



March 31, 2010

Rebecca Jones, Wildlife Biologist  
36431 41<sup>st</sup> Street East  
Palmdale, California 93552

RE: Copper Mountain College Expansion Project: Compliance Inspection #15, March 2010 for State Incidental Take Permit No. 2081-2005-028-06.

Dear Ms. Jones,

The Copper Mountain Community College District (District or Permittee) has implemented monitoring of pertinent mitigation measures for the above referenced project to protect the desert tortoise (*Gopherus agassizii*) as authorized by Incidental Take Permit Number 2081-2005-028-06 from the California Department of Fish and Game (Department).

As given in the Department's permit, **Mitigation Measure 24, Condition 4.2.4.** (MM24/C4.2.4) *Compliance inspections shall be conducted a minimum of once per month after clearing, grubbing, and grading are completed. A monthly compliance report shall be submitted to the Department's Palmdale office at: Ms. Rebecca Jones, 36431 41<sup>st</sup> Street East, Palmdale, CA 93552, PH/FAX (661) 285-5867.*

**PREVIOUS STATUS:** Compliance inspection #14 was completed on 26 February 2010 and sent to Becky Jones soon thereafter. Previously all construction activities have been enclosed inside the perimeter fence surrounding the Impact Area (IA) The construction of the Multi-Use Sports Complex (MUSC) is nearly complete. The gate into the IA has been removed for paving of the road apron where Lewis Drive intersects Rotary Way. Construction of the Solar Parking Structure (SPS) is nearing completion in a separately fenced portion of the main parking lot. A Remodel For Efficiency (RFE) project is remodeling the science laboratories in a previously developed and separately fenced area of the Phase I group of campus buildings.

**CURRENT STATUS:** This letter documents the compliance inspection by Dr. Paul Delaney on 26 March 2010, which serves as the fifteenth monthly compliance inspection required by MM24/C4.2.4 given above. A single-page compliance inspection data sheet is attached to the end of this report.

**DATE AND TIME OF COMPLIANCE INSPECTION #15:** The inspection was completed by Dr. Paul Delaney on 26 March 2010. Delaney was on-site between 12:04 and 1:39 p.m.

**METHODS:** Delaney walked alongside the fenceline running southeast from Dan Cain’s trailer, headed east along Jerry Lewis Drive to Rotary Way, walked the entire fenceline of the Translocation Area (TA) to check for tortoise sign and raven-predated tortoise carcasses, then walked the entire perimeter of the IA to check fence integrity and sand build-up. He next walked into the IA to check on compliance issues near the Multi-Use Sports Complex (MUSC), and then walked into the main parking area to check numbers of vehicles and personnel working on the Solar Parking Structure (SPS). Finally he walked around the Phase I buildings where the science laboratories are under construction in the Remodel For Efficiency (RFE) project.

**RESULTS:**

**Personnel and Vehicles:** Delaney tallied construction personnel and motor-operated vehicles inside the IA, including the MUSC, SPS and RFE projects. The data for these areas were combined in Table 1 below. During the current inspection 12 personnel were present, and 10 (83%) wore hard hats *with* tortoise awareness stickers. As in previous visits, this signifies relatively good compliance. Of the 16 vehicles, 3 (19%) *did not* have awareness placards and 13 (81%) displayed awareness placards or stickers. This represents an increase from February, when 16% of vehicles did not have placards. The vehicles without a placard were recent additions working on the RFE Project, in a separately fenced, previously developed area of the college, so this non-compliance issue is not considered to be significant and definitely does not put any tortoises at risk. The cumulative information is summarized below in Table 1.

