



November 27, 2010

Rebecca Jones, Wildlife Biologist
36431 41st Street East
Palmdale, California 93552

RE: Copper Mountain College Expansion Project: Compliance Inspection #23, November 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 41st Street East, Palmdale, CA 93552, PH/FAX (661) 285-5867.*

PREVIOUS STATUS: Compliance inspection #22 was completed on 29 October 2010 and sent to Becky Jones soon thereafter. The construction of the Multi-Use Sports Complex (MUSC) and Solar Parking Structure (SPS) is complete. The Remodel For Efficiency (RFE) project is remodeling the science laboratories and Student Services offices in previously developed and separately fenced areas of the Phase I and Phase III groups of campus buildings.

CURRENT STATUS: This letter documents the compliance inspection by Dr. Paul Delaney on 24 November 2010, which serves as the twenty-third 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 #23: The inspection was completed by Dr. Paul Delaney on 24 November 2010. Delaney was on-site between 12:06 and 3:21 p.m.

METHODS: Delaney walked alongside the fenceline running southeast from Dan Cain’s trailer, headed east along Congressman 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 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), Solar Parking Structure (SPS), and the Remodel For Efficiency (RFE) project.

RESULTS:

Personnel and Vehicles: Delaney tallied construction personnel and motor-operated vehicles inside the IA, and the cumulative data is presented in Table 1 below. During the current inspection no personnel were present due to the Thanksgiving holiday. Of the 4 vehicles observed, all 4 (100%) had tortoise awareness placards, demonstrating good compliance.

TABLE 1. SUMMARY DATA FOR PERSONNEL AND VEHICLES						
Inspection # /Month	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%)
16. Apr 2010	11	10 (91%)	1 (9%)	14	12 (86%)	2 (14%)
17. May 2010	10	9 (90%)	1 (10%)	17	13 (77%)	4 (23%)
18. June 2010	15	13 (87%)	2 (13%)	17	14 (82%)	3 (18%)
19. July 2010	13	12 (92%)	1 (8%)	15	14 (93%)	1 (7%)
20. Aug 2010	11	9 (82%)	2 (18%)	12	10 (83%)	2 (17%)
21. Sep 2010	10	9 (90%)	1 (10%)	12	10 (83%)	2 (17%)
22. Oct 2010	10	8 (80%)	2 (20%)	12	9 (75%)	3(25%)
23. Nov 2010	0**	N.A.	N.A.	4	4 (100%)	0 (0%)

*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.

**0 = Construction personnel absent due to Thanksgiving holidays.

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. College volunteers remove litter from the IA and TA during periodic abatement efforts throughout the year. During the current inspection, Delaney tallied 39 pieces of litter in the IA and 21 in the TA (see Table 2 for cumulative information).*

TABLE 2. SUMMARY DATA FOR TRASH & LITTER		
Visit #/Date	Litter inside Translocation Area	Litter inside Impact Area
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%)
16. Apr 2010	5 (19%)	21 (81%)
17. May 2010	12 (28%)	31 (72%)
18. June 2010	11 (28%)	28 (72%)
19. July 2010	29 (35%)	55 (65%)
20. Aug 2010	31 (28%)	79 (72%)
21. Sep 2010	19 (27%)	51 (73%)
22. Oct 2010	25 (22%)	87 (78%)
23. Nov 2010	21 (35%)	39 (65%)

* 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 biologist conducts weekly raven/predator surveys on the TA fence-lines to check for raven-predated tortoises and minimize predator subsidies or attractants.

Raven Population on Campus: During the September, October, and November 2010 inspections the raven population on campus consisted of two birds. This represents a reduction from 5 birds counted during August inspections, and may reflect renewed efforts to reduce predator subsidies. Campus dumpsters were frequently checked during November to ensure they remained closed. The two ravens observed in November moved between perch sites located at: 1) the north end of the Autoshop Building on campus, 2) a grove of trees on private property at the intersection of Highway 62 and Rotary Way, 3) utility poles approximately 1/2 mile north of Whitmore Road, and 4) the roof of the Bell Center.

