



May 25, 2011

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

RE: Copper Mountain College Expansion Project: Compliance Inspection #29, May 2011 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 #28 was completed on 29 April 2011 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 May 2011, which serves as the twenty-ninth 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 #29: The inspection was completed by Dr. Paul Delaney on 24 May 2011. Delaney was on-site from 11:44 a.m. to 2:17 p.m.

METHODS: Delaney walked alongside the fenceline running southeast from Dan Cain’s trailer, headed east along Congressman Lewis Drive to Rotary Way, then walked the Translocation Area (TA) fenceline to check for tortoise sign, raven-predated tortoise carcasses, and fence integrity. He then walked the Impact Area (IA) perimeter 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 6 personnel were present, and 5 (83%) wore hardhat decals. Of the 8 vehicles observed, 6 (75%) had tortoise awareness placards, demonstrating relatively 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%) |
| 24. Dec 2010 | 6 | 5 (83%) | 1 (17%) | 7 | 6 (86%) | 1 (14%) |
| 25. Jan 2011 | 5 | 4 (80%) | 1 (20%) | 9 | 7 (78%) | 2 (22%) |
| 26. Feb 2011 | 9 | 7 (78%) | 2 (22%) | 9 | 7 (78%) | 2 (22%) |
| 27. Mar 2011 | 3 | 3 (100%) | 0 (0%) | 4 | 3 (75%) | 1 (25%) |
| 28. Apr 2011 | 9 | 8 (89%) | 1 (11%) | 12 | 10 (83%) | 2 (17%) |
| 29. May 2011 | 6 | 5 (83%) | 1 (17%) | 8 | 6 (75%) | 2 (25%) |

*37 = Personnel having lunch and not wearing hard hats, so total 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 49 pieces of litter in the IA and 23 in the TA (see Table 2 for cumulative information). Strong winds during the compliance inspection and the previous two days probably account for the increased litter tallied this month.*

| 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%) |
| 24. Dec 2010 | 29 (36%) | 51 (64%) |
| 25. Jan 2011 | 10 (19%) | 42 (81%) |
| 26. Feb 2011 | 14 (19%) | 59 (81%) |
| 27. Mar 2011 | 17 (29%) | 41 (71%) |
| 28. Apr 2011 | 37 (34%) | 71 (66%) |
| 29. May 2011 | 23 (32%) | 49 (68%) |

* 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.

