

APPENDIX B

Nesting Bird and Tree Survey



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January 25, 2023

Project No.: 22-13796

Kevin Ferrier

Terry A. Hayes Associates, Inc.

3535 Hayden Avenue, Suite 350

Los Angeles, California 90017

Via email: kferrier@webtaha.com

Subject: Nesting Bird Survey Report for the 429 Shoreline Village Drive, City of Long Beach, California

Dear Mr. Ferrier:

Rincon Consultants, Inc. (Rincon) prepared this nesting bird survey report to document the results of the preconstruction nesting bird survey for the proposed 429 Shoreline Village Drive Project (project) located in Long Beach, California. The survey was conducted to assess the potential presence of nesting birds in the proposed project area and a 500-foot buffer, hereafter referred to as the “study area”. Special attention was afforded to identifying active bird nests, as well as remnant stick nests within trees or building rooftops, that may provide nesting opportunities for colonial waterbirds that nest near open waters, such as, but not limited to, great blue heron (*Ardea herodias*), black crowned night heron (*Nycticorax nycticorax*), and snowy egret (*Egretta thula*).

Project Description

The project site is a 7.89-acre of developed area within the existing 429 Shoreline Village Drive site (Figure 1). The project involves improvements, renovations, and expansion of existing buildings, demolition of two existing kiosk buildings, demolition of a commercial building, construction of two small retail buildings, and construction of a two-level parking structure. Site improvements also include a new bike path connection between the existing path along Rainbow Harbor and the Marina Green bike path. New short-term bike racks will be added and pedestrian circulation routes throughout the site will also be improved.

Newly remodeled public areas will include: the Hub Plaza, the boardwalk, view corridors between buildings, Harborside Plaza, and the public viewing deck. The parking lot will be repaved, restriped, and landscaped. New parking gates/pay stations will be installed, and new stalls with EV chargers for electric vehicles will be installed.

Methodology

Rincon biologists, Gayle McDermott and Genelle Watkins, conducted the nesting bird survey on January 18, 2023, between the hours of 1000 and 1300. Weather conditions included clear skies (25% cloud cover), 0-3 mile per hour winds, and temperatures ranging from 59 to 63 degrees Fahrenheit. The biologists made observations from the ground, surveying for existing and remnant nest structures,



whitewash, birds exhibiting breeding/nesting behavior (i.e., courtship displays, copulation, vegetation or food carries, and territorial displays), and the presence of fledglings. Where biologists suspected nests or young to be present, they more closely inspected trees to confirm presence or absence of nests or birds. The biologists used binoculars (8x35) to aid in the identification of birds and nests and to survey inaccessible areas (i.e., fenced construction zones and private properties) from the nearest accessible vantage point. Trees containing potential waterbird nests were recorded using a Samsung Tablet and ArcGIS Collector application.

A nest is considered “active” based on observations of at least one adult constructing or attending the nest, including incubation, brooding, and nest maintenance, as well as a nests with at least one offspring or any nest that appears to be recently constructed (new nesting material and recent whitewash present on or under the nest) with an adult bird perching nearby. Other indicators that waterbird nesting was occurring on these unoccupied nest structures include feather and guano deposits, other avian activity, and/or presence of broken eggs or dead fledglings. “Roost” trees are those that did not contain nest structures but were observed with a significant amount of white-wash underneath and/or a colonial waterbird was observed roosting in the tree. The biologists also documented any non-waterbird nests or nesting behavior observed during the survey.

Results

The study area is dominated by ornamental landscaping vegetation, distributed among paved parking lots and existing restaurants and businesses. Tree species within the study area include paper bark tree (*Melaleuca quinquenervia*), weeping fig (*ficus benjamina*), Mexican fan palm (*Washingtonia robusta*), Peruvian pepper tree (*Schinus molle*), black locust (*Robinia pseudoacacia*), California fan palm (*Washingtonia filifera*), silver dollar gum (*Eucalyptus polyanthoemos*), and queen palm (*Syagrus romanzoffiana*). These trees, along with certain shrubs, may provide suitable nesting opportunities for birds. No nesting birds or nesting bird behavior were observed during the survey. However, seven black-crowned night herons were observed the study area within three different fig trees, including a single juvenile. Black-crowned night heron is a “special status species” because it is on the International Union for Conservation of Nature (IUCN) Red List of Threatened Species as IUCN – Least Concern. All black-crowned night herons were observed roosting only. Three inactive nests were observed within the study area. Of these, one was a large stick nest determined to be an American crow nest due to the size and presence of two crows nearby. Another inactive structure on the large fig tree at the center of Shoreline Village contained a smaller stick nest that is likely utilized by black-crowned night heron due to the presence of guano deposits and black-crowned night heron roosting in the tree. The third nest was very small and consisted of leaves/twigs/palm pieces in a paperbark tree. This nest most likely belongs to a passerine species given its size and lack of large sticks. The observed locations of the black-crowned night heron roosting trees and inactive nest locations are depicted on Figure 2 . All avian species observed during the survey are listed in Table 1.



