle Mountain Biological Consultants. 2002. General biological survey and focused desert tortoise survey on a 5.89-acre parcel (APN 601-011-08) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Mr. Neil Phelps. Job #02-022. Wrightwood, CA.
- 5.89 acres. No tortoise sign. Other species: None.
- (17) Circle Mountain Biological Consultants. 2003. General biological survey and focused survey for desert tortoise on Tract 11740 in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty and Ed LaRue on behalf of Mr. Bob Koste. Job #03-009. Wrightwood, CA.
- 35 acres. 1 tortoise, 1 burrow, 3 scat. Other species: None.
- (18) Circle Mountain Biological Consultants. 2003. Focused desert tortoise survey and general biological inventory for APN 601-211-14, a +/- 28-acre parcel in the community of

Joshua Tree, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Mr. Bill Scholar. Job #03-013. Wrightwood, CA. 2nd survey of site, first surveyed in 1991. See TMC #91-027.

• 28 acres. None on-site; 2 fresh scat found 1200 feet north of site. Other species: None.

(19) Circle Mountain Biological Consultants. 2003. General biological survey and focused desert tortoise survey on a 5.31-acre parcel (APN 601-011-07) and associated fill areas in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Mr. Neil Phelps. Job #03-018. Wrightwood, CA.

• +/- 10 acres. No tortoise sign. Other species: None.

(20) Circle Mountain Biological Consultants. 2003. General biological survey and focused desert tortoise survey on a 16.5-acre parcel (APN 587-021-08) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of El Rancho Homes. Job #03-019. Wrightwood, CA. See CMBC #05-009 for subsequent survey.

• 16.5 acres. No tortoise sign. Other species: None.

(21) Circle Mountain Biological Consultants. 2003. General biological survey and focused survey for desert tortoise on a +/- 6.11-acre parcel (68561 Twentynine Palms Highway) within a larger +/- 160-acre site in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of The California Vipissana Center. Job #03-023. Wrightwood, CA.

• 6.11 acres. 2 carcasses, 7 burrows, 24 scat. Other species: None.

(22) Circle Mountain Biological Consultants. 2003. General biological survey and focused desert tortoise survey on a +/- 10-acre parcel in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Joshua Springs Calvary Chapel. Job #03-024. Wrightwood, CA.

• 10 acres. No tortoise sign. Other species: None.

(23) Circle Mountain Biological Consultants. 2003. General biological survey and focused desert tortoise survey on a +/- 314-acre parcel (APN 605-151-03) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue and Sharon Dougherty on behalf of JAT Associates, Inc. Job #03-028. Wrightwood, CA.

• 314 acres. 2 sets tortoise tracks, 7 tortoises, 14 carcasses, 37 burrows, 256 scat. Other species: Loggerhead shrike, LeConte's thrasher.

(24) Circle Mountain Biological Consultants. 2003. General biological survey and focused desert tortoise survey on a +/- 38-acre parcel (APN 615-211-09) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Penca Capital. Job #03-034. Wrightwood, CA.

• 38 acres. No tortoise sign. Other species: None.

(25) Circle Mountain Biological Consultants. 2003. General biological survey and focused desert tortoise survey on a +/- 6.5-acre parcel (APN 616-04-02) in the City of Twentynine

Palms, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Mr. Harold Duncan. Job #03-036. Wrightwood, CA.

• 6.5 acres. No tortoise sign. Other species: None.

(26) Circle Mountain Biological Consultants. 2003. Biological Assessment for the Joshua Basin Water District's well 17 and La Brisa pipeline project, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of the Joshua Basin Water District. Job #03-039. Wrightwood, CA.

• 1.25-mile pipeline + 0.5-acre well site. 2 carcasses, 2 burrows, +/- 20 scat. Other species: None.

(27) Circle Mountain Biological Consultants. 2003. General biological survey and focused desert tortoise survey on a 3.4-acre parcel in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Mr. Neil Phelps. Job #03-040. Wrightwood, CA.

• 3.4 acres. No tortoise sign. Other species: None.

(28) Circle Mountain Biological Consultants. 2003. General biological survey and focused survey for desert tortoise survey on a +/- 89-acre site (APN 589-051-11, 14, and 15) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Mr. Arthur Shultz. Job #03-042. Wrightwood, CA.

• 89 acres. 1 tortoise, 3 burrows, 23 scat. Other species: Loggerhead shrike.

(29) Circle Mountain Biological Consultants. 2003 (Revised February 2004). General biological survey and focused desert tortoise survey on a 16.5-acre parcel (APN 587-021-40) and a 15.38-acre parcel (APN 587-021-40) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty and Ed LaRue on behalf of El Rancho Homes. Job #03-019 & 03-044. Wrightwood, CA. See CMBC #05-009 for subsequent survey.

• 31.88 acres. No tortoise sign. Other species: None.

(30) Circle Mountain Biological Consultants. 2003. General biological survey and focused survey for desert tortoise on a +/- 16-acre site (APN 604-231-07, -09, -12, and -13) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Mr. Alex Mlitokin. Job #03-045. Wrightwood, CA.

• 16 acres. Older, subadult scat +/- 1,200 feet west of site. Other species: None.

(31) Circle Mountain Biological Consultants. 2003. Focused desert tortoise survey and general biological inventory on a +/- 10-acre parcel (APN 589-031-49) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Mr. Rui Da Silva. Job #03-046. Wrightwood, CA.

• 10 acres. No tortoise sign. Other species: None.

- (32) Circle Mountain Biological Consultants. 2004. Proposed Arroyo Vista Development: Focused desert tortoise survey and general biological inventory in the City of Twentynine Palms, CA. Unpublished report prepared by Ed LaRue on behalf of Arroyo Vista Development, LLC. Job #04-002. Wrightwood, CA.
• 47.24 acres. No tortoise sign. Other species: None.
- (33) Circle Mountain Biological Consultants. 2004. General biological survey and focused survey for desert tortoise on a +/- 15-acre property (APN 604-131-21, 27, 28, 29, and 30) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Mike Poland Construction. Job #04-008. Wrightwood, CA.
• 15 acres. 2 older scat. Other species: None.
- (34) Circle Mountain Biological Consultants. 2004. Results of environmental monitoring of the Joshua Basin Water District Copper Mountain College Pipeline. Unpublished report prepared by Sharon Dougherty on behalf of the Joshua Basin Water District. Job #04-010. Wrightwood, CA.
• 1.0-mile pipeline? See report \$\$\$Cannot find this report. Other species: LeConte's thrasher.
- (35) Circle Mountain Biological Consultants. 2004. General biological survey and focused survey for desert tortoise on a +/- 5-acre parcel (APN 589-121-20) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Ms. Bonnie Bose. Job #04-011. Wrightwood, CA.
• 5 acres. 3 older scat. Other species: None.
- (36) Circle Mountain Biological Consultants. 2004. Yucca Valley +/- 5-acre parcel (APN 597-091-07): Focused survey for desert tortoise and general biological survey, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Mr. Byron Gusa. Job #04-013. Wrightwood, CA.
• 5 acres. No tortoise sign. Other species: None.
- (37) Circle Mountain Biological Consultants. 2004. Yucca Valley +/- 20-acre parcel (APN 585-13-81): Focused survey for desert tortoise and general biological survey, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Fomotor Engineering. Job #04-014. Wrightwood, CA. See CMBC #05-031 for subsequent survey.
• 20 acres. No tortoise sign. Other species: None.
- (38) Circle Mountain Biological Consultants. 2004. Twentynine Palms 100-acre Barrett Property: Focused survey for desert tortoise and general biological survey, City of Twentynine Palms, California. Unpublished report prepared by Ed LaRue on behalf of Mr. Bill Barrett. Job #04-015. Wrightwood, CA.
• 100 acres. No tortoise sign. Other species: Burrowing owl.

- (39) Circle Mountain Biological Consultants. 2004. Yucca Valley +/- 525-acre site: Focused desert tortoise survey and general biological inventory. Unpublished report prepared by Ed LaRue on behalf of Century Crowell Communities. Job #04-017. Wrightwood, CA.
- 525 acres. 1 tortoise, 6 carcasses, 14 burrows, 320 scat. Other species: LeConte's thrasher, Loggerhead shrike.
- (40) Circle Mountain Biological Consultants. 2004. Report of findings for desert tortoise survey on a +/- 550-foot right-of-way for access road. Unpublished letter report from Sharon Dougherty to Mr. Neil Phelps. Job# 04-018. Wrightwood, CA.
- 550-foot access road.
- 550-foot access road. No tortoise sign. Other species: None.
- (41) Circle Mountain Biological Consultants. 2004. General biological survey and focused survey for desert tortoise on a +/- 11-acre parcel in the Town of Yucca Valley (Tentative Tract No. 11004, MB 174/67-68 (24 lots)), San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Superior Real Estate. Job #04-019. Wrightwood, CA.
- 11 acres. No tortoise sign. Other species: None.
- (42) Circle Mountain Biological Consultants. 2004. Focused survey for desert tortoise and general biological inventory on an 80-acre site (APN 607-051-01) in Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Ms. Jeanne Newman. Job #04-021. Wrightwood, CA.
- 80 acres. 1 tortoise, 5 burrows, 21 scat. Other species: Loggerhead shrike, LeConte's thrasher, Cooper's hawk. 2nd survey, see CMBC #01-023 when surveyed for Rappaport.
- (43) Circle Mountain Biological Consultants. 2004. General biological survey and focused survey for desert tortoise on a +/- 640-acre site (APNs 0601-022-33 & -41) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Katz Builders & Developers. Job #04-046. Wrightwood, CA.
- 640 acres. 2 tortoises, 2 carcasses (maybe same), 17 burrows, 76 scat. Other species: LeConte's thrasher, Loggerhead shrike, Prairie falcon, Northern harrier.
- (44) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory for a +/- 540-acre site in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Katz Builders & Developers. Job #04-064; see also #04-026 for preliminary survey. Wrightwood, CA.
- 540 acres. 1 old tortoise scat. Other species: Cooper's hawk, Loggerhead shrike.
- (45) Circle Mountain Biological Consultants. 2004. Focused desert tortoise survey and general biological inventory for Tentative Tract Map 12861 in the City of Twentynine Palms, California. Unpublished report prepared by Sharon Dougherty on behalf of Sunwest Modular. Job #04-027. Wrightwood, CA.
- 86 acres. No tortoise sign. Other species: None.

- (46) Circle Mountain Biological Consultants. 2004. General biological survey and focused survey for desert tortoise on a +/- 28.83-acre parcel (APN 618-131-05) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Ms. Randi Sellers. Job # 04-034. Wrightwood, CA.
- 28.83 acres. No tortoise sign. Other species: None.
- (47) Circle Mountain Biological Consultants. 2004. General biological survey and focused survey for desert tortoise on parcels totaling approximately 85 acres (APNs 622-301-04, -13, and -16) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of International Pavement Solutions, Inc. Job # 04-035. Wrightwood, CA.
- 85 acres. >4 years dead carcass 1200 ft west. Other species: Loggerhead shrike, Northern harrier.
- (48) Circle Mountain Biological Consultants. 2004. Focused desert tortoise survey and general biological inventory for a +/- 65-acre site in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Copper Hills Homes, L.L.C. Job #04-038. Wrightwood, CA.
- 65 acres. Adult female tortoise, 1 burrow, and 3 older scat. See CMBC #02-011, which is immediately west of this site.
- (49) Circle Mountain Biological Consultants. 2004. Focused desert tortoise survey and general biological inventory on a 10-acre site (APN 589-011-03) in Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Mr. Ted Phillips and Ms. Janet Grace. Job #04-040. Wrightwood, CA.
- 10 acres. No tortoise sign on-site; 2 scat found to west during current survey on Howard 640 (see CMBC #05-014). Other species: None.
- (50) Circle Mountain Biological Consultants. 2004. Proactive Properties 320-acre site (APN 0612-201-01): Focused survey for desert tortoise and general biological survey, City of Twentynine Palms, California. Unpublished report prepared by Sharon Dougherty on behalf of Proactive Properties, LLC. Job #04-042a. Wrightwood, CA.
- 320 acres. 6 tortoises, 18 carcasses, 35 burrows, 3 tracks, 1 egg shell fragments, 232 scat. Other species: Burrowing owl, Loggerhead shrike, Prairie falcon, LeConte's thrasher.
- (51) Circle Mountain Biological Consultants. 2004. Proactive Properties 80-acre site (APN 0621-031-03): Focused survey for desert tortoise and general biological survey, City of Twentynine Palms, California. Unpublished report prepared by Sharon Dougherty on behalf of Proactive Properties, LLC. Job #04-042b. Wrightwood, CA.
- 80 acres. No tortoise sign. Other species: Burrowing owl, Loggerhead shrike, Cooper's hawk.
- (52) Circle Mountain Biological Consultants. 2004. Proactive Properties 160.4-acre site (APN 0591-331-01): Focused survey for desert tortoise and general biological survey, City of

Twentynine Palms, California. Unpublished report prepared by Sharon Dougherty on behalf of Proactive Properties, LLC. Job #04-042c. Wrightwood, CA.

- 160.4 acres. 3 tortoises, 3 carcasses, 3 burrows, 90 scat. Other species: Alverson's foxtail cactus, Prairie falcon, Loggerhead shrike.

(53) Circle Mountain Biological Consultants. 2004. Proactive Properties 75- and 240-acre sites (APNs 0591-091-02 and -03): Focused survey for desert tortoise and general biological survey, City of Twentynine Palms, California. Unpublished report prepared by Sharon Dougherty on behalf of Proactive Properties, LLC. Job #04-042d & e. Wrightwood, CA.

- 315 acres. 10 tortoises, 27 carcasses, 35 burrows, 278 scat. Other species: Alverson's foxtail cactus.

(54) Circle Mountain Biological Consultants. 2004. Proactive Properties 40.13-acre site (APN 0590-111-01): Focused survey for desert tortoise and general biological survey, City of Twentynine Palms, California. Unpublished report prepared by Sharon Dougherty on behalf of Proactive Properties, LLC. Job #04-042f. Wrightwood, CA.

- 40.13 acres. 27 scat, 2 burrows. Other species: Alverson's foxtail cactus.

(55) Circle Mountain Biological Consultants. 2004. General biological survey and focused survey for desert tortoise on a +/- 9-acre parcel (APN 588-311-09) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of WIL-Mark, GP. Job #04-044. Wrightwood, CA.

- 9 acres. No tortoise sign. Other species: None.

(56) Circle Mountain Biological Consultants. 2004. General biological inventory and focused survey for desert tortoise on a +/- 90-acre parcel (Tentative Tract No. 15930) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Mr. Dean DeStefani. Job #04-045. Wrightwood, CA.

- 90 acres. 2 tortoises, 2 carcasses, 5 burrows, 98 scat. Other species: Loggerhead shrike.

(57) Circle Mountain Biological Consultants. 2004. Focused desert tortoise survey and general biological inventory on an 87-acre site (APN 585-131-63) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of PDM Group, LLC. Job #04-047. Wrightwood, CA.

- 87 acres. 1 older and 1 more recent scat. Other species: Cooper's hawk.

(58) Circle Mountain Biological Consultants. 2004. Focused desert tortoise survey and general biological inventory on Donaldson 5-acre site (APN 588-131-07) in Joshua Tree, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Mr. George Donaldson. Job #04-049. Wrightwood, CA.

- 5 acres. No tortoise sign. Other species: Sharp-shinned hawk.

(59) Circle Mountain Biological Consultants. 2004. Paolini 67-acre site (APNs 585-071-23 & -24): Focused survey for desert tortoise and general biological survey, Town of Yucca

Valley, California. Unpublished report prepared by Sharon Dougherty on behalf of Chris Paolini, Pine Tar L.L.C. Job #04-051. Wrightwood, CA.

- 67 acres. 1 juvenile tortoise carcass. Other species: Cooper's hawk, Prairie falcon, Loggerhead shrike.

(60) Circle Mountain Biological Consultants. 2004. Raygoza 14.89-acre site (APN 0595-291-12): Focused survey for desert tortoise and general biological survey, Town of Yucca Valley, California. Unpublished report prepared by Ed LaRue on behalf of Mr. Henry Raygoza. Job #04-053. Wrightwood, CA.

- 14.89 acres. 1 older scat. Other species: Cooper's hawk.

(61) Circle Mountain Biological Consultants. 2004. Eisendrath property: Four sites totaling 76+/- acres (APNs 614-281-03, -07, -09, and -10): Focused survey for desert tortoise and general biological survey, City of Twentynine Palms, California. Unpublished report prepared by Sharon Dougherty on behalf of Mr. Richard Eisendrath. Job #04-057. Wrightwood, CA.

- 76 acres. 2 carcasses, 5 burrows, 48 scat. Other species: Cooper's hawk, Prairie falcon, LeConte's thrasher.

(62) Circle Mountain Biological Consultants. 2004. Penca Capital 40-acre site (TTN 17172): Focused survey for desert tortoise and general biological survey, City of Twentynine Palms, California. Unpublished report prepared by Sharon Dougherty on behalf of Penca Capital. Job #04-059. Wrightwood, CA.

- 40 acres. No tortoise sign. Other species: Burrowing owl, Loggerhead shrike.

(63) Circle Mountain Biological Consultants. 2004. Focused survey for desert tortoise and general biological survey on two 18.4-acre sites (APN 585-013-080 & 082) in the Town of Yucca Valley, California. Unpublished report prepared by Sharon Dougherty on behalf of Fomotor Engineering. Job #04-062. Wrightwood, CA.

- 36.8 acres. No tortoise sign. Other species: None.

(64) Circle Mountain Biological Consultants. 2004. Focused desert tortoise survey and general biological inventory on Sprecher 5-acre site (APN 586-211-05) in Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Ms. Andora Sprecher. Job #04-063. Wrightwood, CA.

- 5 acres. No tortoise sign. Other species: None.

(65) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory for a +/- 15-acre site (APN 598-291-26) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of HomeLife Realty. Job #04-065. Wrightwood, CA.

- 15 acres. No tortoise sign. Other species: None.

(66) Circle Mountain Biological Consultants. 2004. Paolini +/- 71-acre site (APN 585-071-15): Focused survey for desert tortoise and general biological survey, Town of Yucca Valley,

California. Unpublished report prepared by Ed LaRue on behalf of Chris Paolini, Pine Tar L.L.C. Job #04-070. Wrightwood, CA.

- 71 acres. 1 collapsed burrow, 1 older scat, observation of copulating tortoises ca. 1999 to 2000. Other species: Cooper's hawk.

(67) Circle Mountain Biological Consultants. 2004. Results of a desert tortoise reconnaissance survey. Unpublished letter report and map from Ed LaRue to Mr. Darryl Moore describing recon survey on 80 acres in the community of Joshua Tree. Job #04-071. Wrightwood, CA.

- 80 acres. 1 burrow, 16 scat. Other species: None.

(68) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and burrowing owl survey for a 10-acre Site (APN 621-281-20) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Pulliam Construction Company. Job #05-001. Wrightwood, CA.

- 10 acres. No tortoise sign. Other species: None.

(69) Circle Mountain Biological Consultants. 2005. Desert tortoise survey on a vacant lot in Yucca Valley, California. Unpublished letter from Ed LaRue to Mr. John Andrews. Job #05-004. Wrightwood, CA.

- 1 acre. No tortoise sign. Other species: None.

(70) Circle Mountain Biological Consultants. 2005. Focused desert tortoise resurvey for a 10-acre site (APN 604-231-07) in the community of Joshua Tree, San Bernardino County, California. Unpublished letter from Ed LaRue to Mr. Alex Mlikotin. Job #05-007. Wrightwood, CA.

- 10 acres. No tortoise sign. Other species: None.

(71) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory for a 4.62-acre site (APN 604-051-05) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Ms. Sharon Drubin. Job #05-008. Wrightwood, CA.

- 4.62 acres. 1 burrow, 20 scat. Other species: None.

(72) Circle Mountain Biological Consultants. 2005. Desert tortoise resurvey of APN 0587-021-08 & 0587-021-40 in Yucca Valley. Unpublished letter from Ed LaRue to Mr. Mark Howard. Job #05-009. Wrightwood, CA. 2nd survey of two contiguous sites. See CMBC #03-019 and #03-044.

- 31.88 acres. No tortoise sign. Other species: None.

(73) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory for a 10-acre site (APN 589-01-021) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Ms. Jeanne Smith. Job #05-010. Wrightwood, CA.

- 10 acres. No tortoise sign on-site; 2 scat found to west (see CMBC #04-040).

- (74) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory for a 10-acre site (APN 589-183-20) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Mr. James Maguire. Job #05-012. Wrightwood, CA.
- 10 acres. 1 scat, 1 carcass. Other species: None.
- (75) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory for a 640 site (APN 585-051-02) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of DanMark Development, L.L.C. Job #05-014. Wrightwood, CA.
- 640 acres. 4 burrows, 49 scat, 1 carcass. Other species: 3-5 Loggerhead shrike, 2-3 LeConte's thrasher, Sharp-shinned hawk, Prairie falcon, @@@Long-eared owl.
- (76) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory for a 160-acre site (APN 612-201-02) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Proactive Properties, LLC. Job #05-015. Wrightwood, CA.
- 160 acres. 2 tortoises, 11 carcasses, 126 scat, 29 burrows. Other species: Burrowing owl, LeConte's thrasher, Prairie falcon.
- (77) Circle Mountain Biological Consultants. 2005. Focused survey for desert tortoise on APNs 0588-031-42 and -43, a 38.5-acre± site in the Town of Yucca Valley, California. Unpublished report prepared by Sharon Dougherty on behalf of Chris Paolini, Pine Tar L.L.C. Job #05-016. Wrightwood, CA.
- 38.5 acres. No tortoise sign. Other species: None.
- (78) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory for a 118-acre site (APNs 601-551-26, -28, -29) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Century-Crowell Communities. Job #05-024. Wrightwood, CA.
- 118 acres. No tortoise sign. Other species: Cooper's hawk.
- (79) Tierra Madre Consultants, Inc. 1989. 160-acre Pipes Road Property: Biological assessment. Unpublished report completed by Ed LaRue on behalf of Jeffries and Associates. Job #89-043. Riverside, CA.
- 160 acres. No tortoise sign. Other species: Cooper's hawk, Osprey, Loggerhead shrike.
- (80) Tierra Madre Consultants, Inc. 1990. Valley Community Chapel: Focused desert tortoise survey. Unpublished report completed by Ed LaRue on behalf of Art Miller, Jr. Job #90-055. Riverside, CA.
- 5 acres. 4 burrows, 6 scat. Other species: None.