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.* Desert tortoise CMC 6 was observed during the October and November 2010 compliance inspections, near the location where a pet tortoise was found during the April 2010 survey. That pet tortoise tested positive for Mycoplasma antibody titers. Significantly, CMC 6 was observed to have normal breath sounds and activity patterns, without occluded nostrils, eye exudates or other signs of upper respiratory tract infection. The GPS locations of tortoise sign found during compliance inspections are noted below.

TABLE 3. SUMMARY DATA FOR TORTOISE SIGN OBSERVATIONS DURING COMPLIANCE INSPECTIONS		
Visit #/Date	Type of Tortoise Sign	GPS Coordinates
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	572228 E/3777695 N

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9. 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	572038 E/3777754 N 571966 E/3777785 N 571887 E/3777800 N 571876 E/3777804 N

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13. Jan 2010	None	NA

14. Feb 2010	None	NA
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1 set adult tracks	572294 E/3777694 N
3 pieces this year adult scat	572261 E/3777698 N
1 piece this year adult scat	572168 E/3777712 N
1 piece this year adult scat	572083 E/3777737 N
1 piece this year adult scat	572378 E/3777738 N
2 pieces this year adult scat	572073 E/3777740 N
1 piece this year adult scat	572071 E/3777740 N
1 set adult tracks	572067 E/3777742 N
5 pieces this year juvenile scat	572062 E/3777741 N
1 piece this year juvenile scat	572050 E/3777743 N
1 piece this year adult scat	572050 E/3777742 N
3 pieces this year adult scat	572050 E/3777746 N
1 piece this year adult scat	572045 E/3777750 N
1 piece this year adult scat	572043 E/3777752 N
1 piece this year adult scat	572034 E/3777759 N
1 piece this year adult scat	571969 E/3777785 N
1 piece this year juvenile scat	571930 E/3777793 N
1 piece this year adult scat	571930 E/3777792 N
2 pieces this year adult scat	571927 E/3777794 N
1 piece this year adult scat	571875 E/3777795 N
1 piece not this year adult scat	571842 E/3777821 N
1 piece this year adult scat	571832 E/3777823 N
1 piece this year juvenile scat	571805 E/3777834 N
2 pieces this year adult scat	571769 E/3777843 N
1 piece this year adult scat	571766 E/3777844 N
2 pieces this year adult scat	571754 E/3777840 N
1 piece this year adult scat	571752 E/3777844 N
1 piece this year adult scat	571721 E/3777884 N
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1 piece this year adult scat	571717 E/3777880 N
1 set adult tracks	571706 E/3777849 N
1 piece this year adult scat	571718 E/3777828 N
1 piece this year adult scat	571716 E/3777767 N
1 piece this year adult scat	571719 E/3777694 N
1 piece this year adult scat	571725 E/3777664 N
1 adult burrow, good condition	571722 E/3777661 N
3 pieces this year juvenile scat	571728 E/3777607 N
2 pieces this year juvenile scat	571723 E/3777618 N
3 pieces this year juvenile scat	571719 E/3777615 N
2 pieces this year juvenile scat	571720 E/3777583 N
1 piece this year juvenile scat	571720 E/3777580 N
1 piece this year juvenile scat	571722 E/3777574 N
3 pieces this year juvenile scat	571722 E/3777573 N
2 pieces this year juvenile scat	571722 E/3777569 N

