

June 5, 2019
(2018-047.012)

Ms. Veronica Mardis
County of Los Angeles Department of Public Works
Stormwater Engineering Division
Via Email: Vmardis@dpw.lacounty.gov

Subject: Nesting Bird Preconstruction Surveys for the Devil's Gate Reservoir Restoration Project, in the City of Pasadena, California

Dear Ms. Mardis,

This letter report has been prepared to present the results of preconstruction surveys for nesting birds conducted by ECORP Consulting, Inc. (ECORP) for Los Angeles County Department of Public Works' (LACDPW) Devil's Gate Reservoir Restoration Project in the City of Pasadena, Los Angeles County, California. The preconstruction surveys for nesting birds were conducted to comply with Condition 2.13 in the California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement (SAA) Notification No. 1600-2015-0263-R5 that was issued for the Devil's Gate Reservoir Restoration Project (Project) which states:

"If Excavation, on-site habitat restoration, or other ground disturbing activities must occur from February 1st through September 15th, the Designated Biologist shall begin bird nesting surveys 30 days prior to the direct or indirect disturbance of Suitable Nesting Habitat and continue the surveys on a weekly basis, with the last survey being conducted no more than three (3) days prior to the proposed ground disturbance. If Excavation, on-site habitat restoration, or other ground disturbing activities must occur from February 1st to September 15th Permittee shall implement a Nesting Bird Management Plan (see condition 4.9) to facilitate avoidance and minimization of impacts to nesting birds."

In addition, the surveys were conducted to comply with Mitigation Measure BIO-4 (MM-BIO-4) of the Final Environmental Impact Report for the Project which states:

"Prior to commencement of sediment removal activities within bird breeding season (March 1-August 31), a preconstruction bird nesting survey shall be conducted by a qualified biologist for the presence of any nesting bird within 300 feet of the construction work area. The surveys shall be conducted 30 days prior to the disturbance of suitable nesting habitat by a qualified biologist with experience in conducting nesting bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. Preconstruction surveys shall be repeated annually for the duration of the sediment removal."

The purpose of the preconstruction nesting bird surveys was to identify active nests within and adjacent to the sediment removal area and Project work areas in order to establish appropriate no-work buffers to protect nests from disturbances during Project activities. This report documents the results of the preconstruction nesting bird surveys.

SURVEY METHODS

Preconstruction surveys for nesting birds were conducted in compliance with SAA Condition 2.13 and MM-BIO-4 for excavation and initial sediment removal activities that are to occur within nesting bird season (February 1 to September 15). Surveys were conducted by Project Designated Biologists (DBs) within 500 feet of the Project site. DBs walked through the Project site and any potential nesting habitat within 500 feet of Project activities and searched and listened for active bird nests and/or birds exhibiting nesting activity (i.e., carrying nesting material, behaving territorially, carrying food items). Any inaccessible areas were surveyed using binoculars. Survey areas included all vegetated areas as well as any stationary equipment or structures located within 500 feet of Project activities. All bird and wildlife species detected during the survey were recorded.

Any active nests found within 500 feet of the Project site were documented. Documentation of active nests included recording the species, location, nesting status (e.g., incubating, feeding chicks), and establishment of an appropriate no-work buffer based on the species and bird's behavior. A global positioning system (GPS) point was recorded at the observation location from which to view the nest without disturbing the birds. In addition, a detailed description of the habitat surrounding the immediate nest location (e.g., the species of shrub or tree in which the nest was located and the specific quadrant of the shrub or tree where the nest was located) and surrounding habitat in the larger vicinity was recorded. All surveys were conducted in compliance with the Nesting Bird Management Plan (NBMP) prepared for the Project.¹

RESULTS

Five preconstruction surveys (conducted over seven days) for nesting birds were conducted within 30 days of the initiation of excavation work within the sediment removal area which was slated to begin on April 15, 2019. The dates, personnel, and weather conditions for each survey are presented in Table 1. Representative photographs of the Project site and nests observed during surveys are provided in Attachment A.