- (81) Tierra Madre Consultants, Inc. 1990. APN 588-041-038: Focused desert tortoise survey. Unpublished report completed by Ed LaRue on behalf of Art Miller, Jr. Job #90-056. Riverside, CA.
- 15 acres. 3 burrows, 6 scat. Other species: None.
- (82) Tierra Madre Consultants, Inc. 1990. APN 601-611-013 & 014: Focused desert tortoise survey. Unpublished report completed by Ed LaRue on behalf of Warner Engineering. Job #90-091. Riverside, CA.
- 2.0 acres. No tortoise sign. Other species: None.
- (83) Tierra Madre Consultants, Inc. 1990. Joshua Tree Apartments 5-acre site: Focused desert tortoise survey. Unpublished report completed by Ed LaRue on behalf of WM. C. Buster, Inc. Job #90-133. Riverside, CA.
- 5.0 acres. No tortoise sign. Other species: None.
- (84) Tierra Madre Consultants, Inc. 1990. Snow-Bird RV Park: Focused desert tortoise survey. Unpublished report prepared by Ed LaRue on behalf of Mr. Albert T. Logan, Jr. Job #90-149. Riverside, CA.
- 15 acres. No tortoise sign. Other species: None.
- (85) Tierra Madre Consultants, Inc. 1990. Monument View Plaza: Focused desert tortoise survey. Unpublished report prepared by Ed LaRue on behalf of Warner Engineering. Job #90-165. Riverside, CA.
- 31.70 acres. No tortoise sign. Other species: Cooper's hawk.
- (86) Tierra Madre Consultants, Inc. 1991. 106-mile Joshua Basin Pipeline: Focused desert tortoise survey. Unpublished report completed by Ed LaRue on behalf of Joshua Basin Water District. Job #91-026. Riverside, CA. Also see CMBC Job# 95-019 for monitoring report.
- 106-mile water pipeline in 1991. 55 burrows. In previous BLM survey of 50.25 miles, found 72 scat, 37 burrows, 2 carcasses, 6 tortoises, 1 set of tracks. Other species: LeConte's thrasher.
 - 56-mile water pipeline in 1996. 196 burrows (32 excavated) and 41 tortoises between April 23 and November 20, 1996.
- (87) Tierra Madre Consultants, Inc. 1991. Tentative Tract 14140: Focused desert tortoise survey. Unpublished report completed by Ed LaRue on behalf of Ken-Lar Construction. Job #91-027. Riverside, CA.
- 36.65 acres. No tortoise sign. Other species: None.
- (88) Tierra Madre Consultants, Inc. 1991. Tentative Parcel Map 13446: Focused desert tortoise survey. Unpublished report prepared by Ed LaRue on behalf of Mr. Stefan Hornak. Job #91-075. Riverside, CA.
- 40 acres. No tortoise sign. Other species: None.

- (89) Tierra Madre Consultants, Inc. 1991. Tentative Parcel Map 13882: Focused desert tortoise survey. Unpublished report completed by Ed LaRue on behalf of CALCO c/o Al Scharton. Job #91-081. Riverside, CA.
- 80 acres. 55 scat, 4 burrows, 1 tortoise, 1 carcass. Other species: Loggerhead shrike.
- (90) Tierra Madre Consultants, Inc. 1991. Twentynine Palms 1.0 mile pipeline: Focused desert tortoise survey. Unpublished report prepared by Ed LaRue on behalf of Tom Dodson & Associates. Job #91-100. Riverside, CA.
- 1.0-mile water pipeline. 2 tortoises, 5 scat, 1 burrow. Other species: None.
- (91) Tierra Madre Consultants, Inc. 1991. Culver Construction Mini-Storage Facility (APN 601-413-04): Focused desert tortoise survey. Unpublished report completed by Ed LaRue on behalf of Culver Construction. Job #91-118. Riverside, CA.
- 2.0 acres. No tortoise sign. Other species: None.
- (92) Tierra Madre Consultants, Inc. 1991. 801 Family Housing Project for the 29 Palms Marine Corps Base. Unpublished report prepared by Ed LaRue on behalf of Sundt, Actus, Bland Corporation. Job #91-121. Riverside, CA.
- 70 acres. No tortoise sign. Other species: None.
- (93) Tierra Madre Consultants, Inc. 1991. Gatlin Development 27-acre Yucca Valley site, proposed WalMart: Focused desert tortoise survey. Unpublished report completed by Ed LaRue on behalf of Gatlin Development. Job #91-125. Riverside, CA.
- 27 acres. No tortoise sign. Other species: Prairie falcon.
- (94) Tierra Madre Consultants, Inc. 1991. Proposed 320-acre Morris Development: Focused desert tortoise survey. Unpublished report prepared by Ed LaRue on behalf of Mr. Melvin Morris. Job #91-128. Riverside, CA.
- 320 acres. 4 tortoises, 2 carcasses, 89 scat, 62 burrows. Other species: None.
- (95) Tierra Madre Consultants, Inc. 1991. Hi-Desert Medical Center: Focused desert tortoise survey. Unpublished report completed by Ed LaRue on behalf of Hi-Desert Medical Center. Job #91-140. Riverside, CA.
- 2-3 acres. 7 scat, 1 burrow. Other species: None.
- (96) Tierra Madre Consultants, Inc. 1991. Saint Mary's Church expansion: Focused desert tortoise survey. Unpublished report completed by Ed LaRue on behalf of Warner Engineering. Job #91-144. Riverside, CA.
- 15 acres. No tortoise sign. Other species: Prairie falcon.
- (97) Tierra Madre Consultants, Inc. 1991. Morris 55-acre Senior Citizen Community. Unpublished report prepared by Ed LaRue on behalf of Mr. Melvin Morris. Job #91-152. Riverside, CA.
- 55 acres. No tortoise sign. Other species: None.

- (98) Tierra Madre Consultants, Inc. 1992. Proposed Valley Community Chapel and Good Shepherd Lutheran Church: Focused desert tortoise survey. Unpublished report completed by Ed LaRue on behalf of Art Miller, Jr. Job #92-???. Riverside, CA.
- 10 acres (2 5-acre parcels). 6 burrows, 8 scat, egg shell fragments. Other species: None.
- (99) Tierra Madre Consultants, Inc. 1992. Twentynine Palms Water District Master Plan, South Hansen and Joe Davis Sites: Focused desert tortoise survey and general biological assessment. Unpublished report completed by Ed LaRue on behalf of Twentynine Palms Water District. Job #92-015. Riverside, CA.
- 11-mile water pipeline. Hansen: 14 scat, 10 burrows, 1 carcass, LeConte's thrasher. Davis: 15 scat, 1 carcass.
- (100) Tierra Madre Consultants, Inc. 1992. Twentynine Palms Water District 80-acre site: Focused desert tortoise survey. Unpublished report prepared by Ed LaRue and Kent Beaman on behalf of Twentynine Palms Water District. Job #92-015. Riverside, CA.
- 80 acres. No tortoise sign. Other species: None.
- (101) Tierra Madre Consultants, Inc. 1993. Hi-Desert Water District proposed pipeline: Focused desert tortoise survey and general biological assessment. Unpublished report prepared by Ed LaRue on behalf of Tom Dodson & Associates. Job #92-072. Riverside, CA.
- 11.5-mile pipeline + 20 acres. "Two active burrows and 15 old scat..." Other species: None.
- (102) Tierra Madre Consultants, Inc. 1993. Yucca Valley four-acre site: Focused desert tortoise survey. Unpublished report completed by Ed LaRue on behalf of Kenlar Construction. Job #93-055. Riverside, CA.
- 4.0 acres. No tortoise sign. Other species: LeConte's thrasher.
- () Tierra Madre Consultants, Inc. 1993. Technical Biological Assessment for the Town of Yucca Valley General Plan. Unpublished report completed by Ed LaRue on behalf of Terra Nova Planning & Research, Inc. Job #93-040. Riverside, CA.
- Tortoise sign found in the region is mapped. Other species are also mapped.
- (103) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory for a 13-acre± Site (APNs 594-041-22, -27, -28, and -44) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Vickery and Co. Job #05-027. Wrightwood, CA.
- 13 acres. No tortoise sign. Other species: None.
- (104) Circle Mountain Biological Consultants. 2005. Focused desert tortoise resurvey on a 20-acre± site (APN 585-13-81) in the Town of Yucca Valley, San Bernardino County, California. Unpublished letter report prepared by Sharon Dougherty on behalf of Fomotor Engineering. Job #05-031. Wrightwood, CA. See CMBC #04-014 for previous survey of same site.
- 20 acres. No tortoise sign. Other species: None.

- (105) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory for a 640-acre± Site (APNs 631-151-03 and -04) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Mr. William Deane. Job #05-032. Wrightwood, CA.
- 640 acres. Three tortoises, 4 carcasses, 2 burrows, 64 scat, mostly on the southwest quarter. Other species: Swainson's hawk, Cooper's hawk, LeConte's thrasher, burrowing owl.
- (106) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory on two 5-acre± parcels and one 10-acre± parcel (APNs 589-183-27, 589-171-05, and 589-192-69) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Mr. Philip Spinelli. Job #05-034. Wrightwood, CA.
- 3 parcels = 20 acres. No tortoise sign on Site 1, tortoise with sign on Site 2, tortoise scat only on Site 3. Other species: LeConte's thrasher on Site 1.
- (107) Circle Mountain Biological Consultants. 2005. Focused desert tortoise resurvey on a ±36 acres in the Town of Yucca Valley, San Bernardino County, California. Unpublished letter report prepared by Ed LaRue on behalf of Century-Crowell Communities. Job #05-035. Wrightwood, CA. Cross-reference with Job #03-009.
- 36 acres. No tortoise sign observed on this resurvey. Other species: None.
- (108) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory for a 40-acre± site (APN 631-011-29) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of E & L California, LLC and Mr. Louis Silva. Job #05-043. Wrightwood, CA.
- 40 acres. No tortoise sign. Other species: LeConte's thrasher, Loggerhead shrike.
- (109) Circle Mountain Biological Consultants. 2005. Focused survey for desert tortoise and western burrowing owl and general biological inventory for a 13-acre± site (Tentative Map No. 16754) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Mr. Harold Duncan. Job #05-047. Wrightwood, CA. Cross-reference with Job #03-036 for resurvey of 6.5 acres plus new survey of 6.5 acres.
- 13 acres. No tortoise sign. Other species: Alverson's foxtail cactus.
- (110) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory on a 5-acre± site in the community of Joshua Tree (APN 0589-101-14), San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Andrea and Todd Gordon. Job #05-048. Wrightwood, CA.
- 5 acres. 4 scat, including 1 fresh subadult, 1 fresh adult, and two older adult scat. Other species: None.
- (111) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory for a 40-acre± site within the proposed Copper Mountain College

expansion area, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Copper Mountain Community College District. Job #05-053. Wrightwood, CA.

- 40 acres. 1 carcass, 3 burrows, 43 scat. Other species: Burrowing owl.

(112) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory on a 20-acre± site in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf Lori LeBoy. Job #05-051. Wrightwood, CA.

- 20 acres. 1 burrow and 5 scat. Other species: Loggerhead shrike.

(113) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory on a 2.5-acre± site (APN 588-041-42) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Valley Community Chapel. Job #05-060. Wrightwood, CA.

- 2.5 acres. No tortoise sign. Other species: Cooper's hawk.

(114) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory on a 17.79-acre± site (APN 588-062-26) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Fred Golestani. Job #05-054. Wrightwood, CA.

- 17.79 acres. 7 older scat of subadult tortoise. Other species: None.

(115) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory on a 40-acre± site (Parcel Map #14722) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Alan Petty. Job #05-052. Wrightwood, CA.

- 40 acres. 2 fresh, adult scat together. Other species: Loggerhead shrike.

(116) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory on a 37.5-acre± site (APN 598-571-03) in San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Ramagon Holdings, LLC. Job #05-056. Wrightwood, CA.

- 37.48 acres. 4 fresh, adult scat in two groups. Other species: LeConte's thrasher, Loggerhead shrike.

(117) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory on a 13-acre± site (APN 616-011-10) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Jonathan Brownlee. Job #05-057. Wrightwood, CA.

- 13 acres. 2 older adult scat. Other species: Cooper's hawk, Long-eared Owl, 4 Alverson's foxtail cactus.

(118) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory on a 40-acre± site (APN 609-111-13) in the City of Twentynine

Palms, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Lori LeBoy. Job #05-059. Wrightwood, CA.

- 40 acres. 9 scat in 5 accumulations, 3 carcasses. Other species: 3 LeConte's thrasher, 3 Unicorn plants.

(119) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory on a 376-acre± site (APNs 591-341-001, -004, -005, -006, -007, and -008) in the City of Twentynine Palms and San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Kjelstrom & Associates. Job #05-050. Wrightwood, CA.

- 376 acres. 2 tortoises, 31 scat, 9 carcasses, 2 tracks, and 12 burrows/coversites. Other species: 825 Alverson's foxtail cacti, 6 Burrowing owls, 20-30 Swainson's hawks, 1 Northern harrier, 1 Prairie falcon, 4 Loggerhead shrikes.

(120) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory on a 2.3-acre± site (APN 604-151-34) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of TMS Consortium. Job #05-067. Wrightwood, CA.

- 2.29 acres. 1 fresh tortoise scat 530 feet northeast of the site; none on-site. Other species: None.

(121) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory on a 15-acre± site (APN 598-373-10) in San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Steven Henderson. Job #05-065. Wrightwood, CA.

- 15 acres. No tortoise sign. Other species: Loggerhead shrike.

(122) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory on a 20.5-acre± site (APNs 588-261-10 & 588-422-03) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Leon Strand. Job #05-062. Wrightwood, CA.

- 20.5 acres. 14 scat in 9 accumulations. Other species: Swainson's hawk.

(123) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory on a 40-acre± site (APNs 614-241-09 & -10) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Neil Wilson. Job #05-061. Wrightwood, CA.

- 40 acres. 25 scat, 6 burrows, 2 carcasses. Other species: 1 Burrowing owl and 4 burrows, 1 unicorn plant, 11 Alverson's foxtail cactus.

(124) Circle Mountain Biological Consultants. 2005. Focused desert tortoise resurvey for a 63.4-acre site (APNs 585-071-16, -17, -25, & -26) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of William Shack. Job #05-064. Wrightwood, CA. Cross-reference with Job #04-038, which was original survey.

- 63.4 acres. 7 tortoise scat in 6 accumulations. Other species: None.

- (125) Circle Mountain Biological Consultants. 2005. Focused Desert Tortoise Resurvey and General Biological Inventory for an 18-acre± Site (APN 603-191-36) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Morongo Basin Transit Authority. Job #05-063. Wrightwood, CA. Cross-referenced with Job #99-009.
- 17.91 acres. None on-site; 1 fresh adult scat 1,500 feet east, 1 active adult burrow 730 feet east. Other species: Prairie falcon, Loggerhead shrike.
- (126) Circle Mountain Biological Consultants. 2005. Focused desert tortoise resurvey and general biological inventory for an 32.5-acre± site (APN 603-191-41) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of TMS Consortium. Job #05-068. Wrightwood, CA. Cross-referenced with Job #99-010.
- 32.5 acres. None on-site; 1 fresh adult scat 1,050 feet east, 1 active adult burrow 430 feet east. Other species: Prairie falcon, Loggerhead shrike.
- (127) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory for a 5-acre± site (APN 599-021-28) in San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Latigo Properties, Inc. Job #05-075. Wrightwood, CA.
- 5 acres. No tortoise sign. Other species: Northern harrier.
- (128) Circle Mountain Biological Consultants. 2005. Focused desert tortoise survey and general biological inventory for a 3.0-acre± site (APN 0616-153-02) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of MG Homes. Job #05-074. Wrightwood, CA.
- 3 acres. No tortoise sign. Other species: Sharp-shinned hawk.
- (129) Circle Mountain Biological Consultants. 2006. Focused desert tortoise resurvey of an 87-acre± site (Tentative Tract 17354) in the Town of Yucca Valley, California. Unpublished report prepared by Ed LaRue on behalf of Paul Selzer, Esq. Job #05-084. Wrightwood, CA. Cross-reference with Job #04-047.
- 87 acres. No tortoise sign observed on this resurvey. Other species: Cooper's hawk, Loggerhead shrike.
- (130) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for an 8.8-acre± site (Tentative Parcel Map 14848) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report by Ed LaRue on behalf of Spinello Commercial Real Estate, Inc. Job #05-082. Wrightwood, CA.
- 8.8 acres. No tortoise sign. Other species: None.
- (131) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for a 100-acre± site (APN 597-121-09) in San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Pueblo Homes on Inca, LLC. Job #05-077. Wrightwood, CA.

- 100 acres. 6 scat in 5 accumulations, 1 potential collapsed burrow. Other species: 2 Loggerhead shrikes, LeConte's thrasher.
- (132) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for a 0.7-acre± site (APN 0617-151-09) in the City of Twentynine Palms, San Bernardino County, California. Job#: 06-005. Unpublished report prepared by Ed LaRue on behalf of Refund Masters.
- 0.7 acres. No tortoise sign. Other species: Alverson's foxtail cactus.
- (133) Circle Mountain Biological Consultants. 2006. Reconnaissance survey of a 640-acre± site (APN 629-181-01). Unpublished letter report prepared by Ed LaRue on behalf of Danmark Development, LLC. Job #06-012. Wrightwood, CA.
- 640 acres. 10 scat in 5 accumulations. Other species: Loggerhead shrike.
- (134) Circle Mountain Biological Consultants. 2006. Focused Desert Tortoise Survey and General Biological Inventory for a 5-acre± Site (APNs 599-031-16 & -21) in San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Don Dougan. Job #06-009. Wrightwood, CA.
- 5 acres. None on-site; tortoise in burrow 200 feet south, collapsed burrow with two old scat 75 feet east, old scat 275 feet southeast. Other species: None.
- (135) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for the 13-acre± Buena Vista Storage & RV Facility in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of John Melendez. Job #06-013. Wrightwood, CA.
- 13 acres. No tortoise sign. Other species: None.
- (136) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for a 2.2-acre± site (APN 0602-211-01) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Abby Gill. Job #06-010. Wrightwood, CA.
- 13 acres. No tortoise sign. Other species: Burrowing owl.
- (137) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for a 40-acre± site (APNs 0614-241-09 and -10) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Neal Wilson. Job #05-061. Wrightwood, CA.
- 40 acres. 17 older scat, 15 newer scat, 1 carcass, and 1 adult tortoise. Other species: 2 active burrowing owl burrows, 2 prairie falcons, 31 Alverson's foxtail cactus.
- (138) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for a 10-acre± site (APNs 0588-042-02 & -03) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Kevin Donaldson, Paul Willems, and Jessica Amber. Job #06-015. Wrightwood, CA.

- 10 acres. No tortoise sign. Other species: None.

(139) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for a 140-acre± site (APNs 0601-041-01 and 0601-021-04, -05, -18, & -19) in the Town of Yucca Valley, San Bernardino County, California. Report prepared by Ed LaRue on behalf of Verismo Investment Group, LLC. Job #06-014. Resurvey of Job #04-045. Wrightwood, CA.

- 140 acres. 45 scat, 8 burrows, and 1 carcass. Other species: Burrowing owl, Prairie falcon, and Northern harrier.

(140) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for a 40-acre± site (APN 0585-131-21) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of DPR Enterprises (David Billington). Job #06-021. Wrightwood, CA.

- 40 acres. 1 tortoise, 3 burrows, 2 scat. Other species: Swainson's hawk, Cooper's hawk.

(141) Circle Mountain Biological Consultants. 2006. General biological inventory and focused surveys for desert tortoise and western burrowing owl on a 5-acre± site (APNs 604-051-24 & -25) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Benton Brothers Construction. Job #06-026. Wrightwood, CA.

- 5 acres. 1 fresh scat on-site, 1 older scat 300 feet south. Other species: Cooper's hawk, Loggerhead shrike.

(142) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for an 8-acre± site (APNs 608-161-09 & -11) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Target Construction. Job #06-032. Wrightwood, CA.

- 8 acres. 25 older adult scat, 3 fresh adult scat, 3 older subadult scat, and 4 adult burrows. Other species: Burrowing owl.

(143) Circle Mountain Biological Consultants. 2006. Focused surveys for desert tortoise and western burrowing owl, and a general biological inventory for a 5-acre± site (APN 0600-241-14) in the community of Joshua Tree, San Bernardino County, California. Unpublished report completed by Sharon Dougherty on behalf of Legacy Island, LLC. Job #06-027. Wrightwood, CA.

- 5 acres. No tortoise sign. Other species: None.

(144) Circle Mountain Biological Consultants. 2006. Focused desert tortoise resurvey and general biological inventory for a 10-acre site (APN 589-183-20, Tentative Parcel Map 17498) in the community of Joshua Tree, San Bernardino County, California. Unpublished report by Ed LaRue on behalf of James Maguire. Job #06-034. Resurvey of Job #05-012. Wrightwood, CA.

- 10 acres. 2 older scat to north and northeast, 2 fresh scat to southeast. Other species: None.

- (145) Circle Mountain Biological Consultants. 2006. Focused desert tortoise and western burrowing owl surveys and general biological inventory for a 20-acre± site (APN 0618-131-17, Tentative Tract Map 17951) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty and Ed LaRue on behalf of Young Kwon. Job #06-029a. Wrightwood, CA.
- 20 acres. No tortoise sign. Other species: None.
- (146) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for an 80-acre± site (APN 0589-192-15) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Chris Hanley. Job #06-035. Wrightwood, CA.
- 80 acres. 19 older adult scat, 10 fresh adult scat, 1 fresh subadult scat, 2 burrows, 1 adult female tortoise. Other species: None.
- (147) Circle Mountain Biological Consultants. 2006. Desert tortoise resurvey of APN 0587-021-08 & APN 0587-021-40 in Yucca Valley. Unpublished letter from Ed LaRue to Mark Howard. Job #06-039. Wrightwood, CA. Cross-reference with three previous surveys: Job #03-019, 03-044, and 05-009.
- Combined parcels are 32 acres. No tortoise sign. Other species: None
- (148) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for a 2.3-acre± site (APN 0604-131-07) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Nichols, LLC. Job #06-036. Wrightwood, CA.
- 2.31 acres. Adult female tortoise, no other sign. Other species: None.
- (149) Circle Mountain Biological Consultants. 2006. Focused desert tortoise resurvey and general biological inventory on a 5.0-acre± site (APN 589-121-20) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Bonnie Bose. Job #06-037. Wrightwood, CA.
- 5 acres. Two older scat on-site, 1 not this year adult scat to the north, 1 not this year subadult scat to the west, and 2 very fresh subadult scat to the west. Other species: LeConte's thrasher.
- (150) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for a 9.5-acre± site (APNs 615-222-17, -18, -19 & -26) in Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Mark Crisci. Job #06-038. Wrightwood, CA.
- 9.5 acres. No tortoise sign. Other species: None.
- (151) Circle Mountain Biological Consultants. 2006. Focused desert tortoise and western burrowing owl surveys and general biological inventory for a 5-acre± site (APN 0618-131-15 & -16, Tentative Tract Map 18003) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Ed LaRue and Sharon Dougherty on behalf of Jim Minarik. Job #06-029b. Wrightwood, CA.

