Compliance Biology, Results of Focused Gnatcatcher Surveys, Backer Project, Los Angeles County, California (July 27, 2006)

compliance·biology inc

July 27, 2006

Forde Biological Consultants
2836 Acacia Street
Camarillo, CA 93012
Attn: Mr. Andrew Forde

Subject: Results of Focused Coastal California Gnatcatcher Surveys; Backer Project Los Angeles County, California

Dear Mr. Forde,

This letter report summarizes the methodology and findings of surveys for the federally-listed Threatened California gnatcatcher (*Polioptila californica*) (herein CAGN) conducted by Compliance Biology, Inc. on the Backer project site in the County of Los Angeles, California. The surveys were conducted for the purpose of determining the presence or absence of CAGN within the study area.

SURVEY LOCATION

The subject property area totals approximately 89 acres. Suitable coastal sage scrub habitat on site totals approximately 20 acres. The project site is situated west of Sand Canyon, on the south side of the Santa Clara River, southeast of the City of Santa Clarita, in Los Angeles County, California (**Exhibit 1**). The project site is situated at T4N, R15W, in Sections 22 and 23 on the Mint Canyon, California quadrangle (**Exhibit 2**).

SITE DESCRIPTION

The subject property is characterized as a mosaic of habitats. A network of dirt roads exists throughout the site. The primary patches of suitable CAGN habitat occur along portions of the southern site boundary, the southwestern corner, and other small patches are scattered across the site. Elevations at the project site ranges from approximately 1,480 feet to approximately 1,530 feet above mean sea level.