¹ ECORP Consulting, Inc (ECORP). 2019. Nesting Bird Management Plan, Devil's Gate Reservoir Restoration Project, Los Angeles County, California. Prepared for the Los Angeles Department of Public Works, Water Resource Division. March 2019.

Table 1. Weather Conditions during Surveys

| Survey Number | Date | Surveyors* | Time | | Temperature (°F) | | Cloud Cover (%) | | Wind Speed (mph) | |
|---------------|---------|------------|-------|------|------------------|-----|-----------------|-----|------------------|-----|
| | | | start | end | start | end | start | end | start | end |
| 1 | 3/15/19 | LS, AS | 0700 | 1430 | 47 | 73 | 15 | 0 | 0-2 | 1-3 |
| 2 | 3/22/19 | TD, AS | 0530 | 1330 | 51 | 61 | 20 | 45 | 0-2 | 1-3 |
| 3 | 3/28/19 | CT, AS | 0640 | 1245 | 51 | 71 | 20 | 40 | 0-2 | 1-4 |
| 4a | 4/3/19 | LS | 0700 | 1400 | 51 | 64 | 30 | 90 | 0-3 | 0-3 |
| 4b | 4/4/19 | CT | 0640 | 1300 | 59 | 63 | 100 | 90 | 0-1 | 0-1 |
| 5a | 4/8/19 | RN | 0700 | 1300 | 55 | 80 | 5 | 70 | 0-1 | 1-2 |
| 5b | 4/14/19 | LS | 0630 | 1230 | 54 | 79 | 30 | 25 | 0-3 | 0-4 |

*AS = Adam Schroeder, CT = Christine Tischer, LS = Lauren Simpson, RN = Rheanna Neidinger, TD = Taylor Dee

Nests Observed

A total of 18 active nests were identified within 500 feet of the Project site during preconstruction nesting bird surveys. In addition to nests identified during preconstruction surveys, an additional 32 active nests were also identified by biologists conducting focused least Bell's vireo (*Vireo bellii pusillus*) surveys and/or by biological monitors present on the Project site between February 1 and the start of excavation activities on April 15, 2019. A total of 50 active nests were identified as present within 500 feet of the Project site prior to the start of excavation activities on April 15, 2019; details of these active nests are presented in Table 2 and the nest locations are depicted on Figure 1. None of the nests observed during preconstruction nesting bird surveys, preconstruction least Bell's vireo surveys, and biological monitoring belonged to special-status species. A complete list of all birds and other wildlife observed during the preconstruction surveys is provided in Attachment B.

Table 2. Active Nests as of April 15, 2019

| Species | Nest ID | Date Discovered | Nest Stage | Location Description |
|----------------------|---------|-----------------|---------------|--|
| California Scrub Jay | CASJ-1 | 3/8/2019* | Nest Building | Nest is approximately 12 feet up in an oak tree on northeast side of Project site at fork in branch. |
| Anna's Hummingbird | ANHU-1 | 3/11/2019* | Feeding Young | Nest is approximately 10 feet up in an oak tree just north of the Project trailer in the construction yard. |
| Red-tailed hawk | RTHA-1 | 3/15/2019 | Nest Building | Nest is located at top center of pine on top of eastern hillside. Nest is located outside work and restoration area. |
| Allen's Hummingbird | ALHU-1 | 3/15/2019 | Incubating | Nest is approximately 8 feet up in southern portion of Eucalyptus tree on west side of Project site. |
| Anna's Hummingbird | ANHU-2 | 3/18/2019* | Incubating | Nest is approximately 15 feet off the ground in eucalyptus tree almost directly above ESA fence. |
| Anna's Hummingbird | ANHU-3 | 3/18/2019* | Incubating | Nest is approximately 9 feet off the ground in branch of willow tree. |
| Mourning Dove | MODO-1 | 3/19/2019* | Nest Building | Nest is outside work area in willow across creek, north of Flint Wash bridge. |
| Black Phoebe | BLPH-1 | 3/20/2019* | Nest Building | Nest is located under the eaves of a small hut on neighboring property behind brick wall. |

