APPENDIX B

BIOLOGICAL RESOURCES MEMORANDUM

This page intentionally left blank

Biological Assessment
Dana Point Harbor Hotels Project
Dana Point, CA

Prepared By
Hamilton Biological, Inc.
Robert A. Hamilton, President
316 Monrovia Avenue
Long Beach, CA 90803
http://hamiltonbiological.com

Prepared For
R.D. Olson Development
Attention: Anthony Wrzosek
520 Newport Center Drive, Suite 600
Newport Beach, California 92660
http://rdodevelopment.com

March 10, 2021

TABLE OF CONTENTS

FIGURES

APPENDICES

INTRODUCTION

Hamilton Biological, Inc., was retained by R.D. Olson Development to conduct a Biological Assessment for the Dana Point Harbor Hotels Project on a 10.7-acre project site located in the northern central part of Dana Point Harbor in the City of Dana Point (the City). See Figures 1 and 2, below and on the next page.

PROJECT DESCRIPTION

The proposed project involves demolishing the existing Dana Point Marina Inn, two boater service buildings, and parking areas and constructing two hotels near the intersection of Island Way and Dana Point Harbor Drive in the City of Dana Point (City). In their place, two hotels will be constructed, one of which will include space for boater services, associated ancillary uses, and replacement of parking areas, including designated boater and hotel parking. Also included in the proposed project are associated infrastructure improvements necessary to facilitate pedestrian and vehicular access to and from the project site, landscaping improvements, and utility upgrades necessary to implement the proposed project.

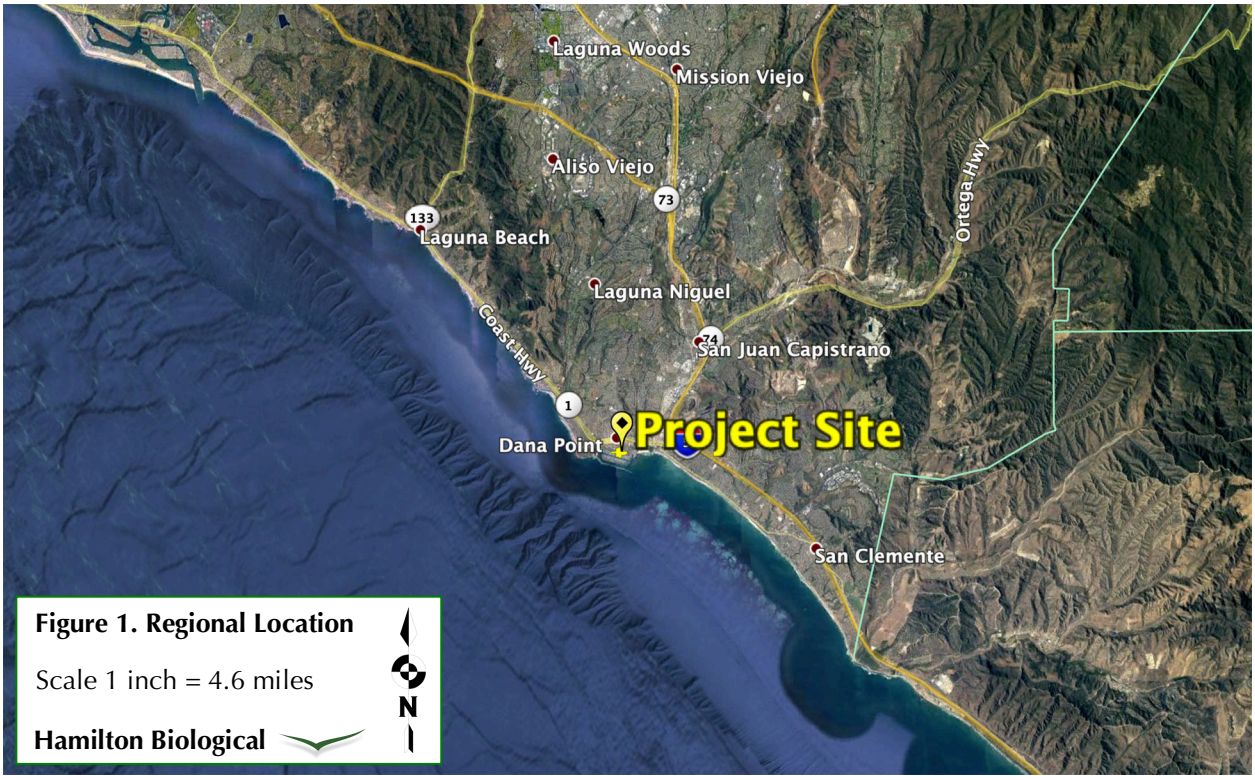

Figure 1. The project site is located in Dana Point Harbor, in southern Orange County. Aerial Source: Google Earth Pro.