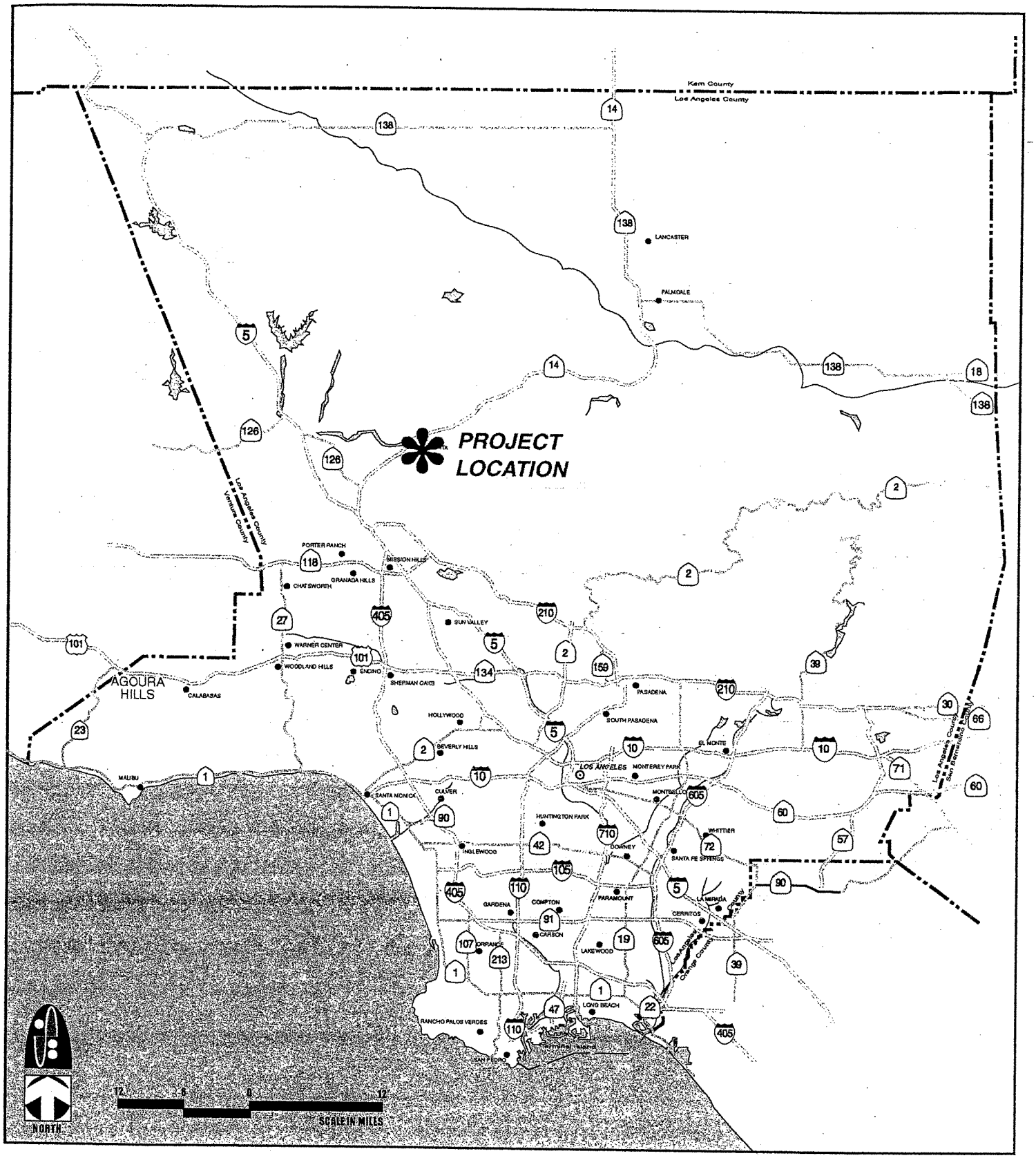
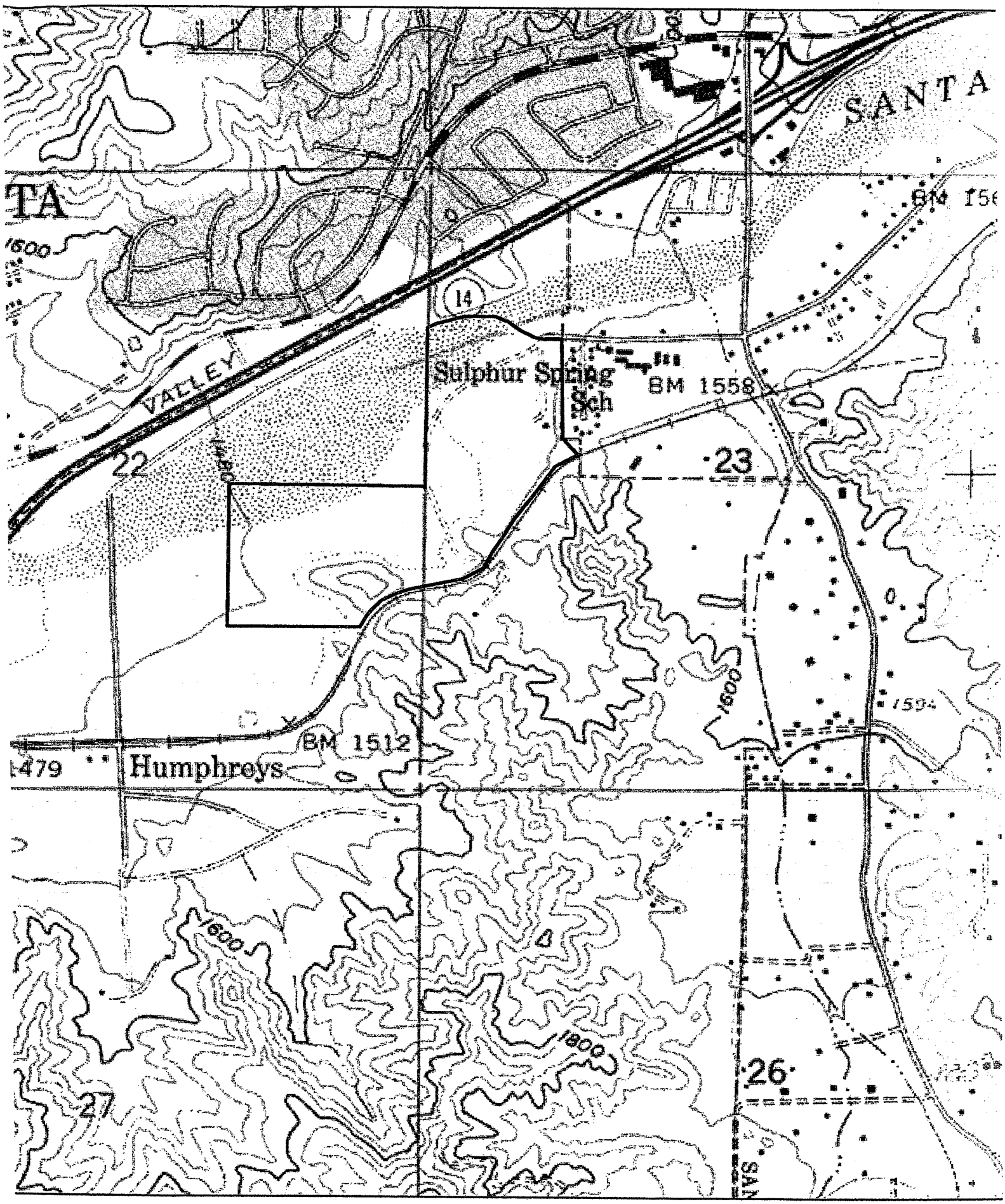


