



July 29, 2011

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

RE: Copper Mountain College Expansion Project: Compliance Inspection #31, July 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 41<sup>st</sup> Street East, Palmdale, CA 93552, PH/FAX (661) 285-5867.*

**PREVIOUS STATUS:** Compliance inspection #30 was completed on 25 June 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 library 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 29 July 2011, which serves as the thirty-first 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 #31:** The inspection was completed by Dr. Paul Delaney on 29 July 2011. Delaney was on-site from 6:45 a.m. to 9:09 a.m.

**METHODS:** Delaney walked the fenceline running southeast from Dan Cain’s trailer, then east along Congressman Lewis Drive to Rotary Way, and 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, and finally 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 3 personnel were present, and 3 (100%) wore hardhat decals. Of the 5 vehicles observed, 4 (80%) had tortoise awareness placards, demonstrating relatively good compliance.

<b>TABLE 1. SUMMARY DATA FOR PERSONNEL AND VEHICLES</b>						
<b>Inspection # /Month</b>	<b>Personnel [# (%)]</b>			<b>Vehicles [# (%)]</b>		
	<b>#</b>	<b>With Decal</b>	<b>W/out Decal</b>	<b>#</b>	<b>With Placard</b>	<b>W/out Placard</b>
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%)
30. June 2011	6	5 (83%)	2 (17%)	5	4 (80%)	1 (20%)
31. July 2011	3	3 (100%)	0 (0%)	5	4 (80%)	1 (20%)

\*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 during periodic abatement efforts throughout the year. During the current inspection, Delaney tallied 61 pieces of litter in the IA and 37 in the TA (see Table 2 for cumulative information).*

<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%)
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%)
30. June 2011	25 (27%)	69 (73%)
31. July 2011	37 (38%)	61 (62%)

\* 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.

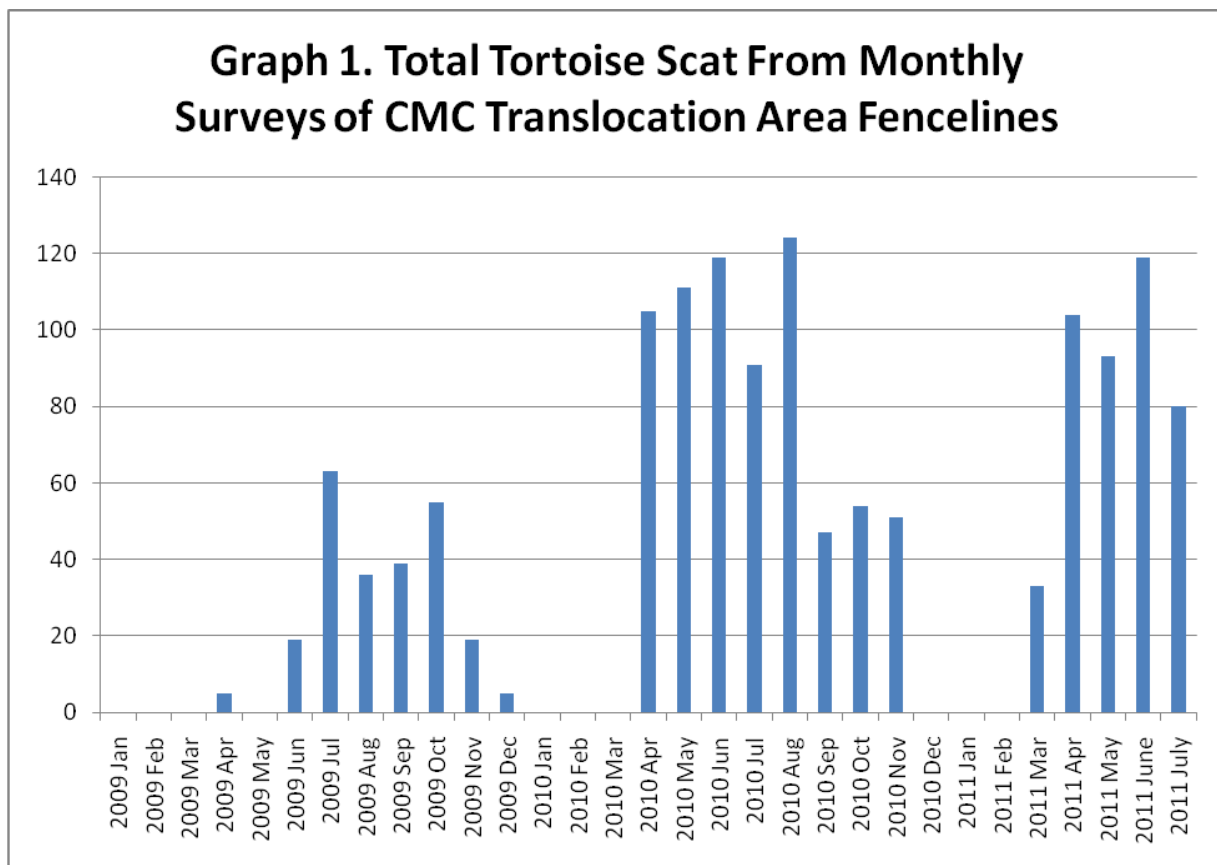
**Translocation Area:** *As per MM9/C4.3.1, the Permittee is required to establish the Translocation Area (TA) and maintain it for tortoise conservation. Dan Cain previously registered the conservation easement for 84.32 acre TA with San Bernardino County.*