- 5 acres. No tortoise sign. Other species: None.
- (152) Circle Mountain Biological Consultants. 2006. Focused desert tortoise resurvey and general biological inventory for a 130-acre± site (APNs 601-551-26, -28 & -29) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Londen Land Company. Job #06-045. Resurvey of Job #05-024. Wrightwood, CA.
- 130 acres. No tortoise sign. Other species: Cooper's hawk (feather).
- (153) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for a 20-acre± site (APNs 0618-211-24 & 0618-162-07) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Sunwest Development. Job #06-046. Wrightwood, CA.
- 20 acres. No tortoise sign. Other species: None.
- (154) Circle Mountain Biological Consultants. 2006. Focused desert tortoise resurvey and general biological inventory for a 9-acre± site (APN 588-311-09) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Yucca Valley Estates, LLC. Job #06-041. Resurvey of Job #04-044. Wrightwood, CA.
- 9 acres. 46 scat and 1 burrow. Other species: None.
- (155) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for a 103.65-acre site (APN 0603-191-18) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Bill Raffin. Job #06-042. Wrightwood, CA.
- 103.63 acres. Subadult tortoise in burrow, subadult burrow, 1 adult scat. Other species: None.
- (156) Circle Mountain Biological Consultants. 2006. Focused desert tortoise resurvey and general biological inventory for a 5-acre± site (APN 0588-131-07) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of George Donaldson. Job #06-056. Resurvey of Job #04-049. Wrightwood, CA.
- 5 acres. No tortoise sign. Other species: None.
- (157) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for a 41.4-acre± site (APN 0589-051-08) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Brian Malloy. Job #06-051. Wrightwood, CA.
- 41.4 acres. 30 scat and 2 burrows. Other species: None.
- (158) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for a 9.4-acre± site (APN 0598-581-10) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Richard and Eva Peña. Job #06-049. Wrightwood, CA.

- 9.4 acres. No tortoise sign. Other species: Loggerhead shrike.
- (159) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for a 4.2-acre± site (APN 0589-031-12) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Phyllis Haley. Job #06-057. Wrightwood, CA.
- 4.2 acres. No tortoise sign. Other species: Prairie falcon.
- (160) Circle Mountain Biological Consultants. 2006. Focused desert tortoise resurvey and general biological inventory for a 20-acre± site (APN 0585-13-81) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of First Pacifica Housing. Job #06-059. Resurvey of Job #04-014 and #05-031. Wrightwood, CA.
- 20 acres. No tortoise sign. Other species: None.
- (161) Circle Mountain Biological Consultants. 2006. Focused survey for western burrowing owl and general biological inventory for a 10.7-acre± site (APN 0615-015-12) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Sharon Dougherty on behalf of Ken Lambert. Job #06-050. Wrightwood, CA.
- 10 acres. Older adult scat and carcass fragment to the west. Other species: None.
- (162) Circle Mountain Biological Consultants. 2006. Desert tortoise monitoring and surveys at Well No. 17 erosion ditch. Unpublished letter report prepared by Ed LaRue on behalf of Joshua Basin Water District. Job #06-048. Wrightwood, CA.
- 500-foot erosion ditch. No tortoise sign. Other species: None.
- (163) Circle Mountain Biological Consultants. 2006. Focused desert tortoise resurvey for a 10.81-acre site (APNs 0594-041-22, -27, -28, & -44) in Yucca Valley, San Bernardino County, California. Unpublished letter report prepared by Ed LaRue on behalf of A&A Capital Management, LLC. Job #06-070. Resurvey of Job #05-027. Wrightwood, CA.
- 10.81 acres. No tortoise sign. Other species: None.
- (164) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey for a 1.0-acre± site (APN 0614-114-07) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Stewart Knight. Job #06-069. Wrightwood, CA.
- 1.0 acre. No tortoise sign. Other species: None.
- (165) Circle Mountain Biological Consultants. 2006. Focused desert tortoise resurvey for a 15-acre± site (APN 0598-291-26, TPM 17419) in the Yucca Mesa area of San Bernardino County, California. Unpublished letter report prepared by Ed LaRue on behalf of HomeLife Realty. Job #06-067. Resurvey of Job #04-065. Wrightwood, CA.
- 15 acres. No tortoise sign. Other species: 1 Burrowing owl, not at burrow.
- (166) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey for an 8.0-acre± site (APN 0618-211-20) in the City of Twentynine Palms, San Bernardino County,

California. Unpublished report prepared by Ed LaRue on behalf of 29 Palms Development, LP. Job #06-066. Wrightwood, CA.

- 7.93 acres. No tortoise sign. Other species: None.

(167) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for a 5-acre± site (TPM 18278, APN 0602-281-10) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Mark and Christa Cranston. Job #06-068. Wrightwood, CA.

- 5 acres. No tortoise sign. Other species: None.

(168) Circle Mountain Biological Consultants. 2006. Focused desert tortoise resurvey and survey for western burrowing owl on a 5-acre± site (APN 0589-212-26) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Diane Vieau. Job #06-073. Wrightwood, CA.

- 5 acres. No tortoise sign. Other species: None.

(169) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for a 4.75-acre± site (APN 0608-161-05) and a 1.0-acre± site (APN 0608-161-10) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Target Construction. Job #06-072. Wrightwood, CA.

- 4.75 acres + 1.0 acre. 15 scat, 3 burrows, 2 tortoises. Other species: None.

(170) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological resource assessment for a 27.5-acre± site (APNs 0604-231-19 & -20) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Dennis Reiger. Job #06-076. Wrightwood, CA.

- 27.5 acres. 36 scat and 7 burrows. Other species: Pair of LeConte's thrasher, Loggerhead shrike.

(171) Circle Mountain Biological Consultants. 2006. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 5-acre± site (APN 0610-121-02) in the vicinity of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of O'Connor Development, Inc. Job #06-079. Wrightwood, CA.

- 5 acres. No tortoise sign. Other species: None.

(172) Circle Mountain Biological Consultants. 2006. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 640-acre± site (APN 0629-181-01) in the vicinity of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Danmark Development, LLC. Job #06-080. Wrightwood, CA.

- 640 acres. 7 tortoises, 29 burrows, 109 fresh scat, 42 older scat, and 2 sets of tracks. Other species: Golden eagle, Cooper's hawk, Short-eared owl, Burrowing owl, Loggerhead shrike, LeConte's thrasher, and Vaux's swift.

- (173) Circle Mountain Biological Consultants. 2006. Focused resurvey for desert tortoise and western burrowing owl on a 28-acre± site (PM 15708, APNs 0589-031-56, -57, -58, and -59) in the Town of Yucca Valley, California. Unpublished letter report prepared by Ed LaRue on behalf of Leon Strand. Job# 06-083. Wrightwood, CA.
- 28 acres. No tortoise sign. Other species: None.
- (174) Circle Mountain Biological Consultants. 2006. Focused resurvey for desert tortoise and protected native plant inventory on a 12-acre± site (TT 18421, APNs 0601-601-01 through -24) in the Town of Yucca Valley, California. Unpublished report prepared by Ed LaRue on behalf of Nikolas Ventures Ltd., LLC. Job# 06-088. Wrightwood, CA.
- 12 acres. No tortoise sign. Other species: Cooper's hawk.
- (175) Circle Mountain Biological Consultants. 2006. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 20-acre± site (TPM 17669, APN 0632-081-54) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Steve Glenn. Job #06-084. Wrightwood, CA.
- 20 acres. 50 scat and 9 burrows. Other species: Burrowing owl = 3 tortoise burrows with whitewash, pellets, feathers.
- (176) Circle Mountain Biological Consultants. 2006. Focused survey for desert tortoise and western burrowing owl, general biological resource assessment, and desert native plant assessment for a 10-acre± site (APN 0605-161-33) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Avian Rogers. Job #06-091. Wrightwood, CA.
- 10 acres. 16 scat and 2 burrows. Other species: Burrowing owl.
- (177) Circle Mountain Biological Consultants. 2006. Focused resurvey for desert tortoise and western burrowing owl and general biological resource assessment for a 26,000-foot water pipeline (H-Zone Unit 2) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Joshua Basin Water District. Job #06-085. Resurvey of Job# 00-005. Wrightwood, CA.
- 26,000 feet. No tortoise sign. Other species: Golden eagle, prairie falcon, Cooper's hawk, loggerhead shrike.
- (178) Circle Mountain Biological Consultants (No report). 2006. Focused desert tortoise survey contracted by David Dixon on behalf of Pacifica Capital Group. Approximately 40 acres of site surveyed until a tortoise was found at which time the survey was stopped and no report was prepared. Job #06-024. Wrightwood, CA.
- 80 acres. 1 tortoise, 1 carcass, 1 burrow, and 7 scat in 4 accumulations. Other species: Cooper's hawk, LeConte's thrasher.
- (179) Circle Mountain Biological Consultants. 2006. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 5.0-acre± site (APN 0607-241-55) near the community of Joshua Tree, San Bernardino County,

California. Unpublished report prepared by Ed LaRue on behalf of Upstart Properties. Job #06-086. Wrightwood, CA.

- 4.3 acres. No tortoise sign. Other species: Swainson's hawk, burrowing owl.

(180) Circle Mountain Biological Consultants. 2006. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for discharge of water from Well Site No. 16 near the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Joshua Basin Water District. Job #06-048. Wrightwood, CA.

- 36 acres± surveyed at end of discharge pipe. No tortoise sign. Other species: Prairie falcon.

(181) Circle Mountain Biological Consultants. 2006. Focused desert tortoise survey and general biological inventory for a 7.5-acre± site (APNs 0587-011-02 & -03) in the Town of Yucca Valley, California. Unpublished report prepared by Ed LaRue on behalf of Petra Engineering. Job# 06-092. Wrightwood, CA.

- 7.5 acres. No tortoise sign. Other species: None.

(182) Circle Mountain Biological Consultants. 2006. Focused resurvey for desert tortoise and western burrowing owl on a 29-acre± site (APN 0618-131-05) in the City of Twentynine Palms, California. Unpublished letter report prepared by Ed LaRue on behalf of Frank LaChapelle. Job #06-095. Resurvey of Job #04-034. Wrightwood, CA.

- 28.83 acres. No tortoise sign. Other species: Alverson's foxtail cactus.

(183) Circle Mountain Biological Consultants. 2006. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 9.5-acre± site (APNs 0601-583-04, -05, -06, -07, -08, & -09) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Stephen Goodell. Job #06-096. Wrightwood, CA.

- 9.5 acres. 1 fresh and 1 older scat north of site. Other species: None.

(184) Circle Mountain Biological Consultants. 2006. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 10-acre± site ("Terra Vista 10," APNs 0597-081-14 & -15) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of James White. Job #06-097. Wrightwood, CA.

- 10 acres. No tortoise sign. Other species: Loggerhead shrike.

(185) Circle Mountain Biological Consultants, Inc. 2007. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for TPM 18437, a 7.7-acre± site (APNs 0603-161-01 & 0603-181-50) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Jack Kennedy. Job #07-008. Wrightwood, CA.

- 7.7 acres. No tortoise sign. Other species: None.

- (186) Circle Mountain Biological Consultants, Inc. 2007. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for TTM 18468, a 5.0-acre± site (APN 0621-041-04) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Sunwest Development, LLC. Job #07-007. Wrightwood, CA.
- 5.0 acres. No tortoise sign. Other species: None.
- (187) Circle Mountain Biological Consultants, Inc. 2007. Tortoise resurvey of Tentative Tract 16587. Unpublished letter report prepared by Ed LaRue for Joe Morreale. Job #07-010. Cross-reference with four previous surveys: Job #03-019, 03-044, 05-009, and 06-039. Wrightwood, CA.
- 32 acres. No tortoise sign. Other species: None.
- (188) Circle Mountain Biological Consultants, Inc. 2007. Technical Assistance to avoid impacts to desert tortoises during earth quake trenching. Unpublished letter report prepared by Ed LaRue on behalf of Henry Raygoza. Job #07-016. Cross-reference with #04-053. Wrightwood, CA.
- 4.5 of 14.9 acres surveyed. No tortoise sign on this partial resurvey. Other species: None.
- (189) Circle Mountain Biological Consultants, Inc. 2007. Avoidance of impacts to desert tortoises during development of Santa Barbara Road. Unpublished letter report prepared by Ed LaRue on behalf of Alan Petty. Job #07-014. Cross-reference with #05-052. Wrightwood, CA.
- 1,320 linear feet of 40-acre site surveyed. No tortoise sign on this partial resurvey. Other species: None.
- (190) Circle Mountain Biological Consultants, Inc. 2007. Third focused desert tortoise survey on Tentative Tract 17354 in Yucca Valley, California. Unpublished letter report prepared by Ed LaRue on behalf of LTV Builders/Developers, Inc. Job #07-017. Cross-reference with #04-047 and #05-084. Wrightwood, CA.
- 87 acres. No tortoise sign on this third resurvey. Other species: None.
- (191) Circle Mountain Biological Consultants, Inc. 2007. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 9.5-acre± site (APN 0631-021-17) in the community of Flamingo Heights, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of John Kouri. Job #07-031. Wrightwood, CA.
- 9.54 acres. No tortoise sign. Other species: None.
- (192) Circle Mountain Biological Consultants, Inc. 2007. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 28.7-acre± site (APNs 0586-042-013, -015, & -017 and 0586-061-30) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Solid Rock Estates, LLC. Job #07-028. Wrightwood, CA.
- 28.7 acres. No tortoise sign. Other species: None.

- (193) Circle Mountain Biological Consultants, Inc. 2007. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 2.38-acre± site (APN 0588-254-02) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of MLF Engineering. Job #07-044. Wrightwood, CA.
- 2.38 acres. No tortoise sign. Other species: None.
- (194) Circle Mountain Biological Consultants, Inc. 2007. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 3.53-acre± site (APNs 0620-111-20 & -25) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Anthony Eddings. Job #07-045. Wrightwood, CA.
- 3.53 acres. No tortoise sign. Other species: None.
- (195) Circle Mountain Biological Consultants, Inc. 2007. Reconnaissance survey for desert tortoise, burrowing owl, and other important biological features on a 100-acre± site (APNs 0580-211-04 & -05 and APNs 0580-221-07 & -08) in the community of Morongo Valley, San Bernardino County, California. Unpublished letter report prepared by Ed LaRue on behalf of Chris Wagner and Chad Hanna. Job #07-049. Wrightwood, CA.
- 100 acres. 1 tortoise, 1 carcass, 4 burrows, 3 scat. Other species: Cooper's Hawk.
- (196) Circle Mountain Biological Consultants, Inc. 2007. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 25-acre± site (APN 0629-091-07) in the community of Flamingo Heights, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Robert Rojas. Job #07-038. Wrightwood, CA.
- 25 acres. No tortoise sign. Other species: Burrowing owl (inactive burrow).
- (197) Circle Mountain Biological Consultants, Inc. 2007. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 30-acre± site (APNs 0614-151-01 & -03) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Steve Cruce. Job #07-036. Wrightwood, CA.
- 30 acres. 3 fresh scat in 2 accumulations. Other species: Alverson's foxtail cactus.
- (198) Circle Mountain Biological Consultants, Inc. 2007. Focused resurvey for desert tortoise and western burrowing owl on two 20-acre parcels (APNs 0585-13-80 & -81) in the Town of Yucca Valley, San Bernardino County, California. Unpublished letter report prepared by Ed LaRue on behalf of Fomotor Engineering. Job #07-056. Wrightwood, CA. Resurvey of #04-062 where none was found before.
- 40 acres. 1 adult tortoise, 3 burrows, 3 fresh scat. Other species: None.
- (199) Circle Mountain Biological Consultants, Inc. 2007. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 34.1-acre± site (APNs 0616-181-03, -04, -05, & -06) in the City of Twentynine Palms, San Bernardino

- County, California. Unpublished report prepared by Ed LaRue on behalf of Innovative Engineering Design, Inc. Job #07-052. Wrightwood, CA.
- 34.14 acres. 2 carcasses (including fresh hatchling), 1 burrow, 10 scat in 5 accumulations (including 6 fresh scat in one wood rat midden). Other species: 20 Alverson's foxtail cactus.
- (200) Circle Mountain Biological Consultants, Inc. 2007. Resurvey of 17.79-acre site (APN 588-062-26) in the Town of Yucca Valley. Unpublished letter report prepared by Ed LaRue on behalf of Fred Golestani. Job #07-062. Wrightwood, CA.
- 17.79 acres. 7 older subadult scat were found on-site in October 2005 on original survey; 1 fresh adult scat on-site and 1 older subadult scat to the east during June 2006 earthquake trench monitoring; no sign on 8 August 2007. Other species: None.
- (201) Circle Mountain Biological Consultants, Inc. 2007. Focused resurvey for desert tortoise and western burrowing owl and general biological resource assessment for a 32.5-acre± site (APN 0584-191-02) in the community of Morongo Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Conrad DeRosa. Job #07-064. Wrightwood, CA.
- 32.5 acres. No tortoise sign. Other species: Cooper's hawk, Loggerhead shrike.
- (202) Circle Mountain Biological Consultants, Inc. 2007. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 2.28-acre site (TPM 17439, APN 0588-222-07) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Abby Gill. Job #07-063. Wrightwood, CA.
- 2.28 acres. No tortoise sign. Other species: None.
- (203) Circle Mountain Biological Consultants, Inc. 2007. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 24-foot access drive in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Morongo Basin Transit Authority. Job #07-068. Wrightwood, CA.
- 6.3 acres. 2 fresh adult tortoise scat 400 feet east. Other species: None.
- (204) Circle Mountain Biological Consultants, Inc. 2007. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 1.18-acre site (TPM 17837, APN 0603-271-20) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Jack Kennedy. Job #07-069. Wrightwood, CA.
- 1.18 acres. No tortoise sign. Other species: None.
- (205) Circle Mountain Biological Consultants, Inc. 2007. Monitoring activities adjacent to tortoise habitat on the Santa Barbara Drive grading project. Unpublished letter report prepared by Ed LaRue on behalf of Alan Petty. Job #07-067. Wrightwood, CA.
- 1,320-foot road. No tortoise sign. Other species: None.

- (206) Circle Mountain Biological Consultants, Inc. 2007. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 6.3-acre± site (APNs 0601-221-10 & -37) in the community of Joshua Tree, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of 3D Development & Design, LLC. Job #07-072. Wrightwood, CA.
- 6.31 acres. 1 carcass (2 pieces of plastron and 1 piece of carapace > 4 years old), 1 fresh adult scat, and 3 older scat at a coyote den all south of the site. Other species: None.
- (207) Circle Mountain Biological Consultants, Inc. 2007. Focused resurvey for desert tortoise and western burrowing owl and general biological resource assessment for a 68-acre± site (TT 18418, APNs 0585-071-23 & -24) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report completed by Ed LaRue on behalf of Burnt Mountain Hacienda, LLC. Job #07-073. Wrightwood, CA.
- 68 acres. No tortoise sign in 2007 although a fresh hatchling tortoise carcass had been found in 2004. Other species: Prairie falcon.
- (208) Circle Mountain Biological Consultants, Inc. 2007. Focused resurvey for desert tortoise and western burrowing owl and general biological resource assessment for a 5.0-acre± site (TPM 18914, APN 0589-101-14) in the community of Joshua Tree, San Bernardino County, California. Unpublished report completed by Ed LaRue on behalf of Andrea and Todd Gordon. Job #07-074. Wrightwood, CA.
- 5.0 acres. 9 scat in 6 accumulations (5 TYSA, 1 NTYSA, 2 NTYA, 1 TYA). Other species: Cooper's hawk (carcass), Nelson's bighorn sheep (horn).
- (209) Circle Mountain Biological Consultants, Inc. 2007. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 16.84-acre site (TTM 18645, APN 0612-231-11) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report completed by Sharon Dougherty on behalf of M.E. Diefenbach Development, Inc. and Amir Engineering. Job #07-079. Wrightwood, CA.
- 16.84 acres. No tortoise sign. Other species: None.
- (210) Circle Mountain Biological Consultants, Inc. 2007. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 2.5-acre± site (TTM 18644, APN 0623-141-06) in the City of Twentynine Palms, San Bernardino County, California. Unpublished report completed by Sharon Dougherty on behalf of M.E. Diefenbach Development, Inc. and Amir Engineering. Job #07-080. Wrightwood, CA.
- 2.5 acres. No tortoise sign. Other species: None.
- (211) Circle Mountain Biological Consultants, Inc. 2007. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for a 1.8-acre± site (APN 0601-411-03) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report completed by Ed LaRue on behalf of Petra Group, Inc. Job #07-082. Wrightwood, CA.