exhibit 1
Regional Location



Name: MINT CANYON
Date: 8/1/2006
Scale: 1 inch equals 1000 feet

Location: 034° 24' 49.1" N 118° 25' 45.9" W
Caption: Exhibit 2
Backer

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VEGETATION

As discussed, vegetation associations are varied across the site. Existing communities include ruderal/disturbed, great basin sage scrub, riparian scrub, coastal sage scrub, and scattered oak clusters. Dominant species in the sage scrub include California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), purple sage (*Salvia leucophylla*), California broom (*Lotus scoparius*), and bricklebush (*Brickellia californica*). Where understory vegetation occurs, it primarily consists of non-native grasses (*Avena* sp., *Bromus* spp.).

METHODOLOGY

Service recommended survey guidelines stipulate a minimum of six surveys shall be conducted at least one week apart between March 15 through June 30, and from July 1 through March 14, a minimum of nine surveys shall be conducted at least two weeks apart. Guidelines also recommend that surveys be completed between 6:00 a.m. and 12 p.m.; that they shall avoid periods of inclement weather or excessive heat, rain, wind, and fog; and the rate of coverage should be no more than 80 acres per day per permitted biologist.

Based on the aforementioned guidelines, six focused surveys were conducted within and adjacent to potentially suitable on-site coastal scrub habitats with at least a seven-day interval between site visits. All field surveys were performed by David Crawford under the authority of his individual Endangered Species Recovery Permits.

Surveys were conducted on April 28, May 12, 27 and June 3, 18, and 25, 2006. Approximately 20 acres of potentially suitable scrub habitat and a surrounding buffer zone into adjacent habitats were surveyed each day. All potential habitat areas were systematically surveyed on foot by walking slowly and methodically along random transect routes. The location of transects and survey points along each transect were based on the vegetation and topographic conditions (size, location, and shape of habitat) of the area to be surveyed to ensure complete coverage. A combination of taped vocalizations (played at 30-60 second increments) and "pishing" sounds were used at each calling point.

Weather conditions during the surveys were generally conducive to a high level of bird activity. All surveys were conducted between the hours of about 6:00 a.m. and approximately 11:00 a.m. Temperatures varied from approximately 56 degrees Fahrenheit (F) to a maximum of about 82F. Wind speed ranged from 0 to 10 mph during the surveys and typically averaged less than 5 mph. Cloud cover varied from overcast to completely clear.