**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 2-4 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:** *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 to the present, using 10-meter wide transects along the TA fencelines, are depicted in Graph 1 below. GPS locations of tortoise signs found were listed in compliance reports for those months.



The total quantities of tortoises and tortoise signs observed during monthly compliance (fenceline) surveys are shown in Table 3 below. (Note: subadult and juvenile scat are combined in one category as Subadult Scat).

**Table 3. Desert Tortoise Signs Observed on Monthly Surveys of the CMC Translocation Area Fencelines, January 2009 through July 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
2011 June	119	79	40	0	0	1	0
2011 July	80	64	16	0	0	2	0

**Tortoise Observations From Monthly Compliance Surveys During 2011:** The GPS locations of tortoise sign found during 2011 compliance inspections are noted below.

<b>TABLE 4. SUMMARY DATA FOR TORTOISE SIGN OBSERVATIONS DURING 2011 MONTHLY COMPLIANCE INSPECTIONS</b>		
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)	572419 E/3777673 N 572193 E/3777685 N

	1 adult desert tortoise CMC3 (Clyde) 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 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	572180 E/3777637 N 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	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

	4 pieces this year juvenile scat 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	571642 E/3777701 N 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
29. May 2011	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	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

	1 piece this year adult scat	571796 E/3778005 N
	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
30. June 2011	2 pieces this year adult scat	571902 E/3777973 N



2 pieces this year adult scat	571862 E/3777982 N
2 pieces this year adult scat	571835 E/3777989 N
1 piece this year adult scat	571818 E/3777976 N
1 piece this year adult scat	571805 E/3778012 N
2 pieces this year adult scat	571795 E/3778003 N
1 piece this year adult scat	571762 E/3778016 N
1 piece this year adult scat	571766 E/3778014 N
1 piece this year subadult scat	571760 E/3778016 N
1 piece this year adult scat	571686 E/3778045 N
1 piece this year adult scat	571635 E/3778080 N
1 piece this year adult scat	571635 E/3778078 N
1 piece this year adult scat	571636 E/3778047 N
1 piece this year adult scat	571639 E/3778014 N
1 piece this year adult scat	571633 E/3777988 N
1 piece this year adult scat	571634 E/3777988 N
2 pieces this year adult scat	571638 E/3777935 N
1 piece this year adult scat	571640 E/3777914 N
3 pieces this year adult scat	571640 E/3777911 N
1 piece this year adult scat	571639 E/3777870 N
5 pieces this year adult scat	571640 E/3777868 N
1 piece this year adult scat	571639 E/3777820 N
1 piece this year adult scat	571640 E/3777791 N
1 piece this year juvenile scat	571641 E/3777756 N
1 piece this year subadult scat	571642 E/3777746 N
1 piece this year subadult scat	571642 E/3777724 N
1 piece this year subadult scat	571642 E/3777720 N
1 piece this year subadult scat	571641 E/3777678 N
2 pieces this year juvenile scat	571641 E/3777676 N
3 pieces this year subadult scat	571640 E/3777636 N
7 pieces this year juvenile scat	571640 E/3777636 N
2 pieces this year adult scat	571640 E/3777636 N
1 piece this year adult scat	571646 E/3777558 N
1 piece this year juvenile scat	571646 E/3777558 N
1 piece this year subadult scat	571630 E/3777472 N
1 piece this year adult scat	571722 E/3777443 N
2 pieces this year adult scat	571746 E/3777441 N
1 desert tortoise burrow start	572143 E/3777447 N
1 piece this year adult scat	572141 E/3777447 N
1 piece this year subadult scat	572253 E/3777454 N
1 piece this year adult scat	572242 E/3777559 N
1 piece this year adult scat	572241 E/3777564 N
1 piece this year adult scat	572240 E/3777582 N
3 pieces this year adult scat	572244 E/3777592 N
1 piece this year adult scat	572241 E/3777610 N
1 piece this year adult scat	572243 E/3777616 N
2 pieces this year adult scat	572263 E/3777613 N
1 piece this year adult scat	572256 E/3777619 N
1 piece this year adult scat	572247 E/3777642 N
1 piece this year subadult scat	572249 E/3777661 N
1 piece this year adult scat	572249 E/3777668 N
1 piece this year adult scat	572247 E/3777674 N
1 piece this year adult scat	572243 E/3777711 N
1 piece this year adult scat	572247 E/3777760 N
1 piece this year subadult scat	572249 E/3777776 N
1 piece this year subadult scat	572242 E/3777824 N
2 pieces this year adult scat	572246 E/3777828 N