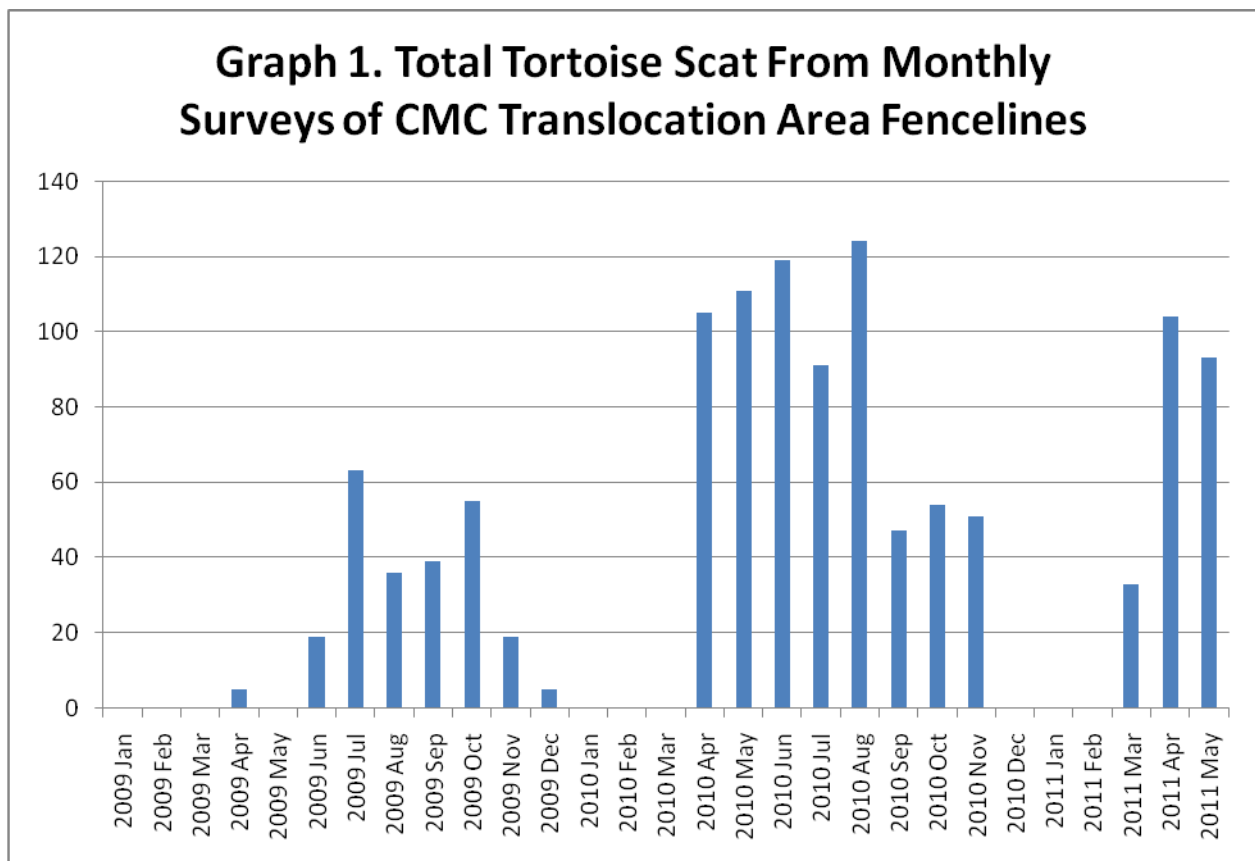
Translocation Area: *As per MM9/C4.3.1, the Permittee is required to establish the Translocation Area (TA) and maintain it for tortoise conservation. Dan Cain previously registered the conservation easement for 84.32 acre TA with San Bernardino County.*

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 current month’s raven/predator surveys the raven population on campus consisted of two birds. Campus dumpsters were frequently checked during to ensure they remained closed and were not subsidizing ravens. The ravens observed this month moved between perch sites located at: 1) the north end of the Autoshop Building on campus, 2) 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 From Monthly Compliance Surveys During 2009-2010: *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.* The frequency distribution of total desert tortoise scat from monthly compliance surveys from 2009-2010, using 10-meter wide transects along the TA fencelines, are depicted in Graph 1 below. GPS locations of tortoise signs found were listed in monthly compliance reports for those years.



The total quantities of tortoises and tortoise signs observed during monthly compliance (fenceline) surveys are shown in Table 3 below.

Table 3. Desert Tortoise Signs Observed on Monthly Surveys of the CMC Translocation Area Fencelines, January 2009 through May 2011.

| Month | Total Scat | Adult Scat | Subadult Scat | Tracks | Burrows | Burrow Starts | Tortoises |
|----------|------------|------------|---------------|--------|---------|---------------|-----------|
| 2009 Jan | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2009 Feb | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2009 Mar | 0 | 0 | 0 | 7 | 0 | 0 | 0 |
| 2009 Apr | 5 | 5 | 0 | 4 | 1 | 0 | 0 |
| 2009 May | 0 | 0 | 0 | 1 | 1 | 0 | 3 |
| 2009 Jun | 19 | 19 | 0 | 5 | 0 | 0 | 0 |
| 2009 Jul | 63 | 58 | 5 | 1 | 0 | 0 | 0 |
| 2009 Aug | 36 | 36 | 0 | 0 | 0 | 0 | 0 |
| 2009 Sep | 39 | 33 | 6 | 2 | 0 | 0 | 0 |
| 2009 Oct | 55 | 49 | 6 | 0 | 0 | 0 | 0 |
| 2009 Nov | 19 | 19 | 0 | 2 | 1 | 0 | 1 |
| 2009 Dec | 5 | 5 | 0 | 0 | 0 | 0 | 0 |
| 2010 Jan | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2010 Feb | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2010 Mar | 0 | 0 | 0 | 3 | 0 | 0 | 0 |
| 2010 Apr | 105 | 83 | 22 | 0 | 1 | 4 | 2 |
| 2010 May | 111 | 66 | 45 | 8 | 2 | 0 | 3 |
| 2010 Jun | 119 | 100 | 19 | 6 | 1 | 5 | 0 |
| 2010 Jul | 91 | 71 | 20 | 3 | 0 | 3 | 0 |
| 2010 Aug | 124 | 99 | 25 | 3 | 1 | 0 | 1 |
| 2010 Sep | 47 | 42 | 5 | 4 | 4 | 1 | 0 |
| 2010 Oct | 54 | 45 | 9 | 1 | 3 | 0 | 1 |
| 2010 Nov | 51 | 42 | 9 | 0 | 2 | 0 | 1 |
| 2010 Dec | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2011 Jan | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2011 Feb | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2011 Mar | 33 | 32 | 1 | 4 | 0 | 0 | 2 |
| 2011 Apr | 104 | 79 | 25 | 3 | 1 | 1 | 2 |
| 2011 May | 93 | 57 | 36 | 0 | 2 | 2 | 0 |

