

May 24, 2021 (2018-047.026)

Mr. Mark Gim
Los Angeles County Public Works
Stormwater Engineering Division
Via Email: Tgim@dpw.lacounty.gov

Subject: 2021 Nesting Bird Preconstruction Surveys for the Devil's Gate Reservoir

Restoration Project, in the City of Pasadena, California

Dear Mr. Gim,

This letter report documents the results of preconstruction surveys for nesting birds 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 preconstruction surveys for nesting birds were conducted prior to Project Initiation in 2021 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 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

Preconstruction nesting bird surveys began on March 1, 2021, which was 30 days prior to the originally scheduled planned start date of March 31, 2021 for Project activities. Surveys continued weekly, with the final survey occurring no more than three days prior to the start of Project activities. A total of seven preconstruction nesting bird surveys (conducted over 46 days) were conducted between March 1, 2021 and April 16, 2021. The dates, personnel, and weather conditions for each survey are listed in Table 1. Representative photographs of the Project site and nests observed during surveys are provided in Attachment A.

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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. Weath	Table 1. Weather Conditions during Surveys									
Survey	Date	Surveyors*	Time T		Temperature (°F)		Cloud Cover (%)		Wind Speed (mph)	
Number			start	end	start	end	start	end	start	end
1	3/1/21	CL, TD	0635	1340	47	70	0	0	0-2	3-5
2	3/8/21	CL, SS	0620	1345	51	64	90	100	0-1	2-4
3	3/17/21	CL, CT	0710	1400	45	73	0	0	0-1	3-5
4	3/24/21	CL, LS	0700	1440	58	79	0	25	0-1	2-6
5	4/1/21	CL, AS	0700	1320	61	82	0	95	1-3	2-4
6	4/9/21	AL, MM	0615	1320	46	80	10	0	0-1	1-3
7	4/16/21	AL, JC	0615	1300	46	72	80	0	0-2	2-3

^{*}AL = Alden Lovaas, AS = Adam Schroeder, CL = Carley Lancaster, CT = Christine Tischer, JC = Jill Coumoutso, LS = Lauren Simpson, MM = Max Murray, SS=Shannan Shaffer, TD = Taylor Dee

Nests Observed

A total of 15 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 50 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 during habitat restoration activities occurring between February 1 and the start of Project activities on April 19, 2021. A total of 65 nests were identified as present within 500 feet of the Project site prior to the start of Project activities on April 19, 2021; details of these nests are listed in Table 2 and the nest locations are depicted on Figure 1. Of these nests, one observed during preconstruction nesting bird surveys and biological monitoring belonged to special-status species (yellow warbler, YEWA-1). A complete list of all birds and other wildlife species observed during the preconstruction nesting bird surveys is provided in Attachment B.

Table 2. Active Nests as	Table 2. Active Nests as of April 18, 2021				
Species	Nest ID	Date Discovered	Nest Stage Upon Discovery	Location Description	
Acorn Woodpecker	ACWO-1*	2/18/2021	Nest Building	~40 feet (ft) up on NE facing side of bare cottonwood tree.	
Bushtit	BUSH-1*	2/24/2021	Nest Building	On the west side of the road approximately 12 ft up in an oak branch that sticks out eastward at edge of the pathway/access road.	
Bushtit	BUSH-2*	2/27/2021	Nest Building	Nest is in a large eucalyptus tree approximately 35 ft above ground level. The nest is located approximately 15 ft up the main southern branch of the tree.	
Bushtit	BUSH-4*	2/27/2021	Nest Building	Located in oak tree on slope east of dirt park road. Nest is	

Table 2. Active Nests as	of April 18, 2021			
Species	Nest ID	Date Discovered	Nest Stage Upon Discovery	Location Description
			,	approximately 15 ft above ground in the eastern quadrant of the tree, next to an old BUSH nest.
Nuttall's Woodpecker	NUWO-1	3/1/2021	Nest Building	NW facing cavity in main trunk of willow tree 15 feet up
Acorn Woodpecker	ACWO-2	3/1/2021	Nest Building	Northern facing cavity approximately 50 ft off the ground
California Scrub-Jay	CASJ-1*	3/3/2021	Nest Building	0-4 ft high in a patch of mule fat and dead hemlock.
Anna's Hummingbird	ANHU-1*	3/8/2021	Nest Building	15 ft above ground level, 1/3 way up small willow 5 inches from trunk on SE extending twig.
Anna's Hummingbird	ANHU-2*	2/7/21	Incubating	Approximately 20 ft above ground level on small horizontal branch of a willow
Anna's Hummingbird	ANHU-3*	3/6/2021	Incubating	Located in the southeast quadrant of a very small willow. Nest is on a thick horizontal branch approximately 12 ft above ground level.
California Scrub-Jay	CASJ-2*	3/7/2021	Nest Building	In laurel sumac shrub just west of paved road.
Bushtit	BUSH-3*	3/6/2021	Nest Building	Approximately 10 ft off the ground in a coast live oak tree just south of the truck exit ramp.
California Scrub-Jay	CASJ-3	3/8/2021	Nest Building	Approximately 30 ft off the ground in coast live oak just west of trail.
California Scrub-Jay	CASJ-4*	3/11/2021	Incubating	3 ft up on the north side of small 6 ft tall tree tobacco on a slope surrounded by dense mule fat.
Acorn Woodpecker	ACWO-4*	3/15/2021	Nest Building	Cavity on the NW side of a log strapped to a telephone pole, roughly 20 ft above ground.
California Scrub-Jay	CASJ-5*	3/16/2021	Nest Building	7 ft above ground level in a horizontal willow entanglement with a lot of dead branches and leaves (looks like a big "X").
California Scrub-Jay	CASJ-6*	3/16/2021	Nest Building	Inside of an elderberry, exact location unknown