TABLE 1. SUMMARY DATA FOR PERSONNEL AND VEHICLES						
Inspection # /Date	Personnel [#(%)]			Vehicles [#(%)]		
	#	With Decal	W/out Decal	#	With Placard	W/out Placard
1. Jan 2009	31*	27 (93%)	2 (7%)	54	10 (19%)	44 (81%)
2. Feb 2009	37*	26 (90%)	3 (10%)	49	22 (45%)	27 (55%)
3. Mar 2009	18	15 (100%)	3 unknown	40	14 (35%)	26 (65%)
4. Apr 2009	11	10 (91%)	1 (9%)	16	11 (69%)	5 (31%)
5. May 2009	19	18 (94%)	1 (6%)	25	18 (72%)	7 (28%)
6. Jun 2009	19	16 (84%)	3 (16%)	25	19 (76%)	6 (24%)
7. July 2009	16	13 (81%)	3 (19%)	22	18 (82%)	4 (18%)
8. Aug 2009	25	21 (84%)	4 (16%)	28	24 (86%)	4 (14%)
9. Sep 2009	14	12 (86%)	2 (14%)	21	17 (81%)	4 (19%)
10. Oct 2009	26	24 (92%)	2 (8%)	27	24 (89%)	3 (11%)
11. Nov 2009	25	23 (92%)	2 (8%)	28	21 (75%)	7 (25%)
12. Dec 2009	22	20 (91%)	2 (9%)	26	22 (85%)	4 (15%)
13. Jan 2010	18	15 (83%)	3 (17%)	21	20 (95%)	1 (5%)
14. Feb 2010	15	14 (93%)	1 (7%)	19	16 (84%)	3 (16%)
15. Mar 2010	12	10 (83%)	2 (17%)	16	13 (81%)	3 (19%)

\*37 = In both January and February 2009 there were personnel having lunch and not wearing hard hats. So the total number of personnel with and without hard hat decals is less than the total number of personnel.

**Education Program:** *As per MM4/C4.1.4, the Permittee is required to administer education programs.* Field Contact Representative (FCR) Dan Cain conducts most of these programs as needed. He maintains the comprehensive sign-up sheet should the Department want to see that.

**Trash Abatement:** *As per MM5/C4.1.7, the Permittee is required to maintain a litter-free environment to avoid attracting opportunistic predators.* Increased litter during this inspection is due to windy conditions in March 2010 that concentrated litter at fence-lines. During the current inspection, Delaney tallied 49 pieces of litter in the IA and 22 in the TA (see Table 2 for cumulative information). Litter has been periodically removed from the IA by the construction company and from the TA by college volunteers during ongoing trash abatement efforts. The next litter abatement project is scheduled for April 9, 2010.

<b>TABLE 2. SUMMARY DATA FOR TRASH &amp; LITTER</b>		
<b>Visit #/Date</b>	<b>Litter inside Translocation Area</b>	<b>Litter inside Impact Area</b>
1. Jan 2009	18 (11%*)	138 (89%)
2. Feb 2009	15 (29%)	36 (71%)
3. Mar 2009	9 (14%)	56 (86%)
4. Apr 2009	4 (10%)	39 (90%)
5. May 2009	8 (21%)	31 (79%)
6. June 2009	34 (37%)	59 (63%)
7. July 2009	15 (35%)	28 (65%)
8. Aug 2009	25 (43%)	33 (57%)
9. Sep 2009	41 (38%)	68 (62%)
10. Oct 2009	27 (23%)	89 (77%)
11. Nov 2009	26 (35%)	49 (65%)
12. Dec 2009	17 (34%)	33 (66%)
13. Jan 2010	33 (36%)	58 (64%)
14. Feb 2010	51 (38%)	84 (62%)
15. Mar 2010	22 (31%)	49 (69%)

\* Percentages are derived from the total amount of litter observed on a given visit, which is the percentage of the total observed in each of the two areas for that particular visit.

**Translocation Area:** *As per MM9/C4.3.1, the Permittee is required to establish the Translocation Area (TA) and maintain it for tortoise conservation.* Dan Cain previously registered the conservation easement for 84.32 acre TA with San Bernardino County.

**Permanent Fencing Around Completed Campus Expansion:** The Service previously approved a permanent smooth-wire fence, with tortoise-exclusion fencing attached to the bottom, around the completed expansion site to exclude tortoises from that area.