	<p>2 pieces this year juvenile scat 1 piece this year juvenile scat 3 pieces this year juvenile scat 1 desert tortoise, CMC 16 4 pieces this year juvenile scat 3 pieces this year juvenile scat 1 piece this year juvenile scat 1 piece this year adult scat 1 set adult tracks 1 set adult tracks 1 piece this year juvenile scat 1 piece this year juvenile scat 1 piece this year adult scat 1 piece this year juvenile scat 1 piece this year adult scat 1 piece this year juvenile 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 desert tortoise, CMC 6 2 pieces this year adult scat 1 set adult 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 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 desert tortoise, CMC 14 1 piece this year adult scat 1 piece this year adult scat 1 adult burrow, good condition 1 piece this year adult scat 1 piece this year adult scat</p>	<p>571722 E/3777540 N 571718 E/3777532 N 571719 E/3777526 N 571721 E/3777524 N 571721 E/3777516 N 571720 E/3777508 N 571721 E/3777499 N 571922 E/3777243 N 571922 E/3777244 N 571974 E/3777243 N 572328 E/3777241 N 572327 E/3777331 N 572325 E/3777385 N 572324 E/3777415 N 572322 E/3777425 N 572320 E/3777440 N 572323 E/3777443 N 572323 E/3777450 N 572322 E/3777462 N 572322 E/3777522 N 572320 E/3777530 N 572324 E/3777581 N 572317 E/3777611 N 572482 E/3777621 N 572487 E/3777621 N 572520 E/3777622 N 572501 E/3777622 N 572535 E/3777622 N 572561 E/3777623 N 572594 E/3777622 N 572662 E/3777633 N 572289 E/3777690 N 572091 E/3777681 N 572250 E/3777541 N 572262 E/3777538 N 572272 E/3777544 N 572267 E/3777554 N 572260 E/3777706 N</p>
18. June 2010	<p>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 set adult tortoise tracks 2 pieces this year adult scat 1 piece this year adult scat 1 piece this year adult scat</p>	<p>572695 E/3777674 N 572647 E/3777675 N 572640 E/3777675 N 572557 E/3777676 N 572557 E/3777673 N 572380 E/3777674 N 572329 E/3777682 N 572299 E/3777686 N</p>

1 piece this year adult scat	572291 E/3777687 N
1 piece this year adult scat	572283 E/3777690 N
3 pieces this year adult scat	572261 E/3777695 N
2 pieces this year adult scat	572243 E/3777696 N
1 piece this year adult scat	572218 E/3777702 N
2 pieces this year adult scat	572218 E/3777689 N
1 piece this year adult scat	572182 E/3777699 N
2 pieces this year adult scat	572173 E/3777703 N
2 pieces this year adult scat	572067 E/3777740 N
2 pieces this year adult scat	572065 E/3777741 N
5 pieces this year adult scat	572047 E/3777747 N
1 piece this year adult scat	572031 E/3777753 N
1 piece this year adult scat	571999 E/3777764 N
1 set adult tortoise tracks	571981 E/3777774 N
1 piece this year juvenile scat	571928 E/3777792 N
1 piece this year adult scat	571924 E/3777799 N
2 pieces this year adult scat	571921 E/3777799 N
2 pieces this year adult scat	571913 E/3777800 N
1 piece this year adult scat	571890 E/3777804 N
2 pieces this year adult scat	571887 E/3777802 N
1 piece this year adult scat	571866 E/3777808 N
1 set adult tortoise tracks with 3 burrow starts	571865 E/3777809 N
1 tortoise burrow start	571856 E/3777811 N
1 piece this year adult scat	571847 E/3777815 N
2 pieces this year adult scat	571844 E/3777816 N
1 piece this year adult scat	571843 E/3777814 N
1 piece this year adult scat	571836 E/3777818 N
1 piece this year adult scat	571833 E/3777820 N
2 pieces this year adult scat	571815 E/3777826 N
1 piece this year adult scat	571796 E/3777833 N
1 piece this year adult scat	571786 E/3777837 N
1 piece this year juvenile scat	571762 E/3777846 N
2 pieces this year adult scat	571757 E/3777847 N
2 pieces this year adult scat	571751 E/3777850 N
1 piece this year adult scat	571748 E/3777851 N
2 pieces this year adult scat	571723 E/3777875 N
1 piece this year adult scat	571723 E/3777872 N
1 piece this year adult scat	571719 E/3777867 N
1 piece this year adult scat	571717 E/3777853 N
1 piece this year adult scat	571722 E/3777811 N
1 set adult tracks with 1 piece this year adult scat	571717 E/3777738 N
1 piece this year adult scat	571718 E/3777730 N
1 piece this year adult scat	571719 E/3777706 N
1 piece this year adult scat	571718 E/3777691 N
1 piece this year adult scat	571720 E/3777676 N
2 pieces this year adult scat	571717 E/3777664 N