- 1.81 acres. No tortoise sign. Other species: None.
- (212) Circle Mountain Biological Consultants, Inc. 2007. Focused resurvey for desert tortoise and western burrowing owl and general biological resource assessment for the Nichols Medical Arts 2.3-acre± site (APN 0604-131-07) in the community of Joshua Tree, San Bernardino County, California. Unpublished report completed by Ed LaRue on behalf of Nichols, LLC. Job #07-085. Wrightwood, CA.
- 2.31 acres. Adult female tortoise on 2 May 2006, adult male tortoise carcass to the west on 13 December 2007. Other species: None.
- (213) Circle Mountain Biological Consultants, Inc. 2007. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for the 5.0-acre± Yucca Valley Community School Site (APN 0601-551-27) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report completed by Ed LaRue on behalf of John R. Byerly, Inc. Job #07-086. Wrightwood, CA.
- 5.0 acres. No tortoise sign. Other species: Cooper's hawk.
- (214) Circle Mountain Biological Consultants, Inc. 2007. Focused resurvey for desert tortoise and western burrowing owl and general biological inventory for a 9.4-acre± site (APN 0598-581-10) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Richard and Eva Peña. Job #07-088. Wrightwood, CA.
- 9.4 acres. No tortoise sign. Other species: None.
- (215) Circle Mountain Biological Consultants, Inc. 2008. Focused resurvey for desert tortoise and western burrowing owl and general biological inventory for a 20-acre± site (Tentative Tract No. 18011) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report prepared by Ed LaRue on behalf of Specialty Homes. Job #08-004. Wrightwood, CA.
- 20 acres. 16 scutes of adult, female tortoise, dead in past year. Other species: Merlin, Cooper's hawk, LeConte's thrasher.
- (216) Circle Mountain Biological Consultants, Inc. 2008. A1 Tank Site field survey and subsequent coordination. Unpublished letter report prepared by Ed LaRue on behalf of Joshua Basin Water District. Job #08-007. Wrightwood, CA.
- 10.7-acre survey area. Two older scat in wood rat midden; one older scat in midden; one older scat in open (all adult scat); adult burrow with egg shell fragments; and carcass fragment of adult more than four years dead. Other species: None.
- (217) Circle Mountain Biological Consultants, Inc. 2008. Focused survey for desert tortoise and western burrowing owl and general biological resource assessment for two alternative recharge basins in the community of Joshua Tree, San Bernardino County, California. Unpublished report completed by Ed LaRue on behalf of Joshua Basin Water District. Job #08-006. Wrightwood, CA.
- North Basin survey area = 32 acres± with two older scat, one fresh scat (all adults), and adult tortoise in burrow; no other species. South Basin survey area = 64 acres± with one

definite tortoise burrow and three separate carcasses of adult tortoise dead 2-4 years; no other species.

- (218) Circle Mountain Biological Consultants, Inc. 2008. Focused resurvey for desert tortoise, western burrowing owl, and Little San Bernardino Mountains gilia on a 5.0-acre± site (TPM #18310, APN 0607-241-55) near the community of Joshua Tree, San Bernardino County, California. Unpublished letter report completed by Ed LaRue on behalf of Upstart Properties. Job #08-022. Resurvey of Job #06-086. Wrightwood, CA.
- 5.0 acres. No tortoise sign. Other species: One active burrowing owl burrow approximately 100 feet east of site.
- (219) Circle Mountain Biological Consultants, Inc. 2008. Phase 2 Pipeline Replacement focused desert tortoise and burrowing owl survey. Unpublished letter report prepared by Ed LaRue on behalf of Joshua Basin Water District. Job #08-023. Wrightwood, CA.
- 5,000-foot pipeline. No tortoise sign. Other species: None.
- (220) Circle Mountain Biological Consultants. 2008. Focused resurvey for desert tortoise and western burrowing owl and general biological inventory for an 8.8-acre± site (APN 595-271-26) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report by Ed LaRue on behalf of R & L Realty Partnership, L.P. Job #08-021. Resurvey of Job #05-082. Wrightwood, CA.
- 8.8 acres. No tortoise sign. Other species: None.
- (221) Circle Mountain Biological Consultants. 2008. Focused survey for desert tortoise and western burrowing owl and general biological inventory for a 7.5-acre± site (APNs 0597-091-012 & -013) in the Town of Yucca Valley, San Bernardino County, California. Unpublished report by Ed LaRue on behalf of Burrtec Waste Management. Job #08-036. Wrightwood, CA.
- 7.5 acres. No tortoise sign. Other species: None.

**Morongo Basin Coordinated HCP
Conference Call Minutes
10 January 2005**

The following notes were compiled and distributed by Ed LaRue via email on 10 January 2005. They are intended to accurately represent the content of our telephone conversation. However, they have not been reviewed by participants, and may therefore be more representative of LaRue's understanding than of actual discussions. If anyone requires that corrections be made to these minutes, please advise LaRue as soon as possible. My apologies if I misrepresented anyone.

14:00 Introductions

Participants (Alphabetical order)

Amy Fesnock - National Park Service, Joshua Tree National Park, Wildlife Biologist
Judy Hohman - U.S. Fish and Wildlife Service, Wildlife Biologist
Becky Jones (absent) - California Department of Fish and Game, Wildlife Biologist
Steven Katz - Katz Builders & Developers, Project Proponent
Ed LaRue - Circle Mountain Biological Consultants, Consulting Biologist
Curt Sauer - National Park Service, Joshua Tree National Park, Superintendent
Bill Warner - Warner Engineering, Engineer

Overview & Background

Ed provided a brief overview, referring to an earlier memo of 7 December 2004. In the Morongo Valley there are some 14 proponents with 19 sites encompassing 3,798 acres of occupied tortoise habitat. The sites range from 15 acres to a square mile, and are about equally split between Town of Yucca Valley, City of Twentynine Palms, and San Bernardino County. Local project proponents are seeking a coordinated approach to acquiring incidental take authorization for the desert tortoise from USFWS and CDFG, with involvement by the NPS as land manager of compensation lands.

The West Mojave Plan's Record of Decision is due out later in January. However, that Plan would only have an immediate effect on federal land management by the BLM and not function as a programmatic HCP until the CEQA Lead Agencies (i.e., San Bernardino County and Barstow) file an application for incidental take. This is at least a year away. Since there is some possibility that law suits will hold up Plan permit issuance, it seems prudent to begin to resolve these issues in the Morongo Basin region.

Several Federal Lead Agencies have consulted with USFWS under Section 7 on tortoise issues in the Morongo Valley area: U.S. Army Corps of Engineers on fairgrounds site in 29 Palms; U.S. Department of Education for the Onaga Elementary School in Yucca Valley; Environmental Protection Agency and Rural Economic Development Authority on several water lines installed in the county by Joshua Basin Water District. Although the NPS would be involved as manager of compensation lands, they are not *funding, authorizing, or carrying out* any of these development projects. It therefore appears that there is no federal nexus, and these projects are all applicable to Section 10 authorization rather than Section 7.

There was some discussion as to representation for the multiple entities; who specifically would be signatory to the Implementing Agreement? This would necessarily include USFWS, NPS, and perhaps CDFG, but still unclear if incidental take would be issued to one entity representing 14 developers (preferred) or to each of the participants. May work to have the permit issued to the Town and City, but more problematic to involve County. These issues need to be discussed further.

Tortoise Occurrence and Intensive Resurvey Areas

Ed indicated that not all 3,800 acres were occupied by tortoises. There are five or six sites where very little tortoise sign was found; usually one or two scat, or a single burrow. We discussed the possibility of performing more intensive surveys (i.e., at 10-foot intervals) to better identify areas that are occupied or not. It was agreed that Ed would produce maps that show the following: (a) results of recent surveys showing locations of tortoise sign; (b) proposed engineering phases; and (c) Intensive Resurvey Areas, where surveys would be performed at 10-foot intervals to ascertain occupied versus unoccupied habitats. Results of these intensive resurveys would be used to strategically install tortoise-proof fences to separate developable areas from those that would be subject to the HCP and subsequent incidental take of tortoises. Judy asked that this information be depicted on aerial photographs so that habitat condition could be considered. At the upcoming meeting, Ed will work with Judy, Becky, and others (e.g., Bill Warner) to begin planning for this approach.

National Park Service Involvement

Kurt indicated that the NPS was receptive to receiving compensation lands in the context of this coordinated approach. He indicated that the infrastructure was in place to receive private lands within and adjacent to Joshua Tree National Park. Judy concurred that compensation lands must be in tortoise habitat, so that acquiring lands in the vicinity of Black Rock Canyon (i.e., non-tortoise habitat in the northwestern portion of the Park) would be inappropriate. Locations, costs, transferal logistics, etc. still need to be discussed.

CEQA and NEPA Compliance Issues

CDFG requires that CEQA documentation be completed prior to their review of incidental take permits. Bill indicated that some projects have already been issued mitigated negative declarations and that others are too early in the planning process. Judy indicated that USFWS requires that NEPA documentation also be completed. (Though not discussed, Ed understands this to be an Environmental Assessment written specific to the HCP, which would address the Proposed Action and Alternatives.) Judy mentioned that federal and State documentation could be completed concurrently and some documents could serve both purposes. We will need to discuss the status of CEQA/NEPA documentation for potential participants when we meet with Becky.

Next Steps

It was agreed that Ed would contact Becky to arrange for a meeting. February 1 and 10 were identified as two dates that are currently available for those on the conference call. Ed will also ask Becky about availability of meeting facilities at CDFG's office in Ontario. Steven will be sure that his accommodations have a conference room available should CDFG's facility not

work out. It is appropriate that all persons/organizations on this conference call attend the next meeting, which would necessarily include Becky so that CDFG is represented.

Bill will begin to talk to pertinent developers to determine participants in the coordinated plan. Copper Mountain College has already submitted its HCP for campus expansion, and others may be too speculative or inappropriate to participate (I.e., JAT if they are seeking a Low Effect HCP). Ed will work with Bill to determine who should participate.

1500 Call completed.

The following information is provided for future coordination:

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**Minutes of the
Morongo Basin Coordinated
Habitat Conservation Plan
4 February 2005**

The meeting began at 10 a.m. on 4 February 2005 at California Department of Fish and Game offices in Ontario, California. The following people were in attendance:

Attendees

Brian Croft – U.S. Fish and Wildlife Service
Dean DeStefani – Proponent, At Vantage
Judy Hohman – U.S. Fish and Wildlife Service
Jeff Holm – Proponent, JH&A Consulting
Becky Jones – California Department of Fish and Game
Steven Katz – Proponent, Katz Builders & Developers
Ed LaRue – Circle Mountain Biological Consultants
Curt Sauer – National Park Service, Joshua Tree National Park
Bill Warner – Warner Engineering (23 of 24 sites)

The following notes were compiled by Ed LaRue, and therefore reflect my understanding of what was said at the meeting. If anything is misrepresented, please let me know as soon as possible so that these minutes accurately reflect the discussions.

Land Compensation Issues

Curt explained that legislative procedures are required if more than 75 acres of private lands are to be transferred to National Park Service management. In other words, transferring more than 75 acres requires an act of Congress. Possible to have a third party own the land and place conservation easements on it. Large blocks of private lands occur inside the south boundary of JTNP, but are not tortoise habitat. Small, five-acre parcels occur in the Pinto Basin, but there is no access, infrastructure, etc. to support development, so effectively protected. NPS is willing to meet at future meetings as needed.

Judy confirmed that land compensation is a mandatory part of HCPs. She indicated that all acquired lands must be assigned a perpetual conservation easement. More information and/or discussion is needed on following topics: (a) How much private land is there within the Pinto Mountain DWMA? Is that the best place to buy compensation lands? (b) Is it possible to acquire private lands north of JTNP within the Morongo Basin to benefit regional tortoise conservation?

Clearance Surveys and Fencing

Becky recommended the following approach to help determine if a site is clear. Survey the site, immediately install a fence, resurvey the site; if no tortoise sign is found, site would be considered clear. It is important to consider contiguous habitats. Ask the question, “Will the tortoise-proof fence entrap tortoises in a small, isolated block of land? Are there contiguous occupied or suitable habitats into which tortoises can move?” It is important that someone is assigned the task of maintaining fence integrity. Important that other responsibilities (i.e., 1601 agreements) are not neglected.

Ed recommended that a biological monitor be on-site when it is brushed to be sure that tortoises are not affected. If a tortoise were found inside the fence, blading would stop. This recommendation will be in the letter outlining an approach to these clearance surveys.

Judy indicated she would send materials developed by Nevada Department of Transportation for tortoise-proof fencing. In the meantime, a 1" horizontal x 2" vertical mesh, 18" to 24" tall is the appropriate size. It would be best to bury the fence since it will be serving to keep tortoises out in perpetuity. It is important the fence be monitored.

Specific Fencing Issues

With regards to Shack 67, Becky wanted a description of the carcass that was found in the north part of the site, within the clearance survey area. Sharon Dougherty found the carcass on 29 May 2002. It consisted of five or six fragments of an adult tortoise that died more than four years ago. Sharon said it appeared to have been crushed. We have one fairly good photograph if you would like to see it.

With regard to Destefani 90, Ed found the carcass within the proposed development area on 15 September 2004. The few carcass fragments of an adult tortoise were judged to be from an animal that died more than four years ago.

As a general rule, Ed understands this discussion to mean that older carcasses are not an issue but that more recently dead animals may be of concern and may require permitting for the site to be developed.

The northern boundary of Katz-Hoffman 640 should be fenced with tortoise-proof fence rather than a people fence, as proposed. (Afterthought: There are tortoises to the north of Highway 62. The proposed fence may prevent them from going north, which could put them at risk on the highway. Problem?)

Interim protection fences sound like a good idea. Katz-Hoffman new configuration along Highway 62 was only one identified.

Draft HCP, IA, EA, others?

Judy outlined following: (1) Develop a mutually-agreeable conservation strategy that satisfies issuance criteria and promotes tortoise conservation in the region. (2) Upon review, USFWS produces the NEPA document, which would either be an EA (Environmental Assessment) or an EIS (Environmental Impact Statement). These NEPA documents are often written by third party consultants with input from the USFWS. Archaeological studies should be completed so results can be included in NEPA documents. Documents that are drafted by USFWS include inter-office Biological Opinion, a FONSI (Findings of No Significant Impact), etc. (3) Permit application and associated documents are submitted to Sacramento, which ultimately issues the permit.

Any Way To Expedite Permit Processing?

There have been recent occasions where funding is provided to a third party, which then provides a new staff position. In these cases, the new person is assigned to the general workload, which would free up appropriate existing staff to help expedite review and completion of the HCP and

other documentation. Becky indicated this has been done between CDFG and other State agencies, but not involving a third party.

The best guess is that the West Mojave Plan will not be implemented until about two years after BLM issues its record of decision, which is expected next month. It is definitely quicker to process one permit than to process 20, and better to have one HCP and multiple 10a permits.

Specific Issues for Other HCPs

Brian indicated USFWS recently received the results of the archaeological survey for JAT 320, which did not find any materials on-site. The report's findings are presently being considered; otherwise it is likely to be a low-effect, pending feedback on the validation.

USFWS and CDFG already have supporting documents for incidental take permits for the Copper Mountain College expansion project. Since Ed would use this as the latest paradigm for the coordinated HCP, would be good to get feed back on foreseeable problems and issues.

Next Coordination Meeting

For now, will keep 22 and 23 March 2005 open for next meeting, which will be determined.

Materials Needed Before and For Next Coordination Meeting

Before Next Meeting

1. Brian will fax/mail Ed a copy of the NDOT tortoise-proof fencing specifications.
2. Ed will provide Becky with specific information on carcasses on the Shack and Destefani sites (given above).
3. Ed will draft a letter seeking concurrence on a general approach to implement the resurvey/fence methodology. Use Shack, Raygoza, and Holm as the first three developers in a pilot project. Ed will provide revised maps with additional information (i.e., newer aerials showing recent development, other nearby development, etc.) to satisfy USFWS/CDFG concerns.
4. Ed, Bill Warner, and others should meet with local developers to discuss the coordinated approach. Issues raised at that meeting would be brought to the meeting in late March.
5. Bill will see if local planners would like to attend the interim meeting with local developers.

For Next Meeting

1. Ed will provide specific information on sites to be resurveyed/fenced.
2. Brian will take a look at the Copper Mountain College HCP to see if there are suggestions with formatting and content, since Ed is likely to use that document as the template for the coordinated HCP.
3. Brian will bring Ed examples of recent, well-written HCP, IA, EA.
4. Becky will find out if 2080.1 is available to this effort, or if it will be under 2081.
4. Becky will determine if likely to be one 2081 or multiple.
5. Bill Warner will need to provide status for archaeological surveys on each of the participants sites.
6. Bill Warner to provide a table showing the status of all required studies for likely participants.

7. Ed will provide Brian with copies of the biological studies for the sites in question. (Afterthought: Let's wait until we know who participating proponents are.)
8. Judy will report back on the feasibility of arranging third party support to expedite permit processing.
9. Judy will report back on the latest with No Surprises.
10. Judy will report back on one 10a permit covering all projects or multiple permits issued to individuals.
11. How can we find out the amount of private land in the proposed Pinto Mountain Desert Wildlife Management Area?

The larger meeting adjourned at about 3 p.m. Ed, Judy, Becky, and Brian discussed fencing proposals and clearance survey methods over lunch until about 4 p.m.

Again, if there are any questions, recommended modifications, inaccuracies, etc., please let me now.

Respectfully Submitted,

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**Minutes of Meeting #2
Morongo Basin Coordinated
Habitat Conservation Plan
22 March 2005**

The meeting began at 10 a.m. on 22 March 2005 at the California Department of Fish and Game field office of Becky Jones in Palmdale, California. The following people attended:

Attendees

Brian Croft – U.S. Fish and Wildlife Service
Judy Hohman – U.S. Fish and Wildlife Service
Becky Jones – California Department of Fish and Game
Ed LaRue – Circle Mountain Biological Consultants

Minutes were compiled by Ed LaRue and subsequently reviewed by Judy Hohman (1 April 2005), Becky Jones (4 April 2005), and Brian Croft (4 April 2005). Minor revisions were incorporated into the draft minutes in several places, so that this version accurately reflects our discussions.

Note that I am using a new convention where outstanding action items are tagged with “☺” and completed action items are tagged with “☹.” Action items identified throughout the text are listed at the end of this memo.

Clearance Surveys and Fencing

Formal rejection of survey/fence/resurvey methodology

Croft and Hohman effectively rejected the survey/fence/resurvey approach for the following reasons. (1) Croft reiterated his concerns that were outlined in his email of 7 March 2005 (Attachment 1). He is concerned that the approach would facilitate indirect impacts resulting from the development. This may include displacing existing impacts into adjacent habitats and facilitating indirect impacts, such as increased pet collection, domestic dog impacts, prevalence of predators, etc. (2) Hohman indicated that the approach created a piecemeal scenario where single projects are treated as if they are multiple projects. NEPA does not allow “piece-mealing” of projects. (3) Croft also spoke with Vicky Campbell, in their regional office. Campbell was concerned that the scenario is based on an assumption that the “remainder of the property would be developed under an incidental take permit.” She indicated such a conclusion is presumptuous, that it would need to be supported by an Environmental Assessment or other NEPA document, which has not been done.

Issues dropped from further consideration

Croft made notes on the hard copy of the survey/fence/resurvey methodology, which he was going to provide. However, once approach abandoned, LaRue did not ask for these notes. We also discussed CDFG’s issue with tortoise carcasses on-site. Removing tortoise carcasses requires salvage permits from both CDFG and USFWS. Other specifics were discussed, but are not reiterated, as the survey/fence/resurvey approach was rejected.

Can indirect effects be avoided?

A weak attempt was made to identify ways to minimize or avoid indirect impacts. Suggestions included (1) placing a conservation easement on the Avoidance Area until it is later developed under the HCP; (2) producing brochures and other materials to educate future residents of

developed parcels; (3) miscellaneous pet restrictions; etc. (others, such as human-use fences) have been discussed in several memos. Croft did not think that any of these would effectively avoid indirect impacts, which would be necessary for USFWS to endorse the survey/fence/resurvey approach.

Parcel Splits Versus Proposed Development Projects

Following rejection of the survey methodology, we discussed the dichotomy between parcel splits and proposed development projects. The following breakdown of the 25 projects was revealed:

Proposed Development

Century 525	Mixed use, large scale residential
Katz-White 540	Mixed use, large scale residential
Katz 36	Condominiums
Howard 640	Mixed use, large scale residential
Katz-Hoffman 640	Mixed use, large scale residential
Vipissana 160	Meditation center
Barrett 320	Proposed golf course
Barrett 160x2	Proposed golf course

Parcel Split Only

Bose 5
 Barrett 40
 Barrett 240 + 75
 Barrett 160
 Schultz 89

Parcel Split with Immediate Development

DeStefani 90 (Tract home development)
 Drubin 5 (Commercial)
 Eisendrath 80 (Single-family residential)
 Holm 87 (Tract home development)
 Raygoza 15 (Single-family residential)
 Paolini 71 (Tract home development)
 Poland 15 (Professional/Medical offices)
 Shack 65 (Tract home development)

Projects Likely Dropped

Newman 80
 Moore 80

Separate Permit Process

Copper College 135 (HCP submitted)
 JAT 320 (Low-Effect HCP)

At this time, the projects where there would be an immediate impact (i.e., ground disturbance of occupied habitats in the next year-or-so following planning department approval) are those listed under “Proposed Development.” These are the most likely projects and proponents to be included in the coordinated HCP. These eight projects encompass 2,380 acres of occupied tortoise habitat for which take authorization will likely be pursued.

We talked at length about impacts associated with parcel splits. Both USFWS and CDFG are similar, in that they do not consider the paper transaction for the parcel split to constitute take; rather, take occurs at the time of ground disturbance. Conditional Use Permits, Conceptual Design Plans, etc. are the mechanisms for requiring new surveys to confirm presence-absence or for requiring that incidental take permits are obtained prior to ground disturbance. Development of those five projects listed under “Parcel Split Only” is less likely to require immediate permitting, although eventual permitting is necessary if the project proceeds. “Parcel splits with immediate development” include projects with immediate permitting needs. The final four projects have either been dropped or are being pursued separately.

Land Compensation Issues

Characteristics of compensation lands

The following considerations are important with regards to compensation lands: (1) Consider buffer areas adjacent to Joshua Tree National Park and 29 Palms Marine Corps Base (i.e., Sand Hills) where private land acquisition may benefit tortoise management in those tortoise

conservation areas. (2) Identify corridors to connect JTNP with tortoise management areas on the Base. (3) LaRue to obtain aerial photographs from San Bernardino County to facilitate analysis and site location. (4) Compensation lands should be private, purchased from willing sellers, and transferred to an appropriate management entity. (5) Avoid lands with existing, occupied residential and/or commercial development. (6) Acquire relatively good, occupied tortoise habitats for conservation area. Hohman prefers to acquire relatively good, pristine habitat for immediate protection, although stopping impacts to habitats in degraded areas (LaRue's preference) is also important. She wants compensation lands to be of better quality than the lands being developed, so there is a net gain in habitat quality in the conservation area. Croft felt that compensation lands would eventually need to be ground truthed to ensure appropriate habitats are being acquired. (7) Acquisition should be phased with the intent of blocking up conservation areas as compensation lands are acquired. May identify one area (e.g., south of Highway 62) where all identified lands would be acquired before moving north to acquire additional lands.

Tortoise presence-absence survey information

LaRue will provide Croft with the following information from results of presence-absence surveys performed in the Basin since 1990. The information will be in the form of maps and Excel spread sheets. This information includes (1) UTM coordinates sufficient to plot boundaries of each site; (2) acreage of each site; (3) determination of presence or absence of tortoises; (4) UTM coordinates for other special-status species; (5) some human disturbance index associated with disturbance analyses completed during surveys; (6) vegetation community, if possible; and (7) date(s) of survey(s).

