

July 6, 2020  
(2018-047.019)

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

**Subject: Least Bell's Vireo Preconstruction Surveys for the Devil's Gate Reservoir Restoration Project, in the City of Pasadena, California**

Dear Mr. Gim,

This letter report has been prepared to present the results of preconstruction surveys for least Bell's Vireo (*Vireo bellii pusillus*) conducted by ECORP Consulting, Inc. (ECORP) for Los Angeles County Public Works' (LACPW) Devil's Gate Reservoir Restoration Project in the City of Pasadena, Los Angeles County, California. The preconstruction surveys for least Bell's vireo were conducted to comply with Condition 7.3.2 in the California Department of Fish and Wildlife (CDFW) Incidental Take Permit (ITP) No. 2081-2016-031-05 that was issued for the Devil's Gate Reservoir Restoration Project (Project), which states:

"The Designated Biologist(s) shall begin surveys 30 days before Covered Activities begin (or after a substantial break in construction monitoring) and shall continue on a weekly basis with one (1) survey conducted no more than (3) days prior to initiation of Covered Activities."

In addition, the surveys were conducted to comply with Conservation Measure 11a of the Informal Section 7 Consultation (Section 7) No. FWS-LA-14B0081-15I0477 for the Project, which states:

"Surveys by the biological monitor will be conducted a minimum of three times on separate days to determine the presence of vireo nest building activities, egg incubation activities, or brood rearing activities within 300 feet of the project area. These surveys will be conducted within the week prior to the initiation of project activities. One survey will be conducted the day immediately prior to the initiation of project activities. If no nests, nesting behavior, or brood rearing activities are detected within 300 feet of the project area, work may commence."

**SURVEY METHODS**

Preconstruction surveys for least Bell's vireo were conducted in compliance with ITP Condition 7.3.2 and Section 7 Conservation Measure CM 11a for Project activities that are to occur during the vireo's breeding season. Surveys were conducted between dawn and 11 a.m. when weather

conditions were favorable in accordance with USFWS 2001 protocol (nesting season) guidelines.<sup>1</sup> Meandering transects were walked throughout suitable least Bell's vireo habitat areas within 500 feet of the Project boundaries to visually and audibly detect the presence of least Bell's vireo. All bird and wildlife species detected during the survey were recorded on standardized data sheets. All surveys were conducted in compliance with the Nesting Bird Management Plan prepared for the Project.<sup>2</sup>

## **RESULTS**

Preconstruction least Bell's vireo surveys began on March 16, 2020, 30 days prior to the originally scheduled start of Project activities which was planned for April 16, 2020. Surveys continued weekly, with three surveys occurring during the week prior to the start of Project activities and the final survey occurring the day prior to the start of Project activities. Due to several iterations of postponement of the official start date of Project activities, a total of 18 preconstruction least Bell's vireo surveys were conducted between March 16 and May 19, 2020. Each survey was conducted by a CDFW- and USFWS-approved Designated Biologist. The dates, personnel, and weather conditions for each survey are presented in Table 1. Survey datasheets are provided in Attachment A.

Date	Surveyors*	Time		Temperature (°F)		Cloud Cover (%)		Wind Speed (mph)	
		start	end	start	end	start	end	start	end
03/16/20	TD	0655	1030	55	59	80	70	0-1	4-6
03/25/20	TD	0645	1040	51	60	85	60	0-1	0-3
04/02/20	TD	0715	1100	61	65	75	70	0-1	0-2
04/10/20	JC	0710	0942	48	48	100	100	1-3	0
04/13/20	CT	0650	1100	59	57	75	100	0-1	0-2
04/16/20	JC	0715	1010	52	66	0	0	0	0
04/17/20	JC	0705	1001	54	57	100	100	0	0
04/20/20	JC	0715	1030	54	61	100	100	0	1-3
04/23/20	JC	0700	0940	61	73	20	5	0	1-3
04/27/20	JC	0715	1000	59	73	0	0	0	1-3
04/29/20	JC	0715	1000	63	68	50	50	0	1-3
05/05/20	CT	0615	1028	61	82	0	0	1-2	1-2
05/07/20	SS	0600	1056	64	79	20	10	0-1	1-3
05/11/20	SS	0610	1041	61	74	100	30	1-3	1-3
05/12/20	JC	0700	1045	55	66	40	95	0	1-3
05/15/20	SS	0608	1219	55	83	100	100	1-3	1-3
05/18/20	JC	0710	0945	63	63	100	100	1-3	1-3
05/19/20	JC	0705	1015	55	63	10	35	1-3	1-3