	<p>1 piece this year juvenile scat 1 burrow with 1 piece this year adult scat at entrance 1 piece this year juvenile scat 1 piece this year juvenile scat 1 piece this year juvenile scat 1 piece this year adult scat 1 piece this year juvenile scat 1 piece this year juvenile scat 1 piece this year juvenile scat 1 piece this year juvenile scat 1 piece this year juvenile scat 2 pieces this year adult scat 1 piece this year juvenile scat 2 pieces this year juvenile scat 1 piece this year juvenile 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 4 pieces this year adult scat 2 pieces this year adult scat 3 pieces this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 set adult tortoise 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 2 pieces this year adult scat 1 piece this year adult scat 1 set adult tortoise tracks with 1 burrow start 2 pieces this year adult scat 1 piece this year juvenile scat 1 piece this year juvenile scat 2 pieces this year adult scat 1 piece this year adult scat 1 piece this year adult scat</p>	<p>571718 E/3777662 N 571721 E/3777661 N 571716 E/3777655 N 571720 E/3777578 N 571720 E/3777573 N 571720 E/3777572 N 571719 E/3777567 N 571719 E/3777559 N 571722 E/3777541 N 571723 E/3777527 N 571721 E/3777508 N 571722 E/3777497 N 571722 E/3777488 N 571722 E/3777485 N 571724 E/3777467 N 571724 E/3777457 N 571724 E/3777432 N 571724 E/3777399 N 571723 E/3777361 N 572325 E/3777350 N 572324 E/3777369 N 572323 E/3777455 N 572325 E/3777484 N 572325 E/3777467 N 572322 E/3777482 N 572323 E/3777504 N 572322 E/3777611 N 572322 E/3777622 N 572323 E/3777628 N 572328 E/3777626 N 572340 E/3777621 N 572359 E/3777619 N 572366 E/3777621 N 572369 E/3777620 N 572409 E/3777647 N 572461 E/3777618 N 572473 E/3777618 N 572485 E/3777617 N 572657 E/3777597 N</p>
19. July 2010	<p>1 piece this year juvenile scat 1 piece not this year adult scat 1 set adult tortoise tracks 1 piece this year juvenile scat 5 pieces this year adult scat 2 pieces this year adult scat</p>	<p>572521 E/3777675 N 572482 E/3777675 N 572367 E/3777677 N 572313 E/3777681 N 572050 E/3777751 N 571924 E/3777789 N</p>

3 pieces this year adult scat	571915 E/3777794 N
2 pieces this year adult scat	571896 E/3777801 N
1 piece this year adult scat	571862 E/3777813 N
2 burrow starts at fence	571860 E/3777814 N
1 piece this year adult scat	571834 E/3777822 N
1 piece this year adult scat	571798 E/3777833 N
1 piece this year adult scat	571781 E/3777840 N
5 pieces this year adult scat	571764 E/3777847 N
2 pieces this year adult scat	571759 E/3777849 N
1 piece this year adult scat	571756 E/3777849 N
1 piece this year adult scat	571718 E/3777887 N
1 piece this year adult scat	571714 E/3777884 N
1 piece this year adult scat	571717 E/3777815 N
2 pieces this year adult scat	571719 E/3777735 N
2 pieces this year adult scat	571719 E/3777728 N
1 piece this year adult scat	571718 E/3777715 N
1 piece this year adult scat	571719 E/3777714 N
1 piece this year adult scat	571719 E/3777706 N
1 piece this year adult scat	571717 E/3777694 N
1 piece this year adult scat	571717 E/3777691 N
1 piece this year adult scat	571718 E/3777669 N
2 pieces this year adult scat	571717 E/3777664 N
1 piece this year juvenile scat	571724 E/3777588 N
2 pieces this year juvenile scat	571720 E/3777577 N
1 piece this year juvenile scat	571720 E/3777576 N
1 piece this year juvenile scat	571716 E/3777543 N
1 piece this year juvenile scat	571718 E/3777493 N
1 piece this year juvenile scat	571719 E/3777483 N
2 pieces this year juvenile scat	571719 E/3777476 N
2 pieces this year juvenile scat	571720 E/3777474 N
3 pieces this year juvenile scat	571720 E/3777468 N
1 piece this year juvenile scat	571720 E/3777460 N
1 piece this year juvenile scat	571719 E/3777456 N
3 pieces this year juvenile scat	571718 E/3777435 N
1 piece this year adult scat	571720 E/3777396 N
1 piece this year adult scat	571721 E/3777359 N
1 piece not this year adult scat	572320 E/3777421 N
2 pieces this year adult scat	572323 E/3777403 N
1 piece this year adult scat	572324 E/3777409 N
1 piece this year juvenile scat	572323 E/3777449 N
2 pieces this year adult scat	572323 E/3777450 N
1 piece this year adult scat	572323 E/3777454 N
1 set adult tortoise tracks	572323 E/3777463 N
1 piece not this year adult scat	572318 E/3777513 N
1 set adult tortoise tracks	572319 E/3777512 N
2 pieces this year adult scat	572321 E/3777550 N