Table 2. Active Nests as of April 18, 2021				
Species	Nest ID	Date Discovered	Nest Stage Upon Discovery	Location Description
Bushtit	BUSH-5*	3/16/2021	Nest Building	15 ft up in center-top of medium-sized coast live oak. Tree is along main road near pole-mounted air-quality monitoring station, at a frisbee golf station.
Anna's Hummingbird	ANHU-4	3/17/2021	Feeding Young	18 ft above ground level on south extending branch of small dormant willow, just west of new channel, 18 ft from trunk 2 ft from top of tree.
Bushtit	BUSH-6	3/17/2021	Nest Building	15 ft above ground level in dead clump of leaves of broken branch of small willow on south side of trail and 65 ft line of site from basin.
California Scrub-Jay	CASJ-7*	3/17/2021	Nest Building	20 ft up in coast live oak, SE quadrant of the tree. Outside main project area.
California Thrasher	CATH-1	3/17/2021	Nest Building	Thick mule fat scrub north of small cottonwood.
Acorn Woodpecker	ACWO-3	3/17/2021	Incubating	Approximately 12 ft off the ground in western facing hole of a western sycamore tree.
California Thrasher	CATH-2*	3/18/2021	Nest Building	South end of DG-2, west side, in large clump of mature mule fat.
Anna's Hummingbird	ANHU-5*	3/22/2021	Nest Building	12 ft above ground level in 4 inch diameter at breast height (dbh) dormant willow, against main trunk, SSW side of trunk, above small brush pile. 35 ft from channel that bends around nest site.
Anna's Hummingbird	ANHU-6*	3/14/2021	Incubating	In willow tree in Salix woodland. Roughly 15 ft above ground on a south facing branch about 2 inches from the main trunk.
Anna's Hummingbird	ANHU-7*	3/20/2021	Incubating	in ash tree in Salix / Fraxinus woodland. Roughly 20 ft up in an east facing branch about 2 ft from the second largest branch.

Table 2. Active Nests as	s of April 18, 2021			
Species	Nest ID	Date Discovered	Nest Stage Upon Discovery	Location Description
Bushtit	BUSH-7	3/24/2021	Nest Building	Located approximately 10 ft off the ground in southwestern quadrant of black willow tree.
California Scrub-Jay	CASJ-8*	3/24/2021	Nest Building	15 ft up in a coast live oak which overhangs the trail.
Common Raven	CORA-1*	3/25/2021	Incubating	Under shelf of I-210 in top of eucalyptus
Anna's Hummingbird	ANHU-8*	3/29/2021	Incubating	15 ft up in willow tree on east facing branch.
Lesser Goldfinch	LEGO-1*	3/29/2021	Nest Building	Approximately 25 ft up in willow tree at branch fork.
Bushtit	BUSH-8*	3/29/2021	Nest Building	14 ft up in small forked dormant willow (dbh 6" below fork).
Bushtit	BUSH-13*	3/29/2021	Nest Building	14 ft up in small forked dormant willow (dbh 6" below fork).
Bushtit	BUSH-9*	3/30/2021	Nest Building	20 ft up in Eucalyptus, in leaf clump near a long horizontal 3" dbh limb, directly over maintained planted area.
Acorn Woodpecker	ACWO-5*	4/1/2021	Nest Building	15 ft up, facing East on a willow.
Bushtit	BUSH-10*	4/1/2021	Nest Building	Approximately 7 ft up hanging in a semi deadlooking branch of an oak tree directly on the edge of the road.
Cliff Swallow	CLSW-1	4/1/2021	Nest Building	Under eve of dam on north side.
Bewick's Wren	BEWR-1*	4/6/2021	Nest Building	In a pile of vegetation on the ground which had been left by the crew on a previous day.
Song Sparrow	SOSP-1*	4/7/2021	Nest Building	Ground nest. At edge of clearing. Directly under north facing drip line of a large cottonwood.
Bushtit	BUSH-11*	4/8/2021	Nest Building	8 ft up in a willow under a tangle of branches north of the main trunk.
Bushtit	BUSH-12	4/9/2021	Nest Building	Approximately 8 ft off the ground directly over the E side of the access road in a west reaching branch of a live oak tree.
California Thrasher	CATH-3	4/9/2021	Nest Building	In mulefat bush.