\* JC = Jill Coumoutso, TD = Taylor Dee, SS = Shannan Shaffer, LS = Lauren Simpson, CT = Christine Tischer

<sup>1</sup> U.S. Fish and Wildlife Service (USFWS). 2001. Least Bell's Vireo Survey Guidelines. U.S. Department of the Interior. Carlsbad, CA, USFWS, 3 pp.

<sup>2</sup> 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.

No least Bell's vireos were detected or observed during the first 13 focused preconstruction surveys between March 16 and May 7, 2020. Least Bell's vireo was detected during the remaining five focused preconstruction surveys between May 11 and 19, 2020.

A single male least Bell's vireo was documented incidentally by the ECORP restoration monitor on April 30, 2020. The male sang two complete songs before quickly leaving the area and was not detected for the remainder of the day. On May 8, 2020, a single male least Bell's vireo was documented incidentally by the ECORP restoration monitor. The male was observed consistently singing in the on-site restoration area throughout the morning. The restoration monitor ensured that no restoration work occurred within 300 feet of the observation.

On May 11, 2020, the least Bell's vireo Designated Biologist documented a pair of least Bell's vireo during the focused preconstruction survey. The observation was in the same area as the May 8 observation. The pair was observed foraging together and the male was observed singing.

On May 12, 2020, the least Bell's vireo Designated Biologist documented nest-building activities by the pair during the focused preconstruction survey. The nest was located in a mule fat (*Baccharis salicifolia*) shrub approximately 475 to 500 feet from the Project sediment removal area boundary but within the current onsite restoration areas. A 300-foot no-work buffer was established around this nest location with flagging and Environmentally Sensitive Area "ESA" signage. The no-work buffer was enforced by the Designated Biologist performing full-time daily monitoring for the restoration crew to ensure that the buffer was not encroached during restoration activities. No construction-related activities had the potential to occur within the buffer.

The least Bell's vireo pair was consistently observed during subsequent focused preconstruction surveys by least Bell's vireo Designated Biologists on May 15, 18, and 19, 2020. The least Bell's vireo Designated Biologists mapped the territory of the pair. The pair was documented foraging together and the male was documented singing within and along the edges of the territory. A figure depicting the location of the least Bell's vireo nest and territory is provided in Attachment B.

No other observations of least Bell's vireo were documented elsewhere on the Project site during preconstruction surveys.

Five brown-headed cowbird (*Molothrus ater*) individuals (one female, four males) were detected outside of brown-headed cowbird traps during the preconstruction surveys.

A complete list of all birds and other wildlife observed during the preconstruction surveys is provided in Attachment C.

## **DISCUSSION**

A single breeding pair of least Bell's vireos was documented within 500 feet of the Project site during preconstruction surveys conducted during the 2020 breeding season prior to the start of Project activities on May 20, 2020. As of May 19, 2020, the pair was observed engaging in nest-building activities. As of June 12, 2020, the nest had successfully fledged as determined by the surveying Designated Biologist and the fledglings were being fed by the pair adjacent to the nest location. A 300-foot no-work buffer was established around the nest location and enforced by Designated Biologists. No construction-related activities occurred or had the potential to occur within the buffer. The 300-foot buffer will remain in place around the nesting location until the nest has fledged, the fledglings are independent of the pair, and no additional signs of nesting are observed by the Designated Biologist. No other observations of least Bell's vireo were documented elsewhere on the Project site during the focused least Bell's vireo preconstruction surveys.