Table 1 Avian Species Observed or Detected

Scientific Name	Common Name
<i>Actitis macularius</i>	spotted sandpiper
<i>Calypte anna</i>	Anna's hummingbird
<i>Chamaea fasciata</i>	wrentit
<i>Columba livia</i>	rock pigeon
<i>Corvus brachyrhynchos</i>	American crow
<i>Dendrocica coronata</i>	yellow rumped warbler
<i>Haemorrhous mexicanus</i>	house finch
<i>Larus californicus</i>	California gull
<i>Larus occidentalis</i>	western gull
<i>Melanitta perspicillata</i>	surf scoter
<i>Melospiza melodia</i>	song sparrow
<i>Melospiza crissalis</i>	California towhee
<i>Nycticorax nycticorax</i>	black crowned night heron*
<i>Psaltiparus minimus</i>	bushtit
<i>Spinus psaltria</i>	lesser goldfinch
<i>Sturnus vulgaris</i>	European starling
<i>Vermivora celata</i>	orange-crowned warbler

Conclusions

Although no active nests were observed, the study area contains suitable habitat for nesting birds. Destruction of eggs, nests, and nestlings are prohibited in accordance with the Migratory Bird Treaty Act (MBTA) 16 U.S.C. 703-712 and the California Fish and Game Code (CFG) § 2000 and 3503. The ornamental trees and shrubs present within the study area could provide nesting habitat for common resident and migratory birds that were observed during the field survey, such as yellow-rumped warbler, various hummingbirds, and California towhee, as well as special-status black-crowned night heron. Seven black-crowned night heron, including a single juvenile, were observed roosting in four fig trees in the study area. Several large Mexican fan palm trees lining the parking lot and within the entire study area could provide potential nesting opportunities for great blue heron and other species such as American crow, and songbirds that may nest within unmaintained, dead fronds. There is no evidence that other colonial waterbirds such as great blue heron or snowy egret have nested in the study area in recent past, but there is potential that they could.

Recommendations

Vegetation removal is included as part of the proposed project activities, including several ornamental tree removals throughout the project site. To avoid impacts to nesting birds, nesting bird avoidance consisting of a pre-clearance survey and establishment of avoidance buffers is recommended to avoid potential conflicts with the MBTA and CFGC.



Nesting Bird Avoidance

- Activities related to the project such as vegetation removal, ground disturbance, and construction and demolition should occur outside of the bird breeding season (January 1 through September 31). If construction must begin during the breeding season, a pre-construction nesting bird survey is recommended no more than seven days prior to initiation of construction activities. The nesting bird pre-construction survey should be conducted on-foot inside the project site, including a 300-foot buffer for passerine species and a 500-foot buffer for special-status species. The survey should be conducted by a biologist familiar with the identification of colonial waterbirds and other avian species known to occur in the area.
- If nests are found, an avoidance buffer should be demarcated by a qualified biologist. The buffer width would be determined based on the species, location of the nest, ambient conditions near the nest, and planned construction related activities. All construction personnel should be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No parking, storage of materials, or construction activities should occur within the buffer until the avian biologist has confirmed that breeding/ nesting is completed, and the young have fledged the nest. Encroachment into the buffer should only occur at the discretion of the qualified biologist.

Thank you for the opportunity to work with you on this important Project. Please contact the undersigned with any questions concerning the contents of this report.

Sincerely,

Rincon Consultants, Inc.

A handwritten signature in black ink, appearing to read "Gayle McDermott".

Gayle McDermott, Project Manager
Biologist

A handwritten signature in black ink, appearing to read "Greg Ainsworth".