**Raven Predation of Juvenile Desert Tortoises In Translocation Area and Campus Area:** No raven-predated tortoises have been found in the TA or IA since June 2009. The District will continue to focus weekly raven surveys on the TA fence-lines to check for raven-predated tortoises and minimize predator subsidies or attractants.

**Shade Shelters For Juvenile Desert Tortoises Along Northern TA Fence-Line:** Five shade shelters constructed along the northern TA fence-line in September 2009 are monitored for desert tortoise activity during the weekly and monthly surveys. No tortoise signs were detected near shelters during March 2010. See February 2010 Compliance Report for shelter locations.

**Tortoise Observations:** *As per MM10/C4.3.2, all tortoises are to be translocated out of the IA into the TA and per MM21/C4.3.9 and MM27/C4.2.6, the FCR and others are to be on the lookout for tortoises.* No tortoise sign (scat or tracks) was observed during the January or February 2010 focused fence-line surveys. Fresh tortoise tracks were observed in the March 2010 inspection and their GPS locations are noted below (see photo in attachments).

<b>TABLE 5. SUMMARY DATA FOR TORTOISE SIGN OBSERVATIONS DURING COMPLIANCE INSPECTIONS</b>		
<b>Visit #/Date</b>	<b>Type of Tortoise Sign</b>	<b>GPS Coordinates</b>
1. Jan 2009	None	NA
2. Feb 2009	None	NA
3. Mar 2009	3 sets of adult tracks 1 set of adult tracks 1 set of adult tracks 2 sets of adult tracks	572546 E/3777677 N 572404 E/3777676 N 572320 E/3777689 N 572253 E/3777688 N
4. Apr 2009	1 set of adult tracks 1 set of adult tracks 1 set of adult tracks 1 set juvenile tracks 1 piece this year adult scat 1 piece this year adult scat 3 pieces this year adult scat 1 adult burrow, fair condition	572382 E/3777684 N 572257 E/3777702 N 572253 E/3777699 N 572079 E/3777738 N 572368 E/3777683 N 572168 E/3777716 N 571923 E/3777794 N 571977 E/3777782 N
5. May 2009	1 adult tortoise, CMC 3 1 set of adult tracks 1 adult burrow, fair condition 1 juvenile tortoise, CMC 11 1 juvenile tortoise, unmarked	572270 E/3777521 N 572321 E/3777491 N 572320 E/3777300 N 572160 E/3777694 N 572023 E/3777726 N
6. Jun 2009	1 set of adult tracks 1 piece this year adult scat 1 set of adult tracks 2 pieces this year adult scat 1 piece this year adult scat 3 pieces this year adult scat 3 pieces this year adult scat 3 pieces this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat	572228 E/3777695 N 572219 E/3777703 N 572024 E/3777759 N 571877 E/3777808 N 571857 E/3777814 N 571778 E/3777841 N 571745 E/3777851 N 571704 E/3777876 N 571715 E/3777833 N 571717 E/3777672 N 571722 E/3777570 N 572324 E/3777330 N 572329 E/3777332 N