Tortoise Observations From Monthly Compliance Surveys During 2011: The GPS locations of tortoise sign found during 2011 compliance inspections are noted below. Two desert tortoises CMC6 (Frances) and CMC15 (Mike) (see photo exhibits), as well as fresh tortoise tracks, scat and burrow were observed during the April 2011 compliance inspection.

| TABLE 4. SUMMARY DATA FOR TORTOISE SIGN OBSERVATIONS DURING 2011 MONTHLY COMPLIANCE INSPECTIONS | | |
|--|--|--|
| Visit #/Date | Type of Tortoise Sign | GPS Coordinates |
| 25. Jan 2011 | None | NA |
| 26. Feb 2011 | None | NA |
| 27. Mar 2011 | 1 set adult tortoise tracks 1 juvenile desert tortoise CMC4 (Danny) 1 adult desert tortoise CMC3 (Clyde) | 572419 E/3777673 N 572193 E/3777685 N 572180 E/3777637 N |

| | | |
|--------------|--|--|
| | 1 set adult tortoise tracks 1 piece this year adult scat 1 set adult tortoise tracks 1 piece 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 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 juvenile scat 2 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 4 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 3 pieces this year adult scat | 572190 E/3777662 N 572010 E/3777741 N 572002 E/3777756 N 571808 E/3777831 N 571805 E/3777833 N 571710 E/3777774 N 571716 E/3777717 N 571717 E/3777710 N 571721 E/3777662 N 571718 E/3777657 N 571731 E/3777523 N 571722 E/3777486 N 571720 E/3777405 N 571726 E/3777396 N 572323 E/3777447 N 572323 E/3777469 N 572323 E/3777453 N 572323 E/3777504 N 572324 E/3777513 N 572324 E/3777525 N 572306 E/3777600 N 572327 E/3777639 N 572323 E/3777643 N 572345 E/3777622 N |
| 28. Apr 2011 | 1 piece 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 2 sets adult tortoise tracks 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 burrow start at fenceline 1 piece this year juvenile scat 1 piece this year adult scat 1 adult desert tortoise CMC13 "Mike" 1 piece not this year adult scat 1 piece not this year adult scat 1 piece this year adult scat 1 piece not this year adult scat 1 piece not this year adult scat 3 pieces not this year adult scat 1 piece this year adult scat 2 pieces this year adult scat 2 pieces this year adult scat 1 piece not this year adult scat 1 piece not 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 juvenile scat 1 piece this year juvenile scat 4 pieces this year juvenile scat | 572561 E/3777874 N 572518 E/3777875 N 572314 E/3777878 N 572263 E/3777879 N 572214 E/3777887 N 572190 E/3777891 N 572183 E/3777893 N 572179 E/3777894 N 572172 E/3777895 N 572125 E/3777904 N 572104 E/3777905 N 571949 E/3777958 N 571909 E/3777970 N 571871 E/3777961 N 571871 E/3777961 N 571801 E/3778005 N 571784 E/3778010 N 571757 E/3778018 N 571693 E/3778043 N 571639 E/3777934 N 571638 E/3777932 N 571638 E/3777916 N 571638 E/3777909 N 571640 E/3777678 N 571639 E/3777873 N 571639 E/3777869 N 571640 E/3777868 N 571639 E/3777861 N 571640 E/3777791 N 571644 E/3777709 N 571644 E/3777707 N 571642 E/3777701 N |

