



HAMILTON BIOLOGICAL

January 8, 2021

Joseph Ueberroth
Bellwether Financial Group
610 Newport Center Drive, Suite 490
Newport Beach, CA 92660

SUBJECT: BIRD SURVEYS FOR COASTAL DEVELOPMENT PERMIT DANA POINT HARBOR REVITALIZATION PROJECT

Dear Mr. Ueberroth,

At your request, Hamilton Biological has conducted two bird surveys in conjunction with the planned renovation of Dana Point Harbor. These surveys were conducted to satisfy Condition No. 6 of Coastal Commission Staff Report W13c, for Application No. 5-19-0971. This condition states, in part:

6. Additional Biological Surveys – PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, the following biological surveys:

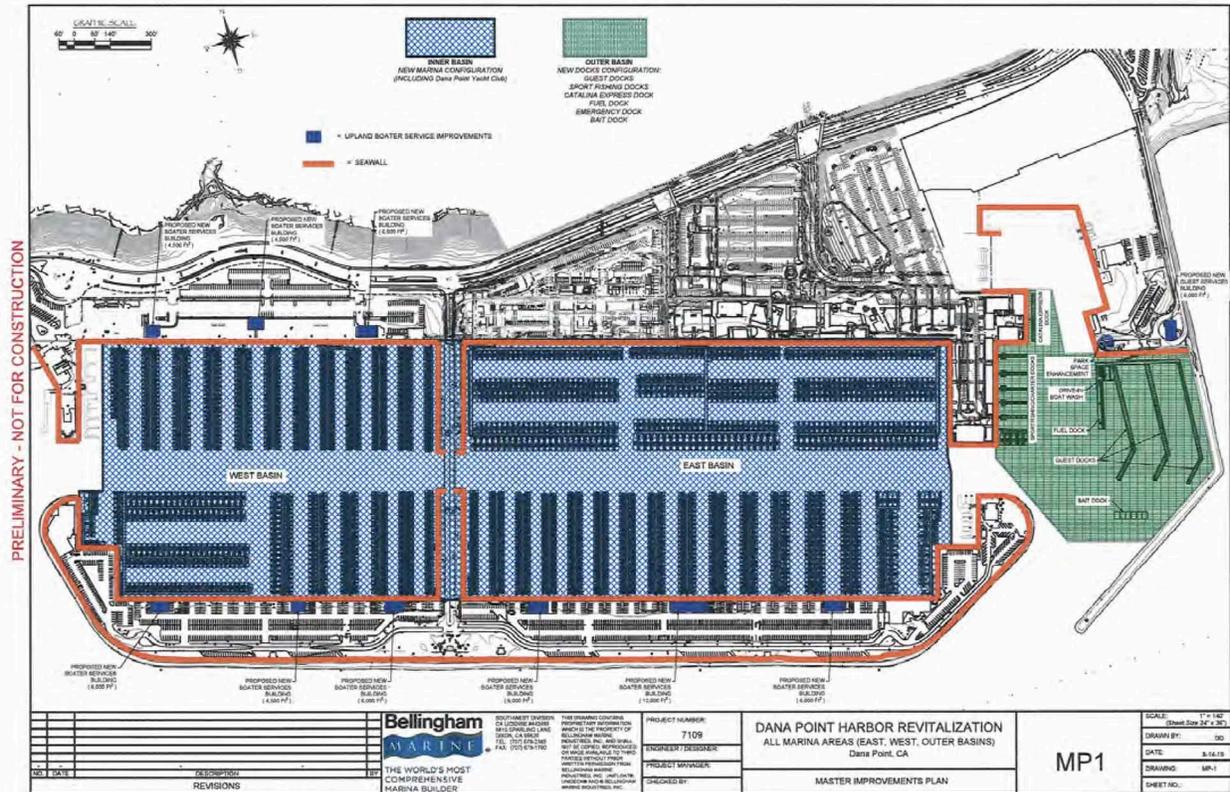
A. Bird Surveys to be conducted by a qualified biologist.

i. Inclusive of bird survey results for the [coastal California] gnatcatcher and its habitat within 500 feet of the proposed project area.

Robert Hamilton, President of Hamilton Biological, possesses a federal permit (TE-799557) to survey for the federally threatened Coastal California Gnatcatcher (*Poliophtila californica californica*), and is qualified to evaluate the extent of suitable habitat for the gnatcatcher. This report describes the methods and provides the results of the bird surveys required as a precondition of the Coastal Development Permit.