Figure 2. The project site occupies approximately 10.7 acres in the northern central part of Dana Point Harbor. The site is generally bounded by Dana Point Harbor Drive on the north, Casitas Place on the east, Island Way on the west, and the harbor and boat slips on the south. Aerial Source: Google Earth Pro.

Goals of the Biological Assessment

The goals of the biological assessment were: (1) to characterize the site's existing biological resources, including the plant and wildlife species present, or potentially occurring, on the site; (2) to evaluate the potential for listed and otherwise sensitive species to occur on the site; and (3) to evaluate the potential biological impacts of the proposed project in the context of the applicable local, state, and federal planning regulations and policies. This letter report describes the study's methods, reports my observations, and specifies my recommendations and conclusions.

Methods

On October 28, 2020, I accessed Calflora (www.calflora.org) and the California Native Plant Society's Online Inventory (www.rareplants.cnps.org) and searched for sensitive plant species known from the coastal strand in Orange County.

On October 28, 2020, I reviewed the California Natural Diversity Data Base (2020a, 2020b, 2020c) to develop a list of a list of sensitive plant and wildlife species recorded in the U.S. Geologic Survey's Dana Point 7.5' topographic quadrangle.

I reviewed relevant portions of the Dana Point Harbor Revitalization Plan and District Regulations (Local Coastal Program for the harbor certified by the California Coastal Commission on October 6, 2011); Final Program EIR No. 591 for the Dana Point Harbor Revitalization Project (RBF Consulting 2006); the Draft Addendum to Final EIR No. 591 (LSA Associates 2011); the Subsequent EIR for the Dana Point Harbor Revitalization Project (LSA Associates 2011); the Coastal Commission Staff Report for the Dana Point Harbor Revitalization Project, for hearing date September 9, 2020 (Application No. 5-19-0971); and the Initial Study prepared for the current project (LSA Associates 2020).

On October 29, 2020, I visited the project site and adjacent areas. The site visit lasted from 3:00 to 4:00 p.m. Temperature was 68°F; skies were clear; wind was 2–5 mph. I recorded all plant and wildlife species detected during this site visit.

On November 5, 2020, botanist James Bailey and I visited the project site and adjacent areas. The site visit lasted from 10:45 a.m. to 12:25 p.m. Temperature was 72°F; skies were clear; wind was 1–4 mph. We recorded all plant and wildlife species detected during this site visit.

On December 18 and 30, 2020, I conducted focused surveys for the Coastal California Gnatcatcher, a species listed as threatened by the federal government, in suitable habitat located within 500 feet of the project site, to the north and northwest (suitable habitat does not occur on the project site itself). Please refer to Appendix B.

To update my familiarity with the current state of knowledge of bird-strike issues, I reviewed "Bird Collisions with Windows: An Annotated Bibliography," a comprehensive online resource last updated in October 2019[1]. I obtained information on various bird-strike mitigation methods by reviewing extensive information that the American Bird Conservancy makes available online[2,3].

RESULTS

Please refer to the attached species lists for the scientific names of all species recorded during the surveys. In the following discussions, scientific names are provided only for plant species, and for and wildlife species not recorded during the surveys.

---

[1] https://abcbirds.org/wp-content/uploads/2019/10/Glass-Collisions_Bibliography-October-2019.pdf

[2] http://collisions.abcbirds.org/research.html#

[3] https://abcbirds.org/threat/bird-strikes/

Topography and Surrounding Land Uses

The property occupies part of the northern central shore of Dana Point Harbor, and is fully developed in the existing condition. Elevation ranges from approximately 10 feet along the southern site boundary to 25 feet in the northeastern corner of the site. No streambeds or seasonal drainage courses occur on the project site. See Figure 3, below.