Greg Ainsworth, Arborist
Director

Attachments

Figure 1 – Project Location

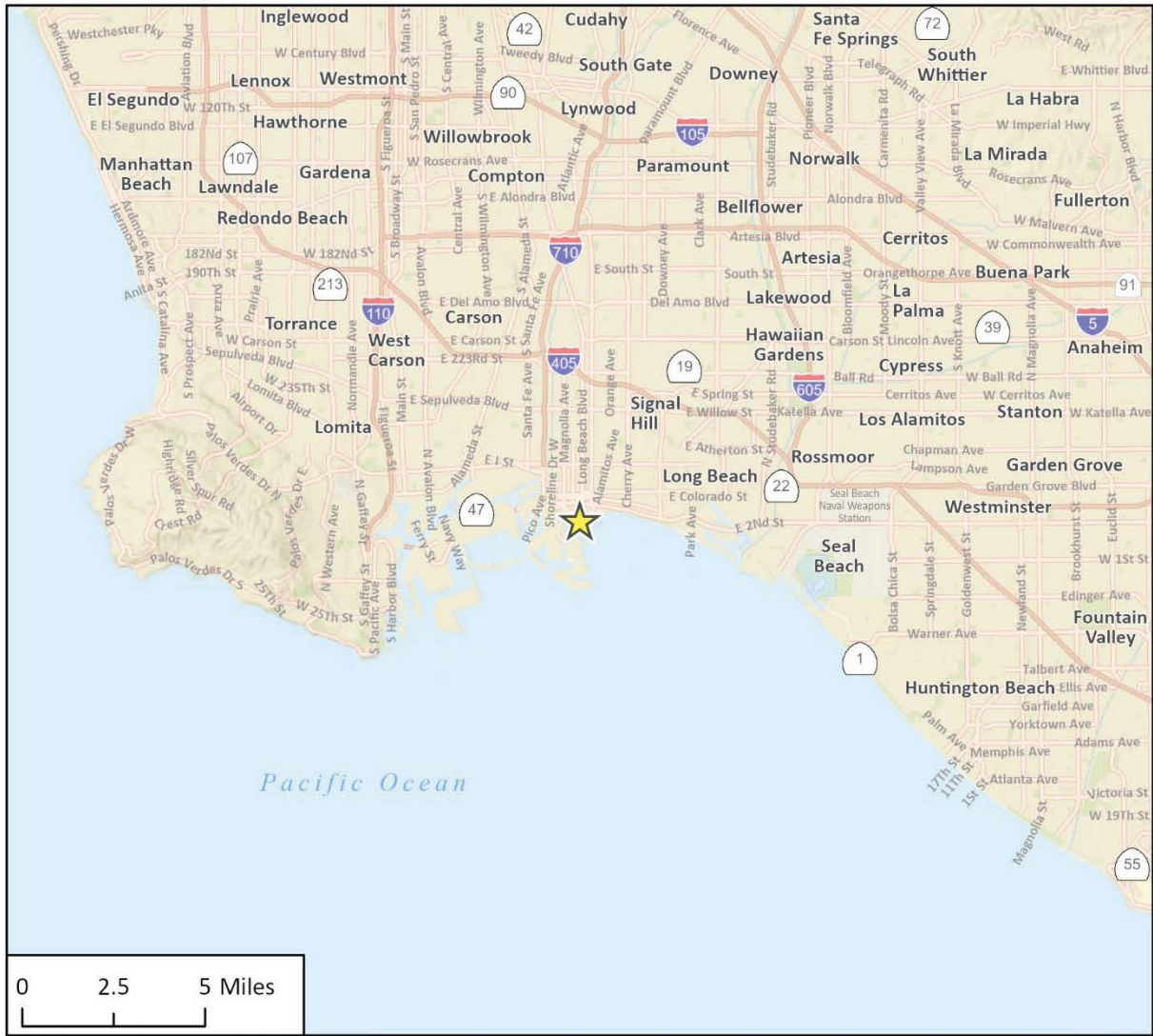
Figure 2– Special Status Species and Inactive Nest Observations

Photo Log

Attachments

Figure 1, Figure 2, and Site Photographs

Figure 1 Project Location



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★ Project Location

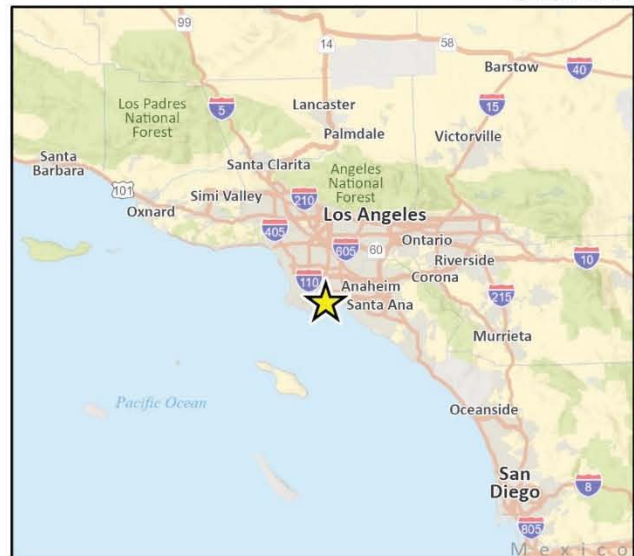


Figure 2 Special Status Species and Inactive Nest Structure Observations



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Fig 2 Project Location



Photograph 1. View of Shoreline Village harbor area and building overview facing west.



Photograph 2. Large ficus tree at center of site with black-crowned night heron roosting facing south.



Photograph 3. Overview of Shoreline Village parking lot with scattered ornamental trees facing northeast.



Photograph 4. Paper bark tree in northwest corner of site with inactive stick nest facing southeast.



Photograph 5. Paper bark tree near Shoreline Drive entrance with inactive stick nest facing southeast.



Photograph 6. Public park with various ornamental trees across the street from Shoreline Village facing northeast.



Photograph 7. Public park with various ornamental trees across the street from Shoreline Village facing east.



Photograph 8. Juvenile black-crowned night heron roosting in ficus tree approximately 100-feet from Project site in the public park area.