Fees versus compensation lands

Hohman was clear that, if compensation lands are to be acquired, USFWS requires compensation in the form of land, not fees. Endowment fees are typically used to manage compensation lands, but actual lands (not fees) must be transferred to the management entity. USFWS also requires that compensation lands be acquired and transferred to the management entity *prior to ground disturbance*. This is different from CDFG's process, which allows the Proponent to provide a security deposit prior to ground disturbance, acquire land in some specified time, at which time the security deposit is returned.

Croft's working map of potential conservation areas

Croft shared a regional map showing (1) potential conservation areas of predominantly private land with less human development (based on 1995 aerial photography); (2) potential corridors between JTNP and Marine Corps Base; (3) jurisdictional boundaries of Yucca Valley and 29 Palms; (4) designated "No Survey Areas" and Compensation Areas from the West Mojave Plan; (5) locations of 24 projects tentatively covered by HCP; (6) private versus public lands; etc. Potential conservation areas look good for Joshua Tree (County) and City of 29 Palms, but less inclusive of habitats in Yucca Valley.

Additional information and changes to Croft's map

LaRue pointed out a number of changes to the map that are needed for accuracy and in the interest of providing appropriate information. The following information, map modifications, etc. are needed: (1) LaRue will provide Croft maps and excel spreadsheets showing presence-absence tortoise surveys and occurrences of special-status species (see previous page). (2) Jurisdictional boundaries of Yucca Valley and 29 Palms are needed to begin to identify portions of the Basin that would be included in the affected area. Should drop No Survey Area

boundaries in the community of Joshua Tree, as it appears to be a jurisdictional line. May use shading, cross-hatching, etc. to depict West Mojave Plan No Survey Areas and Compensation Areas. (3) Need to clearly depict BLM versus private lands. (4) LaRue to pursue BLM 45,000-structure GIS overlay for the area to identify clusters of development. (5) Croft will contact Larry LaPre for GIS coverage of special-status species occurrences in the Basin. (6) LaRue and/or Croft will check to see if there is a soil survey for the area. (7) LaRue will consult the Fort Irwin acquisition strategy for application to this project. Hohman will provide LaRue with a copy of the Hyundai land acquisition strategy.

Aerial photographs of Morongo Basin

LaRue will contact David Werth, San Bernardino County, Human Resources at (909) 387-8304 for availability of aerial photographs taken of the Morongo Basin in 2004.

Potential managers of compensation lands/conservation area

This is a high priority issue, as the HCP must identify the land manager and pertinent responsibilities. We discussed potential managers of the newly established conservation area(s). Pending additional information, potential managers may include (1) BLM, particularly if a new Area of Critical Environmental Concern (ACEC) is pursued; (2) Wildlands Conservancy; (3) local environmental groups such as Community ORV Watch (COW); and (4) Desert Tortoise Preserve Committee. Hohman thought it essential that BLM lands be a component of the conservation area. In pursuing conservation areas, it is important to invite Marine Corps Base, National Park Service, etc. to participate in discussions. LaRue will discuss potential compensation lands and managers with local community leaders, Paul Smith and Pat Flanagan.

Potential involvement of Bureau of Land Management

Croft asked if BLM had identified any local “disposal lands,” such as are identified in the Land Tenure Adjustment project between BLM and Edwards Air Force Base. LaRue indicated that there are no such disposal lands in the Morongo Basin; there are numerous small parcels that the BLM may want to transfer to private ownership. No one was aware of any concerted effort by the BLM to sell public land parcels in the Basin.

Potential to create a new BLM tortoise ACEC

There is a relatively large block of consolidated BLM land located north and northwest of Copper Mountain College. We looked at this area as a potential tortoise conservation area, and considered contiguous private lands for potential acquisition. Concern was expressed that designating the area as an ACEC (Area of Critical Environmental Concern) would involve a separate, unrelated action to amend the California Desert Conservation Area Plan. An ACEC Management Plan would also need to be drafted. May be good to involve Congressman Jerry Lewis or Supervisor Bill Postmus to facilitate this and other coordinated planning issues.

Potential involvement of National Park Service

Even if NPS cannot be involved as compensation land manager, we should continue to invite and involve them in future planning meetings. There still may be ways of enhancing tortoise protection at JTNP through the coordinated HCP process.

Take Authorization Issued to Individual, Group, or Jurisdiction

Permit issuance to individual versus group versus jurisdictions

There are three potential scenarios for permit issuance: Incidental take permits issued to (1) individual, (2) developer group, or (3) local jurisdictions. *Individual* permit issuance is strongly

discouraged; it will take just as long (or longer) as the other two approaches. The *developer group* has been discussed thus far, mostly benefiting specific developers while ignoring numerous other projects known or likely to occur. The group approach may still work, but is not preference of agencies, as it does not deal with all known and foreseeable projects. Permit issuance to *local jurisdictions* is the preference of Hohman, Jones, and Croft, as it covers the existing developer group while setting up a means to accommodate future projects. It is likely that a wider range of plants and animals would be identified as “covered species” than under either the individual or group approach. Big horn sheep, for example, may not be affected by the group approach but could be affected by the jurisdictional approach, as it involves more area.

Environmental Impact Statement versus Environmental Assessment

On the federal side, involving local jurisdictions (and increasing the scope of take authorization) will more likely require an Environmental Impact Statement than an Environmental Assessment. Significant effects to the environment (including both negative and positive effects) would require an EIS rather than an EA. In addition to the significant effects on tortoises, there are likely to be significant effects on water or other environmental factors, so an EIS is likely to be required for either the group or the jurisdictional approach (but not likely for most individual projects). Croft suggested that, initially, USFWS draft an EA and if necessary, later change it to an EIS. For future reference, both USFWS and CDFG prefer to receive word processing documents in Microsoft Word format, which is currently being used.

Public scoping meetings

NEPA requires that public scoping meetings be conducted in support of an EIS. Although an EA does not formally require such meetings, it may be prudent to have public meetings anyway to help identify salient issues. CEQA may require a specified number of public meetings. Hohman thinks it important to involve local planning departments as soon as possible to ensure CEQA compliance issues are addressed.

Potential Supplemental Staff Dedicated to Morongo Basin HCP

Supplementing USFWS staff to draft the HCP and expedite permit processing was one of the main discussions of the day. Hohman had talked with Diane Noda, Carl Benz, and Vicky Campbell, among others, and found that there were precedents for supplemental staff (e.g., Pacific Lumber Company), and that this may be the best way to proceed, with the following discussions ensuing.

- Although the “group” approach and the “jurisdiction” approach are both possible, USFWS and CDFG prefer the jurisdictional approach. The jurisdiction approach with USFWS staff will likely be quicker than the group approach without supplemental staff. Supplemental staff could also be used if the group approach is taken.
- Supplemental staff would serve as both coordinator and writer. There would still need to be a liaison for the developers (e.g., LaRue and Warner) and a CDFG representative (Jones) to work with USFWS’ coordinator. Supplemental staff would write most of the HCP and associated documents, which would free LaRue up to pursue information, perform ground truthing (if needed), assist CDFG as needed, etc.
- Appears to be less incentive for supplemental CDFG staff, particularly since the 2080.1 process would be pursued and federal take authorization adopted.

- With regards to funding, (1) USFWS can receive money from State and federal agencies, but not directly from developers. (2) The National Fish and Wildlife Foundation, a nonprofit third party, is one entity that has effectively been used to supplement USFWS staff; there are others, though not identified. (3) Only an experienced staff person would be assigned to work on the HCP; there may be such a person available in the Carlsbad area, though they have not been contacted. It is likely that Croft would be assigned project lead and effectively serve (in part or whole) as the dedicated staff person. (4) Hohman thought that supplemental staff would be billed at \$90 to \$100/hour, work a 40-hour week, and be required for 9 months or 45 weeks. If so, the cost of this person would be between \$162,000 and \$180,000, pending input. As one of the highest priorities, Hohman will (a) let us know first steps to fund supplemental staff, (b) get a better estimate of costs, and (c) provide other logistical information.

Specific Issues for Other HCPs

Low-Effect HCP

LaRue recently drafted a Low-Effect HCP for the JAT 320 site where a campground is proposed. Hohman indicated that, in theory, processing this permit should be relatively quick. However, existing workloads and minimal staff will likely result in a prolonged period before beginning to process the permit, so this approach is not likely to expedite permit issuance. Hohman discouraged pursuing a Low-Effect HCP for a group of the low-impact projects such as Raygoza 15, Holm 87, Poland 15, etc.

West Mojave Plan

Jones heard that the Final EIS/EIR for the West Mojave Plan was released last Friday, 18 March 2005.

Miscellaneous CDFG Issues

Streambed Alteration Agreements

Jones indicated that the straightforward application form for the agreement is found at their web page at www.dfg.ca.gov. Developers can fill out this form and provide the nominal fee with no additional fieldwork from consultant.

CEQA documentation and compliance

Jones expressed CDFG's concern that most of the projects being considered do not have CEQA compliance documentation such as a Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report, etc. USFWS has a similar concern with apparent lack of NEPA documentation (e.g., Environmental Impact Statement, Categorical Exclusion, etc.). Again, these documents will be required prior to issuance of a 2081 permit or a Streambed Alteration Agreement. We did not discuss CEQA documentation with regards to the 2080.1 process, where CDFG adopts the federal take permit rather than issue a 2081 permit.

Next Coordination Meeting

The next meeting (i.e., #3) will be in Palmdale on 26 April 2005 at 10 a.m. at a place to be determined. Ed will contact Laurie Lyle, Palmdale Planning Department for meeting room.

Action Items Completed

- ☉ *Croft will fax/mail LaRue a copy of the NDOT tortoise-proof fencing specifications.* Not needed for now, as survey/fence/resurvey methodology is rejected on 22 March 2005.
- ☉ *Hohman will report on the feasibility of third party support to expedite permit processing.* As above, Hohman discussed this issue and all agree it is the best approach.
- ☉ *Hohman will report on likelihood of one 10a permit versus multiple permits.* As above, USFWS prefers regional approach to developer group approach, with take authorization issued to Yucca Valley, 29 Palms, and San Bernardino County.
- ☉ *Jones will find out if 2080.1 is appropriate for this effort, or if it will be under 2081.* Becky indicated that 2080.1 was appropriate (a) if the HCP is well written and (2) compensation lands are NOT being transferred to CDFG. For now, 2080.1 is probable.
- ☉ *Jones will determine if likely to be one 2081 or multiple permits.* As given above, likely a 2080.1, which is formal acceptance of federal HCP and incidental take permit.
- ☉ *LaRue will provide Jones with specific information on carcasses on the Shack and DeStefani sites.* Completed on 11 February 2005.
- ☉ *LaRue will draft a letter seeking concurrence on a general approach to implement the resurvey/fence methodology.* Proposed on 11 February 2005 and rejected on 22 March 2005.
- ☉ *LaRue will contact Dave Reynolds of Sacramento NPS for clarification on land acquisition in JTNP.* Email sent to Reynolds and others on 23 March 2005.

Action Items To Be Completed

Old Action Items

- ☉ *Croft to look at Copper Mountain College HCP for format and suggestions.* Croft indicated has not yet reviewed the recently submitted permit application. May be a moot point if USFWS writes most of the HCP.
- ☉ *Croft will bring LaRue examples of recent, well-written HCP, IA, EA.* Hohman indicated that a tortoise 10a permit is to be issued within a month, at which time it is available, and will be provided to LaRue.
- ☉ *Croft to help determine private land in the proposed Pinto Mountain Desert Wildlife Management Area.* Croft has the BLM land ownership layer, although private land acreage remains unknown.
- ☉ *Hohman will report on the latest information regarding No Surprises.* Not discussed.
- ☉ *Hohman will provide LaRue with a copy of the Hyundai land acquisition strategy.*
- ☉ *LaRue will provide Croft with copies of the biological studies for the sites in question.* This action is postponed until actual participants are identified.
- ☉ *Warner to contact local planners to attend developer meeting.* This may be a higher priority if the regional approach is pursued.
- ☉ *Warner will provide status of archaeological surveys on each participant's site. Warner to tabulate the status of all required CEQA studies for participants.* Jones reiterated that she has not seen CEQA documentation, which is needed.

New Action Items

- ☉ *As one of the highest priorities, Hohman will (a) let us know first steps to fund supplemental staff, (b) get a better estimate of costs, and (c) provide other logistical information.* Hohman will try to have more information within next week-or-so.
- ☉ *Croft will modify his working map of potential conservation areas. LaRue will provide Croft with UTM coordinates and other information for surveys where tortoises were and were not found.* See text for details that are not reiterated here.

- ☺ *Hohman will provide copy of Hyundai acquisition strategy. May help identify criteria to be used to drive land acquisition.*
- ☺ *LaRue will consult the Fort Irwin acquisition strategy for application to this project.*
- ☺ *LaRue will contact David Werth for aerial photographs.*
- ☺ *LaRue needs to modify location of Howard 640 on Figure 1 of 22 March 2005 memo. Will do if needed.*
- ☺ *LaRue will discuss potential compensation lands and managers with local community leaders, Paul Smith and Pat Flanagan.*
- ☺ *LaRue will provide Croft with results of all presence-absence surveys in the area.*
- ☺ *LaRue and Croft will work together to obtain and depict pertinent data and other information on Croft's working map. Specifics from above text not reiterated here.*
- ☺ *LaRue will provide Croft pertinent information (see text) with regards to tortoise presence-absence surveys.*
- ☺ *LaRue and/or Croft will check to see if there is a soil survey for the area.*
- ☺ *LaRue will contact Laurie Lyle, Palmdale Planning Department for meeting room on 26 April 2005.*

The meeting adjourned 1700. Again, if there are any questions, recommended modifications, inaccuracies, etc., please let me know.

Respectfully Submitted,

Ed LaRue
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Attachment 1

The following email, received by LaRue from Croft on 7 March 2005, describes some of USFWS' reservations that led to their rejection of the survey/fence/resurvey approach during the 22 March 2005 meeting.

Verbatim email transmission follows:

Ed

Judy, Doug, and I had a chance to discuss the strategy that you have proposed for take avoidance measures to be used on development projects in the Morongo Basin. We did not discuss it with our HCP coordinator because we feel that the real question does not have to do with an HCP regulatory procedure, but rather to do with the biological and legal question of whether take is likely to occur using the methods you are suggesting for avoidance. We decided that there is the possibility that the strategy could work in certain situations. We would like to review the projects on a case by case basis, taking into account all of the current development and other proposed developments in the Morongo Basin.

You have sent over a package with four potential projects near Yucca Valley for our review. Judy would like for you, me and Becky to get together for a meeting to discuss these four projects. She wants me to discuss the specifics of these four projects with you and Becky to see if a not likely to take call is feasible. I think going through the

thought process on these projects will help us to determine if it will be possible to use your strategy for other developments in Morongo Valley.

Currently our main concerns have to do with several potential sources of take. First, if tortoises are fenced out of the development areas, are we in fact modifying the home range of some tortoises that may use the site for foraging. This would not necessarily be considered take if the tortoises can modify their home range in a way that does not impact their ability to breed or forage. Having adjacent areas of good tortoise habitat that have few if any tortoises present would hopefully allow for this sort of home range modification. If the adjacent areas are developed, of poor quality habitat, or contain a high tortoise population that could result in competitive interactions, then their ability to forage and breed would likely be impacted. Second, how do the indirect effects of the development impact the tortoises in adjacent habitats, including the avoidance area. Indirect effects from construction activities could potentially result in take of tortoises in adjacent habitats. Indirect effects of the occupation of the houses (dogs, ravens, tortoise collection, etc.) following development could result in take.

I am telling you our concerns now, so that we do not give the false impression that this strategy would work in all situations. I think we will just have to take each development one at a time, and see if there are ways that we can eliminate these sources of take.

Do you and Becky have any dates that would be good for a meeting during the third or fourth week of March? I am busy on the 15th, but I think I can be available any other day except Mondays. Let me know, so we can set something up. I think Palmdale would be a good place to meet. Becky would not have to travel, and it is fairly close to Wrightwood and Ventura. Let me know what you think.

Thanks

*Brian Croft
Ventura Fish and Wildlife Office
Phone: (805) 644-1766
Fax: (805) 644-3958*

**Minutes of Meeting #3
Morongo Basin Coordinated
Habitat Conservation Plan
26 April 2005**

The meeting began at 10 a.m. on 26 April 2005 at the California Department of Fish and Game office in Ontario, California. The following people attended:

Attendees:

Brian Croft – Wildlife Biologist, U.S. Fish and Wildlife Service
Paul Deprey – Chief of Resources, National Park Service
Judy Hohman – Wildlife Biologist, U.S. Fish and Wildlife Service
Jeff Holm – Project Proponent, JH&A Consulting
Becky Jones – Wildlife Biologist, California Department of Fish and Game
Steven Katz – Project Proponent, Katz Builders & Developers
Ed LaRue – Consulting Biologist, Circle Mountain Biological Consultants
Kindred Murillo – Project Proponent, Copper Mountain College
Shane Stueckle – Deputy Town Manager, Town of Yucca Valley, Deputy Manager
Andy Takata – Town Manager, Town of Yucca Valley
Bill Warner – Engineer, Warner Engineering

Reflections on Proponent’s Meeting of 25 April 2005:

Holm, Katz, and LaRue shared perceptions of yesterday’s Project Proponent’s meeting. Good interest in the 27 people who attended the meeting. At the end of the day, a show of hands revealed that a majority of people were in support of participating in a regional HCP. How do we accommodate existing versus new projects? LaRue told the group that, though not required, agencies prefer the “jurisdictional approach.” Croft explained that this was preferred to the consortium of specific Proponents because it would cover both current and future projects.

Consortium Versus Jurisdictional Approach:

What are the downsides to a jurisdictional versus consortium approach? Regional approach may invite more political scrutiny, with the West Mojave Plan being a good example. Can get so large it becomes unmanageable, but not likely an issue for the relatively small Morongo Basin. Conceptually, the planning area could include Yucca Valley, 29 Palms, and unincorporated lands (County) between Joshua Tree National Park and 29 Palms Marine Corps Base. One advantage, is that the process (i.e., informal and formal consultation, scoping, etc.) and the documents (i.e., HCP, EIS-EIR, etc.) would ensure CEQA-NEPA compliance for “covered projects” specified in the project description.

Involvement of Copper Mountain College in Process:

Applications for federal and State incidental take authorization were prepared by LaRue, reviewed by Murillo, and submitted to USFWS and CDFG several months ago. LaRue pointed out that both CEQA and NEPA documents were submitted simultaneously three months ago, but only CDFG review thus far; no comments from USFWS.

Murillo has a \$15 million grant from the State that has to be used for campus expansion in next three years. If college expansion relies on authorization from this regional planning effort,

Murillo indicated that the college will lose this money. She must have the permit processed and issued within a year for their plans to be implemented. Katz wanted to know if Croft could begin to work on specific permits in the Basin, with the Copper Mountain College likely being the first one to be processed.

CEQA-NEPA Compliance:

Takata indicated that a Joint Powers Authority would likely be required if the Town were to serve as the CEQA Lead Agency.

Warner shared his concern about the variability in timing, project types, and individuals affecting permit processing. Does it matter that there is everything from fully developed plans to unidentified projects? Croft indicated that the inter-agency approach was best to address this diversity. Stueckle indicated that entitlements may take as few as 45 days and as much as a year.

Hohman and Jones indicated that the HCP process would include combined CEQA-NEPA document.

No Surprises: NEPA documents will analyze impacts and changed circumstances. Need to consider the foreseeable future in terms of potential impacts. If the HCP includes foreseeable impacts (i.e., fire) and a fire happens, the USFWS cannot require new measures that would result in increased financial responsibilities.

Certificate of Inclusion:

This was a new discussion point. Once the 10a permit is issued, project descriptions and other information would be reviewed by the USFWS on a case-by-case basis to be sure that a given project falls within the context of the programmatic HCP and 10a permit. A “Certificate of Inclusion” would be issued upon this review. The alternative is that USFWS determines a given project does not comply with the intent of the HCP, in which case that Proponent would need to acquire a separate permit. Warner expressed concern with this additional timeframe. Croft will check with pertinent personnel to better understand the timing of review and certificate issuance.

Current Management Relative to Tortoise Surveys & Reports:

As in the last meeting, Hohman reiterated that USFWS is drafting a letter for Town, City, and County jurisdictions that is intended to clarify relationships and requirements under FESA to ensure violations are avoided during issuance of discretionary and ministerial permits.

Submittal of Tortoise Reports to Agencies: Hohman indicated that the County typically informs the USFWS of projects where tortoises occur. San Bernardino County does this in the Victor Valley area, but not for Morongo Basin. The County usually submits reports where tortoises have been found, and occasionally direct the developer to Jones for clarification. Most cities provide Jones with all focused surveys, whether anything is found or not.

Stueckle indicated that the Town cannot send tortoise reports to agencies with out, first, developing an ordinance allowing it. Hohman indicated that, if needed, USFWS will assist the Town in developing or reviewing such an ordinance.

Present and Future Requirements For Tortoise Surveys: Stueckle wanted to know if in-fill, vacant lot development required tortoise surveys. Jones indicated that CDFG requires surveys of such lots to be sure that no listed species (i.e., desert tortoise) or unlisted species (i.e., burrowing owl) would be affected.

Warner wanted to know if additional surveys would be required under the HCP. Croft indicated that all new projects would still require presence-absence surveys in order to keep track of authorized versus actual take of tortoises. The HCP will have an “incidental take statement” that would set a limit to the number of tortoises that may be harassed and accidentally killed. Harassment is basically “all affected animals on authorized sites” and mortality take limit identifies how many tortoises may accidentally die in spite of implementing protective measures.

National Park Service Involvement:

Role of Park Service: Kurt Sauer asked Deprey to represent National Park Service at today’s (and future) meetings. Deprey indicated there is an infrastructure in place that may assist Proponents with developing a regional education program, which would benefit both tortoise management in the Park and tortoise protection throughout the Basin.

National Park Service Concerns: Deprey indicated that there is a “sphere of influence” outside the park, along the north boundary, where they, as an affected party, are required to review the impacts of actions within that area, including ours. National Park Service would rather deal with a programmatic plan than individual projects. It is important that regional coordination occur to allow the Park to better understand potential impacts. They would rather be involved in the coordinated approach up front, though time consuming, than come in later.

Proponent Concerns: Holm wanted to know if National Park Service’s involvement and review would prolong issuance of the permit? Maybe, but still better and quicker in the long run to consider impacts programmatically now, than on a case-by-case basis later.