Table 2. Active Nests as of April 18, 2021				
Species	Nest ID	Date Discovered	Nest Stage Upon Discovery	Location Description
California Towhee	CALT-1	4/9/2021	Nest Building	In mulefat in the middle of restoration area.
Bewick's Wren	BEWR-2	4/9/2021	Nest Building	In mulefat thicket.
Lesser Goldfinch	LEGO-2	4/9/2021	Nest Building	In branch of mulefat.
Mourning Dove	MODO-1*	4/9/2021	Nest Building	10 ft from ground on a bifurcation in a willow.
Wrentit	WREN-1*	4/12/2021	Nest Building	Within annual emergent vegetation regrowth. On slope east of the patch of dry cocklebur.
California Scrub-Jay	CASJ-9*	4/12/2021	Nest Building	Jays from CASJ_4 rebuilding in mule fat thicket on north side of young planted willows at edge of coastal sage scrub. Didn't observe nest; needs follow-up.
Bushtit	BUSH-7*	4/12/2021	Nest Building	In willow/wild cucumber vine at southeast corner of Johnson field.
Lesser Goldfinch	LEGO-3*	4/12/2021	Incubating	In small tree on slope
California Scrub-Jay	CASJ-10*	4/13/2021	Nest Building	8 ft up in a willow abutting the channel.
California Scrub-Jay	CASJ-11*	4/14/2021	Nest Building	18 ft above ground level (AGL) on north side of black willow trunk in clump of poison oak.
California Towhee	CALT-2*	4/14/2021	Nest Building	8 ft up on the central trunk of a 12 ft high coast live oak.
Anna's Hummingbird	ANHU-9*	4/14/2021	Nest Building	12 ft above west edge of dry wash bank on east extending slim limb of black willow, lower fork within 2 inches of only major fork.
Bushtit	BUSH-16*	4/14/2021	Nest Building	10' AGL in small cluster of dried twigs/broken branch on west side of south leaning black willow.
Bushtit	BUSH-14*	4/12/2021	Nest Building	Bushtits observed nest building in willow/wild cucumber vine at southeast corner of Johnson field.
Bushtit	BUSH-17	4/16/21	Nest Building	In large willow on edge of restoration area/ESA line. Nest on west side of tree about 20 ft up.

Table 2. Active Nests as	Table 2. Active Nests as of April 18, 2021			
Species	Nest ID	Date Discovered	Nest Stage Upon Discovery	Location Description
Acorn woodpecker	ACWO-6*	4/17/2021	Incubating	In large willow tree, with cavity in the highest blunt part of the trunk. Cavity faces south. Assume incubation since birds nested it the same cavity last year, since cavity was already excavated.
Anna's hummingbird	ANHU-10*	4/17/2021	Nest building	In oak tree with huge trunk on the east side of paved road. Nest is in branch hanging down facing east. About 20-25 ft off ground.
Bushtit	BUSH-18*	4/17/2021	Nest building	In large oak east of parking lot. Nest is above large branch that hangs out towards the north.
Common yellowthroat	COYE-1*	4/18/2021	Nest building	Nest not visible, probably within a few feet of ground, in ESA 5-10 feet west of boundary.
Yellow warbler	YEWA-1*	4/18/2021	Nest building	In willow, in ESA approximately 25 feet west of boundary.
Anna's hummingbird	ANHU-11*	4/18/2021	Nest building	In willow, in ESA approx. 25 feet west of boundary
Lesser goldfinch	LEGO-4*	4/18/2021	Nest building	In willow, in ESA 5-10 feet west of boundary

*Nest discovered independently of preconstruction nesting bird surveys (i.e., by biological monitors or during preconstruction or focused breeding season least Bell's vireo surveys).



ECORP Consulting, Inc. ENVIRONMENTAL CONSULTANTS

Figure 1. Nest Locations - 4/18/2021

DISCUSSION

A total of 65 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 18, 2021.

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 DBs 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 as the Project progresses 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.

DATE: May 24, 2021

SIGNED:

Lauren Simpson Staff Biologist

ECORP Consulting, Inc. 2861 Pullman Street Santa Ana, CA 92705

Attachments:

Attachment A: Representative Site Photos

Attachment B: Wildlife Observed



Photo 1. ACWO_3: Acorn woodpecker excavating nest cavity.