| | | |
|--------------|---|---|
| | <p>1 piece this year sub-adult scat 3 pieces this year juvenile scat 5 pieces this year sub-adult scat 2 pieces this year adult scat 1 piece this year adult scat 1 piece this year sub-adult scat 1 piece this year adult scat 1 piece this year juvenile scat 1 piece not this year adult scat 1 piece this year adult scat 1 piece this year adult scat 2 pieces this year adult scat 1 piece not this year adult scat 1 piece not this year adult scat 3 pieces this year adult scat 1 piece this year adult scat 1 piece not this year adult scat 2 pieces this year adult scat 4 pieces not this year adult scat 4 pieces this year sub-adult scat 1 adult desert tortoise CMC6 "Frances" 1 piece this year adult scat 2 pieces not this year adult scat 1 piece not this year adult scat 1 piece this year adult scat 1 piece not this year adult scat 1 adult tortoise burrow, excellent 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 1 piece not this year adult scat 4 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 not this year juvenile scat 1 piece not this year juvenile 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 adult scat 2 pieces not this year adult scat</p> | <p>571644 E/3777684 N 571645 E/3777672 N 571644 E/3777634 N 571643 E/3777630 N 571651 E/3777609 N 571650 E/3777599 N 571647 E/3777590 N 571646 E/3777584 N 571646 E/3777559 N 571647 E/3777496 N 571647 E/3777468 N 572247 E/3777545 N 572247 E/3777558 N 572247 E/3777578 N 572247 E/3777598 N 572244 E/3777644 N 572244 E/3777649 N 572242 E/3777690 N 572243 E/3777704 N 572244 E/3777707 N 572242 E/3777715 N 572242 E/3777715 N 572242 E/3777646 N 572262 E/3777663 N 572259 E/3777673 N 572253 E/3777683 N 572243 E/3777735 N 572234 E/3777760 N 572239 E/3777784 N 572239 E/3777800 N 572250 E/3777839 N 572244 E/3777833 N 572260 E/3777827 N 572261 E/3777826 N 572265 E/3777824 N 572291 E/3777821 N 572295 E/3777820 N 572315 E/3777819 N 572356 E/3777820 N 572385 E/3777832 N 572394 E/3777816 N 572434 E/3777819 N 572444 E/3777820 N 572448 E/3777822 N 572454 E/3777821 N</p> |
| 29. May 2011 | <p>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</p> | <p>572595 E/3777875 N 572369 E/3777875 N 572364 E/3777876 N 572315 E/3777875 N 572170 E/3777897 N 572046 E/3777915 N 571905 E/3777969 N 571859 E/3777984 N 571838 E/3777990 N 571837 E/3777991 N 571796 E/3778005 N</p> |