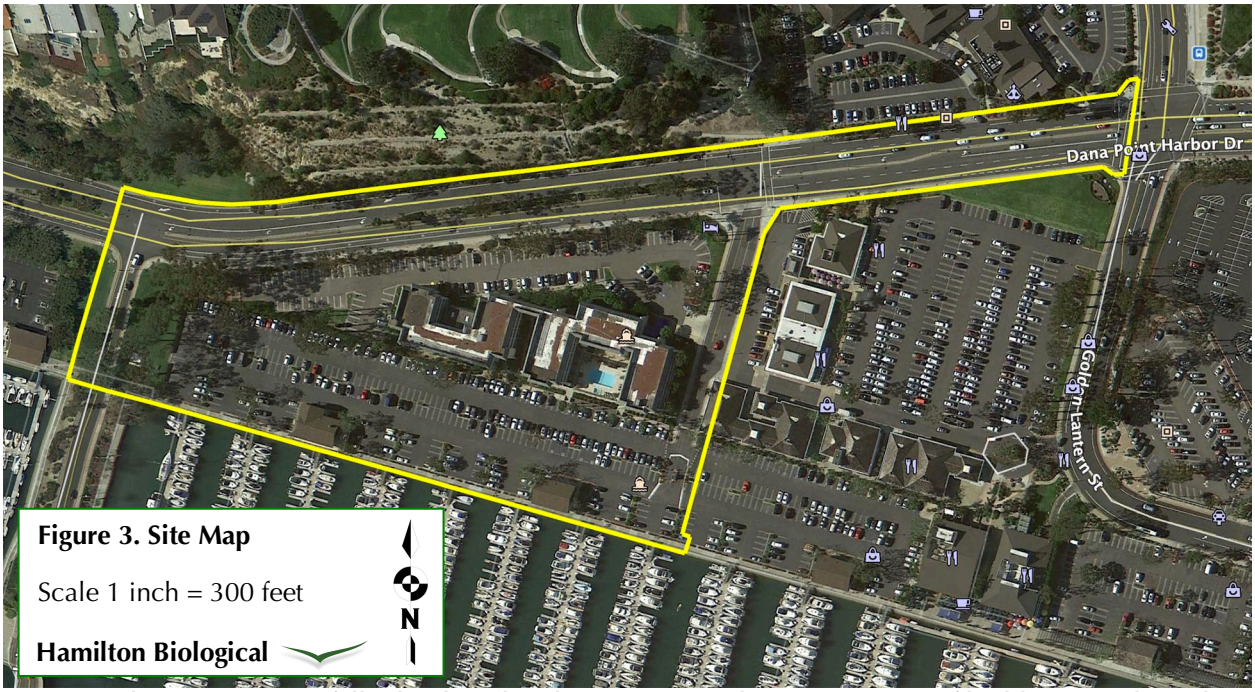

Figure 3. The project site is fully developed in the existing condition, consisting of buildings, roads, parking areas, and exotic landscaping. Aerial Source: Google Earth Pro.

Soils

The project site is completely developed in the existing condition, with exposed native soils occurring only along Dana Point Harbor Drive (median and northern shoulder). According to Web Soil Survey (https://websoilsurvey.sc.egov.usda.gov), soils on the project site consist of the following:

- **Cieneba sandy loam, 30 to 75 percent slopes, eroded.** The Cieneba series consists of very shallow and shallow, somewhat excessively drained soils that formed in material weathered from granitic rock.

- **Myford sandy loam, 2 to 9 percent slopes.** The soils of the Myford Series are deep, moderately well drained soils formed on terraces.

Plant Communities

The property does not support any natural plant communities. Vegetation on the project site consists of exotic landscaping with scattered weedy native plants that occur as volunteers (no native plant communities are present). Please refer to the attached Plant Species List for a list of the plant species observed on the project site.

Wildlife

As specified in the attached Wildlife Species List, nine bird species were observed on the site: Rock Pigeon, Allen's Hummingbird, Black-crowned Night-Heron, Western Gull, American Crow, House Finch, White-crowned Sparrow, Orange-crowned Warbler, and Yellow-rumped Warbler. One species of mammal was observed, the Fox Squirrel.

Wildlife Migration Corridors and Habitat Linkages

The project site and immediately surrounding areas are fully developed in the existing condition, and no migratory corridors or habitat linkages exist on or near the site.

SPECIAL-STATUS SPECIES

Special-status species are listed as threatened or endangered by state or federal governments, or are of current local, regional or state concern (see California Natural Diversity Database 2020a, 2020b, 2020c). Legal protection for special-status species varies widely, from the relatively comprehensive protection extended to listed threatened/endangered species to no legal status at present.

The California Natural Diversity Data Base (2020c) lists a total of 25 sensitive plant species, one sensitive mollusk species, two sensitive amphibian species, eight sensitive reptile species, 38 sensitive bird species, and five sensitive mammal species that have been recorded within the Dana Point USGS topographic quadrangle. No listed or otherwise sensitive plant or wildlife species were observed on the site during the field visits.

The Final Program EIR (RBF Consulting 2006) identified 69 sensitive wildlife species that could potentially occur in the vicinity of the Harbor or Off-Site areas, and stated, "Four Federal-listed endangered or threatened species were either present or have a moderate to high potential to occur on-site." The four federally-listed species (two of which are no longer listed) are:

- **Brown Pelican (*Pelecanus occidentalis californicus*).** This species, which has since been de-listed, occurs commonly throughout the harbor area as a non-breeder. Only the nesting colonies are considered sensitive for this species.