	1 set of adult tracks	572327 E/3777451 N
	1 piece this year adult scat	572323 E/3777503 N
	1 set of adult tracks	572315 E/3777683 N
	1 set of adult tracks & 1 piece this year adult scat	572256 E/3777694 N
Jul 2009	2 pieces this year adult scat	571948 E/3777788 N
	2 pieces this year adult scat	571930 E/3777789 N
	3 pieces this year adult scat	571925 E/3777791 N
	1 piece this year adult scat	571904 E/3777800 N
	3 pieces this year juvenile scat	571904 E/2777800 N
	1 piece this year adult scat	571900 E/3777806 N
	1 piece this year adult scat	571895 E/3777804 N
	1 piece this year adult scat	571879 E/3777808 N
	1 piece this year adult scat	571875 E/3777809 N
	1 piece not this year adult scat	571837 E/3777822 N
	1 piece this year adult scat	571778 E/3777844 N
	1 piece this year adult scat	571766 E/3777850 N
	2 pieces this year adult scat	571762 E/3777850 N
	1 piece this year adult scat	571736 E/3777862 N
	1 piece this year adult scat	571729 E/3777872 N
	2 pieces this year adult scat	571714 E/3777876 N
	1 piece this year adult scat	571718 E/3777673 N
	1 piece this year juvenile scat	571721 E/3777545 N
	1 piece this year adult scat	572642 E/3777671 N
	1 piece this year adult scat	572637 E/3777673 N
	1 piece this year adult scat	572591 E/3777675 N
	1 piece this year adult scat	572467 E/3777677 N
	1 piece this year adult scat	572453 E/3777680 N
	1 piece this year adult scat	572431 E/3777677 N
	1 piece this year adult scat	572412 E/3777679 N
	3 pieces this year adult scat	572386 E/3777677 N
	1 piece this year adult scat	572375 E/3777680 N
	3 pieces this year adult scat	572367 E/3777682 N
	1 piece this year adult scat	572359 E/3777683 N
	1 piece this year adult scat	572348 E/3777683 N
	1 set adult tracks	572348 E/3777683 N
	2 pieces this year adult scat	572309 E/3777689 N
	1 piece this year adult scat	572221 E/3777694 N
	1 piece this year adult scat	572048 E/3777744 N
	1 piece this year adult scat	572021 E/3777607 N
	2 pieces this year adult scat	572021 E/3777591 N
	1 piece this year adult scat	572022 E/3777501 N
	2 pieces this year adult scat	572324 E/3777396 N
	1 piece this year juvenile scat	572324 E/3777396 N
	1 piece this year adult scat	572324 E/3777393 N
	2 pieces this year adult scat	572321 E/3777383 N
	2 pieces this year adult scat	572333 E/3777621 N

	1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 2 pieces this year adult scat	572344 E/3777622 N 572364 E/3777624 N 572477 E/3777622 N 572568 E/3777623 N
Aug 2009	1 piece this year adult scat 2 pieces not this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 2 pieces this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 2 pieces this year adult scat 2 pieces this year adult scat 3 pieces this year adult scat 2 pieces this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 2 pieces this year adult scat 1 piece this year adult scat 2 pieces this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 2 pieces this year adult scat	572574 E/3777681 N 572557 E/3777681 N 572502 E/3777683 N 572475 E/3777682 N 572470 E/3777682 N 572372 E/3777685 N 572352 E/3777686 N 572346 E/3777688 N 572308 E/3777689 N 572197 E/3777711 N 572028 E/3777759 N 571904 E/3777790 N 571925 E/3777793 N 571920 E/3777795 N 571759 E/3777852 N 571728 E/3777875 N 571713 E/3777885 N 571712 E/3777833 N 571718 E/3777513 N 571719 E/3777483 N 571719 E/3777439 N 571720 E/3777423 N 572340 E/3777313 N 572323 E/3777359 N 572324 E/3777486 N 572325 E/3777509 N
Sep 2009	1 piece this year adult scat 1 set of adult tracks 1 piece this year adult scat 1 piece this year adult scat 2 pieces this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 2 pieces this year juvenile scat 1 piece this year juvenile scat 1 piece this year juvenile scat 2 pieces this year adult scat 1 set of adult tracks 1 piece this year adult scat	572038 E/3777754 N 571966 E/3777785 N 571887 E/3777800 N 571876 E/3777804 N 571741 E/3777849 N 571720 E/3777827 N 571717 E/3777696 N 571715 E/3777671 N 571716 E/3777594 N 571716 E/3777595 N 571717 E/3777548 N 571732 E/3777511 N 571725 E/3777462 N 571723 E/3777444 N 571722 E/3777366 N 572324 E/3777275 N