	3 pieces this year adult scat 1 piece this year adult scat 1 piece this year adult scat 1 piece this year subadult scat 1 piece this year adult scat 1 piece this year subadult scat 1 piece this year adult scat 1 piece this year adult scat 3 pieces this year subadult scat 1 piece this year adult scat 3 pieces 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 juvenile scat 2 pieces this year adult scat 3 pieces this year juvenile scat 2 pieces this year subadult 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 juvenile scat 1 piece this year adult scat	572272 E/3777788 N 572304 E/3777798 N 572422 E/3777822 N 572443 E/3777817 N 572649 E/3777838 N 572164 E/3777899 N 572164 E/3777899 N 572136 E/3777898 N 572114 E/3777904 N 572109 E/3777905 N 572107 E/3777905 N 572109 E/3777906 N 572103 E/3777908 N 572075 E/3777913 N 572059 E/3777916 N 572059 E/3777916 N 572053 E/3777916 N 572049 E/3777918 N 572050 E/3777918 N 572049 E/3777919 N 572044 E/3777917 N 572039 E/3777919 N 571984 E/3777938 N 571977 E/3777941 N
31. July 2011	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 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 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 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 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 subadult scat	572593 E/3777875 N 572592 E/3777872 N 572409 E/3777873 N 572262 E/3777882 N 572161 E/3777894 N 572156 E/3777909 N 572152 E/3777910 N 572147 E/3777910 N 572150 E/3777912 N 572015 E/3777943 N 571906 E/3777967 N 571885 E/3777991 N 571867 E/3777986 N 571823 E/3777999 N 571811 E/3778004 N 571770 E/3778017 N 571675 E/3778048 N 571636 E/3778011 N 571636 E/3777997 N 571636 E/3777995 N 571638 E/3777951 N 571637 E/3777935 N 571637 E/3777930 N 571637 E/3777912 N 571637 E/3777907 N 571639 E/3777858 N 571639 E/3777828 N 571638 E/3777775 N 571640 E/3777745 N 571640 E/3777729 N 571642 E/3777693 N 571645 E/3777668 N

2 pieces this year subadult scat	571640 E/3777645 N
5 pieces this year subadult scat	571640 E/3777637 N
2 pieces this year juvenile scat	571645 E/3777593 N
3 pieces this year subadult scat	571643 E/3777590 N
2 pieces this year adult scat	571648 E/3777498 N
1 piece this year adult scat	571667 E/3777447 N
2 pieces this year adult scat	571748 E/3777440 N
1 piece this year adult scat	571787 E/3777440 N
1 adult desert tortoise burrow start	572131 E/3777442 N
1 piece this year adult scat	572146 E/3777556 N
2 pieces this year adult scat	572246 E/3777555 N
1 piece this year adult scat	572243 E/3777567 N
1 piece this year adult scat	572243 E/3777587 N
1 piece this year adult scat	572240 E/3777619 N
1 piece this year adult scat	572240 E/3777627 N
1 piece this year adult scat	572241 E/3777657 N
1 piece this year adult scat	572241 E/3777674 N
1 piece this year adult scat	572241 E/3777703 N
1 piece this year adult scat	572245 E/3777747 N
2 pieces this year adult scat	572244 E/3777756 N
2 pieces this year adult scat	572241 E/3777787 N
1 adult desert tortoise burrow start	572248 E/3777848 N
1 piece this year adult scat	572251 E/3777821 N
1 piece this year adult scat	572361 E/3777816 N
1 piece this year adult scat	572433 E/3777817 N
2 pieces this year adult scat	572440 E/3777817 N
1 piece this year adult scat	572507 E/3777817 N
1 piece this year adult scat	572517 E/3777818 N
1 piece this year adult scat	572524 E/3777819 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 (2009 and 2010) were documented in annual reports. The third annual survey, performed in April 2011, will be documented in the annual report due in January 2012. Focused TA fence-line surveys for tortoises and sign are performed monthly during compliance inspections. 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 July 2011 compliance inspection.*

<b>TABLE 5. 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%)
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%)
30. June 2011	1 (50%)	1 (50%)
31. July 2011	1 (50%)	1 (50%)

\* 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 30th 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. The District 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 2009-2010, 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 to four ravens present on campus in July 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.

During the annual population survey of April 2011, 48 ticks were collected from the plastron and carapace of a single desert tortoise, CMC-6. Delaney identified these as *Ornithodoros turicata* or *Ornithodoros parkeri* (see photo appendix). Since that time, no other desert tortoises from the Translocation Area have been observed to have ticks.

