

April 10, 2024

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Reggie Thomas
Edgemoor Infrastructure and Real Estate
7900 Westpark Drive, Suite T300
McLean, Virginia 22102

Subject: Pre-Construction Survey Results for the Garden Grove Civic Center Revitalization Project

Dear Reggie Thomas:

This report details the methods and results of a pre-construction survey conducted at the Garden Grove Civic Center Revitalization Project (Project) to ensure compliance with the Migratory Bird Treaty Act (MBTA) and California Fish and Game (CFG) Code Section 3500. The purpose of conducting this survey was to confirm the presence or absence of nesting birds, and any special-status wildlife or vegetation that may occur on site, prior to the commencement of construction activities related to the Project.

Background

Dudek performed a pre-construction biological survey to determine if special-status wildlife or vegetation, or active nests of birds or raptors protected under the MBTA, and/or the CFG Code Section 3500, are present in the disturbance footprint or within 500 feet of the construction zone. This survey was conducted one day prior to ground disturbance or vegetation removal activities to assess any suitable habitat for bird species potentially nesting on the site immediately adjacent to the pond situated within the Project site.

In order to avoid indirect construction impacts to nesting birds and raptors and to be consistent with the MBTA and CFG Code, the nesting bird survey was conducted prior to the start of construction during the nesting season.

Methods

The survey involved a single pass through the Project site, paying special attention to vegetated areas. Off-site vegetation adjacent to the Project site (500 ft. buffer) was also surveyed. Trees, shrubs, and dense undergrowth were inspected for nests. The biologist used binoculars and auditory song recognition to determine the presence or absence of nesting birds covered under MBTA and CFG Code. The biologist searched for nesting evidence by all species and recorded all bird species observed or audibly detected during the survey. The biologist also watched for behaviors indicative of nesting, or breeding behavior in general, including nest building, flushing from vegetation at close range, carrying food, singing/territoriality, carrying of fecal sacs, adults feeding fledglings, and agitation at the presence of the biologist. Any nests located were marked on a field map with an aerial base. In addition, water present in the pond was assessed to determine presence of aquatic species. Photos taken during the survey are included in Attachment A: Site Photos.

Results

The survey was conducted by Dudek biologist Max D. Murray on April 9, 2024, from 0800 hours to 0900 hours. Weather conditions during the survey were favorable for observing active nests, including 0% cloud cover, winds from 0 to 3 miles per hour, and temperatures ranging from 58 to 61 degrees Fahrenheit.

Avian activity and diversity during the survey was high. Species observed included those commonly found in developed urban areas in Southern California, including: ring-billed gull (*Larus delawarensis*), lesser goldfinch (*Spinus psaltria*), mourning dove (*Zenaida macroura*), American crow (*Corvus brachyrhynchos*), Anna's hummingbird (*Calypte anna*), Allen's hummingbird (*Selasphorus sasin*), orange-crowned warbler (*Leiothlypis celata*), yellow-rumped warbler (*Setophaga coronata*), bushtit (*Psaltriparus minimus*), black phoebe (*Sayornis nigricans*), dark-eyed junco (*Junco hyemalis*), rock pigeon (*Columba livia*), house finch (*Haemorhous mexicanus*), house sparrow (*Passer domesticus*), Nuttall's woodpecker (*Dryobates nuttallii*), Cooper's hawk (*Accipiter cooperii*), mallard (*Anas platyrhynchos*), Eurasian starling (*Sturnus vulgaris*), scaly-breasted munia (*Lonchura punctulate*), Swinhoe's white-eye (*Zosterops simplex*), Canada goose (*Branta canadensis*), and western bluebird (*Sialia mexicana*). Of the 22 species observed, all but house sparrow, Eurasian starling, Swinhoe's white-eye, rock pigeon, and scaly-breasted munia are protected under MBTA. All but yellow-rumped warbler breed in the region, and for which suitable breeding habitat is present within or adjacent to the site. Species such as Anna's hummingbird will sometimes nest relatively late in the season.

No active nests were observed in close proximity to the Project site (within the 500 ft. buffer). Additionally, no breeding behaviors of any kind were observed. No special-status wildlife or vegetation were observed during the pre-construction survey. All aquatic species observed in the pond were non-native, including American bullfrog (*Lithobates catesbeianus*), red-eared slider (*Trachemys scripta elegans*), Texas spiny softshell (*Apalone spinifera emoryi*), and western mosquito fish (*Gambusia affinis*).

Conclusion

Based on the results of this survey, the Project site is currently considered absent of any active nests of birds protected under the MBTA or CFG Code. No potential for take of nests in violation of the MBTA or CFG Code is expected by the Project, and Project activities may commence without impacts to nesting birds. Additionally, the Project site is currently considered absent of any special-status wildlife or vegetation.

Should you have any questions regarding the findings included in this report, please do not hesitate to give me a call at (949) 212-9404 or tmoloo@dudek.com.

TO: MR. REGGIE THOMAS
SUBJECT: PRE-CONSTRUCTION NESTING BIRD CLEARANCE SURVEY RESULTS FOR THE GARDEN GROVE CIVIC CENTER
REVITALIZATION PROJECT

Sincerely,



Tommy Molio
Senior Biologist

cc: *Niki Wetzel, City of Garden Grove*
Max Murray, Dudek

Attachments: A. Site Photographs

Attachment A

Site Photos



Photo 1 Water present in pond.



Photo 2. Red-eared sliders observed in pond.



Photo 3. Dewatered section of the pond.



Photo 4. Dewatered section of the pond.

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