Twentynine Palms Marine Corps Base:

Warner expressed his concern that involving the Base in the planning effort may prolong the effort. Hohman explained that the Base constitutes a “contributing neighbor” and would like to be involved in that capacity. They are interested in regional development outside the Base. In the long run, they may be able to help with logistics, funding, local coordination, etc. It is not likely they would be involved in formulating the HCP, etc.

Twentynine Palms Marine Corps Base is planning for a head-starting facility, which they perceive will require 35 males and females. May contact Rhys Evans at 29 Palms to look at potential for funding ELIZA tests as a part of their head-starting program.

Conservation Strategy Development:

Proposed Conservation Area: One of the first things would be to identify the planning area, which would likely include Yucca Valley and 29 Palms, with an unknown amount of unincorporated, County land in between. Hohman indicated that she and Croft had recently visited the area, in part, looking for development patterns and potential conservation areas.

Conservation Manager: In addition to the conservation area, also need to identify the conservation manager.

Representation: When developing the conservation strategy, Hohman indicated it is vital to represent ALL interests in the Morongo Basin.

Education In-Lieu of Acquisition: Croft will research the possibility of having education in lieu of acquisition (i.e., Onaga Elementary School did this under section 7).

On-site Mitigation: LaRue has informed developers that they cannot mitigate impacts on-site. Hohman, Croft, and Jones confirmed that Proponents cannot compensate on-site. Instead, need to acquire lands in an identified area.

Potential Conservation Area Corridors: Croft has identified one potential corridor between Joshua Tree National Park and 29 Palms Marine Corps Base, and another one to the east between the Park and vicinity of Cleghorn Wilderness Area. Deprey was aware of a Wildlands Conservancy map that also identified tentative corridors. In developing corridors should look at land ownership, anticipated development levels, ultimate amount of acquisition land, etc.

Potential Translocation Area: Will also likely need to identify a Translocation Area to receive legally displaced tortoises. This area may need to be sterile (i.e., no resident tortoises) but still capable of supporting animals. Tortoises cannot be translocated into the Park. National Park Service's policy is that no species can be moved into any national parks. With tortoises, a main concern is potential transmission of upper respiratory tract disease, herpes, etc.

Proposed Compensation Fees: Warner expressed his concern about compensation fees being perceived as a new tax that Proponents do not currently have to pay today. LaRue indicated the group is leaning towards charging compensation fees for only those projects where presence-absence surveys detect tortoise sign.

Existing Conservation Area: Regionally, the Pinto Mountain area has already been identified for tortoise conservation in the West Mojave Plan. It is referred to as a Desert Wildlife Management Area, and will be established as a conservation area with the BLM's Record of Decision on the West Mojave Plan. This area generally occurs east of Twentynine Palms, south of Highway 62, and north of Joshua Tree National Park. However, there is a general concern that insufficient private lands occur within the DWMA to offset anticipated impacts.

Available Tools: We should use aerials and/or volunteers to assess potential habitat. USFWS and NPS have GIS capabilities that would allow mapping development patterns from aerials onto maps. NPS has a large-scale scanner and other GIS resources, but not staff for this effort.

Available Aerial Photography: Croft will contact the county for recently flown aerials.

Supplementing USFWS Staff:

Timing For Issuance of Incidental Take Permit? Katz wanted to know if he submitted an HCP today, how long would it be before USFWS works on it? Croft is currently working on two

HCPs, including Copper Mountain College and one in California City. Not sure how long before the start, but it will predictably take two years, or more, for the permit to be issued. Participating developers can be working on completing their project description during the early planning stages and formulation of HCP.

Expedite Timing of Permit Issuance? How do we expedite the funding process? Hohman indicated few steps USFWS needs to accomplish, including internal coordination, to establish the Reimbursable Accounts. Process would follow from there. Hohman will contact the regional office for initial steps. Katz asked that USFWS modify the scope of work to allow for expenditure of funds for smaller HCP's, like Copper Mountain College, so that these can be worked on during "down times" for the regional HCP. Croft will make this modification.

Potential Personnel To Be Involved? Croft already has two biological opinions in process, one of which has a court ordered date for completion. Warner wanted to know if a second staff person could help. Croft indicated that the real lag time is with the production of the EIR-EIS, so second staff person would not expedite the process. As the author of the HCP, USFWS cannot write the EIR-EIS, which is likely to be the real time delay, so second staff would not expedite process.

Draft Scope of Work and Timeline Prepared by USFWS:

Hohman and Croft shared the following documents: *Draft Scope of Work and Deliverables for USFWS Staff Position for Desert Tortoise Conservation Plan in Morongo Basin*, and *Morongo Basin HCP Draft Timeline and Cost Estimate for Man Hours*. For now, these are internal documents being reviewed by Stueckle and Takata, who will discuss specifics with USFWS and others as needed. As soon as finalized, this information will be shared with interested Proponents.

Draft Scope of Work and Deliverables for USFWS Staff Position for Desert Tortoise Conservation Plan in Morongo Basin: This two-page scope of work identifies all responsibilities of the USFWS staff. Katz asked that the scope of work be modified to allow USFWS staff (i.e., likely Croft) to work on miscellaneous Morongo Basin HCP's when there is downtime on the regional effort. This may be the best solution to ensure that Copper Mountain College's permit receives necessary, expedited review. Neither Hohman nor Croft could think of any problem with this idea.

Morongo Basin HCP Draft Timeline and Cost Estimate for Man Hours: This spread sheet identifies documents to be prepared, timeline for completing documents, number of hours to accomplish each document. USFWS would be responsible for HCP, Implementing Agreement, Biological Opinion, and other identified documents. Proponents, perhaps through the Town, would hire a consultant to complete the EIS-EIR, the cost of which is included in the spreadsheet. These costs are working figures for now; once the actual estimated cost is determined, it will be shared with Proponents. Croft indicated that the FWS Hours are intentionally liberal to also cover solicitor's costs.

Reimbursable Account:

In effect USFWS would set up a “Reimbursable Account,” and submit biweekly invoices to the account, with quarterly reports on the progress to completing the scope of work. In the last few years, Congress has provided for a mechanism that would allow private funding to go straight to USFWS, which changes the assumption at our previous meeting. If less than \$50,000, supplemental funding will be authorized locally in Sacramento. If more than \$50,000, would require authorization from Washington, which typically takes 60 days before funding would be available. No reasons were identified for holding off on work until the funding is available. Staff could keep track of their time to be reimbursed later. Katz suggested that USFWS could begin review of the Copper Mountain College HCP until funding is in place for regional approach.

Miscellaneous Funding Issues:

Conduits For Funding USFWS Staff: Murillo suggested that Morongo Basin Regional Economic Development Consortium may serve as a potential conduit for money and other involvement. This group does not currently function as a Joint Powers Authority. Croft will pursue more information on who is and is not allowed to serve as the conduit for funding. Even if not a conduit, this consortium involves many of the key players and should be contacted for potential involvement.

Reimbursement of Funds Expended in Planning Process: Discussed funding relative to costs for USFWS staff, EIR-EIS consultant, and others. Katz described a scenario where participating developers are reimbursed for their financial commitment to the planning process. Hohman indicated that the likely scenario is to have Croft work on this HCP, and new staff would be assigned to Croft’s existing workload.

Supplemental Funding For CDFG: Warner wanted to know if CDFG would require supplemental funding, as identified for USFWS, for document preparation and permit processing. Jones indicated there is no analogous cost to process the State’s application.

Supplemental Funding For Town: Warner wanted to know if Town staff could be involved under current budgets or would supplemental funding be required? Stueckle and Takata have briefly talked to council members, but too early to know extent of monetary involvement. Stueckle indicated that this is a very important issue to the Town, which is committed to participating in this process.

Consultant to Prepare EIS-EIR:

Proponents would need to hire a consultant to complete the EIR-EIS. Takata indicated that the Town would likely hire the consultant, although their monetary commitment was not discussed. Croft indicated that the EIR-EIS development will likely take the most amount of time, depending on the consultant. Croft indicated that 5 of the 24 months shown in the spreadsheet would be based on specified time frames, such as scoping, comment periods, etc.

Public Scoping for EIR-EIS Preparation: Hohman is hopeful that scoping will identify most salient issues of the local community and help to develop buy-in from those who may otherwise be antagonistic. It’s best to hear everyone involved. Croft indicated that we would need a straw man conservation strategy to take to scoping meetings. Croft estimated two months to draft the

HCP that would be released for scoping. Murillo indicated it took nine months to develop their EIR for college expansion. They tried to include everyone, and in the end, did not receive many substantial comments.

Miscellaneous Communication:

Holm wanted to know the best way to keep communication open between those here in the meeting and the developers who are not here. Hohman indicated that we could plan an informational meeting where agencies meet with all affected parties to help them understand the process. This could include USFWS, CDFG, NPS, participating jurisdictions (i.e., likely Town, City, and County), development community, local environmental groups, local users groups, etc.

Available Tortoise Presence-Absence Data:

Known Tortoise Surveys: LaRue shared available information for 107 focused desert tortoise surveys, showing parcels where tortoise sign was found, not found, and where tortoise sign was found only in adjacent areas on zone of influence surveys. Other available information with reports: plant and animal species lists, observable human disturbances, etc.

Potential Use of Data: May use this as a baseline to determine how many surveys have actually resulted in development. Could be used as baseline for cumulative effects analysis. Town can provide information on what has and has not been developed.

Other Available Tortoise Surveys? Croft is aware of one LSA survey in Yucca Valley, and Jones is aware of a second survey in Twentynine Palms. Otherwise, all others appear to be on this map.

USFWS Recent Rejection of Proposed Survey-Fence-Survey Method:

Three Main Reasons For Rejecting the Method: Katz asked for more discussion on why the survey-fence-survey methodology will not work. Croft identified following three reasons: (a) Site development on non-tortoise habitat would have indirect effects on tortoises on the undeveloped, fenced portion of the site. Pets of new residents could affect the tortoises in adjacent, undeveloped areas. There are indirect effects associated with construction, such as excessive noise, ground vibration, creation of fugitive dust, attraction of ravens even if the site is maintained in a litter-free condition. (b) Fence placement could impact tortoise movement and feeding patterns, which are examples of take. (c) National Environmental Policy Act prohibits/discourages piece-mealing, where for example, each phase of a development would be considered as a stand alone project.

Benefits of Fences: Katz elucidated that there was potential to protect tortoises within fenced areas that are not developed. Fences would be a protective barrier that would prevent tortoises from immigrating with no undue harm. Measures to address indirect impacts include human-use fences, brochure or other education materials to residents, prohibitions against free-ranging dogs, etc. Purpose was to allow immediate development of “sterile” areas without a permit, which would also reduce the ultimate cost for compensation. Katz wondered if there would be enough available conservation land to accommodate anticipated development.

Can the Method Be Applied To Any Special Circumstances: Are there certain projects where methodology may still work? USFWS does not have the authority to substantially affect or change the proponent's project description. Nor can they authorize development or the reasons given above. Croft indicated USFWS would like to develop some standards to determine the "area of indirect effects."

Federal May Effect Versus Private Project Take Standards: LaRue wanted to know which standard was used: "may affect" of the federal standard versus "take" of the private standard. Hohman indicated that these different levels of impact were considered during internal discussion. LaRue indicated that in the first 12 10a permits, 10 were implemented, and only one tortoise was moved from harm's way. This may indicate that tortoises were extirpated in the interim between finding the sign and permit issuance. Another scenario is that tortoise sign is wide-spread, whereas tortoises are often found within some small portion of the site (e.g., five tortoises along wash on Copper Mountain College site).

New Contact Information:

Takata's email: atakata@yucca-valley.org; cc stueckle@yucca-valley.org. Deprey's email is paul_deprey@nps.gov.

New Action Items

☉ *Stueckle and Takata will review two documents (scope of work and spread sheet) and discuss approach with pertinent Town personnel.*

☉ *Katz asked that the scope of work be modified to allow USFWS staff (i.e., likely Croft) to work on miscellaneous Morongo Basin HCP's (i.e., Copper Mountain College) when there is downtime on the regional plan.*

☉ *Hohman will contact the regional office for initial steps to establish the Reimbursable Account.*

☉ *Katz asked that USFWS modify the scope of work to allow for expenditure of funds for smaller HCP's, like Copper Mountain College, so that these can be worked on during "down times" for the regional HCP. Croft will make this modification.*

☉ *Croft will check with pertinent personnel to determine how long it takes to issue a "Certificate of Inclusion."*

☉ *Croft will pursue more information on who is and is not allowed to serve as the conduit for funding supplemental USFWS staff.*

☉ *Croft will research the possibility of having education in lieu of acquisition (i.e., Onaga Elementary School did this under section 7).*

☉ *Town can provide information on which previously surveyed parcels have and have not been developed.*

Old Action Items (carried over):

☉ *Croft to help determine private land in the proposed Pinto Mountain Desert Wildlife Management Area. Croft will use BLM information to determine amount of private land in Pinto Mountain DWMA. At this time, do not need to know specific parcel ownership, only acreage for public versus private lands.*

☉ *LaRue will look at Hyundai acquisition strategy and Fort Irwin acquisition. May help identify criteria to be used to drive land acquisition.*

☉ *LaRue will contact Nanette Pratini for available digitized structures to help with regional analysis.*

☉ *LaRue will provide Croft with copies of the biological studies for the sites in question. This action is intentionally pending. Likely best to provide electronic versions.*

☉ *LaRue and Croft will work together to obtain and depict pertinent data and other information on Croft's working map.*

☉ *LaRue and/or Croft will check to see if there is a soil survey for the area.*

☉ *LaRue will discuss potential compensation lands and managers with local community leaders, Paul Smith and Pat Flanagan.*

Completed Action Items (since meeting of 22 March 2005):

☉ *As one of the highest priorities, Hohman will (a) let us know first steps to fund supplemental staff, (b) get a better estimate of costs, and (c) provide other logistical information. Hohman provided two handouts covering this information.*

☉ *Croft to look at Copper Mountain College HCP for format and suggestions. Currently a moot point, as the USFWS would write the HCP.*

☉ *Croft will bring LaRue examples of recent, well-written HCP, IA, EA. Moot point since USFWS would draft documents.*

☉ *Hohman will report on the latest information regarding No Surprises. Croft discussed this during meeting on 26 April 2005.*

☉ *Warner to contact local planners to attend Proponent's meeting. Meeting occurred on 25 April 2005.*

☉ *Warner will provide status of archaeological surveys on each participant's site. Warner to tabulate the status of all required CEQA studies for participants. HCP and supporting documents would serve the function of CEQA-NEPA compliance for "covered projects."*

☉ *Croft will modify his working map of potential conservation areas. LaRue will provide Croft with UTM coordinates and other information for surveys where tortoises were and were not found. LaRue provided requested information for 107 focused tortoise surveys.*

☉ *LaRue will contact Laurie Lyle, Palmdale Planning Department for meeting room on 26 April 2005. Not applicable, as meeting was in Ontario.*

Next Meeting:

Takata will contact USFWS after review of the draft scope of work and timeline presented at this meeting. They will arrange for a meeting once these and miscellaneous other information becomes available.

The meeting adjourned 1700. If there are any questions, recommended modifications, inaccuracies, etc., please let me know.

Respectfully Submitted,

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Email: ed.larue@verizon.net

**Minutes of Three Meetings Relative to
Morongo Basin Coordinated
Habitat Conservation Plan
29 September 2005**

On 29 September 2005, Ed LaRue attended three meetings relative to the Morongo Basin Coordinated Habitat Conservation Plan, which are summarized below. The first meeting was in Yucca Valley with Bruce Davis, Chief of Staff to County Supervisor Dennis Hansberger. The second meeting was in Twentynine Palms with board members of the recently established Morongo Basin Land Trust. The third was a public meeting in the community of Joshua Tree with the newly established Morongo Basin Property Association.

Meeting #1 with Bruce Davis, Chief of Staff to Dennis Hansberger.

This meeting was arranged by Kindred Murillo, Chief Business Officer, Copper Mountain Community College District, and was attended by Bruce Davis and Ed LaRue between 10:00 and 11:30 a.m. The purpose was to brief Davis on recent meetings and discussions regarding a potential regional conservation plan in the Morongo Basin. LaRue described the regional approach to conservation of rare biological resources, particularly the desert tortoise, in the Morongo Basin.

In the last several years LaRue has found tortoises on 29 sites encompassing approximately 4,765 acres in the Morongo Basin. There are about 24 different developers, including private land owners seeking parcel splits, associated with the 29 sites. Within the Morongo Basin, there has been more proposed development in the past three years than in the 12 years between 1990 and 2002.

The regional plan proposal was discussed relative to the West Mojave Plan. LaRue felt that the West Mojave Plan was more complicated due to the large size, including 26 different jurisdictions, rather than the number of species that would be covered, which started out at more than 100 and was pared down to 60-or-so. The two species most likely to affect development in the Morongo Basin are the desert tortoise and western burrowing owl. Other special-status species in the area include two plants, Little San Bernardino Mountains Gilia and Alverson's Foxtail Cactus, and the following bird species: Loggerhead Shrike, LeConte's Thrasher, Cooper's Hawk, Burrowing Owl, Prairie Falcon, Sharp-shinned Hawk, Swainson's Hawk, Golden Eagle, Northern Harrier, and Osprey.

LaRue described the general boundary of the regional plan as including the Town of Yucca Valley, City of Twentynine Palms, and San Bernardino County lands north of Joshua Tree National Park and south of Twentynine Palms Marine Corps Base. LaRue indicated that, for now, this area did not cover Morongo Valley to the southwest or Wonder Valley to the east, although it probably would extend northwest to Landers. In one configuration, this area would encompass 300 square miles compared to 14,600 square miles in the West Mojave Plan area.

Davis concluded that he would meet with Brad Mitzenfelt, Chief of Staff to Bill Postmus and Randy Scott, Senior Planner with San Bernardino County Planning Department to discuss the feasibility of a regional plan, particularly as it related to the West Mojave Plan. A second meeting would follow that included these three government officials with LaRue and Murillo. In the meantime, LaRue and Murillo would prepare a white paper comparing various factors between the West Mojave Plan and a regional plan in the Morongo Basin.

Meeting #2 with Morongo Basin Land Trust.

This meeting was arranged by Paul Smith of the Morongo Basin Land Trust (MBLT), and occurred at the Twentynine Palms Inn between 13:00 and 17:00 p.m. Attenders included LaRue, Paul DePrey of Joshua Tree National Park, April Sall of The Wildlands Conservancy, Frank Wagner of Weeda Real Estate, and MBLT board members, Pat Flanagan, John Simpson, and Barbara Weeda.

DePrey indicated that the National Park Service could incorporate private lands into Joshua Tree National Park so long as the lands were contiguous and did not exceed 2 or 5% (he could not remember which) of the existing park, which is about 1,000,000 acres. He indicated that the National Park Foundation and Catellus Land Company were currently working to acquire private lands from willing sellers within park boundaries. Most of these lands occur within the Pinto Basin and in the vicinity of Perdue and Pinkham canyons in the southwest part of the park. This effort may take several years and may be facilitated by the MBLT.

DePrey indicated that Brian Croft of the U.S. Fish and Wildlife Service is currently looking for the best tortoise habitats within the Morongo Basin. LaRue indicated that he had provided Croft with available data, and was indirectly assisting in this effort, though not recently. Management of compensation lands would likely require fencing and patrols for protection of tortoises. Smith indicated that the U.S. Geological Survey may have high resolution photographs that would be useful in determining developed versus undeveloped lands. Flanagan indicated that Rhys Evans of the Twentynine Palms Marine Corps Base is concerned with encroachment of private land users onto the base. Evans may be able to lend support on any GIS-based analyses of land development within the basin.

DePrey indicated that the National Park Service has recently received about two requests a month to review proposed development adjacent to the park in the Morongo Basin. He is in support of a coordinated effort to consider these and future projects programmatically rather than on a case-by-case basis. The National Park Service is required to do tortoise surveys within a certain time frame prior to development, which has occasionally resulted in the need to resurvey project areas.

Sall indicated that The Wildlands Conservancy has recently purchased several square miles in the Sawtooth Mountains, in the vicinity of Yucca Valley, to complete a connector between the San Bernardino Mountains and Little San Bernardino Mountains. Most of the Pipes Canyon Reserve managed by the Conservancy is not tortoise habitat, although there is potential along the eastern boundary. She indicated that five tortoises have been observed near where Mission Creek enters the Coachella Valley, in the southernmost portion of the reserve.

Smith indicated that the Desert Managers Group is pursuing a local environmental education program. Anne Staley of Twentynine Palms has been appointed and is working with Joe Zarky of Joshua Tree National Park to begin developing the education program. DePrey said that USFWS has recently indicated it plans to visit the Morongo Basin to give a briefing on regional habitat conservation plans.

LaRue described aspects of a basin-wide approach to conservation versus the approach taken in the West Mojave Plan. He indicated the County's (Randy Scott) concern that a regional approach would detract from the completion and implementation of the West Mojave Plan. The

West Mojave Plan initially considered 102 species, whereas a Morongo Basin plan would probably address a dozen-or-so plants and animals. Several people were concerned with the relative lack of local involvement in formulating the West Mojave Plan. There is also the concern that mitigation applied throughout the West Mojave that was, in part, derived from funds collected in the Morongo Basin would not be adequate to ensure conservation of sensitive resources in the basin. LaRue understood that the West Mojave Plan was drafted as a *program* EIR/S, which may encompass a project specific EIR/S such as would be required for the Morongo Basin region. Flanagan was concerned with the location of proposed development on the outskirts of local communities, stating that they would be better located contiguous to existing development.

Smith indicated that the MBLT is committed to making the Morongo Basin a better place to live and work. Among other things, their goal is to seek sustainability for both people and local resources. The scope of their area includes the Morongo Valley to the southwest, Wonder Valley to the east, and the area in between. A primary goal of MBLT is to establish undeveloped, scenic vistas between the communities of Yucca Valley, Joshua Tree, and Twentynine Palms. LaRue indicated that this goal is consistent with the desire to establish linear habitat corridors between the park to the south and the base to the north, particularly the Sand Hills region.

MBLT officers include Executive Director Pat Flanagan and board members Claudia Sall, Danny Sall, John Simpson, Jane Smith, Paul Smith, and Barbara Weeda. The Wildands Conservancy recently provided MBLT with a seed grant of \$50,000. MBLT's first phase is complete having named the trust, drafted by-laws, established a board of trustees, and identified a financial structure. Smith agreed to provide LaRue with a copy of the by-laws. The next phase is to solicit members and provide outreach to regional efforts, such as that envisioned in a Morongo Basin Coordinated Habitat Conservation Plan. MBLT is more likely to assist with the purchase of lands than to be in a position to manage them.