	<p>1 piece this year adult scat 1 piece this year adult scat 4 pieces this year adult scat 1 piece this year adult scat 1 tortoise burrow start 2 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</p>	<p>572321 E/3777579 N 572321 E/3777581 N 572307 E/3777647 N 572317 E/3777627 N 572364 E/3777625 N 572374 E/3777623 N 572481 E/3777622 N 572490 E/3777621 N 572539 E/3777622 N 572661 E/3777621 N</p>
20. Aug 2010	<p>5 pieces this year adult scat 2 pieces this year adult scat 1 set adult tortoise tracks 1 adult tortoise CMC 3 1 piece this year adult scat 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 2 pieces this year adult scat 1 adult tortoise burrow in excellent condition with tracks and 5 pieces this year adult scat 1 piece this year adult scat 2 pieces this year adult scat 1 piece this year adult scat 1 set adult tortoise tracks 3 pieces this year adult scat 2 pieces this year adult scat 2 pieces 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 2 pieces this year adult scat 1 piece this year juvenile scat 1 piece this year juvenile scat 2 pieces this year juvenile scat 2 pieces this year juvenile scat 2 pieces this year juvenile scat 1 piece this year adult scat</p>	<p>572330 E/3777689 N 572202 E/3777707 N 572081 E/3777736 N 572068 E/3777742 N 572065 E/3777744 N 572034 E/3777757 N 571925 E/3777792 N 571914 E/3777795 N 571863 E/3777812 N 571843 E/3777820 N 571833 E/3777822 N 571827 E/3777823 N 571814 E/3777828 N 571790 E/3777833 N 571784 E/3777841 N 571765 E/3777847 N 571718 E/3777886 N 571713 E/3777850 N 571716 E/3777815 N 571715 E/3777779 N 571717 E/3777758 N 571717 E/3777730 N 571717 E/3777718 N 571718 E/3777707 N 571718 E/3777697 N 571718 E/3777693 N 571718 E/3777677 N 571718 E/3777673 N 571718 E/3777666 N 571722 E/3777592 N 571722 E/3777588 N 571722 E/3777587 N 571720 E/3777583 N 571720 E/3777576 N 571719 E/3777574 N</p>

	1 piece this year adult scat 1 piece this year juvenile scat 2 pieces this year adult scat 1 piece this year adult scat 1 piece this year adult scat 4 pieces this year juvenile scat 2 pieces this year adult scat 3 pieces this year juvenile scat 1 piece this year juvenile scat 2 pieces this year adult scat 1 piece this year juvenile scat 5 pieces this year juvenile 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 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 2 pieces this year adult scat 1 piece this year adult scat 3 pieces this year adult scat 1 piece this year adult scat 6 pieces this year adult scat 4 pieces 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 2 pieces this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat	571720 E/3777568 N 571719 E/3777567 N 571720 E/3777565 N 571721 E/3777525 N 571721 E/3777517 N 571720 E/3777513 N 571721 E/3777510 N 571721 E/3777503 N 571721 E/3777500 N 571721 E/3777492 N 571722 E/3777476 N 571721 E/3777470 N 571721 E/3777460 N 571722 E/3777420 N 571722 E/3777399 N 571723 E/3777362 N 572325 E/3777361 N 572323 E/3777370 N 572323 E/3777379 N 572323 E/3777390 N 572324 E/3777397 N 572325 E/3777415 N 572325 E/3777446 N 572323 E/3777458 N 572322 E/3777508 N 572322 E/3777525 N 572321 E/3777549 N 572321 E/3777577 N 572319 E/3777594 N 572327 E/3777635 N 572328 E/3777631 N 572330 E/3777623 N 572338 E/3777623 N 572344 E/3777624 N 572374 E/3777619 N 572383 E/3777620 N 572470 E/3777618 N 572519 E/3777620 N 572527 E/3777623 N 572729 E/3777648 N
21. Sep 2010	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	572655 E/3777680 N 572652 E/3777675 N 572547 E/3777679 N 572475 E/3777676 N 572467 E/3777677 N 572031 E/3777762 N