- **Western Snowy Plover (*Charadrius alexandrines nivosus*).** This small shorebird, federally listed as Threatened, occurs rarely and sporadically in the harbor as a non-breeding species (eBird data).

- **California Least Tern (*Sternula antillarum browni*).** This species, listed as endangered by State and federal governments, forages within the harbor between mid-April and mid-August (eBird data).

- **Peregrine Falcon (*Falcon peregrinus anatum*).** This species, which has since been de-listed, forages regularly in the harbor area but does not breed there.

In addition to the four listed species discussed in the Final Program EIR:

- The **Green Sea Turtle (*Chelonia mydas*)**, federally listed as threatened, occurs rarely and sporadically within the harbor, outside of the project site.

- The federally threatened **Coastal California Gnatcatcher (*Polioptila californica californica*)** is resident on bluffs surrounding the harbor, where intact coastal bluff scrub habitat is still present. No suitable habitat for the gnatcatcher exists on the project site, but suitable habitat does occur bluffs to the north and northwest. In November and December 2020, Hamilton Biological recorded this species 130 to 320 feet north and northwest of the project site; see Appendix B.

Please refer to Figure 4 on the following page, which is a reproduction of Exhibit 13 in the Coastal Commission staff report for the Coastal Development Permit (5-19-0971)[4] — a print-out from the California Natural Diversity Data Base showing the putative distribution of the **Coastal California Gnatcatcher** and **Coastal Cactus Wren (*Campylorhynchus brunneicapillus*)** in the vicinity of Dana Point Harbor. The mapped extent of gnatcatcher habitat shown north of the project site, and extending onto the site itself, does not correlate with conditions on the ground. Most of the eastern polygon on Exhibit 13 (Figure 4 in this report) consists of urban development, and no eBird reports of either sensitive bird species exist from the landscaped open space areas on the north side of Dana Point Harbor Drive (i.e., Heritage Park and Lantern Bay Park).

[4] https://documents.coastal.ca.gov/reports/2020/9/W13c/W13c-9-2020-exhibits.pdf

California Coastal Commission
5-19-0971
Exhibit 13 – CNDBB for Cactus Wren and Gnatcatcher
Page 1 of 1

Figure 4. Reproduction of Exhibit 13 from the CDP showing the putative extent of potential habitat for the Coastal California Gnatcatcher and Coastal Cactus Wren in and around Dana Point Harbor, according to the California Natural Diversity Data Base (CNDDB). Potential habitat for both of these bird species is erroneously shown as existing north of the project site, and extending south across Dana Point Harbor Drive and into the existing parking lot of the Dana Point Inn, on the project site.

During the field visits, we observed that highly disturbed coastal bluff scrub habitat, consisting of widely spaced shrubs of such native species as Deer Weed (*Acmispon glaber*), Coast Goldenbush (*Isocoma menziesii*), and California Buckwheat (*Eriogonum fasciculatum*), occurs on the slope north of Dana Point Harbor Drive, immediately north of the project site. The disturbed coastal bluff scrub directly north of the project site is unlikely to be used by either California Gnatcatchers or Cactus Wrens during the nesting season. More intact coastal bluff scrub exists on the bluffs to the northwest, however, and potentially suitable habitat for these species occurs extends to within approximately 100 feet of the site.

A special-status butterfly species, the **Monarch (*Danaus plexippus*)**, overwinters at dense groves of trees — mainly eucalyptus, pine, and Monterey Cypress — along the Pacific coast from Mendocino County to Baja California among wind-protected tree groves with nearby sources of nectar and water sources nearby. The eucalyptus trees on the project site are not planted in the types of dense stands that Monarchs require for overwintering, but the species has overwintered approximately 0.3 mile east of the project site at Doheny State Beach (RBF Consulting 2006).

At least three species of wading bird — **Great Blue Heron (*Ardea herodias*), Black-crowned Night-Heron (*Nycticorax nycticorax*), Snowy Egret (*Egretta thula*)** —nest in parts of Dana Point Harbor, and the Dana Point Harbor Revitalization Plan and District Regulations (Local Coastal Program; City of Dana Point 2011) contain special conditions intended to protect nesting colonies of these species. Language in the LCP also provides protections for listed bird species, California Species of Special Concern, and nesting owls and raptors. No herons, egrets, owls, raptors, or listed/special-status species have been recorded nesting on the project site, however, and during the site survey we observed no evidence of them having done so in 2020.