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

SIGNED: 

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Staff Biologist  
ECORP Consulting, Inc.  
2861 Pullman Street  
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DATE: July 6, 2020

### **Attachments:**

Attachment A: Survey Datasheets

Attachment B: Figure 1. Least Bell's Vireo Nest and Territory Location

Attachment C: Wildlife Species Observed

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**ATTACHMENT A**

Survey Datasheets

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Figure 1. Least Bell's Vireo Nest and Territory Location

## Wildlife Species Observed

Scientific Name	Common Name
<b>INSECTS</b>	
<b>Nymphalidae</b>	<b>Butterflies</b>
<i>Vanessa cardui</i>	painted lady
<b>Papilionidae</b>	<b>Swallowtail Butterflies</b>
<i>Papilio rutulus</i>	western tiger swallowtail
<b>REPTILES</b>	
<b>Phrynosomatidae</b>	<b>Spiny Lizards</b>
<i>Sceloporus occidentalis</i>	western fence lizard
<i>Uta stansburiana</i>	common side-blotched lizard
<b>Teiidae</b>	<b>Whiptails and Racerunners</b>
<i>Aspidoscelis tigris stejnegeri**</i>	coastal whiptail
<b>AMPHIBIANS</b>	
<b>Hylidae</b>	<b>New World Tree Frogs</b>
<i>Pseudacris hypochondriaca</i>	Baja California tree frog
<b>BIRDS</b>	
<b>Accipitridae</b>	<b>Hawks</b>
<i>Accipiter cooperii</i>	Cooper's hawk
<i>Buteo jamaicensis</i>	red-tailed hawk
<i>Buteo lineatus</i>	red-shouldered hawk
<b>Aegithalidae</b>	<b>Bushtits</b>
<i>Psaltriparus minimus</i>	bushtit
<b>Anatidae</b>	<b>Ducks, Geese, and Swans</b>
<i>Anas platyrhynchos</i>	mallard
<i>Anhinga collaris</i>	ring-necked duck
<i>Branta canadensis</i>	Canada goose
<i>Oxyura jamaicensis</i>	ruddy duck
<b>Apodidae</b>	<b>Swifts</b>
<i>Aeronautes saxatalis</i>	white-throated swift
<b>Ardeidae</b>	<b>Bitterns, Egrets, and Herons</b>
<i>Ardea alba</i>	great egret
<b>Cardinalidae</b>	<b>Cardinals</b>
<i>Pheucticus melanocephalus</i>	black-headed grosbeak
<b>Cathartidae</b>	<b>Vultures</b>
<i>Cathartes aura</i>	turkey vulture
<b>Charadriidae</b>	<b>Plovers, Dotterels, and Lapwings</b>
<i>Charadrius vociferus</i>	killdeer
<b>Columbidae</b>	<b>Pigeons and Doves</b>
<i>Columba livia*</i>	rock pigeon
<i>Patagioenas fasciata</i>	band-tailed pigeon
<i>Streptopelia decaocto*</i>	Eurasian collared dove

Scientific Name	Common Name
<i>Zenaidura macroura</i>	mourning dove
<b>Corvidae</b>	<b>Jays and Crows</b>
<i>Aphelocoma californica</i>	California scrub-jay
<i>Corvus brachyrhynchos</i>	American crow
<i>Corvus corax</i>	common raven
<b>Fringillidae</b>	<b>Finches</b>
<i>Haemorhous mexicanus</i>	house finch
<i>Haemorhous purpureus</i>	purple finch
<i>Spinus lawrencei</i>	Lawrence's goldfinch
<i>Spinus psaltria</i>	lesser goldfinch
<i>Spinus tristis</i>	American goldfinch
<b>Hirundinidae</b>	<b>Swallows</b>
<i>Petrochelidon pyrrhonota</i>	cliff swallow
<i>Stelgidopteryx serripennis</i>	northern rough-winged swallow
<b>Icteridae</b>	<b>New World Blackbirds</b>
<i>Icterus bullockii</i>	Bullock's oriole
<i>Icterus cucullatus</i>	hooded oriole
<i>Molothrus ater</i>	brown-headed cowbird
<b>Mimidae</b>	<b>Mockingbirds and Thrashers</b>
<i>Mimus polyglottos</i>	northern mockingbird
<i>Toxostoma redivivum</i>	California thrasher
<b>Odontophoridae</b>	<b>Quails and Partridges</b>
<i>Callipepla californica</i>	California quail
<b>Paradoxornithidae</b>	<b>Wrentits</b>
<i>Chamaea fasciata</i>	wrentit
<b>Paridae</b>	<b>Titmice</b>
<i>Baeolophus inornatus</i>	oak titmouse
<b>Parulidae</b>	<b>Wood-warblers</b>
<i>Cardellina pusilla</i>	Wilson's warbler
<i>Geothlypis trichas</i>	common yellowthroat
<i>Leiothlypis ruficapilla</i>	Nashville warbler
<i>Oreothlypis celata</i>	orange-crowned warbler
<i>Setophaga coronata</i>	yellow-rumped warbler
<i>Setophaga nigrescens</i>	black-throated gray warbler
<i>Setophaga petechia**</i>	yellow warbler
<b>Passerellidae (previously Emberizidae)</b>	<b>Sparrows and Towhees</b>
<i>Ammodramus leconteii</i>	Le Conte's sparrow
<i>Junco hyemalis</i>	dark-eyed junco
<i>Melospiza lincolni</i>	Lincoln's sparrow
<i>Melospiza melodia</i>	song sparrow
<i>Melospiza crissalis</i>	California towhee
<i>Pipilo maculatus</i>	spotted towhee
<i>Spizella passerina</i>	chipping sparrow
<i>Zonotrichia leucophrys</i>	white-crowned sparrow
<b>Picidae</b>	<b>Woodpeckers</b>