	1 piece this year adult scat 2 pieces this year adult scat 3 pieces this year adult scat 1 piece this year adult scat 2 pieces this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year juvenile scat 1 piece this year juvenile scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 2 pieces this year adult scat 2 pieces this year adult scat 1 piece this year adult scat 1 piece this year adult scat	572320 E/3777351 N 572366 E/3777625 N 572477 E/3777623 N 572566 E/3777623 N 572642 E/3777683 N 572637 E/3777683 N 572638 E/3777682 N 572543 E/3777675 N 572450 E/3777675 N 572440 E/3777676 N 572417 E/3777676 N 572371 E/3777681 N 572367 E/3777681 N 572367 E/3777681 N 572333 E/3777684 N 572206 E/3777707 N
Oct 2009	2 pieces this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 3 pieces this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 2 pieces this year juvenile scat 2 pieces this year adult scat 2 pieces this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year juvenile scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year juvenile scat	572649 E/3777679 N 572642 E/3777680 N 572637 E/3777679 N 572501 E/3777678 N 572469 E/3777678 N 572467 E/3777677 N 572406 E/3777679 N 572409 E/3777678 N 572386 E/3777678 N 572372 E/3777680 N 572367 E/3777680 N 572363 E/3777680 N 572354 E/3777684 N 572351 E/3777684 N 572337 E/3777686 N 572304 E/3777694 N 572291 E/3777691 N 572288 E/3777693 N 572237 E/3777703 N 572075 E/3777758 N 571924 E/3777792 N 571901 E/3777800 N 571899 E/3777801 N 571894 E/3777802 N 571881 E/3777806 N 571874 E/3777806 N 571872 E/3777808 N 571858 E/3777814 N 571778 E/3777842 N 571775 E/3777843 N

	1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 2 pieces this year adult scat 2 pieces this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece not this year adult scat 2 pieces this year adult scat 2 pieces this year juvenile scat	571775 E/3777844 N 571759 E/3777848 N 571750 E/3777852 N 571716 E/3777876 N 571716 E/3777864 N 571724 E/3777818 N 571720 E/3777647 N 571722 E/3777572 N 571722 E/3777515 N 572001 E/3777244 N 572018 E/3777245 N 572323 E/3777325 N 572319 E/3777351 N 572328 E/3777624 N 572332 E/3777623 N
Nov 2009	1 piece this year adult scat 1 set adult tortoise tracks 1 piece this year adult scat 2 pieces this year adult scat 1 set adult tortoise tracks 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 3 pieces this year adult scat 4 pieces this year adult scat 1 adult tortoise in burrow 1 piece this year adult scat 2 pieces this year adult scat 1 piece this year adult scat	572434 E/3777674 N 572390 E/3777675 N 572367 E/3777680 N 572340 E/3777684 N 572280 E/3777695 N 572172 E/3777713 N 572154 E/3777723 N 572070 E/3777748 N 572338 E/3777291 N 572323 E/3777397 N 572322 E/3777612 N 572319 E/3777666 N 572391 E/3777622 N 572480 E/3777622 N 572579 E/3777625 N
Dec 2009	1 piece this year adult scat 3 pieces this year adult scat 1 piece this year adult scat	571720 E/3777513 N 571731 E/3777456 N 572312 E/3777607 N
Jan 2010	None	NA
Feb 2010	None	NA
Mar 2010	1 set adult tortoise tracks 1 set adult tortoise tracks 1 set adult tortoise tracks	572323 E/3777463 N 572311 E/3777637 N 572295 E/3777695 N

**Fencing:** As per MM11/C4.3.3, MM20/C4.3.8, and MM23/C4.3.4, the Permittee is required to install and maintain fences around both the TA and IA. During the March 2010 compliance inspection the fencelines were observed to be intact. Sand accumulation along the northern IA fenceline had not significantly increased in February 2010. District personnel will continue to regularly monitor the fencelines.



**Purchase Compensation Lands:** *As per MM12/C5, the Permittee is required to acquire 80 acres of habitat management lands to offset impacts resulting from campus expansion. The 80-acre compensation parcel located in Thermal Canyon was transferred to the National Park Service on 26 March 2009, which satisfied the Department’s requirement for compensation.*

**Purchase Mitigation Lands:** In May 2009 the District Board of Trustees approved resolution No. 09-07 authorizing a partnership with the Mojave Desert Land Trust (Trust) to acquire 955 acres of additional tortoise mitigation land adjacent to Joshua Tree National Park and ultimately deed the land to the Park. In June 2009 the Service approved a minor amendment to the HCP accepting the District’s proposed partnership with the Trust to purchase mitigation lands.