RESULTS

A total of 42 avian species was observed or detected on the subject property. No California gnatcatchers were recorded on the project site during the focused protocol surveys.

Three avian species considered to be of special status in California were observed during the surveys efforts and are discussed in the following text. A complete list of all vertebrate species observed during the survey efforts is included as **Attachment A.**

Great egret (*Casmerodius albus*), ***California Special Animal.*** A single great egret was observed foraging in open disturbed areas on site during two of the six surveys. This species is not afforded any specific protection under the Federal or State Endangered Species Acts. However, the California Department of Fish and Game is interested in tracking rookery (communal nesting) areas. No individual nests or rookery areas were observed on or adjacent to the site during the gnatcatcher survey efforts.

California thrasher (*Toxostoma redivivum*); ***California special animal.*** This species is relatively common in the region and was observed in scrub habitats on site during five of the six surveys, suggesting it is likely a resident on site. Recently, regulatory agencies have become interested in tracking nesting locations. No active nests were directly observed, but suitable habitat exists on site to support nesting thrashers. This species is not afforded any specific protection under the Endangered Species Act.

Lark sparrow (*Chondestes grammacus*); ***California special animal.*** Two lark sparrows were observed during one of the surveys conducted on site. Its single date observation suggests it is likely not a resident of the site, but periodically occurs on site to forage. This species is not afforded any specific protection under the Federal or State Endangered Species Acts. However, the California Department of Fish and Game is interested in tracking active nest locations. No nests or nesting behaviors were observed on or adjacent to the site during the gnatcatcher survey efforts.

CONCLUSIONS

No CAGN or other state or federally-listed species were observed or detected during the series of six protocol surveys. Three bird species considered to be of state special-status were observed during the protocol surveys. Though not protected under the California Endangered Species Act, impacts to these species must be considered during the environmental review process for any projects subject to the California Environmental Quality Act (CEQA).

Further, although most of the individual birds observed during the site surveys are not afforded any protection under state or federal laws, most avian species present are protected under the California Fish and Game Code and the Federal Migratory Bird Species Treaty Act while actively nesting. As such, grading and/or any other activity resulting in the removal of vegetation should be conducted outside the typical nesting season (February 1 through July 30). Should such activities be required during this period of time, it is recommended that nesting bird surveys be conducted consistent with Service and California Department of Fish and Game guidelines.

Thank you for the opportunity to provide Forde Biological Consultants with biological services. Please feel free to contact me if you have any questions regarding the contents of this report.

Sincerely,

Dave Crawford
President/Principal Biologist
Permit #TE-821229-5

Cc: Chris Dellith; US Fish and Wildlife Service

REFERENCES

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Holland, R.F. 1986. "Preliminary Descriptions of the Terrestrial Natural Communities of California." Unpublished Report. State of California, The Resources Agency, Department of Fish and Game, Natural Heritage Division, Sacramento, California.

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U.S. Fish and Wildlife Service. 1996. *Endangered and Threatened Wildlife and Plants; Animal Candidate Review for Listing as Endangered or Threatened Species; Proposed Rule* Federal Register 50, CFR Part 17. U.S. Department of the Interior. Washington, D.C.

U.S. Fish and Wildlife Service. 1985. *Migratory Bird Treaty Act.* 16 U.S.C. 703-712.

Attachment A

Vertebrate Species Observed or Detected on the On the Backer Property[1]