Table 2. Active Nests as of April 15, 2019

| Species | Nest ID | Date Discovered | Nest Stage | Location Description |
|----------------------|---------|-----------------|---------------|---|
| Allen's Hummingbird | ALHU-2 | 3/22/2019 | Incubating | Nest is approximately 15 feet up in ash tree on west side of Project site. |
| Anna's Hummingbird | ANHU-4 | 3/22/2019 | Incubating | Nest is located in an ash tree directly above a drainage approximately 45 feet off the ground. |
| California Scrub Jay | CASJ-2 | 3/25/2019* | Nest Building | Nest is in a downturned branch of a willow approximately 8 feet off the ground next to the road. |
| Anna's Hummingbird | ANHU-5 | 3/25/2019* | Incubating | Nest is located 15 feet up on west side of a willow tree. |
| Lesser Goldfinch | LEGO-1 | 3/25/2019* | Nest Building | Nest is approximately 20 feet up in willow west of Project fencing. |
| Bushtit | BUSH-1 | 3/25/2019* | Nest Building | Nest is approximately 12 feet off the ground in the branch of an oak tree directly above a narrow trail between yuccas. |
| Anna's Hummingbird | ANHU-6 | 3/25/2019* | Nest Building | Nest is on a branch in a large oak tree approximately 15 feet off the ground. |
| Anna's Hummingbird | ANHU-7 | 3/25/2019* | Feeding Young | Nest is located 15 to 20 feet up in a small willow in branch pointing southeast. Nest tree is immediately east of a eucalyptus tree and 50 feet west of Project fence. |
| Song Sparrow | SOSP-1 | 3/26/2019* | Nest Building | Nest is in a clump of brome grass and wild cucumber approximately 20 feet up on hillside east of the eastern perimeter trail. |
| Common Raven | CORA-1 | 3/26/2019* | Nest Building | Nest is approximately 200 feet east of access road in a fan palm at the top of the slope on private property. The nest is outside of the work area and restoration areas. |
| Anna's Hummingbird | ANHU-8 | 3/26/2019* | Incubating | Nest is approximately 12 feet up in an ash tree, nest is located close to trunk. |
| California Thrasher | CATH-1 | 3/27/2019* | Nest Building | Nest is located right next to the road in a poison oak thicket at the base of a willow approximately 3 feet off the ground. |
| House Finch | HOFI-1 | 3/27/2019* | Nest Building | Nest is located on west side of yard along eastern access road and chain-link fence. Nest located under eave of building where piece of wood is hanging. |
| California Scrub-Jay | CASJ-3 | 3/28/2019 | Nest Building | Nest is located in an elderberry approximately 8 feet off the ground. |
| Bushtit | BUSH-2 | 3/28/2019 | Nest Building | Nest is located low in bottom quarter of oak tree branch overhanging toward bottom of steep slope with poison oak and grass and wild cucumber. |
| Bushtit | BUSH-3 | 3/28/2019 | Nest Building | Nest is located in a leaf clump at the end of a branch on a willow tree, approximately 12 feet up near top of branch. |
| Mourning Dove | MODO-2 | 3/28/2019 | Incubating | Nest is located halfway up a small oak on south side of tree in fork of branch south of main trunk. |
| California Scrub Jay | CASJ-4 | 3/29/2019* | Incubating | Nest is located approximately 6 feet up in a laurel sumac. |