Eelgrass (*Zostera Marina*) is a marine-flowering plant that grows in soft sediments in coastal bays and estuaries and occasionally offshore to depths of 50 feet. Eelgrass canopy (consisting of shoots and leaves) enhances the abundance and the diversity of otherwise barren sediments. Many species of invertebrates (i.e., clams, crabs, and worms) live either on eelgrass or within the soft sediments that cover the root and rhizome mass system. Eelgrass is a nursery habitat for many juvenile fishes, including species of commercial and/or sports fish value (California Halibut and Barred Sand Bass). They are also foraging centers for seabirds such as the endangered California Least Tern that seek out juvenile Topsmelt that are attracted to the eelgrass cover. Lastly, Eelgrass is an important contributor to the detrital (decaying organic) food web of bays as the decaying plant material is consumed by many benthic invertebrates (such as polychaete worms) and reduced to primary nutrients by bacteria. Exhibit 12 in the Coastal Commission staff report for the Coastal Development Permit is a map showing the results of 2018 harbor-wide surveys for Eelgrass, which found the only extant stands off Baby Beach, approximately 0.35 mile west of the project site. No Eelgrass beds have been found near the project site.

OVERVIEW OF BIRD-STRIKE ISSUES

A recent comprehensive study concluded that collisions with windows or other structures results in mortality of between 100 million and one billion migratory songbirds each year in the United States (Loss et al. 2014). Daytime bird collisions typically occur either because (a) glass reflects the surrounding habitat, or (b) glass is transparent, and birds see through it to appealing objects on the other side. To reduce this important source of migratory songbird mortality, the California Coastal

Commission now routinely requires projects proposing installation of glass or plexiglass to take appropriate measures to reduce the incidence of bird-strikes.

Making Glass "Bird Safe"

The American Bird Conservancy conducts specialized field research at Powdermill Nature Reserve[5] to evaluate and analyze threats posed by different type of glass (including plexiglass and similar materials). The most commonly used methods for increasing the visibility of glass to birds include the following:

- Incorporating ultraviolet patterns into the glass, which are visible to birds but nearly undetectable to people.
- Frosting or etching the glass.
- Using tapes or decals to establish bird-safe patterns on the material.

As stated by researcher Daniel Klem (2019:5):

> Whether retrofitting or creating new panes for remodeled or new structures, patterning applied to the outside facing glass surface, what architects refer to as Surface 1, is essential to be effective. Even clear windows will reflect the facing habitat and sky like a mirror when covering a dark interior. These reflections deceive birds, and most windows are installed such that they exhibit this mirroring effect. Surface 1 application of bird-protecting patterns is required to make reflective windows safe. Applications of patterning to other interior window surfaces are hidden and rendered ineffective by the reflection off Surface 1.

Dr. Klem also pioneered the "2 by 4" rule, which recommends that bird-protecting patterns leave untreated two inches or less of horizontal space or four inches or less of vertical space.

Information on various architectural products designed to reduce the potential for bird strikes is provided at https://abcbirds.org/get-involved/bird-smart-glass/#2.

PROTECTIVE MEASURES INCORPORATED FROM THE PROGRAM EIR AND THE DANA POINT HARBOR REVITALIZATION PLAN & DISTRICT REGULATIONS

The Dana Point Harbor Hotels Project is subject to several relevant policies and Implementation Plan (IP) provisions contained in the Dana Point Harbor Revitalization Project and District Regulations (DPHRP&DR; City of Dana Point 2011) and to Project

[5] https://powdermillarc.org/research/flight-tunnel-at-powdermill-avian-research-center-parc/

Design Features (PDFs), Standard Conditions of Approval (SCAs), and Mitigation Measures (MMs) contained in the Program EIR for the revitalization project (RBF Consulting 2006) and subsequent Addendum (LSA Associates 2011). Where applicable, wording has been revised to be consistent with the approved LUP Policy and/or special provisions, which are indicated in parenthesis. The following table is adapted from the "Project Requirement and Monitoring Program Table" (LSA Associates 2011, Appendix A) and the relevant policies and special provisions of the DPHRP&DR.