METHODS

Prior to conducting the surveys, I consulted with Christine Medak and Jonathan Snyder of the U.S. Fish and Wildlife Service (USFWS). I told them that I planned to survey all potentially suitable habitat for the California Gnatcatcher within 500 feet of planned work areas (Figure 1 on the next page shows the extent of the planned work areas). Since I was aware of a credible report of a California Gnatcatcher in this area on November 4, 2020 (<https://www.inaturalist.org/observations/66938072>), I proposed that my survey effort be limited to confirming the species' presumed occurrence in the area rather than conducting a full slate of nine protocol surveys. This was amenable to the USFWS (assuming the surveys would, in fact, confirm the species' presence).



**California Coastal Commission
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 Exhibit 3 – Site Plan
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Figure 1. Reproduction of Exhibit 3 from the Coastal Commission Staff Report, showing the extent of work areas in the Inner Basin (blue screen) and Outer Basin (green screen).

The bird surveys covered non-native landscaping and natural bluff scrub habitat within 500 feet of the planned work areas. The current surveys focused primarily on the area of coastal bluff scrub, north of Dana Point Harbor Drive, that constitutes potentially suitable habitat for the California Gnatcatcher.

I conducted an initial survey on December 18, 2020, from 10:30 a.m. to 12:15 p.m. The temperature was 63° F, wind was 1–3 mph, and skies were clear. I noted all bird species present within 500 feet of planned work areas. Consistent with the terms of my federal permit, I employed playback of California Gnatcatcher vocalizations to elicit responses from any gnatcatchers that might be present in suitable habitat.

I conducted a second survey on December 30, 2020, from 8:30 to 10:05 a.m. Temperatures were 55–61° F, wind was 1–3 mph, and skies were clear. I noted all bird species present within 500 feet of planned work areas, and employed playback of California Gnatcatcher vocalizations to elicit responses from any gnatcatchers that might be present in suitable habitat.

During the surveys, I used a hand-held, aerial-based GPS mapping unit to carefully delineate the extent of potentially suitable coastal bluff scrub habitat for the California Gnatcatcher occurring within 500 feet of the planned work areas.

RESULTS

During the two bird surveys I detected 43 bird species, 38 of which are native to the local area and five of which are introduced/non-native. In the list of species detected, below, the five non-native species are denoted with an asterisk (*).

Gulls, Terns, and Skimmers

Heermann's Gull *Larus heermanni*
Ring-billed Gull *Larus delawarensis*
Western Gull *Larus occidentalis*
California Gull *Larus californicus*

Grebes

Western Grebe *Aechmophorus occidentalis*

Pigeons and Doves

* Rock Pigeon *Columba livia*
* Eurasian Collared-Dove *Streptopelia decaocto*
Mourning Dove *Zenaida macroura*

Cormorants and Anhingas

Double-crested Cormorant *Phalacrocorax auratus*

Pelicans

Brown Pelican *Pelecanus occidentalis*

Hérons, Ibis, and Allies

Great Blue Heron *Ardea herodias*
Snowy Egret *Egretta thula*
Black-crowned Night-Heron *Nycticorax nycticorax*
Yellow-crowned Night-Heron *Nyctanassa violacea*