	1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 adult tortoise pallet burrow, good condition 1 burrow "start" at fenceline 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 1 set adult tortoise tracks 3 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 2 pieces this year juvenile scat 1 piece this year adult scat 2 pieces 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 3 pieces this year adult scat 1 set adult tortoise tracks 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 2 pieces this year adult scat 1 set adult tortoise tracks 1 piece this year adult scat 1 adult tortoise burrow, good condition 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year adult scat	572019 E/3777763 N 572004 E/3777767 N 571981 E/3777776 N 571957 E/3777784 N 571857 E/3777816 N 571770 E/3777847 N 571765 E/3777849 N 571746 E/3777853 N 571722 E/3777877 N 571720 E/3777890 N 571726 E/3777857 N 571720 E/3777814 N 571718 E/3777737 N 571718 E/3777715 N 571718 E/3777691 N 571717 E/3777659 N 571719 E/3777646 N 571716 E/3777604 N 571721 E/3777530 N 571721 E/3777514 N 571720 E/3777450 N 572323 E/3777329 N 572324 E/3777367 N 572323 E/3777395 N 572322 E/3777504 N 572322 E/3777510 N 572322 E/3777517 N 572321 E/3777546 N 572323 E/3777570 N 572322 E/3777578 N 572320 E/3777594 N 572321 E/3777612 N 572321 E/3777612 N 572330 E/3777634 N 572330 E/3777643 N 572330 E/3777622 N 572379 E/3777621 N 572514 E/3777623 N 572598 E/3777623 N
22. Oct 2010	2 piece this year adult scat 1 piece this year adult scat 2 piece this year adult scat 1 piece this year adult scat 1 set adult tortoise tracks 2 pieces this year adult scat 2 pieces this year juvenile scat	572543 E/3777675 N 572487 E/3777677 N 572479 E/3777676 N 572468 E/3777677 N 572411 E/3777674 N 572381 E/3777676 N 572120 E/3777719 N

	1 piece this year adult scat 4 pieces this year adult scat 1 adult tortoise pallet burrow 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 juvenile 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 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 adult scat 1 piece this year adult scat 1 piece this year adult scat 1 adult desert tortoise CMC 6 and burrow 3 pieces this year adult scat 1 adult tortoise burrow	572053 E/3777745 N 572050 E/3777747 N 571958 E/3777781 N 571833 E/3777816 N 571778 E/3777839 N 571716 E/3777779 N 571718 E/3777777 N 571720 E/3777734 N 571718 E/3777731 N 571718 E/3777729 N 571708 E/3777718 N 571718 E/3777680 N 571718 E/3777676 N 571718 E/3777672 N 571729 E/3777590 N 571733 E/3777541 N 571730 E/3777534 N 571728 E/3777528 N 571720 E/3777441 N 571723 E/3777352 N 572326 E/3777328 N 572323 E/3777341 N 572324 E/3777353 N 572324 E/3777356 N 572324 E/3777359 N 572324 E/3777379 N 572324 E/3777394 N 572324 E/3777400 N 572325 E/3777442 N 572323 E/3777450 N 572323 E/3777455 N 572326 E/3777467 N 572322 E/3777576 N 572316 E/3777606 N 572332 E/3777635 N 572331 E/3777643 N
23. Nov 2010	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 1 piece this year adult scat 3 pieces this year adult scat	572682 E/3777678 N 572382 E/3777675 N 572342 E/3777684 N 572341 E/3777684 N 572209 E/3777704 N 572158 E/3777715 N 572047 E/3777748 N 572041 E/3777752 N 572038 E/3777753 N 572024 E/3777757 N