Smith indicated that methods of protection could include establishing easements, purchase from willing sellers, or cooperative agreements among affected jurisdictions, which could include the Marine Corps Base, National Park Service, Bureau of Land Management, etc. Smith referred to the Pioneertown Mountains Conservancy, which was recently established to protect local resources. This conservancy comprised of residents of the Pioneertown area identified voluntary habitat-protective measures that land owners intend to implement without the benefit of formal ordinances and building restrictions administered by local planning departments. There was limited involvement by local planning agencies; instead this was a grass roots effort by local residents. The Morongo Basin Conservation Association was mentioned as stopping a Southern California Edison power line from being constructed through the basin.

Meeting #3 with Morongo Basin Property Association.

In the evening LaRue accompanied Paul Smith to the Joshua Tree Community Building to attend one of the first meetings of the Morongo Basin Property Association (MBPA), which ran from 18:00 through 19:30.

Local environmentalist, Rae Packard, ran the meeting, which was attended by about 20-30 local residents. Packard referred to a letter from the USFWS that warned the planning departments of Yucca Valley, Twentynine Palms, and San Bernardino County that they are in violation of the Federal Endangered Species Act when they authorize development that results in unauthorized

take of the federally-listed tortoise. She also indicated that Judy Hohman of the USFWS would present a workshop in the next several weeks on regional planning for desert tortoise conservation.

The group was new enough that it decided on the formal name, Morongo Basin Property Association, on the evening of this meeting. Although the group's main concern seems to be environmental protection, they didn't want to name it in such a way that it would be identified as such. Therefore, they avoided specific words like "protection" and "environmental." They reasoned that the word, "property," referred more to lands within the basin than to ownership of those lands. The group would function to report "suspicious development" that may not be permitted or authorized. Port-a-potties and backhoes were identified as objects that may characterize suspicious development.

Ramon Mendoza, formerly with the Town of Yucca Valley, indicated that local ordinances restrict grading to 5,000 cubic feet of soil. He indicated some developers are getting around this requirement by moving 5,000 cubic feet at a time, on multiple occasions, so as to appear to be in conformity with the ordinance. He indicated that MBPA needed to push for protection of native plants in San Bernardino County and Twentynine Palms, similar to the ordinance in Yucca Valley.

The county is currently reviewing the local community plan for Joshua Tree. Two women currently reviewing that plan were very critical of it. Several members of the Joshua Basin Water District in attendance indicated that the plan anticipated 600 new homes in the next 30 years, stating that this figure would be met within the next few years if current development pressure continued. One lady indicated that during 2005 there have been requests for approximately 10 new homes per week in the unincorporated areas of Joshua Tree.

These draft minutes were prepared by Ed LaRue on 7 October 2005. They were distributed to Kindred Murillo, Bruce Davis, and participants of the second meeting with the Morongo Basin Land Trust to ensure that they accurately reflect the comments made during the three meetings. Once comments (if any) are received, the minutes will be finalized. I ask that reviewers provide comments by 14 October 2005, after which time I will redistribute the final version.

Respectfully Submitted,

Edward L. LaRue, Jr.

CC. Steven Katz, William Warner

Date: 19 April 2006, 1000 to 1115

Where: Bureau of Land Management, Barstow office

Who: Becky Gonzales, Richard Rotte, Ed LaRue

RE: Establishing a conservation area between BLM and conservation group(s) in Morongo Basin – Minutes of the meeting among Gonzales, Rotte, and LaRue.

On the morning of 19 April 2006, Ed LaRue met with Becky Gonzales and Richard Rotte in the Barstow office of the Bureau of Land Management. Ms. Gonzales is the BLM's Barstow resources officer and Mr. Rotte is a lands person. The meeting was requested by LaRue to discuss the potential for establishing a conservation area in the vicinity of Copper Mountain College in the Morongo Basin, an unincorporated portion of San Bernardino County, California.

Background Information

LaRue provided the following background information. Currently, there are about two dozen proposed development projects in the Morongo Basin on which tortoise sign has been found in the past several years. Each of these projects is on private lands. Circle Mountain Biological Consultants (CMBC) has performed more focused tortoise surveys in the Basin in the past two years than in the 14 previous years, combined. CMBC has been contracted to draft Habitat Conservation Plans for two developers with several more likely in the immediate future.

As one of the BLM's biologists working on the West Mojave Plan, LaRue is concerned that the WMP will not provide for regional conservation of the desert tortoise in the Morongo Basin. Although Special Review Areas (SRAs) were identified in the draft WMP, the nearest Desert Wildlife Management Area (DWMA) is in the Pinto Mountains, several miles east of Morongo Basin, which we consider to include the area between and inclusive of Yucca Valley and Twentynine Palms. San Bernardino County (County) would ostensibly provide for a higher level of review for projects developed within the SRA, similar to what Los Angeles County does under SETAC for projects in L.A. County.

LaRue met with U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), National Park Service (NPS), and multiple developers on four occasions between January and April 2005 to discuss a regional conservation plan for tortoises in the Morongo Basin. The regulatory agencies were optimistic that a regional approach would be appropriate for the area because it would (a) avoid consideration of a dozen separate incidental take permits, (b) provide for a coordinated conservation approach in the Basin by multiple developers, and (c) provide an alternative to the West Mojave Plan, which may collapse under its own weight with all the pending controversy.

Two follow-up meetings were instrumental in effectively ending on-going discussions of a regional approach, instead favoring the West Mojave Plan. The first meeting was in early June 2005 with representatives of Yucca Valley (Andy Takata and Shane Stueckle), San Bernardino County (Bruce Davis and Randy Scott), Twentynine Palms (Michael Swigart), and developers (Bill Warner and Steven Katz by telephone). Randy Scott indicated that a new regional plan would conflict with the West Mojave Plan and that there were too few resources and staff to pursue this separate planning effort.

The second meeting was in September 2005 among LaRue, Kindred Murillo (Chief Business Officer of Copper Mountain Community College), and Bruce Davis. Davis was to meet with Supervisors Dennis Hansberger and Bill Postmus and County planner Randy Scott and get back

to us, which he never did. We later found out that a regional approach was dismissed by County personnel and upper management of the USFWS in the Ventura Field Office in favor of the West Mojave Plan.

Current Incidental Take Permitting

In November 2004, CMBC submitted a Habitat Conservation Plan (HCP) to the USFWS and associated documents to the CDFG to authorize expansion of the Copper Mountain Community College onto approximately 115 acres. The draft HCP's recommendation that land be deeded to the BLM was rejected by the USFWS and CDFG. We were informed that BLM's multiple-use mandate would compromise conservation management on BLM lands. NPS, CDFG, and Desert Tortoise Preserve Committee (DTPC) were discussed as other potential land managers. CDFG was identified as a potential management entity because it did *not* have a multiple-use mandate similar to the BLM's.

Since DTPC did not already have a conservation management role in Morongo Basin and the College District already cooperated with NPS on various projects, it was agreed that NPS could serve as land manager. With NPS as the likely manager of compensation lands, it would be necessary to acquire private lands adjacent to Joshua Tree National Park or within the Park. Subsequently, NPS said that it would not entertain receiving compensation lands associated with for-profit development.

Potential Conservation Areas in Morongo Basin

LaRue has worked with several land brokers to identify blocks of private land in the Morongo Basin that may provide for tortoise conservation. He was informed that lands may cost between \$3,000 and \$7,000 per acre, depending on how large the purchase. Rotte knew of \$50,000/acre lots in the Morongo Basin adjacent to Joshua Tree National Park.

Rotte indicated that the scattered private parcels throughout the Morongo Basin largely resulted from implementing the 1934 Small Tracts Act. Most of these private parcels contain a 12-foot by 16-foot structure, and there are encumbrances (similar to liens) on the parcels where 35-to-50-foot right-of-way easements exist to provide for future access.

In previous discussions, the idea of purchasing BLM lands for conservation purposes was considered. In March while meeting with USFWS personnel (Judy Hohman and Brian Croft) at the BLM's Moreno Valley office, LaRue invited Dr. Larry LaPre to join the meeting and discuss a regional conservation plan. It was then that LaRue became aware of the Recreation & Public Purposes Act (R&PP). LaPre indicated that both the BLM's State Director and District Manager would more likely favor partnerships than outright purchase of BLM lands. LaPre also indicated that Becky Gonzales should be contacted for further information.

During the Barstow BLM meeting, LaRue shared a Desert Access Guide map with Gonzales and Rotte, indicating a block of BLM land located in the Copper Mountain area, which LaRue expects to be exceptional tortoise habitat. In this area, there are about nine square miles of public lands managed by the BLM, interspersed with private lands. At nine linear miles, this is also the shortest distance between Joshua Tree National Park and Twentynine Palms Marine Corps Base's "Sand Hills," which is the most intensively managed tortoise habitat on the 975-square-mile military installation.

LaRue indicated his desire to provide for a habitat corridor and conservation area between the Park and military base using this connector as a cooperatively managed area between the BLM and some local, private entity. LaRue mentioned the Morongo Basin Land Trust as a potential cooperative manager, but stated that the land trust did not want to foster the perception that it is facilitating development in the Basin.

Input from Barstow BLM Personnel on 14 April 2006

The following input was provided by Gonzales and/or Rotte during this meeting. Gonzales provided LaRue with a brochure entitled, *Recreation & Public Purposes Act October 1994*. Draft minutes were provided to Gonzales and Rotte on 24 April 2006 to ensure their accuracy, and have been reviewed by BLM before dispersal to others. As such, these are the final minutes of this meeting, which have been reviewed by Gonzales and/or Rotte.

- Rotte indicated that the reclassification of several square miles of BLM lands in the Morongo Basin from Class U (Unclassified) to Class L (Limited Use), in effect, changed BLM's intent to retain the lands rather than dispose of them. Class U lands could be disposed of, whereas Class L lands would be retained.
- In practice, R&PP leases have led to eventual purchase by the lessee. After about 10-or-so years of leasing BLM lands under the R&PP Act, the land may be transferred from the BLM to the lessee.
- R&PP leases have mostly been used for fire stations, schools, parks, etc. and recreational purposes. Historically, R&PP leasing eventually resulted in development of the site, and is specifically set up to benefit the public.
- In considering R&PP leasing, existing entitlements would need to be considered.
- R&PP's are restricted to 640 acres per non-profit organization for recreational purposes and up to 640 additional acres for "other purposes." The Act neither provides for nor prohibits leasing for conservation purposes. It is essential that a non-profit organization be involved in the lease. LaRue suggested that the Copper Mountain Community College District may be a potential non-profit organization to exercise this Act. All agreed that the College would be an appropriate non-profit entity to pursue such a lease, particularly given the proximity of the campus to the large block of BLM land to the north on Copper Mountain.

- Rotte indicated that the California Desert Conservation Area (CDCA) Plan specifically provides for disposing of small, scattered parcels of BLM-managed public lands. However, there is no specific Land Tenure Adjustment project identified for the Morongo Basin.
- Rotte suggested that a project proponent may consider deeding compensation lands to the BLM while maintaining a conservation easement on the compensation lands. Under this scenario, the BLM would own the lands but the project proponent (or management entity) would maintain the conservation easement, which would prohibit certain uses on the land that are contrary to conservation goals.
- When asked if there were any fatal flaws to developing a conservation partnership between the BLM and local conservation group for purposes of helping mitigate development in Morongo Basin, neither Gonzales nor Rotte could think of any.
- However, both Gonzales and Rotte felt that it was better to pursue a cooperative partnership between the BLM and private entity (likely a non-profit land management organization) than to pursue an R&PP lease. To be implemented, such a relationship would eventually require a CDCA Plan Amendment.

Follow-up Issues and Next Meeting

Gonzales admitted that this issue has relatively low priority given her existing workload in the Barstow Resource Area. These are considered to be preliminary discussions. We identified several follow-up issues to be discussed before we meet again. She suggested that the next meeting be limited to the three of us and that we could invite others to later meetings once a few issues were further discussed.

The following action items were identified to be considered before the next meeting:

- LaRue and Gonzales will review the West Mojave Plan to see if any corridors were established in the Morongo Basin, and to see if any other resolutions (e.g., establishment of Special Review Areas) would affect conservation in the general area.
- LaRue will review the R&PP brochure and bring any questions to the next meeting.
- Gonzales will discuss the tentative approach and potential partnership with Area Manager, Roxy Trost.
- LaRue will have a private broker look at land ownership adjacent to BLM lands in the Copper Mountain area to see what ownership patterns exist.

Although the next meeting was tentatively scheduled for 1000 am on 11 May 2006, LaRue subsequently identified a scheduling conflict and asked that the meeting occur on 9 May 2006 at 1000 am. This rescheduled date is still pending a response from Gonzales. [The meeting was later rescheduled and occurred on 17 May 2006. E.L.]

Whereas these minutes were transcribed by Ed LaRue of Circle Mountain Biological Consultants, they have been reviewed by pertinent staff of the Barstow Resource Area of the Bureau of Land Management, and are therefore considered to accurately reflect the discussion among Gonzales, Rotte, and LaRue.

Date: 17 May 2006, 1000 to 1100

Where: Bureau of Land Management, Barstow office

Who: Becky Gonzales, Richard Rotte, Charles Sullivan, Ed LaRue

RE: Second, follow-up meeting to 19 April 2006, to discuss establishing a conservation area between BLM and conservation group(s) in Morongo Basin– Minutes of the meeting among Gonzales, Rotte, Sullivan, and LaRue.

On 19 April 2006, Ed LaRue met with Becky Gonzales and Richard Rotte in the Barstow office of the Bureau of Land Management to discuss the Recreation & Public Purposes Act of 1994 as a mechanism to establish a tortoise conservation area in the Morongo Basin. LaRue produced minutes from that meeting, which have been reviewed for accuracy by Gonzales and Rotte. The following action items were identified to be considered before the current meeting:

- LaRue and Gonzales will review the West Mojave Plan to see if any corridors were established in the Morongo Basin, and to see if any other resolutions (e.g., establishment of Special Review Areas) would affect conservation in the general area.
- LaRue will review the R&PP brochure and bring any questions to the next meeting.
- Gonzales will discuss the tentative approach and potential partnership with Area Manager, Roxy Trost.
- LaRue will have a private broker look at land ownership adjacent to BLM lands in the Copper Mountain area to see what ownership patterns exist.

Input from Barstow BLM Personnel on 17 May 2006

The following input was provided by Gonzales, Rotte, and/or Sullivan during this meeting. Gonzales and Rotte reviewed the minutes from the 19 April 2006 meeting. One minor change resulted from their review, which was made and is reflected in those minutes.

Three Special Review Areas (SRA) were identified in the final West Mojave Plan: Brisbane Valley SRA, Copper Mountain Mesa SRA, and Joshua Tree SRA. Portions of the Copper Mountain Mesa SRA and Joshua Tree SRA were created to help conserve known populations of Little San Bernardino Mountains gilia. Public lands within each of these SRAs are subject to tortoise clearance surveys.

Recreation & Public Purposes Act (R&PP) has traditionally been used for construction of various facilities, such as parks and schools. Management of a larger area, such as Copper Mountain Mesa, would best be accomplished through a plan amendment of the California Desert Conservation Area (CDCA) Plan.

When Gonzales spoke to Area Manager, Roxy Trost about LaRue's proposal to establish a conservation area on core BLM lands and pursue a cooperative partnership between Morongo Basin environmental groups and the BLM, Trost agreed with Gonzales that this was a low priority.

BLM is currently focusing on land acquisition within recently established Desert Wildlife Management Areas (DWMAs) and could not focus efforts by limited staff in the Morongo Basin. Under the West Mojave Plan, all BLM lands within DWMAs are categorized as Category 1

Habitat, Category 2 Habitat was eliminated, and all public lands managed by the BLM outside DWMAAs are designated as Category 3 Habitat.

Rotte indicated that within the block of BLM land in the Copper Mountain Mesa area, Section 30 was outside the newly established Copper Mountain Mesa SRA but the rest of the BLM land was within that SRA.

Rotte indicated that all public lands managed by the BLM in the Copper Mountain Mesa area are Multiple Use Class *Unclassified*, which makes them available for disposal pending focused analysis. Due to staffing and funding constraints, unclassified lands receive the lowest priority for active land management.

Rotte indicated that there is no active program in place to dispose of these public lands. He said, since there is no active land sale program in place, it would take two to three years to analyze and dispose of any lands within the region. BLM is currently not a willing seller, and in the Morongo Basin region, does not have a program in place that would allow for immediate disposal.

That ended the hour-long meeting. These minutes were finalized in January 2007, and have not, at this time, been reviewed by the BLM staff in attendance on 17 May 2006. Therefore, any incorrect statements or misrepresentations are solely the responsibility of Ed LaRue, who recorded and transcribed the minutes given herein.

**Minutes of Meeting for
Cooperative Protection of Desert Tortoise in Morongo Basin:
Yucca Valley, Twentynine Palms, San Bernardino County
26 January 2007**

The meeting began at 10 a.m. on 26 January 2007 at the office of Steve Borchard, California Desert District Manager of the Bureau of Land Management, Moreno Valley, California. The following people were in attendance:

Attendees:

Tom Best, Director of Community Development – Town of Yucca Valley
Steve Borchard, California Desert District Manager – U.S. Bureau of Land Management
Ray Bransfield, Wildlife Biologist – U.S. Fish and Wildlife Service
Paul DePrey, Resource Officer – National Park Service, Joshua Tree National Park
Kate Eschelbach, Wildlife Biologist – U.S. Fish and Wildlife Service
Pat Flanagan, Trustee – Mojave Desert Land Trust
Becky Jones, Wildlife Biologist – California Department of Fish and Game
Larry LaPre, Wildlife Biologist – U.S. Bureau of Land Management
Ed LaRue, Consulting Tortoise Biologist – Circle Mountain Biological Consultants
Karin Messaros, Management Assistant – National Park Service, Joshua Tree National Park
Alex Meyerhoff, Planner – City of Twentynine Palms
Curt Sauer, Park Superintendent – National Park Service, Joshua Tree National Park
Randy Scott, Senior Planner – San Bernardino County Advanced Planning Division
Paul Smith, Trustee – Mojave Desert Land Trust
Alan Stein, Public Lands Administration – U.S. Bureau of Land Management
Bill Warner, Engineer – Warner Engineering

**Overview of Tortoise Occurrence and Proposed Development
in the Morongo Basin**

LaRue presented a Power Point presentation, which is summarized as follows. Today's meeting is a follow-up to eight meetings, conducted in 2005 and 2006, to discuss a coordinated approach to mitigating impacts locally within the Morongo Basin. There were six meetings in 2005, including 2 February 2005 (CDFG, NPS, USFWS, developers), 22 March 2005 (CDFG, USFWS), 25 April 2005 (+/- 30 developers), 26 April 2005 (CDFG, NPS, USFWS, developers, planners), 2 June 2005 (planners, developers, politician), 29 September 2005 (politician, environmentalists), and two in 2006, including 19 April and 17 May 2006 (Barstow BLM) where LaRue met with agency representatives to discuss proposed development and regional conservation.

LaRue has completed 184 focused tortoise surveys on 164 sites between 1989 and 2007, including 63 sites (38%) in Yucca Valley and surrounding areas, 60 sites (37%) in the unincorporated community of Joshua Tree, and 41 sites (25%) in the 29 Palms area. A total of 9,571 acres were surveyed on the 164 sites, including 4,039 acres (42%) on 63 sites in Yucca Valley, 2,730 acres (28%) and 95.8 linear miles of pipe on 60 sites in the community of Joshua Tree, and 2,802 acres (29%) and 12.0 linear miles of pipe on 41 sites in 29 Palms.

Tortoise sign has been reported on 90 of 164 sites (55%) and was not found on 74 of 164 sites (45%). Tortoise sign has been found on 23 of 63 sites (37%) in Yucca Valley, on 50 of 60 sites (83%) in Joshua Tree, and on 17 of 41 sites (42%) in 29 Palms. Tortoise sign has been found on 7,884 of 9,571 acres surveyed (82%) and was absent from 1,687 of 9,571 acres surveyed (18%). In Yucca Valley tortoise sign has been found on 3,240 of the 4,039 acres surveyed (80%); in Joshua Tree on 2,642 of 2,730 acres surveyed (97%); and in 29 Palms on 2,002 of 2,802 acres surveyed (71%). Therefore although tortoise sign has been found on only half (55%) of the sites surveyed, they have been found on 82% of the total acreage surveyed.

The patterns in the three communities show that tortoises are absent from centralized, urbanizing areas and still occur on the outskirts, in areas with less development. There are three parcels in Yucca Valley where tortoise sign was found during the initial survey but not on subsequent surveys (two sites) or only tortoise carcasses were found on-site (one site). LaRue reported that, even under current human densities, tortoises are disappearing from the region due to human impacts.

Of the 184 sites surveyed by LaRue, 141 (77%) have been surveyed in the last four years: 2003, 2004, 2005, and 2006. On those 141 sites surveyed since 2003, tortoise sign has been present on 71 sites and absent from 70 sites. However, of the 8,830 acres surveyed since 2003, tortoise sign has been found on 7,402 acres (84%) and was absent from the remaining 1,428 acres (16%).

Although CDFG incidental take permits continue to be issued for Mohave ground squirrel in the Antelope Valley and Victor Valley and burrowing owls continue to be a State issue, Morongo Basin is the main location in the West Mojave where proposed development in occupied *tortoise* habitat is a relatively common occurrence (Jones identified some development-tortoise conflicts in and around Barstow, Apple Valley, and Adelanto).

Of the 15-or-so federal incidental take permits issued in California for the tortoise, three have occurred in the Morongo Basin. This includes California's first 10a permit (Miller church sites in Yucca Valley in 1993), California's first low-effect 10a permit (JAT Campground in Joshua Tree in 2006), and California's latest 10a permit (Copper Mountain College in Joshua Tree, which is due to be issued in May 2007).

In the absence of a local conservation area for tortoises, impacts at the Miller church sites were compensated at the Desert Tortoise Natural Area some 115 miles to the northwest; impacts at the college were compensated in Joshua Tree National Park near Thermal Canyon some 30 miles to the south; and impacts at the JAT site were compensated on-site (i.e., 13 acres will be developed and the remaining 307 acres will be protected). The National Park Service has been clear that it will not allow compensation within the Park for development in the Morongo Basin.

LaRue then showed a slide depicting 4,500 acres of proposed new development on 12 sites within the Morongo Basin that would require both State and federal incidental take permits for impacts to tortoises. This included 2,050 acres on six sites in the Yucca Valley area; 1,280 acres on two sites in Joshua Tree; and 1,170 acres on four sites in the 29 Palms area.