Scientific Name[2]	Common Name[2]	Status[3]
BIRDS		
Ardeidae	**Herons**	
Casmerodius albus	Great egret	***sa*** (rookery)
Cathartidae	**New World Vultures**	
Cathartes aura	Turkey vulture	
Accipitridae	**Hawks**	
Buteo jamaicensis	Red-tailed hawk	
Falconidae	**Falcons**	
Falco sparverius	American kestrel	
Phasianidae	**Grouse, Pheasants & Quails**	
Callipepla californica	California quail	
Columbidae	**Pigeons & Doves**	
*Columba livia**	Rock dove	
Zenaida macroura	Mourning dove	
Tytonidae	**Barn Owls**	
Tyto alba	Barn owl	
Trochilidae	**Hummingbirds**	
Calypte anna	Anna's hummingbird	
Picidae	**Woodpeckers**	
Melanerpes formicivorus	Acorn woodpecker	
Picoides nuttallii	Nuttall's woodpecker	
Colaptes auratus	Northern flicker	
Tyrannidae	**Tyrant Flycatchers**	
Sayornis saya	Say's phoebe	
Myiarchus cinerascens	Ash-throated flycatcher	
Tyrannus verticalis	Western kingbird	
Hirundinidae	**Swallows**	
Stelgidopteryx serripennis	Northern rough-winged swallow	
Hirundo pyrrhonota	Cliff swallow	
Hirundo rustica	Barn swallow	
Corvidae	**Jays & Crows**	
Aphelocoma coerulescens	Scrub jay	
Corvus brachyrhynchos	American crow	
Corvus corax	Common raven	
Paridae	**Titmice**	
Parus inornatus	Oak titmouse	
Aegithalidae	**Bushtits**	
Psaltriparus minimus	Bushtit	
Troglodytidae	**Wrens**	
Thryomanes bewickii	Bewick's wren	
Troglodytes aedon	House wren	
Muscicapidae	**Kinglets, Gnatcatchers, Thrushes & Babblers**	
Regulus calendula	Ruby-crowned kinglet	
Chamaea fasciata	Wrentit	
Mimidae	**Thrashers**	
Mimus polyglottos	Northern mockingbird	

Attachment A (continued)

Vertebrate Species Observed or Detected On the Backer Property[1]

Scientific Name[2]	Common Name[2]	Status[3]
Toxostoma redivivum	California thrasher	***sa***
Ptilogonatidae	**Silky-Flycatchers**	
Phainopepla nitens	Phainopepla	
Sturnidae	**Starlings**	
*Sturnus vulgaris**	European starling	
Emberizidae	**Wood Warblers, Tanagers, Buntings & Blackbirds**	
Geothlypis trichas	Common yellowthroat	
Passerina amoena	Lazuli bunting	
Pipilo erythrophthalmus	Spotted towhee	
Pipilo crissalis	California towhee	
Chondestes grammacus	Lark sparrow	***sa*** (nesting)
Passerculus sandwichensis	Savannah sparrow	
Agelaius phoeniceus	Red-winged blackbird	
Icterus bulockii	Bullock's oriole	
Fringillidae	**Finches**	
Carpodacus mexicanus	House finch	
Carduelis psaltria	Lesser goldfinch	
REPTILES		
Iguanidae	**Iguanid Lizards**	
Sceloporus occidentalis	Western fence lizard	
Uta stansburiana	Side-blotched lizard	
MAMMALS		
Leporidae	**Hares & Rabbits**	
Sylvilagus audubonii	Desert cottontail	
Sciuridae	**Squirrels**	
Spermophilus beecheyi	California ground squirrel	
Geomyidae	**Pocket Gophers**	
Thomomys bottae	Botta's pocket gopher	
Canidae	**Wolves & Foxes**	
Canis latrans	Coyote	
Cervidae	**Deers**	
Odocoileus hemionus	Mule deer	

KEY:

[1] Occurrences documented during focused CAGN surveys conducted on site from April 28 through June 25, 2006.

[2] Scientific and common names are from the American Ornithologist's Union (2000) for birds, Society for the Study of Amphibians and Reptiles (2000) for reptiles, and Jones et al. (1992) for mammals.

[3] Status:

sa = California Special Animal - species with no official federal or state status, but are included on CDFG's Special Animals list

(nesting) = For most taxa the CNDDB is interested in sightings for the presence of resident populations. For some species (primarily birds), the CNDDB only tracks certain parts of the species range or life history (e.g., nesting locations). Those species noted with *sa* or CSC followed by (nesting) indicate the agency interest or protection status only applies to active nests of that species.