

May 23, 2017

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Re: Vegetation removal nesting bird survey results, LIBAO Marin City Residential Development, Marin City, California.

Dear Mr. Pearlman,

This letter reports the finding of breeding birds survey during vegetation removal at the LIBAO Marin City Residential Development Project site (Project Area) located on an unimproved parcel (APN 052-140-33) in the unincorporated community of Marin City, Marin County, California. The surveys were performed to ensure that project activities are in compliance with the Migratory Bird Treaty Act of 1980 and California Fish and Game Codes 3503, 3503.5, and 3513. Project activities (vegetation removal) have some potential to directly and/or indirectly impact nesting birds protected by the federal Migratory Bird Treaty Act and California Fish and Game Code. Specifically, nesting birds that may occur in vegetation (trees, shrubbery) within or adjacent to the Project Area. Active nests (i.e., those with eggs or young) could be adversely impacted by vegetation removal and associated and vibratory disturbances.

Project Area Description

The 22.76-acre Survey area is situated to the west of Marin City, and is accessible via an existing fire road call Alta Avenue, an extension to Donohue Street. Project activities included removal of vegetation within the defined Surveyed Area. The Surveyed Area is defined in red in Figure 1 and can be seen with Proposed Project areas (colored orange) within the Surveyed Area. The study area is bounded to the east and north by residential development and undeveloped open space lands surround the remainder of the Study Area to the South and West. A fire road is located just within the northwest boundary of the Project Area. Coyote Brush and California Bay Laurel Forest are the dominate cover types within the Study Area. Small patches of non-native grassland can be found within small clearings.

Methods

Breeding bird and nesting surveys covering the entire Study Area were conducted on March 30th, April 28th, May 8th, and May 9th, 2017 by WRA biologists David Zwick, Melinda Mohamed, and Russell Andrews. The multiple survey efforts covered the entirety of the survey area where trees, shrubs, and vegetation were being removed and considered for removal. The survey was conducted between 8:00am and 4:00pm prior, and during vegetation removal activities. During the site visit, the surveyed area was investigated for any evidence of avian territorial behavior (i.e., singing, chasing intruders out of territories, etc.), nesting bird behavior (e.g., adult birds

carrying nesting material or food), or the presence of active nests and/or pre-fledged juveniles. The area designated for vegetation removal were inspected prior to and during vegetation removal to ensure no adult or juvenile birds were harmed. Observations were made with the naked eye, and binoculars when appropriate due to dense vegetation and abundance of poison oak (*Toxicodendrom diversilobum*) throughout the study area. Careful attention was paid to the trees and shrubbery with the thickest foliage that provide structures favorable for nesting. Additionally, all areas of cleared vegetation and debris was inspected to further assure that nest and/or birds were not impacted.

In addition, vegetation removal crews were instructed to pay attention to any structure that appears to be similar to a bird nest or nesting bird behaviors. If either was observed to any degree, the vegetation removal crew would notify the biologist or its location for further inspection.

Results

No nests or nesting behavior were observed within or adjacent to the Study Area. Observed avian activity was limited to foraging and traveling behaviors. Migrant and common species observed in or immediately adjacent to the study area included California towhee (*Melospiza crissalis*), white-crowned sparrow (*Zonotrichia leucophrys*), red-winged black bird (*Agelaius phoeniceus*), black phoebe (*Sayornis nigricans*), Anna's humming bird (*Calypte anna*), American crow (*Corvus brachyrhynchos*), American bushtit (*Psaltriparus minimus*), wrenit (*Chamaea fasciata*), song sparrow (*Melospiza melodia*), turkey vulture (*Cathartes aura*), yellow-throated warbler (*Setophaga dominica*), Canadian goose (*Branta canadensis*), common raven (*Corvus corax*) and California scrub jay (*Aphelocoma californica*). No special-status bird species (those with legal protections beyond federal and state baseline levels) were observed.

Sincerely,



Sean Avent
Associate Biologist

Attachment: Figure 1 Study Area.

Figure 1. LIBAO Marin City

Spring 2017 Vegetation Clearing Surveys

Legend

- Proposed Project
- Surveyed Area