Vultures, Hawks, and Allies

Turkey Vulture *Cathartes aura*
Osprey *Pandion haliaetus*

Kingfishers

Belted Kingfisher *Megasceryle alcyon*

Woodpeckers

Nuttall's Woodpecker *Dryobates nuttallii*

Falcons and Caracaras

American Kestrel *Falco sparverius*

Tyrant Flycatchers: Pewees, Kingbirds, and Allies

Black Phoebe *Sayornis nigricans*

Say's Phoebe *Sayornis saya*

Cassin's Kingbird *Tyrannus vociferans*

Vireos

Hutton's Vireo *Vireo huttoni*

Jays, Magpies, Crows, and Ravens

American Crow *Corvus brachyrhynchos*

Long-tailed Tits and Bushtit

Bushtit *Psaltriparus minimus*

White-eyes, Yuhinas, and Allies

* Swinhoe's White-eye *Zosterops simplex*

Kinglets

Ruby-crowned Kinglet *Regulus calendula*

Gnatcatchers

California Gnatcatcher *Polioptila californica*

Wrens

House Wren *Troglodytes aedon*

Bewick's Wren *Thryomanes bewickii*

Starlings and Mynas

* European Starling *Sturnus vulgaris*

Catbirds, Mockingbirds, and Thrashers

Northern Mockingbird *Mimus polyglottos*

Thrushes

Hermit Thrush *Catharus guttatus*

Waxwings

Cedar Waxwing *Bombycilla cedrorum*

Old World Sparrows

* House Sparrow *Passer domesticus*

Finches, Euphonias, and Allies

House Finch *Haemorhous mexicanus*

Lesser Goldfinch *Spinus psaltria*

New World Sparrows

White-crowned Sparrow *Zonotrichia leucophrys*

Song Sparrow *Melospiza melodia*

Lincoln's Sparrow *Melospiza lincolnii*

Wood-Warblers

Orange-crowned Warbler *Leiothlypis celata*

Common Yellowthroat *Geothlypis trichas*

Yellow-rumped Warbler *Setophaga coronata*

I recorded a female California Gnatcatcher during the second survey, foraging in coastal bluff scrub north of Dana Point Harbor Drive (see Photos 1 and 2 below; Figure 2 on the next page).



Photo 1. Female California Gnatcatcher in California Encelia. December 30, 2020.

Photo: Robert Hamilton.

Photo 2. View, facing north, showing native coastal bluff scrub occupied by an adult female California Gnatcatcher on December 30, 2020.

Photo: Robert Hamilton.



DISCUSSION

Condition No. 6 of Coastal Commission Staff Report W13c refers to the federally threatened California Gnatcatcher and specifies that the bird survey evaluate the status of the gnatcatcher and its habitat within 500 feet of the proposed project area. In addition to this 500-foot threshold, Condition 4C of the Staff Report states the following:

If an active nest of any bird species listed pursuant to the federal or California Endangered Species Act, California bird species of special concern or a wading bird (herons or egrets), or raptors are found, construction activities within 300 feet (500 feet for raptors) shall not exceed noise levels of 65 dB peak until the nest(s) is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting, unless ambient noise in the absence of construction-related activities is found to exceed 65 dB, in which case a threshold should be set at no more than ambient sound levels plus 5 dB. Surveys for the above bird species during their breeding season shall be conducted by a qualified biologist prior to commencement or commencement of construction.

Thus, 300-foot and 500-foot thresholds around planned work areas are relevant. Figure 2, below, shows the extent of potentially suitable habitat for the gnatcatcher within 500 feet of the planned work area, as well as the 300-foot limit around the north side of the planned work area.



Figure 2. Showing the 300-foot limit around the planned work area (magenta line); potentially suitable habitat for the California Gnatcatcher within 500 feet of the planned work areas (yellow outline); and the locations of two recent records of the California Gnatcatcher (yellow pushpins with dates specified). The record on November 4, 2020 (<https://www.inaturalist.org/observations/66938072>) was not made during the current survey effort; the record on December 30, 2020, was made by Robert Hamilton during the current survey effort.

The gnatcatcher record on November 4, 2020, involves a bird heard incidentally by James Bailey, an employee of Hamilton Biological, Inc. The age and sex of that bird was not determined.

On December 30, 2020, during the current survey effort, I recorded an adult female gnatcatcher. This bird was initially detected by its distinctive mewing calls, given from near the base of the bluff. I observed this bird for approximately five minutes before it disappeared, and did not detect a male in the nearby area. This, combined with my failure to detect any gnatcatchers in this area during the initial survey on December 18, 2020, suggests that the female was probably unpaired. The female gnatcatcher was foraging in native coastal bluff scrub habitat dominated by California Encelia (*Encelia californica*), Coastal Prickly Pear (*Opuntia littoralis*), California Buckwheat (*Eriogonum fasciculatum*), Coast Cholla (*Cylindropuntia prolifera*), Bladderpod (*Cleome isomeris*), and Lemonade Berry (*Rhus integrifolia*); see Figure 2 on page 5 of this report.

As shown on Figure 2 (previous page), potentially suitable habitat for the gnatcatcher does not occur within 300 of the planned work area. Thus, little or no potential exists for nesting of this species within the 300-foot zone in which noise monitoring for the gnatcatcher would be required under Condition 4C of the Staff Report.

CONCLUSION

Thank you for the opportunity to provide these services. If you have any questions, please call me at (562) 477-2181 or send e-mail to robb@hamiltonbiological.com.

Sincerely,



Robert A. Hamilton, Wildlife Biologist
President, Hamilton Biological, Inc.
<http://hamiltonbiological.com>