No.	Reference	Requirements/Conditions/Mitigation Measures LCPA LUP Policies/IP Provisions
344	PDF 4.7-1	The Landscape Concept Plan provides a design to minimize the loss of native trees within the Harbor. Trees that are removed during construction will be replanted on at least a 1:1 ratio. The landscape replanting program provides a preferential use of native species and vegetation.
346	MM 4.7-1	If project construction activities within Planning Areas 3 and 5 are anticipated during the breeding season of the California gnatcatcher (March 1 to August 15), surveys of the area within 500 feet of the site by a qualified biologist shall be required prior to start of Project constriction activities. If nesting gnatcatchers are identified, project construction activities must cease for the remainder of the breeding season unless a qualified acoustician can demonstrate that, with or without noise attenuation measures project activity noise levels would not exceed 60 decibels (dB) (hourly average) within gnatcatcher-occupied portions of the surveyed area. The qualified biologist shall monitor active nest sites. If the biologist notes that the nest fails, or the young fledge from the nest, then the noise restriction near the nest is no longer required.
347 361	MM 4.7-2 LUP Policy I-7.1.2-4	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) as well as owls or raptors is found, construction activities within 300 feet (500 feet from any identified raptor nest) 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. Surveys for the above bird species during their breeding season shall be conducted by a qualified biologist prior to commencement of construction.

No.	Reference	Requirements/Conditions/Mitigation Measures LCPA LUP Policies/IP Provisions
348	MM 4.7-3 IP Special Provision II-3-SP21	In accordance with the acknowledgement that the City of Dana Point, County of Orange and OC Dana Point Harbor have an obligation to protect the public health and safety, while ensuring the long-term protection of wading bird heronries; breeding, roosting and nesting habitat of birds protected by the Fish and Game Code, the Migratory Bird Treaty Act; and in acknowledgement that the City of Dana Point, County of Orange and owls, raptors and all bird species of special concern, the following Tree Trimming Procedures for Harbor Bird Habitat have been developed. These provisions govern the trimming or removal of any tree that is part of a heronry that has been used in the last five (5) years or of any tree that has been used for roosting, breeding and nesting within the past five (5) years as determined by a qualified biologist. Further, these provisions shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act. Tree trimming or removal activities can be accomplished through a Harbor-wide Program Coastal Development Permit that incorporates the following parameters: a) Tree maintenance operations (including regularly conducted trimming or removal) shall be prohibited during the breeding and nesting season of the bird species referenced above (January through September) unless the Director, OC Dana Point Harbor in consultation with a qualified arborist determines that a tree causes danger to public health and safety. A health and safety danger shall be considered to exist if a qualified arborist determines that a tree or branch is dead, diseased, dying or injured and said tree or branch is in imminent danger of collapse or breaking away. The City/County shall be proactive in identifying and addressing diseased, dying or injured trees as soon as possible in order to avoid habitat disturbances during the nesting season. Trees or branches with a nest that has been active anytime within the last five (5) years shall not be removed or disturbed unless a health and safety danger exists. b) In the event that a tree providing habitat for the above species is identified as causing a danger to public health and safety by OC Dana Point Harbor and is removed, mitigation at a 2:1 ratio shall be required. Any trees recently removed on or before January 12, 2011 that provided habitat for the above species shall be mitigated at a 2:1 ratio (two trees replaced for every one tree removed) within the

No.	Reference	Requirements/Conditions/Mitigation Measures LCPA LUP Policies/IP Provisions
		Harbor. Eucalyptus trees shall not be used as replacement trees. Replacement trees shall consist of native or non-native, non-invasive tree species. A tree replacement planting plan for each tree replacement shall be developed to specify replacement tree location, tree type, tree size, planting specifications and a five (5) year monitoring program with specific performance standards. An annual monitoring report for tree replacement shall be submitted for the review of the Director, OC Dana Point Harbor and the City of Dana Point and shall be on file as a public record. Tree Maintenance During the Non-Breeding and Non-Nesting Season (October through December): a) Prior to conducting regular tree maintenance activities, a qualified biologist or ornithologist shall conduct a survey of the trees to be trimmed or removed to detect nests of bird species identified by these provisions to identify specific trees with nests and submit the survey report(s) to the Director, OC Dana Point Harbor. OC Dana Point Harbor shall maintain a database of survey reports that includes a record of nesting trees that is made available as public information and shall be used as a basis for future tree trimming and removal decisions. Tree trimming and/or removal, if necessary may proceed if a nest is present but no courtship or nesting behavior or evidence of that behavior is observed. b) Any trimming of trees containing a nest(s) of species contained in these provisions shall be supervised by a qualified biologist or ornithologist and a qualified arborist to ensure that adequate nest support and foliage coverage is maintained in the tree, to the maximum extent feasible, in order to preserve the nesting habitat. Trimming of any protected nesting trees shall occur in such a way that the support structure of existing nests will not be trimmed and existing nests will be preserved, unless the City of Dana Point or OC Dana Point Harbor, in consultation with a qualified arborist, determines that such trimming is necessary to protect the health and safety of the public. The amount of trimming at any one time shall be limited to preserve the suitability of the nesting tree for breeding and/or nesting habitat. c) In the event that any birds continue to occupy trees during the non-nesting season, trimming shall not take place until a qualified biologist or ornithologist has assessed the site, determined that