2 pieces this year adult scat	571933 E/3777785 N
2 pieces this year adult scat	571929 E/3777788 N
1 piece this year adult scat	571899 E/3777800 N
1 piece this year adult scat	571884 E/3777804 N
2 pieces this year adult scat	571881 E/3777800 N
1 piece this year adult scat	571874 E/3777808 N
2 pieces this year adult scat	571846 E/3777818 N
2 pieces this year adult scat	571833 E/3777821 N
2 pieces this year adult scat	571822 E/3777827 N
1 piece this year adult scat	571719 E/3777887 N
1 piece this year adult scat	571716 E/3777883 N
1 piece this year adult scat	571719 E/3777739 N
1 piece this year adult scat	571720 E/3777670 N
2 pieces this year juvenile scat	571718 E/3777658 N
1 piece this year juvenile scat	571720 E/3777634 N
1 piece this year juvenile scat	571720 E/3777600 N
1 piece this year adult scat	571722 E/3777519 N
1 piece this year juvenile scat	571722 E/3777499 N
2 pieces this year juvenile scat	572317 E/3777243 N
1 piece this year adult scat	572325 E/3777413 N
1 piece this year adult scat	572312 E/3777466 N
1 adult burrow with 2 pieces this year adult scat	572312 E/3777482 N
1 piece this year adult scat	572320 E/3777528 N
1 piece this year adult scat	572320 E/3777548 N
1 adult tortoise CMC-6 in burrow	572317 E/3777601 N
2 pieces this year adult scat	572327 E/3777637 N
2 pieces this year juvenile scat	572347 E/3777622 N
1 piece this year adult scat	572507 E/3777633 N
1 piece this year adult scat	572656 E/3777623 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 current inspection the fencelines were intact. 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 June 2009 the Service approved a minor amendment to the Habitat Conservation Plan accepting the District’s proposed partnership with the Mojave Desert Land Trust to jointly purchase 955 acres of additional tortoise mitigation land adjacent to Joshua Tree National Park, and ultimately deed this land to the Park.*

Firearms and Domestic Dogs: *As per MM18/C4.1.5, the Permittee is required to prohibit firearms and domestic dogs from the site. Canid signs observed inside the TA and IA during compliance inspections are summarized below in Table 4. No evidence of canid predation on desert tortoises was found during the November 2010 compliance inspection. The amount of canid sign in November was increased compared to the amount of canid sign observed in October.*

TABLE 4. SUMMARY DATA FOR CANIDS (DOGS & COYOTES)		
Inspection # /Date	Canid Tracks in Translocation Area	Canid Tracks in Impact Area
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%)
16. Apr 2010	1 (50%)	1 (50%)
17. May 2010	0 (0%)	0 (0%)
18. June 2010	3 (60%)	2 (40%)
19. July 2010	1 (50%)	1 (50%)
20. Aug 2010	2 (67%)	1 (33%)
21. Sep 2010	1 (50%)	1 (50%)
22. Oct 2010	1 (50%)	1 (50%)
23. Nov 2010	1 (33%)	2 (67%)

* Percentages are derived from the total amount of canid 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 was performed on April 22-24 2010, and will be documented in the annual report for 2010.*

Monthly Compliance Inspections: *As per MM24/C4.2.4, compliance inspections are to be conducted monthly. This report, completed by Delaney, represents the twenty-third of 30 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 during any of compliance inspections.*

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. The construction sites are currently accessed from a paved road, Congressman Lewis Drive, or via the paved parking area adjacent to the science laboratory building (Phase I). These access routes do 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." During April 2010, volunteers removed 1576 non-native mustard species, Moroccan mustards (*Brassica tournefortii*) and tansy mustards (*Descurainia pinnata*), growing along the TA fencelines. There were 2917 fewer plants removed compared to 2009 (4493), despite an increased number of volunteers removing the plants. This is taken as evidence that the weed abatement efforts of 2009 were partly successful.*

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:

Minimizing Predator Subsidies: The two ravens on campus in November 2010 represent a reduced population compared to August. The District will continue to focus weekly raven surveys on the Translocation Area (TA) fence-lines to check for raven-predated tortoises and minimize predator subsidies on campus.