**Firearms and Domestic Dogs:** *As per MM18/C4.1.5, the Permittee is required to prohibit firearms and domestic dogs from the site. Domestic dog sign observed inside the TA and IA during compliance inspections are summarized below in Table 6. The number of canid tracks noted during March 2010 was similar to the prior month. No evidence was found of canid predation on desert tortoises.*

<b>TABLE 7. SUMMARY DATA FOR CANIDS (DOGS &amp; COYOTES)</b>		
<b>Inspection # /Date</b>	<b>Canid Tracks in Translocation Area</b>	<b>Canid Tracks in Impact Area</b>
1. Jan 2009	4 (29%*)	10 (71%)
2. Feb 2009	0 (0%)	3 (100%)
3. Mar 2009	1 (25%)	3 (75%)
4. Apr 2009	1 (50%)	1 (50%)
5. May 2009	2 (67%)	1 (33%)
6. June 2009	3 (75%)	1 (25%)
7. July 2009	0 (0%)	0 (0%)
8. Aug 2009	3 (75%)	1 (25%)
9. Sep 2009	2 (66%)	1 (33%)
10. Oct 2009	1 (50%)	1 (50%)
11. Nov 2009	2 (66%)	1(33%)
12. Dec 2009	1 (50%)	1 (50%)
13. Jan 2010	1 (50%)	1 (50%)
14. Feb 2010	2 (40%)	3 (60%)
15. Mar 2010	3 (60%)	2 (40%)

\* Percentages are derived from the total amount of caniid sign observed on a given visit, which is the percentage of the total observed in each of the two areas for that particular visit.

**Translocation Area Monitoring Program:** *As per MM22/C4.3.11, the District is required to monitor all tortoises moved into the TA and to perform annual surveys in the spring. The first annual survey was performed on April 18-19 2009, and documented in annual reports sent in January 2010 to Rebecca Jones of the Department and Brian Croft of the Service. Focused TA fence-line surveys for tortoises and tortoise sign are performed monthly during compliance inspections by Delaney. The second annual survey is scheduled for early April 2010.*

**Monthly Compliance Inspections:** *As per MM24/C4.2.4, compliance inspections are to be conducted monthly. This report, completed by Delaney, represents the fifteenth of 18 anticipated monthly compliance reports.*

**Failure to Implement Mitigation Measures:** *As per MM26/C4.2.3, the Permittee is required to notify the Department immediately if any mitigation measures have not been implemented as give in the Permit. Thus far, all mitigation measures have been implemented in a timely manner.*

**Stop Construction Activities:** *As per MM28/C4.1.6, the Designated Biologist and FCR have authority to stop any construction activity that is not in compliance with the Permit. There has been no need to stop construction activities since the first compliance visit in January 2009.*

**Accessing the Construction Site Via Existing Routes:** *As per MM29/C4.1.9, all project-related personnel are to access the site through approved routes and there is to be no cross-country travel. Newly constructed Jerry Lewis Drive was designated as the official entry point to the construction site. The gate to Lewis Drive at Rotary Way was recently removed for paving the road apron at that intersection. Construction at the Multi-Use Sports Complex is nearly complete and removal of the gate does not constitute a hazard to desert tortoises.*

**Clean-up of Hazardous Waste Leaks or Spills:** *As per MM30/C4.1.11, all hazardous waste leaks and spills are to be promptly cleaned up and disposed of properly. Delaney has yet to find any spills that need to be cleaned up.*

**Contain All Construction Activities:** *As per MM31/C4.1.10, all construction impacts are to be confined to the IA with vehicle speeds not to exceed 20 miles per hour. Delaney saw no evidence that construction impacts had occurred outside the IA.*