No.	Reference	Requirements/Conditions/Mitigation Measures LCPA LUP Policies/IP Provisions
		courtship behavior has ceased and given approval to proceed with maintenance operations. Tree Maintenance During Breeding and Nesting Season (January through September). If tree trimming or removal activities cannot feasibly avoid the breeding season because a health and safety danger exists, the following guidelines must be followed: a) A qualified biologist or ornithologist shall conduct surveys and submit a report at least one week prior to the trimming or removal of a tree (only if it is posing a health or safety danger) to detect any breeding or nesting behavior in or within 300 feet of the work area. A tree trimming and/or removal plan shall be prepared by an arborist in consultation with the qualified biologist or ornithologist. The survey report and tree trimming and/or removal plan shall be submitted for the review and approval of the City of Dana Point, the Department of Fish and Game, the U.S. Fish and Wildlife Service. The County of Orange shall maintain the plans on file as public information and to be used for future tree trimming and removal decisions. The plan shall incorporate the following: 1. A description of how work will occur. 2. Work must be performed using non-mechanized hand tools to the maximum extent feasible. 3. Limits of tree trimming and/or removal shall be established in the field with flagging and stakes or construction fencing. 4. Steps shall be taken to ensure that tree trimming will be the minimum necessary to address the health and safety danger while avoiding or minimizing impacts to breeding and nesting birds and their habitat. b) Prior to commencement of tree trimming and/or removal the City of Dana Point or the County of Orange shall notify in writing the Executive Director of the Coastal Commission, the Department of Fish and Game, and the U.S. Fish and Wildlife Service of the intent to commence tree trimming or removal.

No.	Reference	Requirements/Conditions/Mitigation Measures LCPA LUP Policies/IP Provisions
		All tree trimming and tree removal shall be conducted in strict compliance with these provisions. All trimmings must be removed from the site at the end of the business day and disposed of at an appropriate location. Any proposed change or deviation from these requirements must be submitted to the Executive Director of the Coastal Commission to determine whether an amendment to the Local Coastal Program is required or the proposed changes(s) should be submitted to the City of Dana Point as an amendment to the Coastal Development Permit.
349	IP Special Provision II-3-SP22	Construction During the Breeding and Nesting Season (January through September) Survey(s) for the bird species protected by Tree Trimming Procedures for Harbor Habitat shall be conducted during their breeding season by a qualified biologist prior to the commencement of construction. If an active nest of any bird species listed pursuant to federal or state endangered species acts, California bird species of special concern or a wading bird (herons or egrets) as well as owls or raptors is identified, construction activities within three-hundred (300) feet from any identified raptor nest shall not exceed noise levels of sixty-five (65) dB peak until the nest(s) is/are vacated and juveniles have fledged and there is no longer evidence of a second attempt at nesting.
350	MM 4.7-4	In order to minimize indirect impacts on biological resources that may be related to noise and construction activity, OC Dana Point Harbor shall implement the following Best Management Practices (BMPs) prior to or during construction activities. • Limit construction and all project activities to a well-defined area; and • Construction limits shall be fenced or flagged adjacent to preserved trees and/or sensitive habitats to avoid direct impacts.
352	MM 4.7-6	The County of Orange – OC Dana Point Harbor shall require that standard BMPs be utilized in order to ensure impacts to water quality or the marine environment are minimized. Standard BMPs include: • Erosion to be controlled by landscaping (leave existing vegetation in place where possible), paving and drainage structures; • Berms (sand bags) around all construction sites to catch runoff;