Table 2. Active Nests as of April 15, 2019

| Species | Nest ID | Date Discovered | Nest Stage | Location Description |
|-------------------------------|---------|-----------------|---------------|--|
| Killdeer | KILL-1 | 4/1/2019* | Incubating | Nest is located in a sandy/gravelly area within the Altadena drainage 50 feet west of lower and 100 feet west of upper eastern access road. |
| Northern Rough-Winged Swallow | NRWS-1 | 4/3/2019* | Nest Building | Nest is located in a cavity in the south facing vertical bank in sediment removal area. Bank faces trail bridge and is approximately 315 feet south of bridge. |
| California Scrub Jay | CASJ-5 | 4/4/2019 | Nest Building | Nest is located on the south side of dead, decaying tree about 2.5 feet above ground level in poison oak. |
| Mourning Dove | MODO-3 | 4/4/2019 | Nest Building | Nest is located 4 feet up on south side of main arroyo willow trunk. |
| California Thrasher | CATH-2 | 4/4/2019 | Nest Building | Nest is located 3 feet above ground level in the understory thicket of an elderberry, west side of shrub. |
| California Thrasher | CATH-3 | 4/4/2019 | Incubating | Nest is located 5 feet above ground level in southeast quadrant of large line elderberry. |
| Lesser Goldfinch | LEGO-2 | 4/4/2019 | Incubating | Nest is located 22 feet above ground level on outside third of lowest eucalyptus branch on northeast side of 65-foot tree. |
| Bushtit | BUSH-4 | 4/4/2019 | Nest Building | Nest is located 10 feet above ground level in dead hanging branch of a 30-foot eucalyptus. |
| Cliff Swallow | CLSW-1 | 4/8/2019* | Nest Building | Nest is located on the north side of the Devil's gate dam spillway bridge beneath the overhang. |
| Cliff Swallow | CLSW-2 | 4/8/2019* | Nest Building | Nest is located on the north side of the Devil's gate dam spillway bridge beneath the overhang. |
| Bushtit | BUSH-4 | 4/8/2019 | Nest Building | Nest is located 7 feet above ground level in live oak next to access road. |
| California Scrub Jay | CASJ-6 | 4/8/2019 | Nest Building | Nest is located 15 feet above ground level in live oak that overhangs slope. |
| Great Horned Owl | GHOW-1 | 4/8/2019* | Incubating | Nest is located on an eave on the north side of the dam beneath the overhang. It is located on the eastern eave that is supporting the gauging station. |
| Cliff Swallow | CLSW-3 | 4/9/2019* | Incubating | Nest colony is on the south side of Devil's Gate dam under overhang. Approximately 7 nests are present; however only 3 were observed to be active (active nests are between concrete pillars 1 & 2, 2 & 3, and 4 & 5 out from the concrete divider to the west). |
| Bushtit | BUSH-5 | 4/9/2019* | Nest Building | Nest is located approximately 15 feet up in willow tree. |
| Allen's Hummingbird | ALHU-3 | 4/9/2019* | Nest Building | Nest is located approximately 15 feet above ground on a small south facing branch of sycamore tree. |
| Bushtit | BUSH-7 | 4/9/2019* | Nest Building | Nest is located approximately 12 feet above ground in clump of dead leaves hanging from a willow tree. |
| Wrentit | WREN-1 | 4/9/2019* | Nest Building | Nest is located at the base of a mulefat near the perimeter trail. |
| White-throated Swift | WTSW 1 | 4/11/2019* | Nest Building | Nests are located in open holes under Oak Grove Rd bridge, approximately 120 feet above creek bottom. |

Table 2. Active Nests as of April 15, 2019

| Species | Nest ID | Date Discovered | Nest Stage | Location Description |
|---|----------------|------------------------|-------------------|---|
| Northern Rough-winged Swallow | NRWS-2 | 4/11/2019* | Nest Building | Nest is located under eaves of dam bridge on north facing side approximately 120 feet above ground level. |
| House Finch | HOFI-2 | 4/11/2019* | Nest Building | Nest is located on top of porch light inside covered doorway on east side of building. |
| California Scrub Jay | CASJ-6 | 4/12/2019* | Nest Building | Nest is located approximately 15 feet up in an oak tree on the edge of the road. |
| Pacific-slope flycatcher | PSFL-1 | 4/14/2019 | Nest Building | Nest is located under peeling bark of a fallen willow tree that crosses channel. |
| Anna's Hummingbird | ANHU-9 | 4/14/2019 | Nest Building | Nest is located approximately 20 feet high in an ash tree with branches overhanging clearing. |
| *Nest discovered independently of preconstruction nesting bird surveys (i.e., by biological monitors or during focused breeding season least Bell's vireo surveys). | | | | |

DISCUSSION

A total of 50 active bird nests were identified on or within 500 feet of the Project site during preconstruction nesting bird surveys and other biological surveys (biological monitoring, least Bell's vireo surveys) that occurred between February 1 and April 15, 2019. None of the nests were of sensitive species.

