

# Memorandum

To: Christine Medak, USFWS  
Project: Devil's Gate Reservoir Restoration Project  
From: Lauren Simpson  
Date: August 27, 2020

**Subject: Weekly Least Bell's Vireo Survey and Noise Monitoring Summary for the Devil's Gate Reservoir Restoration Project; Week of August 17 – August 21, 2020**

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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 August 17, 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 August 17, 2020

### *Sediment Removal Activities*

Project activities related to sediment removal activities continued during the week of August 17, 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.
- Mowing and removal of emergent vegetation within the reservoir.

### *Restoration Activities*

On-site restoration activities were ongoing during the week of August 17, 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 August 17, 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 August 17, 2020

### *Focused Least Bell's Vireo Surveys*

Two focused least Bell's vireo surveys were conducted during the week of August 17, 2020. The two surveys, which occurred on August 17 and August 21, 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.

<b>Date</b>	<b>Surveyor</b>
08/17/20	Shannan Shaffer
08/21/20	Christine Tischer

The least Bell's vireos were documented during focused surveys conducted during the week of August 17, 2020. The location of the least Bell's vireo previously active nest and territory are depicted in Attachment A. A. During the survey conducted on August 17, 2020, the Designated Biologist observed the male singing at the northern end of the previously documented territory. During the survey conducted on August 21,

2020, the Designated Biologist observed the male singing at the center of the previously documented territory. On August 17 and 20, 2020, the least Bell's vireo Designated Biologist on-site for construction monitoring observed a least Bell's vireo male singing northeast of the nesting location. During restoration monitoring on August 21, 2020 a single least Bell's vireo male was observed by the restoration monitor singing within the previously documented territory. The female was not observed during the surveys conducted during the week of August 17, 2020. Although the complete family group was not observed during surveys conducted during the week of August 17, it is possible that the group continues to be present at the Project site but with reduced activity due to the progression of the season. No additional signs of nesting have been observed. These observations combined with the timing of the surveys likely indicate that the pair has completed breeding activities for the season. Per ECORP's email communication with USFWS on July 15, 2020, restoration activities have resumed within the 300-foot buffer, with limitations described above. The limitations on restoration activities within the buffer will remain in place until the Designated Biologist confirms that the vireo family group have left the Project site for the season. No sediment hauling activities will occur within the buffer.

No other observations of least Bell's vireo were documented elsewhere on the Project site during focused surveys conducted the week of August 17, 2020.

#### *Least Bell's Vireo Noise Monitoring*

The vireo family group are now mobile within the Project site and no hourly Leq levels at or above 60 dBA have been recorded at the noise monitoring location to date. Sediment hauling activities are currently taking place well outside of the vireo territory and buffer. 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.

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).



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

#### Attachments:

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

**ATTACHMENT A**

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Location of Least Bell's Vireo Nest and Territory



Location: N:\2014\2014-003\_008\_Devil's Gate Mitigation Plan\MapDocs\_and\_mitigation\_monitoring\2020\DC\_LBVL\_monitoring\_20200729.mxd (MAG)-mguidry 8/27/2020

**Figure 1.**  
**Least Bell's Vireo Monitoring**  
**Week of August 17-21, 2020**

**Map Features**

-  Initial Project Footprint
-  Initial Project Footprint 500' Buffer
-  Least Bell's Vireo Observation
-  Least Bell's Vireo Nest
-  Least Bell's Vireo Territory
-  Least Bell's Vireo Nest 300' Buffer



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