Photo 2. Location of lesser goldfinch (LEGO-2) nest.



Photo 3. Photo of California scrub-jay (CASJ-3) nest.



Photo 4. Location of bushtit (BUSH-7) nest.

Scientific Name	Common Name		
Scientific Hame	REPTILES		
Anguidae	Alligator lizards, galliwasps and relatives		
Elgaria multicarinata	southern alligator lizard		
Phrynosomatidae	Spiny Lizards		
Sceloporus occidentalis	western fence lizard		
Uta stansburiana	common side-blotched lizard		
	BIRDS		
Accipitridae	Hawks		
Accipiter cooperii*	Cooper's hawk		
Buteo jamaicensis	red-tailed hawk		
Buteo lineatus	red-shouldered hawk		
Aegithalidae	Bushtits		
Psaltriparus minimus	bushtit		
Anatidae	Duck, Geese, and Waterfowl		
Anas platyrhynchos	mallard		
Branta canadensis	Canada goose		
Apodidae	Swifts		
Aeronautes saxatalis	white-throated swift		
Cathartidae	Vultures		
Cathartes aura	turkey vulture		
Charadriidae	Plovers		
Charadrius vociferus	killdeer		
Columbidae	Pigeons and Doves		
Columba livia*	rock pigeon		
Patagioenas fasciata	band-tailed pigeon		
Streptopelia decaocto*	Eurasian collared-dove		
Zenaida macroura	mourning dove		
Corvidae	Jays and Crows		
Aphelocoma californica	California scrub-jay		
Corvus corax	common raven		
Corvus brachyrhynchos	American crow		
Cyanocitta stelleri	Steller's Jay		
Falconidae	Falcons and Caracaras		
Falco sparverius	American kestrel		
Fringillidae	Finches		
Spinus psaltria	lesser goldfinch		
Spinus tristis	American goldfinch		
Haemorhous mexicanus	house finch		
Haemorhous purpureus	purple finch		

Hirundinidae	Swallows
Hirundo rustica	barn swallow
Stelgidopteryx serripennis	northern rough-winged swallow
Icteridae	Blackbirds and Orioles
Sturnella neglecta	Western meadowlark
Mimidae	Mockingbirds and Thrashers
Mimus polyglottos	northern mockingbird
Toxostoma redivivum	California thrasher
Odontophoridae	New World Quail
Callipepla californica	California quail
Paradoxornithidae	Wrentits
Chamaea fasciata	wrentit
Paridae	Titmice
Baeolophus inornatus	oak titmouse
Parulidae	New World Warblers
Geothlypis trichas	common yellowthroat
Leiothlypis celata	orange-crowned warbler
Setophaga coronata	yellow-rumped warbler
Setophaga petechia**	yellow warbler
Passerellidae (previously Emberizidae)	Sparrows and Towhees
Junco hyemalis	dark-eyed junco
Melospiza melodia	song sparrow
Pipilo crissalis	California towhee
Pipilo maculatus	spotted towhee
Zonotrichia leucophrys	white-crowned sparrow
Picidae	Woodpeckers
Colaptes auratus	northern flicker
Dryobates nuttallii	Nuttall's woodpecker
Melanerpes formicivorus	acorn woodpecker
Polioptilidae	Gnatcatchers
Polioptila caerulea	blue-gray gnatcatcher
Psittacidae	Old World Parrots
Amazona autumnalis*	red-lored parrot
Amazona sp.*	parrot sp.
Regulidae	Kinglets
Regulus calendula	ruby-crowned kinglet
Sturnidae	Starlings
Sturnus vulgaris*	European starling
Trochilidae	Hummingbirds
Calypte anna	Anna's hummingbird
Selasphorus sasin	Allen's hummingbird
Troglodytidae	Wrens
Thryomanes bewickii	Bewick's wren

Turdidae	Thrushes
Catharus guttatus	hermit thrush
Sialia mexicana	western bluebird
Scientific Name	Common Name
	BIRDS
Tyrannidae	Tyrant Flycatchers
Sayornis nigricans	black phoebe
Sayornis saya	Say's phoebe
Tyrannus vociferans	Cassin's kingbird
Vireonidae	Vireos
Vireo cassinii	Cassin's vireo
Vireo huttoni	Hutton's vireo
	MAMMALS
Canidae	Dogs, Wolves, and Foxes
Canis latrans	coyote
Leporidae	Hares and Rabbits
Sylvilagus audubonii	desert cottontail
Procyonidae	Raccoons
Procyon lotor	raccoon (tracks)
Sciuridae	Squirrels
Otospermophilus beecheyi	California ground squirrel

^{*}Nonnative species

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

^{***}Federally endangered or threatened/State endangered or threatened