In accordance with the SAA and NBMP prepared for the Project, appropriately-sized no-work buffers were established around all active nests identified within and adjacent to the Project site. The appropriate buffer sizes and level of nest monitoring necessary were based on: the species' life history, the species' sensitivity to disturbances (e.g., noise, vibration, human activity), individual behavior, status of nest, location of nest and site conditions, presence of screening vegetation, anticipated Project activities, ambient noise levels compared to Project-related noise levels, existing non-Project-related disturbances in vicinity, and ambient levels of human activity. All buffers were set at a minimum of 30 feet.

Buffers were marked (flagged or fenced with Environmentally Sensitive Area fencing) around the active nest site as determined necessary by the DB and in accordance with safety requirements. The no-work buffers were monitored and enforced by the DB on-site daily. Periodic monitoring of these active nests will occur in accordance with the NBMP to ensure the Project does not result in the failure of the nests.

If you have any questions regarding the contents of this letter report, please contact me at (714) 648-0630 or lsimpson@ecorpconsulting.com.

SIGNED: 

Lauren Simpson
Staff Biologist
ECORP Consulting, Inc.
1801 Park Court Place, Building B. Ste 103.
Santa Ana, CA 92701

DATE: June 5, 2019

Attachments:

Attachment A: Representative Site Photos

Attachment B: Wildlife Compendium

ATTACHMENT A

Representative Site Photos



Photo 1. Location of Allen's Hummingbird (ALHU-1) Nest



Photo 2. Location of California Scrub Jay (CASJ-1) Nest



Photo 3. Location of California Thrasher (CASJ-3) Nest



Photo 4. Location of Bushtit (BUSH-3) Nest

Wildlife Species Observed

| Scientific Name | Common Name |
|-----------------------------------|---|
| REPTILES | |
| Phrynosomatidae | Spiny Lizards |
| <i>Sceloporus occidentalis</i> | western fence lizard |
| <i>Uta stansburiana</i> | common side-blotched lizard |
| BIRDS | |
| Accipitridae | Hawks |
| <i>Accipiter cooperii</i> ** | Cooper's hawk |
| <i>Accipiter striatus</i> ** | sharp-shinned hawk |
| <i>Buteo jamaicensis</i> | red-tailed hawk |
| <i>Buteo lineatus</i> | red-shouldered hawk |
| Aegithalidae | Bushtits |
| <i>Psaltriparus minimus</i> | bushtit |
| Anatidae | Ducks, Geese, and Swans |
| <i>Anas platyrhynchos</i> | mallard |
| <i>Branta canadensis</i> | Canada goose |
| Apodidae | Swifts |
| <i>Aeronautes saxatalis</i> | white-throated swift |
| Cardinalidae | Cardinals |
| <i>Pheucticus melanocephalus</i> | black-headed grosbeak |
| Cathartidae | New World Vultures |
| <i>Cathartes aura</i> | turkey vulture |
| Charadriidae | Plovers, Dotterels, and Lapwings |
| <i>Charadrius vociferus</i> | killdeer |
| Columbidae | Pigeons and Doves |
| <i>Columba livia</i> * | rock pigeon |
| <i>Zenaida macroura</i> | mourning dove |
| Corvidae | Jays and Crows |
| <i>Aphelocoma californica</i> | California scrub-jay |
| <i>Corvus brachyrhynchos</i> | American crow |
| <i>Corvus corax</i> | common raven |
| Falconidae | Falcons |
| <i>Falco columbarius</i> | merlin |
| <i>Falco sparverius</i> | American kestrel |
| Fringillidae | Finches |
| <i>Haemorhous mexicanus</i> | house finch |
| <i>Spinus psaltria</i> | lesser goldfinch |
| Hirundinidae | Swallows |
| <i>Petrochelidon pyrrhonota</i> | cliff swallow |
| <i>Stelgidopteryx serripennis</i> | northern rough-winged swallow |
| Icteridae | New World Blackbirds |

