

Memorandum

To: Christine Medak, USFWS
Project: Devil's Gate Reservoir Restoration Project
From: Lauren Simpson
Date: September 17, 2020

Subject: Weekly Least Bell's Vireo Survey and Noise Monitoring Summary for the Devil's Gate Reservoir Restoration Project; Week of September 7 – 11, 2020

This memorandum has been prepared to summarize the results of the breeding season focused surveys for least Bell's vireo (*Vireo bellii pusillus*), nest monitoring, and noise monitoring activities conducted by ECORP Consulting, Inc. (ECORP) for Los Angeles County Public Works' (LACPW) Devil's Gate Reservoir Restoration Project (Project) in the City of Pasadena, Los Angeles County, California. The focused breeding season surveys, nest monitoring, and noise monitoring for least Bell's vireo were conducted to comply with Conservation Measure 11b of the USFWS Informal Section 7 Consultation that was issued for the Project which states:

"Noise buffer: Construction noise levels will be restricted to below 60 dBA Leq hourly at 100 feet from areas occupied by the vireo. Twice weekly surveys for the vireo will be conducted by the biological monitor in areas of suitable habitat within 500 feet of proposed construction activities to determine the presence of vireo nest building activities, egg incubation activities, or brood rearing activities. If vireos are present, noise monitoring will be conducted weekly and must demonstrate that noise levels are less than 60 dBA Leq hourly at specified monitoring locations, no less than 100 feet from the active nest(s) as determined by the biological monitor. Weekly survey reports will be prepared during the nesting season and sent electronically to the CFWO each week that vireos are detected. The weekly reports will identify the location of vireo nest sites and territories within 500 feet of the project."

A summary of least Bell's vireo survey efforts and observations of least Bell's vireo prior to the start of Project activities on May 20, 2020 was provided in the previously transmitted memo covering the period of May, 2020.

A brief summary of the Project activities, focused least Bell's vireo survey and nest monitoring results for the week of September 7, 2020 is provided below. A figure depicting the least Bell's vireo nesting location and territory within 500 feet of the Project site as well as least Bell's vireo observations outside of the territory is included as an attachment.

Project Activities – Week of September 7, 2020

Sediment Removal Activities

Project activities related to sediment removal activities continued during the week of September 7, 2020. All Project activities were monitored by a Designated Biologist. Project activities related to sediment removal activities included the following:

- Sediment removal hauling activities. Sediment removal and hauling activities included the loading of sediment within the Project site into bottom-dump haul trucks using excavators.

Restoration Activities

On-site restoration activities were ongoing during the week of September 7, 2020 and included the removal of non-native vegetation from on-site restoration areas using hand tools. Per ECORP's email communication with USFWS on July 15, 2020, restoration activities resumed within the 300-foot buffer of the previously active least Bell's vireo nest location on July 17, 2020 and continued during the week of September 7, 2020. Restoration activities were limited to hand pulling of weeds by a crew of no more than five workers under the supervision of a Designated Biologist. Restoration activities are occurring at the outermost edges of the buffer as to reduce any temporary disturbances to foraging vireo in the area.

Least Bell's Vireo Surveys – Week of September 7, 2020

Focused Least Bell's Vireo Surveys

Two focused least Bell's vireo surveys were conducted during the week of September 7, 2020. The two surveys, which occurred on September 7 and 11, 2020, were conducted as focused breeding season surveys, to be continued twice-weekly for the duration of the least Bell's vireo breeding season (through September 15). Each survey was conducted by a CDFW- and USFWS-approved Designated Biologist for least Bell's vireo surveys. The dates and personnel for each survey are presented in Table 1.

| Date | Surveyor |
|-------------|-------------------|
| 09/07/20 | Shannan Shaffer |
| 09/11/20 | Christine Tischer |

The least Bell's vireos were not documented during focused surveys conducted during the week of September 7, 2020. The location of the least Bell's vireo previously active nest and territory are depicted in Attachment A. During the surveys conducted on September 7 and 11, the least Bell's vireos were not observed and the male was not heard singing. Least bell's vireos were not documented by Designated Biologists during construction monitoring or restoration monitoring during the week of September 7, 2020.

As the least Bell's vireos were not observed during surveys conducted during the week of September 7 (and have not been observed since the focused survey conducted on August 28, 2020), it is likely that the least Bell's vireo family group has left the Project site for the season. Focused surveys will continue until the end of the recognized least Bell's vireo breeding season (September 15). After September 15th, twice-weekly site inspections by the least Bell's vireo Designated Biologist will commence and continue until the completion of sediment removal activities for the calendar year, assuming no additional observations of least Bell's vireo have been made in the interim. Upon concurrence with USFWS, limitations on restoration activities within the 300-foot buffer will be lifted after September 15th, assuming that no observations of least Bell's vireo have been made in the interim.

Least Bell's Vireo Noise Monitoring

Per ECORP's email communication with USFWS on July 15, 2020, noise monitoring activities have been stopped until sediment hauling activities return closer to the occupied habitat than was previously monitored, assuming that the vireos are still occupying the Project site at that point. Based on observations during weekly surveys, it is likely that the vireo family group has left the Project site for the season. As such, noise monitoring for the 2020 least Bell's vireo season is anticipated to be complete (upon receiving concurrence from UFSWS), assuming that sediment removal activities remain at a distance further than was previously monitored prior to September 15th.

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



Lauren Simpson, Staff Biologist/Project Manager
ECORP Consulting, Inc.

Attachments:

Attachment A – Location of Least Bell's Vireo Nest and Territory

ATTACHMENT A

Location of Least Bell's Vireo Nest and Territory