Monitoring Tortoise Population For Infectious Diseases: Any tortoise observed by Delaney during compliance inspections is observed for signs of infectious disease. No infected tortoises have been found since a pet tortoise was removed from the Translocation Area (TA) in April 2010, and quarantined off-campus. Subsequently that tortoise tested positive for antibody titers to *Mycoplasma testudineum*. In September 2010 the District erected four additional advisory signs along the TA fenceline to educate the public about not releasing unwanted pet tortoises into the TA.

Desert tortoise CMC 6 was observed during the October and November 2010 inspections, near the location where the *Mycoplasma* antibody-positive pet tortoise was found during April 2010. Significantly, CMC 6 was observed on both occasions to have normal breath sounds and activity patterns, without occluded nostrils, eye exudates or other signs of upper respiratory tract infection.

Trash Abatement: Personnel from the District removed litter from the IA and TA during mitigation and monitoring activities this month, and will continue these efforts.

Fence Maintenance: College staff will continue to monitor the Translocation Area (TA) and Impact Area (IA) fence-lines.

Weed Abatement: Delaney will monitor the effectiveness of weed abatement from year to year.

This concludes the twenty-third of 30 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:

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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.

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List of Attachments

November 2010 Compliance Inspection Form



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. 23 For November 2010

Location: CMCCD Construction Site		Monitor: Paul Delaney Ph.D.
Date: 24 November 2010	Start Time: 12:06 pm	End Time: 3:21 pm
Temperature (°F): 51.8	Cloud Cover (%): 30%	Wind Speed (mph): 5.5-7.8
Rel. Humidity (%): 43.5	Baro. Press. (in Hg): 27.30	Wind Direction: Northwest
Previous Status: See prior compliance inspection report of 29 October 2010.		
Current Status: Monitoring and compliance activities since the last report noted below.		
Methods: Monitor walked project site.		Results: See below.
# Personnel in Impact Area (IA): 0	# Personnel in IA with Tortoise Hardhat Decal: 0	Personnel in Tortoise Education in Month: on file
# Vehicles in Impact Area (IA): 4	# Vehicles in IA with Tortoise Placards: 4	Vehicles Speeding: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Fencing Intact: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Firearms Observed on Site: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Mitigation Land Purchase: Ongoing Completed <input checked="" type="checkbox"/>
Trash Abatement : # Pieces in TA: 21 IA: 39	# Canid Prints: In TA: 1 IA: 2	Ravens or Subsidies On Site: Yes <input checked="" type="checkbox"/> 2 ravens No
Translocation Area (TA) Status Quo: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	TA Gates Closed After Transit: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Pond Subsidizing Predators: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Project Activity Stopped: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Weekly Fence Inspection Completed: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Weekly Raven Census Performed: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Tortoise/Sign Observations: Yes <input checked="" type="checkbox"/> See report No <input type="checkbox"/>	Tortoise/s Handled: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Tortoise/s Ill or Injured: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
IA Accessed By Existing Routes: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Construction Activities Confined to IA: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Hazardous Waste Cleanups: Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/>
Other Abatement Observed: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Remedial Action Suggested:	Final Mitigation Report Too Early to Perform: <input checked="" type="checkbox"/>
Minimization Successful to Date: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Violations Observed: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Adaptive Management Needed: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Additional Notes: An adult desert tortoise CMC-6 was seen in her burrow near the location where a Mycoplasma antibody-positive pet tortoise was found in April 2010. CMC-6 was noted to lack signs or behaviors indicating upper respiratory tract disease. Tracks, scat and other burrows were observed in the Translocation Area (TA) this month. No evidence of raven or canid predation on desert tortoises was found.		
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.		