**Handling Injured Tortoises:** *As per MM32/C4.3.10 and MM33/C4.2.8, all injured tortoises are to be taken to a local veterinarian and the Department contacted and all dead tortoises are to be collected and the Department contacted. To our knowledge, there have been no tortoises injured or accidentally killed as a result of expansion activities.*

**Clean-up Upon Completion of Work:** *As per MM36/C4.1.13, all construction materials are to be removed from the site upon project completion. It is too early to implement this measure.*

**Final Mitigation Report:** *As per MM37/C4.2.7, a final mitigation report must be submitted to the Department no later than 45 days after completion of each phase. No phases have yet been completed, so it is too early to implement this measure.*

**Non-Native Weed Management in the TA:** *Although the Department's Permit does not identify any weed management measures, Section 3.2.2d.8 of the Environmental Assessment identifies the following Translocation Area Management action: "Perform an annual assessment to determine the presence of non-native invasive plant species within the Translocation Area." In April 2009, 4493 individual plants from two non-native species, Moroccan mustards (*Brassica tournefortii*) and tansy mustards (*Descurainia pinnata*), were removed from within the TA fenceline. During March 2010, non-native mustard plants were again observed growing along the TA fencelines. Weed abatement efforts are scheduled for April 2010.*

## REMEDIAL ACTIONS:

The District and its subcontractors have conscientiously implemented mitigation measures since the previous compliance inspection, but several issues need to be addressed on an ongoing basis:

### **Raven Predation of Juvenile Desert Tortoises In Translocation Area and Campus Area:**

The District will continue to focus weekly raven surveys on the TA fence-lines to check for raven-predated tortoises, minimize predator subsidies, and monitor the tortoise shelters.

**Trash Abatement:** Personnel from the District and Day Construction have been removing litter from the IA and TA during mitigation and monitoring activities this month, and will continue these efforts.

**Fence Maintenance:** The Translocation Area (TA) fence was undercut by storm-water erosion in January 2010 but was quickly repaired. College staff will continue to monitor fence-lines.

**Weed Abatement:** Delaney will monitor the effectiveness of weed abatement from year to year. The next abatement effort is scheduled for April 2010.

This concludes the fifteenth of 18 anticipated monthly compliance inspections and reports for authorized expansion activities. This report was completed by Paul Delaney and reviewed by Dan Cain and Ed LaRue, who may be contacted using the following information:

Dan Cain, Field Contact Representative  
Office phone: (760) 366-5295  
Fax: (760) 366-5252  
Cell phone: (760) 910-3181  
Email: [dcain@cmccd.edu](mailto:dcain@cmccd.edu)

Ed LaRue, Authorized Biologist  
Office phone: (760) 249-4948  
Fax: (760) 249-4948  
Cell phone: (760) 964-0012  
Email: [ed.larue@verizon.net](mailto:ed.larue@verizon.net)

Please contact me if you have questions or comments.

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

Respectfully Submitted,

Paul M. Delaney Ph.D.  
Professor, Biology  
Copper Mountain College  
6162 Rotary Way, PO Box 1398  
Joshua Tree CA 92252

Office phone: (760) 366-3791, ext. 0257  
Fax: (760) 366-3973  
Email: [pdelaney@cmccd.edu](mailto:pdelaney@cmccd.edu)

Cc: Judy Hohman  
U.S. Fish and Wildlife Service  
2493 Portola Road, Suite B  
Ventura, California 93003

Curt Taucher, Regional Manager  
Eastern Sierra/Inland Deserts Region  
4665 Lampson Avenue, Suite J  
Los Alamitos CA 90720

General Counsel  
Department of Fish and Game  
1416 Ninth Street, 12<sup>th</sup> Floor  
Sacramento CA 95814

Habitat Conservation Planning Branch  
1416 Ninth Street, Suite 1260  
Sacramento CA 95814

Mr. Curt Sauer, Superintendent  
Joshua Tree National Park  
74485 National Park Drive  
Twentynine Palms, CA 92277

Dr. Joseph Olson and Mr. Dan Cain  
Copper Mountain College  
6162 Rotary Way  
Joshua Tree, CA 92252