**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 minor amendment was approved by Raymond Bransfield of the Service (letter dated 03 June 2011), and is under review by Rebecca Jones of the Department.

This concludes the 31st 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.

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.*

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

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

Superintendent  
Joshua Tree National Park  
74485 National Park Drive  
Twentynine Palms, CA 92277

Mr. Brian Croft  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
602 Tippecanoe Avenue  
San Bernardino, California 92408

Mr. Carl Benz  
U.S. Fish and Wildlife Service  
2493 Portola Road, Suite B  
Ventura, California 93003

Ms. Kimberly Nicol, Regional Manager  
Eastern Sierra/Inland Deserts Region  
4665 Lampson Avenue, Suite J  
Los Alamitos CA 90720

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

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

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

Dr. Roger Wagner, Mr. Dan Cain  
Copper Mountain College  
6162 Rotary Way  
Joshua Tree, CA 92252

List of Attachments

July 2011 Compliance Inspection Form  
Photo Appendix

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. **31** For **July 2011**

Location: CMCCD Construction Site		Monitor: <b>Paul Delaney Ph.D.</b>
Date: <b>29 July 2011</b>	Start Time: <b>6:45 am</b>	End Time: <b>9:09 am</b>
Temperature (°F): <b>78.4</b>	Cloud Cover (%): <b>0%</b>	Wind Speed (mph): <b>0.0</b>
Rel. Humidity (%): <b>36.0</b>	Baro. Press. (in Hg): <b>27.25</b>	Wind Direction: <b>NA</b>
Previous Status: See prior compliance inspection report of <b>25 June 2011</b> .		
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): <b>3</b>	# Personnel in IA with Tortoise Hardhat Decal: <b>3</b>	Personnel in Tortoise Education in Month: <b>on file</b>
# Vehicles in Impact Area (IA): <b>5</b>	# Vehicles in IA with Tortoise Placards: <b>4</b>	Vehicles Speeding: Yes <input type="checkbox"/> No <b>X</b>
Fencing Intact: Yes <b>X</b> No <input type="checkbox"/>	Firearms Observed on Site: Yes <input type="checkbox"/> No <b>X</b>	Mitigation Land Purchase: Ongoing Completed <b>X</b>
Trash Abatement : # Pieces in TA: <b>37</b> IA: <b>61</b>	# Canid Prints: In TA: <b>1</b> IA: <b>1</b>	Ravens or Subsidies On Site: Yes <b>X</b> <b>2 ravens</b> No
Translocation Area (TA) Status Quo: Yes <b>X</b> No <input type="checkbox"/>	TA Gates Closed After Transit: Yes <b>X</b> No <input type="checkbox"/>	Pond Subsidizing Predators: Yes <input type="checkbox"/> No <b>X</b>
Project Activity Stopped: Yes <input type="checkbox"/> No <b>X</b>	Weekly Fence Inspection Completed: Yes <b>X</b> No <input type="checkbox"/>	Weekly Raven Census Performed: Yes <b>X</b> No <input type="checkbox"/>
Tortoise/Sign Observations: Yes <b>X</b> <b>See report</b> No <input type="checkbox"/>	Tortoise/s Handled: Yes <input type="checkbox"/> No <b>X</b>	Tortoise/s Ill or Injured: Yes <input type="checkbox"/> No <b>X</b>
IA Accessed By Existing Routes: Yes <b>X</b> No <input type="checkbox"/>	Construction Activities Confined to IA: Yes <b>X</b> No <input type="checkbox"/>	Hazardous Waste Cleanups: Yes <input type="checkbox"/> No <input type="checkbox"/> <b>NA X</b>
Other Abatement Observed: Yes <input type="checkbox"/> No <b>X</b>	Remedial Action Suggested:	Final Mitigation Report Too Early to Perform: <b>X</b>
Minimization Successful to Date: Yes <b>X</b> No <input type="checkbox"/>	Violations Observed: Yes <input type="checkbox"/> No <b>X</b>	Adaptive Management Needed: Yes <b>X</b> (see below)
Additional Notes: <b>Fresh tortoise scat and burrow starts 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. Ticks found on desert tortoise CMC-6 during the April 2011 annual survey were identified as <i>Ornithodoros turicata</i> or <i>Ornithodoros parkeri</i>.</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: <b>Paul Delaney Ph.D.</b>		





Photo Exhibit 1. Forty-eight tortoise ticks (*Ornithodoros* species) found on desert tortoise CMC-6 during the April 2011 survey of the Translocation Area.



Photo Exhibit 2. Tick *Ornithodoros turicata* or *Ornithodoros parkeri* found on desert tortoise CMC-6 during April 2011 annual survey of Translocation Area.