APPENDIX G
Biological Resources Surveys

ESA Biological Resources

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memorandum

date October 9, 2007

to Jocelyn Swain
Associate Planner - Environmental
City of Lancaster

from Michele Budish
Associate Biologist - Biological Resources
Environmental Science Associates

subject Monitoring Report – Vegetation Removal
60th Street West and Avenue K, Lancaster, CA
Project No. D206453.00/ Task 02- Contingency

This memorandum documents vegetation removal monitoring activities performed at the northwest corner of 60th Street West and Avenue K at the City of Lancaster's request as a result of unauthorized tree removal at the site. The following provides a brief summary of background information and the findings of my site visits.

Site Survey - August 27, 2007

On April 11, 2007, I performed a biological reconnaissance survey at the site with Tom Roberts (ESA's Biological Resources and Land Management Director) for the 60th Street West and Avenue K Commercial Shopping Center EIR. At the request of the City, I returned to the site for a second visit on August 27, 2007, following tree cutting and vegetation removal activities initiated by AV California, LLC. At the time of the second site visit, conditions at the site were as follows:

- The artificial concrete pool was missing (it had either been removed or filled);
- Two of the four existing buildings/structures had been cleared of debris and some demolition has taken place inside the structures;
- The majority of the ground cover had been removed and dirt berms leveled;
- Approximately 80-90 percent of the trees had been cut and were lying on the ground. Preliminarily it appeared that approximately ten trees remained, as follows:

    - Approximately seven Chinese elm trees (*Ulmus* sp.), one of which contains the large stick nest believed to be used by the red-tailed hawk. These trees are located on the property along 60th Street West behind the telephone pole numbered 1309853E;
    - Two pine trees (*Pinus* sp.), located at the corner of 60th Street West and Avenue K;
    - Two standing trees and one ornamental juniper remain (*Juniperus* sp.) located near the abandoned structures; and
    - One ornamental shrub, and one small standing tree located along the southern portion of the property near existing residences.

- The elm tree with the great horned owl nest observed in April 2007 was cut and lying on the ground
- Evidence of wildlife observed on the property during my August 27, 2007 site visit includes the following:

    - Owl pellets observed throughout the site at the base of most trees suggests that the great horned owl used multiple trees for roosting throughout the site;
    - Rabbit scat;
    - Burrows scattered throughout the property (burrows could be occupied by ground squirrels or other small mammals);
    - Ground squirrels (*Spermophilus* sp.) – observed;
    - Common raven (*Corvus corax*) – observed;
    - Great-tailed grackle (*Quiscalus* sp.) – observed;
    - Mourning dove (*Zenaida macroura*) – observed.

Biological Resources Monitoring During Site Clearance

Removal of the felled trees and related clearance activities occurred on September 5, September 6, September 7, September 8, October 2, and October 3, 2007. All workers followed the biologists' recommendations and complied with driving parameters, and instructions on tree clearance and tree removal activities. After all tree removal work was completed, the site was evaluated and the site conditions were recorded. The final assessment of current site conditions and damage to the site are as follows:

- A tree count was performed and ESA determined that a total of 118 mature trees were cut (mostly elm trees and a few pine trees);
- Currently there are 9 mature elm trees left on site (one of which contains a large stick nest, which is most likely a red-tailed hawk nest), there are 4 mature pine trees left on site (one of which contains a large stick nest), there are 7 elm saplings (small, immature trees; approximately 7-10ft in height), there are 2 exotic juniper shrubs on site, and some ornamental shrubs near one of the existing buildings;
- All felled trees and brush have been removed from the property except for one partial tree on the ground that contains a bee hive;
- One tree was felled that contained the great horned owl nest;
- Two large stick nests still exist in trees on the property- they have been inconspicuously marked for future nesting bird surveys;
- The concrete bowl (once a water feature) has been uncovered (it was filled with trash and felled trees previously);
- Site conditions attracted people in search of firewood that could be sold or used in resident fireplaces; nearby residents indicated that people were driving through the property at night. Three stumps were cut after hours after workers had finished for the day; and
- The four existing buildings on the property have been further vandalized.

Evidence of wildlife observed on the property during the biological monitoring includes the following:

    - Owl pellets observed throughout the site at the base of most trees suggests that the great horned owl used multiple trees for roosting throughout the site;
    - Cottontail rabbits (*Sylvilagus* sp.) – observed and scat;
    - Burrows are scattered throughout the property (burrows could be occupied by ground squirrels or other small mammals);

- Ground squirrels (*Spermophilus* sp.) – observed;
- Common raven (*Corvus corax*) – observed;
- Sage sparrow (*Amphispiza belli*) – observed;
- House finch (*Carpodacus mexicanus*) – observed;
- Northern mockingbird (*Mimus polyglottos*) – observed;
- Red-tailed hawk (*Buteo jamaicensis*) – observed;
- Anna's hummingbird (*Calypte anna*) – observed;
- Downy woodpecker (*Picoides pubescens*.) – observed;
- Mourning dove (*Zenaida macroura*) – observed;
- European starling (*Sturnus vulgaris*) –observed;

As of October 3, 2007, at approximately 3:00 p.m., all clearance activities had been completed.