Scientific Name	Common Name
<i>Picoides nuttallii</i>	Nuttall's woodpecker
<i>Melanerpes formicivorus</i>	acorn woodpecker
<b>Poplioptilidae (previously Silviidae)</b>	<b>Gnatcatchers</b>
<i>Poliophtila caerulea</i>	blue-gray gnatcatcher
<b>Psittacidae</b>	<b>Old World Parrots</b>
<i>Amazona sp.*</i>	parrot sp.
<i>Amazona viridigenalis*</i>	red-crowned parrot
<b>Regulidae</b>	<b>Kinglets</b>
<i>Regulus calendula</i>	ruby-crowned kinglet
<b>Sittidae</b>	<b>Nuthatches</b>
<i>Sitta carolinensis</i>	white-breasted nuthatch
<b>Sturnidae</b>	<b>Starlings</b>
<i>Sturnus vulgaris*</i>	European starling
<b>Trochilidae</b>	<b>Hummingbirds</b>
<i>Calypte anna</i>	Anna's hummingbird
<i>Selasphorus rufus</i>	Rufous hummingbird
<i>Selasphorus sasin</i>	Allen's hummingbird
<b>Troglodytidae</b>	<b>Wrens</b>
<i>Thryomanes bewickii</i>	Bewick's Wren
<i>Troglodytes aedon</i>	house wren
<b>Turdidae</b>	<b>Thrushes</b>
<i>Catharus guttatus</i>	hermit thrush
<i>Sialia mexicana</i>	western bluebird
<b>Tyrannidae</b>	<b>Tyrant Flycatchers</b>
<i>Contopus sordidulus</i>	western wood-pewee
<i>Empidonax difficilis</i>	Pacific-slope flycatcher
<i>Empidonax traillii</i>	willow flycatcher
<i>Myiarchus cinerascens</i>	ash-throated flycatcher
<i>Sayornis nigricans</i>	black phoebe
<i>Sayornis saya</i>	Say's phoebe
<i>Tyrannus verticalis</i>	western kingbird
<i>Tyrannus vociferans</i>	Cassin's kingbird
<b>Vireonidae</b>	<b>Vireos</b>
<i>Vireo bellii pusillus***</i>	least Bell's vireo
<i>Vireo gilvus</i>	warbling vireo
<i>Vireo huttoni</i>	Hutton's vireo
<b>MAMMALS</b>	
<b>Canidae</b>	<b>Dogs, Wolves, and Foxes</b>
<i>Canis latrans</i>	coyote
<b>Felidae</b>	<b>Cats</b>
<i>Lynx rufus</i>	bobcat
<b>Leporidae</b>	<b>Hares and Rabbits</b>
<i>Sylvilagus audubonii</i>	desert cottontail
<b>Sciuridae</b>	<b>Squirrels</b>
<i>Otospermophilus beecheyi</i>	California ground squirrel

Scientific Name	Common Name
<i>Sciurus niger</i>	eastern fox squirrel
<b>Talpidae</b>	<b>Desmans, Moles, and Shrew-moles</b>
<i>Scapanus latimanus</i>	broad-footed mole

\*Nonnative species

\*\*CDFW California Species of Special Concern/CDFW Fully Protected Species

\*\*\* Federally and/or State-Listed Endangered or Threatened Species