Mr. Brian Croft  
U.S. Fish and Wildlife Service  
22835 Calle San Juan De Los Logos  
Moreno Valley, California 92251

Ms. Rebecca Jones, Wildlife Biologist  
California Department of Fish & Game  
36431 41<sup>st</sup> Street East  
Palmdale, California 93552

Mr. Jim Smith  
Day Construction  
3188-C Airway Ave.  
Costa Mesa, CA 92626-4652

Mr. Edward L. LaRue, Jr.  
Circle Mountain Biological Consultants, Inc.  
P.O. Box 3197  
Wrightwood, CA 92397

List of Attachments

March 2010 Compliance Inspection Form  
Photo Exhibits



**Copper Mountain Community College District (CMCCD)**  
**State Incidental Take Permit No. 2081-2005-028-06**  
**Federal Incidental Take Permit No. TE-143444-0**  
**Compliance Inspection Report No. 15 For March 2010**

<b>Location: CMCCD Construction Site</b>		<b>Monitor: Paul Delaney Ph.D.</b>
<b>Date: 26 March 2010</b>	<b>Start Time: 12:04 pm</b>	<b>End Time: 1:39 pm</b>
<b>Temperature (°F): 65.5°F</b>	<b>Cloud Cover (%): 0%</b>	<b>Wind Speed (mph): 6.6</b>
<b>Rel. Humidity (%): 22.2</b>	<b>Baro. Press. (in Hg): 27.48</b>	<b>Wind Direction: NW</b>
<b>Previous Status: See prior compliance inspection report of 26 February 2010.</b>		
<b>Current Status: Monitoring and compliance activities since the last report noted below.</b>		
<b>Methods: Monitor walked project site.</b>		<b>Results: See below.</b>
<b># Personnel in Impact Area (IA): 12</b>	<b># Personnel in IA with Tortoise Hardhat Decal: 10</b>	<b>Personnel in Tortoise Education in Month: on file</b>
<b># Vehicles in Impact Area (IA): 16</b>	<b># Vehicles in IA with Tortoise Placards: 13</b>	<b>Vehicles Speeding: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>
<b>Fencing Intact: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>	<b>Firearms Observed on Site: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>	<b>Mitigation Land Purchase: Ongoing Completed <input checked="" type="checkbox"/></b>
<b>Trash Abatement : # Pieces in TA: 22 IA: 49</b>	<b># Canid Prints: In TA: 3 IA: 2</b>	<b>Ravens or Subsidies On Site: Yes <input checked="" type="checkbox"/> raven No</b>
<b>Translocation Area (TA) Status Quo: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>	<b>TA Gates Closed After Transit: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>	<b>Pond Subsidizing Predators: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>
<b>Project Activity Stopped: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>	<b>Weekly Fence Inspection Completed: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>	<b>Weekly Raven Census Performed: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>
<b>Tortoise/Sign Observations: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>	<b>Tortoise/s Handled: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>	<b>Tortoise/s Ill or Injured: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>
<b>IA Accessed By Existing Routes: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>	<b>Construction Activities Confined to IA: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>	<b>Hazardous Waste Cleanups: Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/></b>
<b>Other Abatement Observed: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>	<b>Remedial Action Suggested: See accompanying report</b>	<b>Final Mitigation Report Too Early to Perform: <input checked="" type="checkbox"/></b>
<b>Minimization Successful to Date: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>	<b>Violations Observed: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>	<b>Adaptive Management Needed: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>
<b>Additional Notes: Fresh tortoise tracks were observed in the TA this month. No evidence of raven or canid predation on desert tortoises was observed. Removal of invasive plants along TA fence-lines is scheduled for April 2010.</b>		
<b>Certification: "I certify that, to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of this report, the information submitted is true, accurate and complete". Signature: Paul Delaney Ph.D.</b>		



Photo Exhibit 1. Fresh adult desert tortoise tracks observed in the Translocation Area on March 26, 2010 at GPS Location (NAD 27): 572311 E/3777637 N.



Photo Exhibit 2. Repaired fenceline of Translocation Area at Lewis Drive.