| | |
|--------------------------------------|--------------------|
| 1 piece this year adult scat | 571770 E/3778043 N |
| 1 piece this year adult scat | 571684 E/3778048 N |
| 1 piece this year adult scat | 571600 E/3778081 N |
| 1 piece this year adult scat | 571638 E/3778015 N |
| 2 pieces this year adult scat | 571636 E/3777999 N |
| 1 piece this year adult scat | 571633 E/3777949 N |
| 2 pieces this year adult scat | 571629 E/3777942 N |
| 1 piece this year adult scat | 571633 E/3777935 N |
| 3 pieces this year adult scat | 571636 E/3777914 N |
| 1 piece this year sub-adult scat | 571636 E/3777914 N |
| 1 piece this year adult scat | 571637 E/3777909 N |
| 1 piece this year adult scat | 571637 E/3777895 N |
| 1 piece this year adult scat | 571637 E/3777891 N |
| 1 piece this year adult scat | 571638 E/3777889 N |
| 1 piece this year adult scat | 571639 E/3777871 N |
| 1 piece this year adult scat | 571639 E/3777855 N |
| 1 piece this year adult scat | 571640 E/3777820 N |
| 2 pieces this year sub-adult scat | 571641 E/3777788 N |
| 1 piece this year sub-adult scat | 571641 E/3777776 N |
| 1 piece this year juvenile scat | 571641 E/3777742 N |
| 1 piece this year sub-adult scat | 571640 E/3777725 N |
| 1 piece this year adult scat | 571640 E/3777722 N |
| 1 piece this year juvenile scat | 571641 E/3777720 N |
| 1 piece this year juvenile scat | 571641 E/3777719 N |
| 11 pieces this year juvenile scat | 571642 E/3777634 N |
| 2 pieces this year adult scat | 571642 E/3777631 N |
| 2 pieces this year juvenile scat | 571643 E/3777616 N |
| 1 piece this year adult scat | 571644 E/3777609 N |
| 2 pieces this year juvenile scat | 571642 E/3777593 N |
| 1 piece this year juvenile scat | 571645 E/3777563 N |
| 1 piece this year adult scat | 571643 E/3777504 N |
| 2 pieces this year adult scat | 571865 E/3777450 N |
| 1 adult desert tortoise burrow | 572132 E/3777446 N |
| 3 pieces this year sub-adult scat | 572246 E/3777524 N |
| 1 adult desert tortoise burrow start | 572246 E/3777529 N |
| 1 piece this year sub-adult scat | 572246 E/3777540 N |
| 1 piece this year adult scat | 572246 E/3777542 N |
| 2 pieces this year adult scat | 572246 E/3777550 N |
| 2 pieces this year adult scat | 572246 E/3777567 N |
| 1 piece this year sub-adult scat | 572245 E/3777638 N |
| 1 piece this year sub-adult scat | 572244 E/3777658 N |
| 3 pieces this year sub-adult scat | 572244 E/3777667 N |
| 1 piece this year adult scat | 572242 E/3777707 N |
| 1 piece this year adult scat | 572243 E/3777718 N |
| 2 pieces this year adult scat | 572245 E/3777747 N |
| 3 pieces this year adult scat | 572244 E/3777784 N |
| 1 adult desert tortoise burrow | 572239 E/3777801 N |
| 1 piece this year adult scat | 572244 E/3777821 N |
| 1 piece this year adult scat | 572251 E/3777821 N |
| 1 piece this year adult scat | 572297 E/3777818 N |
| 3 pieces this year sub-adult scat | 572376 E/3777821 N |
| 1 piece this year adult scat | 572441 E/3777820 N |
| 1 piece this year adult scat | 572493 E/3777816 N |
| 1 piece this year adult scat | 572630 E/3777648 N |

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 two annual surveys were performed on 18-19 April 2009 and 22-24 April 2010, and documented in annual reports sent to the Department and the Service. The third annual survey was performed on 16-17 April 2011 and will be described in the annual report to be submitted in January 2012. Focused TA fence-line surveys for tortoises and tortoise sign are performed monthly during compliance inspections by Delaney. Data from these are listed in Table 3 and Graph 1.*

Translocation Area 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. The TA fencelines are intact and District personnel continue to regularly monitor their condition.*

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 5. No evidence of canid predation on desert tortoises was found during the May 2011 compliance inspection.*

| TABLE 5. 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%) |
| 24. Dec 2010 | 1 (50%) | 1 (50%) |
| 25. Jan 2011 | 2 (50%) | 2 (50%) |
| 26. Feb 2011 | 1 (25%) | 3 (75%) |
| 27. Mar 2011 | 1 (50%) | 1 (50%) |
| 28. Apr 2011 | 1 (50%) | 1 (50%) |
| 29. May 2011 | 0 (0%) | 1 (100%) |

* 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.

Monthly Compliance Inspections: *As per MM24/C4.2.4, compliance inspections are to be conducted monthly.* This report represents the 29th of 40 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 current paved 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 2009 and 2010, volunteers removed 6069 individual non-native plants, Moroccan mustards (*Brassica tournefortii*) and tansy mustards (*Descurainia pinnata*), growing along the TA fencelines. During 2011 compliance inspections very few invasive mustard plants were observed along TA fencelines, so the prior weed mitigation efforts were considered 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:

Translocation Area Fence Maintenance: District personnel will continue to regularly monitor the Translocation Area (TA) fencelines.