| Scientific Name | Common Name |
|---|-----------------------------------|
| <i>Icterus bullockii</i> | Bullock's oriole |
| <i>Molothrus ater</i> | brown-headed cowbird |
| Mimidae | Mockingbirds and Thrashers |
| <i>Mimus polyglottos</i> | northern mockingbird |
| <i>Toxostoma redivivum</i> | California thrasher |
| Odontophoridae | Quails and Partridges |
| <i>Callipepla californica</i> | California quail |
| Paradoxornithidae | Wrentits |
| <i>Chamaea fasciata</i> | wrentit |
| Paridae | Titmice |
| <i>Baeolophus inornatus</i> | oak titmouse |
| <i>Poecile gambeli</i> | mountain chickadee |
| Parulidae | Wood-warblers |
| <i>Cardellina pusilla</i> | Wilson's warbler |
| <i>Geothlypis trichas</i> | common yellowthroat |
| <i>Oreothlypis celata</i> | orange-crowned warbler |
| <i>Setophaga coronata</i> | yellow-rumped warbler |
| <i>Setophaga petechia</i> ** | yellow warbler |
| Passerellidae (previously Emberizidae) | Sparrows and Towhees |
| <i>Melospiza lincolnii</i> | Lincoln's sparrow |
| <i>Melospiza melodia</i> | song sparrow |
| <i>Melospiza crissalis</i> | California towhee |
| <i>Passerella iliaca</i> | fox sparrow |
| <i>Pipilo maculatus</i> | spotted towhee |
| <i>Zonotrichia atricapilla</i> | golden-crowned sparrow |
| <i>Zonotrichia leucophrys</i> | white-crowned sparrow |
| Picidae | Woodpeckers |
| <i>Colaptes auratus</i> | northern flicker |
| <i>Picoides nuttallii</i> | Nuttall's woodpecker |
| <i>Melanerpes formicivorus</i> | acorn woodpecker |
| Polioptilidae (previously Silviidae) | Gnatcatchers |
| <i>Polioptila caerulea</i> | blue-gray gnatcatcher |
| Psittacidae | Old World Parrots |
| <i>Amazona sp.*</i> | parrot sp. (flyover) |
| <i>Amazona autumnalis*</i> | red-lore parrot |
| Regulidae | Kinglets |
| <i>Regulus calendula</i> | ruby-crowned kinglet |
| Sittidae | Nuthatches |
| <i>Sitta carolinensis</i> | white-breasted nuthatch |
| Sturnidae | Starlings |
| <i>Sturnus vulgaris*</i> | European starling |
| Trochilidae | Hummingbirds |
| <i>Calypte anna</i> | Anna's hummingbird |
| <i>Selasphorus rufus</i> | rufous hummingbird |
| <i>Selasphorus sasin</i> | Allen's hummingbird |

| Scientific Name | Common Name |
|---------------------------------|--------------------------------|
| Troglodytidae | Wrens |
| <i>Thryomanes bewickii</i> | Bewick's Wren |
| <i>Troglodytes aedon</i> | house wren |
| <i>Turdus migratorius</i> | American robin |
| Turdidae | Thrushes |
| <i>Catharus guttatus</i> | hermit thrush |
| <i>Sialia mexicana</i> | western bluebird |
| Tyrannidae | Tyrant Flycatchers |
| <i>Contopus cooperi</i> ** | olive-sided flycatcher |
| <i>Empidonax difficilis</i> | Pacific-slope flycatcher |
| <i>Myiarchus cinerascens</i> | ash-throated flycatcher |
| <i>Sayornis nigricans</i> | black phoebe |
| <i>Tyrannus verticalis</i> | western kingbird |
| <i>Tyrannus vociferans</i> | Cassin's kingbird |
| Vireonidae | Vireos |
| <i>Vireo huttoni</i> | Hutton's vireo |
| MAMMALS | |
| Canidae | Dogs, Wolves, and Foxes |
| <i>Canis latrans</i> | coyote |
| Leporidae | Hares and Rabbits |
| <i>Sylvilagus audubonii</i> | desert cottontail |
| Sciuridae | Squirrels |
| <i>Otospermophilus beecheyi</i> | California ground squirrel |

*Nonnative species

**CDFW California Species of Special Concern/CDFW Fully Protected Species/Watch List Species