Recommendations

Further damage to biological resources could occur at the site as a result of further tree cutting by trespassers, vehicles crossing the site, and/or further vandalizing of existing structures. If fencing the site is not an option, residents should be encouraged to report trespassers at the site to the City and to the County Sherriff's Office. Phone numbers should be posted at the site.

Thank you for the opportunity to provide biological resources services. Should you have any questions or need any additional information please feel free to contact me.

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memorandum

date April 23, 2008

to Deborah Kirtman

from Suk-Ann Yee, David Wolff

subject Bat and Nesting Bird Pre-Construction Surveys for the 60th Street West/Avenue K Commercial Shopping Center Project Site

This memorandum was prepared by ESA biologist Suk-Ann Yee to document the results of a pre-construction survey for roosting bats and nesting birds, conducted in the afternoon and evening of April 22, 2008, within the 60th Street West/Avenue K (D206453). In summary, survey results confirm the absence of any bat species (special-status or otherwise) within the abandoned buildings on the project site proposed for demolition. ESA biologists found three nests belonging to native bird species on the project site. In order to comply with CDFG Code Sections 3503 and 3503.5, ESA recommends that the developer not impact or remove the trees in which the nests are located until August 31st, or until a qualified biologist has determined that the nests are no longer being used. Demolition of the buildings and structures can, however, proceed. Although there is no need for a construction barrier or a need to maintain a construction-free radius around the trees, the trees themselves should be not be affected or even bumped with equipment. Demolition equipment should not be moved through the northern part of the site.

Site Description

The project site is a 22.34-acre property, located at the northwest corner of Avenue K and 60th Street West in the city of Lancaster, California. The project site contains four small abandoned buildings/structures on the southeastern portion of the site. Vegetation is composed of primarily weedy and non-native herbaceous plant species. Large trees on the project site were recently (September and October, 2007) cut down and removed from the project site by the developer. A few ornamental trees (Chinese elm, Alepo pine) and bushes remain near the abandoned structures and on the northern border of the project site.

Methods

On the afternoon and evening April 22, 2008, ESA biologists Suk-Ann Yee and Nicolle Ianelli-Steiner searched for signs of bats and nesting bird sign (guano, nests) within the project area. Trees and shrubs were visually surveyed for nests, and the ground below the tree canopy was examined for bird droppings. Biologists observed the interior of buildings through windows and entered buildings when safe to search for signs of bat activity including bat guano and listened for any bat or bird call while on site. Surveyors observed the exterior of the buildings from one-half hour before sunset to one-half hour past sunset for any sign of bats vacating the buildings

for nighttime foraging activities. Temperatures during the survey ranged from the low 70's (ºF) in the early afternoon to the low 50s (ºF) past sunset. Winds were blowing from the north at approximately 5-10 mph. Cloud cover was approximately 70 percent.

Results

ESA biologists observed four nests within the project area. Two large raven or crow nests were observed along the small stand of trees on the northern border of the site. A raven was observed sitting in one of the nests, likely incubating its eggs based on the posture observed. Later in the evening two ravens were observed flying at and harassing two great horned owls perched on the trees. A third juvenile or fledgling great horned owl (indicated by fluffier feathers and white down on its face), was observed on the ground along the eastern fence line of the site. Owl pellets and whitewash droppings were observed below the trees along the northern border, particularly under the nest which was not occupied by the raven earlier in the day. A third nest was observed on the southeast corner of the site at the top of a large pine tree near the abandoned buildings. This nest was twice the size of the other two nests, at least two or three feet in diameter. Around dusk a raven was observed landing on the tree and walking about on the nest. No owl droppings or pellets were observed under the pine tree and nest. A fourth nest was observed on the southeastern-most building on the project site. European starlings carrying food in their beaks were observed entering and exiting a small hole above a window on the southern face of the building. Vigorous cheeping from the juveniles was also heard.

No bats were observed or heard during the surveys during dusk. No bat signs were observed within the abandoned buildings including bat calls, or bat guano.

Discussion and Recommendations

Survey results confirm the absence of any special-status bat species or other bat species on the project site. Although a starling nest with juvenile birds was observed within the shelving of one of the buildings, European starlings are a non-native species not afforded any protection under the Migratory Bird Treaty Act and Sections 3505 and 3503.5 of the California Fish and Game Code. As such, it appears that demolition of the abandoned buildings would not affect any native bird or bat species and could commence at any time.

Surveyors found three nests belonging to native bird species on the project site. Ravens were observed within two of the nests, although nesting behavior was only observed on the nest located on the northern border of the site on the easternmost tree. Although owl signs and individuals were observed around the northern clump of trees, and the owls may have nested within the trees or in a nearby location, the owls appear to have fledged. Based on the large amounts of owl droppings and pellets found underneath the trees, the owls likely use the trees as a hunting or roosting post. Ravens were also observed at the nest in the pine tree located at the southeast corner of the site, and appear to be nesting there. ESA recommends that the developer does not impact or remove the trees until August 31st, or until a qualified biologist has determined that the nests are no longer being used. There is no need for construction barriers nor does a radius around the trees need to be maintained, as long as the trees themselves are not physically disturbed. No demolition equipment should be moved through the northern portion of the site.

cc: Jocelyn Swain, Environmental Planner
City of Lancaster