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.

Invasive Plant Species (Weed) Abatement: Delaney will monitor the effectiveness of weed abatement from year to year, and recruit volunteers to remove weeds from the TA.

Minimizing Predator Subsidies: There were two ravens present on campus in May 2011. The District will continue to focus weekly raven surveys on the TA fence-lines to check for raven-predated tortoises and minimize predator subsidies on campus.

Monitoring Tortoise Population For Infectious Diseases: No infected tortoises have been found since a *Mycoplasma*-antibody-positive pet tortoise was removed from the Translocation Area (TA) in April 2010, and quarantined off-campus.

Request for a Minor Amendment to the Habitat Conservation Plan: In March 2011, Delaney proposed a minor amendment to the District's Habitat Conservation Plan (HCP) permitting blood testing and telemetry of desert tortoises within the Translocation Area (TA). The proposed amendment was submitted to Carl Benz of the Service and Kimberly Nicol of the Department.

This concludes the 29th of 40 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 information below.

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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

May 2011 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. **29** For **May 2011**

| | | |
|--|--|--|
| Location: CMCCD Construction Site | | Monitor: Paul Delaney Ph.D. |
| Date: 24 May 2011 | Start Time: 11:44 am | End Time: 2:17 pm |
| Temperature (°F): 80.3 | Cloud Cover (%): 0% | Wind Speed (mph): 3.3 |
| Rel. Humidity (%): 16.8 | Baro. Press. (in Hg): 27.33 | Wind Direction: NW |
| Previous Status: See prior compliance inspection report of 29 April 2011 . | | |
| 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): 6 | # Personnel in IA with Tortoise Hardhat Decal: 5 | Personnel in Tortoise Education in Month: on file |
| # Vehicles in Impact Area (IA): 8 | # Vehicles in IA with Tortoise Placards: 6 | Vehicles Speeding: Yes <input type="checkbox"/> No X |
| Fencing Intact: Yes X No <input type="checkbox"/> | Firearms Observed on Site: Yes <input type="checkbox"/> No X | Mitigation Land Purchase: Ongoing Completed X |
| Trash Abatement : # Pieces in TA: 23 IA: 49 | # Canid Prints: In TA: 0 IA: 1 | Ravens or Subsidies On Site: Yes X 2 ravens No |
| Translocation Area (TA) Status Quo: Yes X No <input type="checkbox"/> | TA Gates Closed After Transit: Yes X No <input type="checkbox"/> | Pond Subsidizing Predators: Yes <input type="checkbox"/> No X |
| Project Activity Stopped: Yes <input type="checkbox"/> No X | Weekly Fence Inspection Completed: Yes X No <input type="checkbox"/> | Weekly Raven Census Performed: Yes X No <input type="checkbox"/> |
| Tortoise/Sign Observations: Yes X See report No <input type="checkbox"/> | Tortoise/s Handled: Yes <input type="checkbox"/> No X | Tortoise/s Ill or Injured: Yes <input type="checkbox"/> No X |
| IA Accessed By Existing Routes: Yes X No <input type="checkbox"/> | Construction Activities Confined to IA: Yes X No <input type="checkbox"/> | Hazardous Waste Cleanups: Yes <input type="checkbox"/> No <input type="checkbox"/> NA X |
| Other Abatement Observed: Yes <input type="checkbox"/> No X | Remedial Action Suggested: | Final Mitigation Report Too Early to Perform: X |
| Minimization Successful to Date: Yes X No <input type="checkbox"/> | Violations Observed: Yes <input type="checkbox"/> No X | Adaptive Management Needed: Yes X (see below) |
| Additional Notes: Fresh tortoise scat and burrows were observed in the Translocation Area (TA) on this date. No evidence of raven or canid predation on desert tortoises was found. No evidence of tortoises with respiratory infections were found. A minor amendment to the HCP allowing adaptive management via blood testing and telemetry of tortoises in the TA was proposed to the USFWS and CDFG in March 2011. | | |
| 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. | | |