Finally, several slides were shown depicting a proposed conservation corridor between Joshua Tree National Park and the southwestern corner of 29 Palms Marine Corps Base (herein referred

to as “conceptual corridor,” “proposed corridor,” or “conservation corridor”). This conservation corridor was identified in October 2006 in a local South Coast Wildlands workshop to discuss regional habitat connectivity. Within the 27 square miles included within the conceptual corridor, there are about nine square miles of public lands managed by the BLM.

Discussion

After the slide presentation, the following discussion ensued. In these minutes, LaRue has identified the person(s) asking and answering the questions and issues discussed. For this draft **names are highlighted in red to facilitate quick review of attributed statements**. Rather than present the minutes in the order that discussions occurred, an outline has been developed and related issues are reported in that context.

Impacts in the Morongo Basin

Impacts in the Morongo Basin versus Other Regions in the West Mojave

When LaRue commented that the Morongo Basin is the number one region in the West Mojave where proposed development and occupied tortoise habitat overlap, **Jones** said that incidental take permits have been solicited in and around Barstow, northern portions of Apple Valley, and Adelanto. There are more cases of impacts to tortoises in Morongo Basin than in either the Antelope Valley or Victor Valley areas.

Bransfield indicated that there have been more people living in the Antelope Valley and Victor Valley longer than in the Morongo Basin, which has contributed to tortoise extirpation in those areas. He said that jurisdictions like Lancaster and Palmdale are dealing more with State-protected species, including burrowing owl and Mohave ground squirrel, and less with the tortoise, which is the main federally-protected species in the West Mojave. LaRue pointed out that the absence of sheep grazing in the Morongo Basin is a contributing factor to tortoise persistence.

Scott and LaRue expressed their concern that tortoises are being lost to impacts from the existing human population. LaRue felt that tortoises would continue to be lost in the Morongo Basin even if no new development occurred.

Flanagan identified a serious problem with cross-country vehicle travel in the Coyote Lake area, which is within the conceptual corridor. LaRue responded that baseline data need to be collected to identify the extent of this and other impacts (i.e., dumping, illegal shooting, feral and pet dogs, etc.) that would need to be addressed in a management plan for the conservation corridor.

Impacts by Single-family Residences

Jones is concerned with the impacts of single-family development on tortoises in the Basin. Need a local conservation group to facilitate protection of tortoises during development of single-family lots. It would be appropriate to develop local ordinances that minimize the amount of brush removed from lots during new development. **Flanagan** recommended that local ordinances be developed to encourage clustered housing with preservation of contiguous open space, prohibition of free-ranging pets, and minimal vegetation removal. There should be some enforcement to ensure such ordinances are being followed.

Concerns of National Park Service

Sauer identified strong local interest in preserving open space, hillsides, view sheds, etc. and *not* just satisfying developers' needs to mitigate impacts. How can all of these open space issues be considered and not just compensation for development? **Sauer** is concerned that the conceptual corridor would benefit only tortoises within that area while doing little to conserve tortoises elsewhere within the Basin, particularly along Park boundaries.

Scott pointed out the County's updated General Plan will identify a buffer zone along the Park boundary. Although it does not prohibit development, it does identify restrictions for low density development and has specific mechanisms to protect the view shed and water shed.

Timing and Nature of Incidental Take Permitting

Timing of Federal Incidental Take Permits

Warner explained that local developers need a streamlined permitting process, that time is the killer in completing development projects. **Bransfield** indicated there is a two-foot tall stack of federal 10a permit applications in Ventura waiting to be processed. Given existing workloads and competing priorities, it could take 30 to 40 years to permit the 12 sites comprising the 4,500 acres of proposed development in the Morongo Basin. In the meantime, we are losing animals and habitat during the lengthy permitting process. In the Basin, there is also the issue of finding only tortoise sign versus tortoises; the Endangered Species Act protects tortoises, not tortoise poop.

Warner wanted to know if developer funding could be given to the USFWS to help complete a regional plan or otherwise streamline permit issuance. **Bransfield** responded that it is difficult for a federal agency to receive private funding, that every project would necessarily be drafted as an Environmental Impact Statement, and that Ventura staff assigned to such a task would necessarily be inexperienced.

Warner wanted to know if contracting a consultant to complete the Environmental Impact Statement for the West Mojave Plan would benefit local Habitat Conservation Plans. **Scott** said, probably not in the short-term. In the long-term, the involvement of local jurisdictions (i.e., Town, City, and County) in the West Mojave Plan would accommodate future development and promote conservation efforts. The County still needs funding and motivation to complete the West Mojave Plan to include incidental take on private lands.

Bransfield shared that USFWS is considering developing a "template Habitat Conservation Plan" that would identify specific guidelines to accommodate development of occupied tortoise habitat while coordinating conservation. For example, variable compensation ratios and specific protective measures could be identified for Desert Wildlife Management Areas versus urbanizing areas.

LaRue expressed his concern that USFWS required compensation lands to be analyzed *in* the Copper Mountain College Habitat Conservation Plan, and that staff in the Ventura office of the USFWS required that compensation lands be acquired *prior to* authorized development and implementing protective measures identified in the federal 10a permit. With CDFG, the developer has up to 18 months to acquire compensation lands. **Bransfield** did not think it was a requirement to acquire compensation lands up front and said he would check into this.

Federal Low-Effect Incidental Take Permits

Bransfield is concerned that it took his office two-and-a-half years to issue a low-effect 10a permit for the JAT campground, which should have been streamlined. He said there would be no way a square-mile development of occupied tortoise habitat could be permitted by a low-effect 10a permit.

Scott thought that low-effect take permits should take into account the marginal habitats being lost compared to the valuable habitats being gained. **Bransfield** responded that solicitors consider the *repeatability* of a given project type when they consider issuance of a low-effect take permit. For a project to be considered low-effect, it must be able to occur over and over and over again without any significant impact to the covered species. As such, a 640-acre site would never be considered in the context of a low-effect permit.

State Incidental Take Permits

Jones explained that land purchase and conservation management are current requirements to achieve the State's "fully mitigated" standard. Costs include a \$1,000/acre security deposit and \$1,500/acre endowment and enhancement fees. CDFG is considering charging fees on a *per-unit* basis rather than a *per-acre* basis. **Smith** wanted to know if there is an available pool of mitigation money in CDFG trust funds. **Jones** answered that such fees are tied to specific mitigation parcels, so they are not available to buy miscellaneous conservation lands.

Conservation Management within the Morongo Basin

Smith shared that the Morongo Basin Property Association is currently pursuing ways and means to receive and manage compensation lands for conservation of regional biological resources. Mojave Desert Land Trust has expressed its *unwillingness* to acquire compensation lands with developers' funds.

When **Meyerhoff** asked which was more important, protecting the species or protecting its habitat, **Bransfield** responded that habitat was important but the tool to protect habitat is driven at the species level through implementing the Endangered Species Act.

Meyerhoff wanted to know if it was possible to conserve tortoises on-site. Can a part of a given site be developed in exchange for managing the remainder of the parcel for resource conservation? LaRue and **DePrey** responded that such an approach is mostly not practical due, in part, to the deleterious impacts of edge effect. It may be possible to perform on-site conservation for parcels that are contiguous to Joshua Tree National Park, but not on sites that are distant from the Park. **Jones** added that it was not advantageous to try to manage for tortoises in widely separated, satellite reserves. **Bransfield** agreed that a piecemeal approach would not work; a broader, coordinated approach is needed.

BLM Involvement in Morongo Basin Conservation

CDCA Plan Amendment versus Cooperative Partnership

How can the BLM, which manages public lands, get involved in mitigating/compensating impacts associated with private development? LaRue suggested a California Desert Conservation Area Plan Amendment that would help establish a core area for tortoise conservation in the Morongo Basin. This would be similar to the cooperative partnership

between the BLM and Desert Tortoise Preserve Committee, which co-manage the Desert Tortoise Natural Area near California City.

Borchard shared that there are both minor and major barriers to a CDCA Plan Amendment to establish a Basin conservation area, but he knew of no fatal flaws. Plan Amendments are generally paper transactions, whereas partnerships actually get things done on the ground. There must be an acceptable management entity that is funded with long-term endowments and qualified to receive acquired lands for a partnership to work. For the BLM, establishing a co-managed conservation area in the Morongo Basin would be a *low* priority, which is not to say it would be *no* priority.

Borchard and **LaPre** emphasized that a cooperative partnership would be more efficacious than a CDCA Plan Amendment. It would be appropriate to try and consolidate public and private lands within the conceptual corridor. Very important to have a third-party conservancy to acquire and protect private lands to prevent irreversible development and loss of habitats. Larger blocks of conserved land make sense both biologically and economically.

Multiple-Use Classification of BLM Lands within the Conceptual Corridor

BLM lands within the conceptual corridor are designated as *Unclassified* in the context of Multiple-Use Classes. It is important to determine how BLM policies regulating *Unclassified* lands would affect land management of public lands within the conceptual corridor. **Borchard** suggested that it may be a first step to have BLM lands within the conceptual corridor reclassified as Multiple-Use Class *Limited* (rather than *Unclassified*), which may facilitate conservation management. **LaRue** suggested that the lands be designated as Multiple-Use Class *Moderate*, which would allow eventual transfer to a conservation group, since *Limited* lands cannot be transferred, even for conservation purposes.

Scott thought, in hindsight it would have been appropriate for the West Mojave Plan to have proposed that BLM lands within the conceptual corridor be reclassified as Multiple-Use Class *Limited*, rather than *Unclassified*. In working with the Center for Biological Diversity and others on the impending lawsuit, it may be appropriate to reconsider this classification as part of a settlement resulting from negotiations.

BLM Land Transfers, Purchases, and Disposal

Jones stated that it would be good to have a commitment from the BLM that it will not dispose of public lands within the conceptual corridor. **Stine** responded that BLM must take a proactive role and positive steps to begin to transfer public lands into private ownership, and there is no foreseeable intent to dispose of BLM lands within the proposed corridor.

Best wanted to know if there could be land exchanges between the BLM and private parties. **Borchard** responded that BLM prefers to buy or sell land rather than exchange them. Only about 20% of the BLM land sales revenue is retained locally for BLM programs. **Stine** added that it is tedious and time consuming to transfer public lands into private ownership. There are fees associated with transfer of private lands to the BLM. There need to be extensive analysis of private land transfers to BLM, such as cultural studies, biological surveys, and value assessments. **LaPre** indicated that hazardous materials studies, title assessments, etc. are required for BLM to receive private lands. A primary goal is to balance acquisition with conservation.

San Bernardino County Involvement in Morongo Basin Conservation

County General Plan Update

Scott shared that the County's General Plan is currently being updated, and that revisions are focusing more on policy-oriented issues rather than specific rezoning issues. He felt that the conceptual corridor was consistent with both the updated General Plan and draft West Mojave Plan. The updated General Plan could emphasize conservation within the corridor and de-emphasize development. Based on the identification of the conceptual corridor by South Coast Wildlands, the County already has an overlay in its updated General Plan. Final delineation will depend on the on-going, third-party analysis of this corridor. At present, the corridor overlay shows the general region; a specific corridor would be identified upon further analysis.

Relationship between Morongo Basin Conservation and West Mojave Plan

County's Hesitancy to Work on New Regional Plan

Scott indicated the County is not interested in pursuing a new regional Habitat Conservation Plan. The County would not serve as the CEQA Lead Agency in a local conservation plan. Rather, limited County staff and resources are being applied to completing the private side of the West Mojave Plan. The West Mojave Plan would function, in part, to encourage development of lands with little conservation value while promoting conservation on lands with significant values.

Sauer wanted to know the geographical region to be covered by the West Mojave Plan. **Scott** responded that the West Mojave Plan would result in programmatic incidental take for the Town of Yucca Valley, City of 29 Palms, and County areas including Yucca Mesa and Joshua Tree in the Morongo Basin.

Renewed Motivation to Complete West Mojave Plan

Scott shared that the West Mojave Plan is a massive undertaking and very complicated. Although there has been recent inertia since the public portion of the plan was completed, there is renewed support and motivation to get the private portion of the plan finalized. The on-going development boom may be ending but still lends political will to a renewed effort to complete the plan. Brad Mitzenfelt was appointed County Supervisor three weeks ago to replace Bill Postmus. Mitzenfelt, as a member of the Building Industry Association, was active in the early formulation of the West Mojave Plan, and has been very supportive of that planning effort. The County intends to involve upper-level staff of the USFWS (Regional Director) and CDFG (State Director) to be sure the plan is getting appropriate attention at appropriate levels from the regulatory agencies. It is also necessary to assemble affected groups with divergent interests.

Components of the West Mojave Plan

Scott said the County is developing a technical Habitat Conservation Plan that, among other things, will identify a process to interface with BLM management of important tortoise habitats. The County is currently looking for additional funding to complete the plan. One desired result of the West Mojave Plan is to have individual State 2081 incidental take permits issued to each participating jurisdiction, which would include the County, Town of Yucca Valley, and City of 29 Palms in the Morongo Basin. **Scott** believes that all developers need to contribute their fair share to tortoise conservation rather than restrict it to a few individual developers. The West Mojave Plan is considering for the first time requiring compensation fees for single-family

development. They are still considering a Joint Powers Authority to collect mitigation fees and implement conservation measures.

USFWS' Role in Completing the West Mojave Plan

Bransfield stated that, whereas the BLM served as the Federal Lead Agency for the previous public lands portion of the West Mojave Plan, USFWS intends to serve as the Federal Lead Agency in completing the future private portion of the West Mojave Plan. USFWS is fully committed to completing and issuing incidental take on private lands through the West Mojave Plan. **Bransfield** said that USFWS is interested in meeting with environmental groups, planners, developers, etc. to initiate discussions and garner support for the West Mojave Plan. He said it is likely necessary to focus on fewer species than the 50+ species previously considered.

Acquisition versus Land Management

Bransfield stressed that the West Mojave Plan is not so much about acquiring more private lands as it is in promoting quality conservation management of existing public lands. **Scott** concurred that the West Mojave Plan should not focus on new acquisitions but should focus on enhancing management of public lands by the BLM. **Bransfield** said that management of public lands by the BLM is critical to tortoise recovery. **Bransfield** pointed out that, as a result of recent transactions with the Fort Irwin expansion and Catellus land transfers, 600,000-to-700,000 acres of private lands have been transferred into public land management, yet the tortoise continues to decline.

Pending Lawsuit Against West Mojave Plan

Stine indicated that the Center for Biological Diversity and others filed a lawsuit on 13 March 2006 against the BLM in its implementation of the West Mojave Plan on public lands. **Scott** shared that San Bernardino County has legal standing as an intervener in support of the West Mojave Plan. Although planning for the West Mojave Plan has been somewhat delayed to see how the lawsuit will affect regional tortoise conservation, planners are going ahead with the technical Habitat Conservation Plan to have a draft ready once the court action has been resolved.

Interim Management until West Mojave Plan is Completed

Existing Need to Accommodate Proposed Development

Scott identified a real need to accommodate new development prior to completion of the West Mojave Plan. In the interim, the County can impose development restrictions, such as limiting grading or brushing, in key areas such as drainage corridors. **Scott** was concerned that short-term leases and conservation easements may not be acceptable to the USFWS and/or CDFG to mitigate development impacts; the land needs to be managed in perpetuity. It may be appropriate to enlist the Wildlands Conservancy or other established conservancy to facilitate conservation in the Morongo Basin.

Smith shared there needs to be some mechanism to allow acquisition of private lands *now* to ensure that the conceptual corridor would be a viable conservation area in the future. He indicated that the Mojave Desert Land Trust could still be the focal group to provide for this interim solution. **Smith** said that the Mojave Desert Land Trust is planning to purchase BLM lands adjacent to the section it is buying in the Covington Flats area, adjacent to the Park.

USFWS' Role in Interim Permit Issuance

Bransfield revealed that developers can still expect about a 2.5-year time frame for issuance of federal 10a permits. Low staff levels and compliance with the National Environmental Policy Act guarantee that take permits cannot be issued in a timelier manner. The best approach is to encourage a combined CEQA-NEPA document so impacts and mitigation can be considered simultaneously. Although USFWS has considered adopting CDFG's take permits as a means of streamlining the process, discussions revealed that such an approach would never stand up in court, that USFWS must issue separate, federal take permits.

CDFG's Role in Interim Permit Issuance

Jones identified a need to establish conservation lands adjacent to Joshua Tree National Park that could be managed for tortoise conservation. She said that CDFG could *tentatively* send developers to acquire and manage lands within the conceptual corridor and would *definitely* send them to acquire lands adjacent to Joshua Tree National Park.

Jones said that, for now, the Desert Tortoise Preserve Committee is not accepting any new development projects to compensate impacts within and adjacent to the Desert Tortoise Natural Area. She indicated that CDFG would be responsible to manage any lands received through authorized mitigation should Desert Tortoise Preserve Committee no longer be able to manage conservation lands in perpetuity.

Sub-regional Planning within the Morongo Basin Relative to the West Mojave

LaPre explained that the Antelope Valley and Victor Valley have been identified as the economic engines to fund the West Mojave Plan. Conservation has focused on the region-sized Desert Wildlife Management Areas rather than the Morongo Basin with its checkerboard, public-private-land ownership pattern. The West Mojave Plan would not ostensibly benefit Basin conservation efforts. However, in the spirit of adaptive management, there could be a complimentary sub-regional plan encompassing the Basin that could compliment the larger West Mojave Plan.

Bransfield shared that USFWS is considering sub-regional planning within the larger context of the West Mojave Plan. He and **Scott** agreed that it should be possible to develop a sub-regional plan for the Morongo Basin that would facilitate keeping local developer compensation fees within the Basin. **Scott** encouraged **Warner** to meet and talk with the local development community to begin considering and developing a sub-regional plan in the Morongo Basin that would compliment the West Mojave Plan.

Scott said the Morongo Basin presents a strategic opportunity to acquire private lands and enhance BLM management. **Stine** shared that a conservation area inclusive of public and private lands would require strategic land management. **Scott** thought the conceptual corridor would be a perfect way to accommodate local impacts and to keep compensation local. The County does not have sufficient staff or funding to contribute to a local plan, which would be a relatively low priority. Although the County cannot lend staff and funding to a sub-regional plan, it could facilitate conservation by identifying pertinent development ordinances within the conceptual corridor through the updated General Plan.

Function and Efficacy of Conceptual Corridor

Biological Considerations of the Corridor

Meyerhoff wanted to know if tortoise populations could persist within the conceptual corridor. LaRue answered that one of the conservation goals would be to provide for persisting populations within the corridor. **Jones** feels there is an immediate need for conserving biological resources within the Morongo Basin. **Bransfield** identified the 40,000-acre tortoise conservation area in Washington County, Utah as one of the smallest of the regional tortoise conservation areas. He thought the corridor could function, in part, as a translocation area for clinically healthy tortoises moved from impact areas. **Jones** concurred there is a foreseeable need to have a relocation facility in the Morongo Basin to receive tortoises displaced from development sites.

Meyerhoff wanted to know what sorts of constraints are envisioned for the conservation corridor. **Bransfield** said it is important to have public buy-in into the conservation of such lands. Hiking, photography, and horseback riding would all be compatible with tortoise conservation. Intensive motorcycle use would not be conducive to tortoise conservation. **Scott** indicated the County could zone conservation areas for low impact, low intensity development.

Meyerhoff wanted to know if it was problematic linking natural areas up to “live fire areas” on the Marine Corps Base. LaRue pointed out that the northern end of the conceptual corridor would connect to the Sand Hills area. This area receives no active training, is the prime tortoise conservation area on the base, and is preserved open space to help protect the base’s regional aquifer.

Scott felt that it is fortuitous that South Coast Wildlands is currently having this specific corridor analyzed for its merits to regional conservation. He thought it prudent to provide for connectivity between conserved natural open spaces managed by NPS and the Marines. The West Mojave Plan identified drainage corridors in the Basin to help protect Little San Bernardino Mountains gilia and tortoises. These drainages were also to serve, in part, as linkage corridors. The County’s updated General Plan will have provisions for protecting drainage easements.

County Planning Considerations

Scott indicated that the County, through its General Plan, can encourage appropriate land uses and discourage inappropriate land uses within such a corridor. For example, the County can discourage intensification of land uses within conservation areas by implementing a minimum acreage for parcel splits. There appears to be a real need to mitigate impacts in the Morongo Basin, which creates political will, and it would be desirable to keep mitigation fees within the Basin.

Land Acquisition within the Conceptual Corridor

Smith shared that, whereas the Mojave Desert Land Trust has been unwilling to use developers’ funds to acquire compensation lands, the Trust is willing to use its own funds to acquire lands within an approved conservation area. Since the Morongo Basin Property Association *is* willing to receive developers’ funds to acquire and manage compensation lands, there are at least two ways to acquire and manage private lands for conservation within the corridor, if it becomes approved. The Mojave Desert Land Trust is also considering ways to facilitate creating conservation easements on appropriate lands.

Smith reported that Kristine Penrod of South Coast Wildlands recently said the assessment of the conceptual corridor and other corridors in the Morongo Basin will soon be completed. **Flanagan**

felt that a favorable rating from the South Coast Wildlands analysis on the conceptual corridor would facilitate receiving Proposition 84 funding to acquire lands within the corridor. A meeting is scheduled to discuss this issue in March 2007.

Bransfield reported that USFWS may soon be getting land acquisition fees, but still needs a management entity in place to manage acquired lands. **Jones** shared that CDFG currently has funds to acquire private lands for tortoise conservation but has had difficulty in identifying an appropriate entity to manage those lands.

Other Species

When asked about burrowing owl occurrence in the Morongo Basin, LaRue responded that burrowing owls are most often observed (18 times) in Joshua Tree and Twentynine Palms where vegetation is relatively sparse and less often observed (3 times) in Yucca Valley where vegetation is denser.

Adjourn

The meeting adjourned at about 1 p.m., with a few people (National Park Service) leaving somewhat earlier for prior engagements.

Conclusion

These minutes were compiled by Ed LaRue, and therefore reflect my understanding of what was said at the meeting. I expect they will eventually be circulated to both the development and environmental communities in the Morongo Basin. Therefore, I ask that you contact me as soon as possible with any changes that need to be made to accurately reflect your statements given herein. **For this draft, attendees' names are highlighted red to facilitate quick review of comments attributed to each of you.** I also ask that you not circulate these minutes to non-attendees until there has been time to make necessary corrections. Once all comments have been received, a final draft of the minutes will be sent to you and circulated to the general public when requested.

Respectfully Submitted,

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