No.	Reference	Requirements/Conditions/Mitigation Measures LCPA LUP Policies/IP Provisions
		• Roads of gravel to minimize dirt being tracked into and out of the project site; • During wet weather, Harbor basin inlets shall be protected by placing a wire mesh and gravel filter to intercept debris and soil runoff; and • Appropriate housekeeping activities to minimize the potential for pollutants-from material storage or construction activities.
356	LUP Policy I-7.1.1-3	Endangered species shall be protected within their existing habitat from harassment and molestation by among other measures, controlling access by regulations and enforcement measures. Wherever feasible, the habitat of endangered species shall be enhanced consistent with the resource protection policies of the LCP and the Coastal Act.
358	LUP Policy I-7.1.2-2	While evaluations of the trees located throughout Dana Point Harbor do not rise to the level of ESHA, they do provide important habitat which should be protected. The purpose of these tree trimming policies is to ensure the long term protection of bird breeding, nesting and roosting habitat for bird species listed pursuant to the Federal or California Endangered Species Acts, California bird species of special concern and wading birds (herons or egrets) as well as owls and raptors which have an especially valuable role in the overall coastal ecosystem. Ensure the protection of bird nesting habitat protected by the Migratory Bird Treaty Act and the long-term protection of breeding, roosting and nesting habitat of bird species listed pursuant to the federal or California Endangered Species Acts, California bird species of special concern and wading birds (herons or egrets) as well as owls or raptors. The trimming and/or removal of any trees that have been used for breeding and nesting by the above identified species within the past five (5) years, as determined by a qualified biologist or ornithologist shall be undertaken in compliance with all applicable codes and regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act and shall be conducted under the parameters described in the Dana Point Harbor Tree Maintenance Procedures as approved by the Coastal Commission as a part of the Implementation Plan.

No.	Reference	Requirements/Conditions/Mitigation Measures LCPA LUP Policies/IP Provisions
359	LUP Policy I-7.1.2-3	OC Dana Point Harbor shall prepare Tree Maintenance Procedures for the trimming and/or removal of trees consistent with Policy 7.1.2-2 above. The procedures shall include, but not be limited to, the following provisions: • Tree trimming, or tree removal when necessary, shall be conducted only during the non-breeding and non-nesting season (October through December) of the identified bird species unless the County of Orange in consultation with a qualified arborist and with review and comment from the Audubon Society determines that a tree causes danger to public health and safety. A health and safety danger shall be considered to exist if a qualified arborist determines that a tree or branch is dead, diseased, dying or injured and said tree or branch is in imminent danger of collapse or breaking away. The County shall be proactive in identifying and addressing diseased, dying or injured trees as soon as possible in order to avoid habitat disturbances during the nesting season. • Trees or branches with a nest of a state or federal listed species, a California bird species of special concern or a wading bird (heron or egret) as well as owls or raptors that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists. • The removal of any tree shall require mitigation at a 1:1 ratio. A tree replacement planting plan for each tree replacement shall be developed to specify replacement tree location, tree type, tree size (no less than 36 inch box size), planting specifications, and a five (5) year monitoring program with specific performance standards.
391	LUP Policy I-9.1-8	Coordinate with the California Department of Fish and Game, U.S. Fish and Wildlife Service, National Marine Fisheries Service and other identified resource management agencies as applicable, in the review of development applications in order to ensure that impacts to sensitive resources or an ESHA (if delineated), including rare, threatened or endangered species are avoided or minimized such that the sensitive resource is not significantly degraded, habitat values are not significantly disrupted and the biological productivity and quality of coastal waters is preserved.
434	SCA 4.9-3	Prior to approval of the project plans and specifications the Director, OC Dana Point Harbor, or his designee shall confirm that

No.	Reference	Requirements/Conditions/Mitigation Measures LCPA LUP Policies/IP Provisions
	LUP Policy I-8.1-25	the plans and specifications stipulate that stockpiling and vehicle staging areas shall be located as far as practical from noise-sensitive sensitive receptors during construction activities.
435	MM 4.9-3	For projects within 1,000 feet of sensitive receptors, sonic or vibratory pile drivers shall be used instead of impact pile drivers (sonic pile drivers are only effective in some soils) whenever possible. If sonic or vibratory pile drivers are not feasible, acoustical enclosures shall be provided as necessary to ensure that pile-driving noise does not exceed speech interference criterion at the closest sensitive receptor. Engine and pneumatic exhaust controls on pile drivers shall be required as necessary to ensure that exhaust noise from pile driver engines is minimized to the extent feasible. Where feasible, pile holes shall be predrilled to reduce potential noise and vibration impacts.
439	LUP Policy I-8.1.1-24	Prior to the issuance of any Grading or Building Permits, OC Dana Point Harbor shall prepare or obtain an acoustical analysis report and appropriate plans which demonstrate that the noise levels generated by Harbor land uses during their operation shall be controlled in compliance with the Orange County Codified Ordinance, Division 6 (Noise Control). The report shall be prepared under the supervision of a County-certified acoustical consultant and shall describe the noise generation potential of the use during its operation and the noise mitigation measures, if needed which shall be included in the plans and specifications for the project to assure compliance with the Orange County Codified Ordinance, Division 6 (Noise Control). Noise impacting underwater marine life shall be minimized to the greatest extent feasible during construction activities and be conducted in accordance with all applicable requirements of the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.) and any state or local regulations protecting marine life in effect at the time of construction.
440	LUP Policy I-8.1.1-25	Prior to approval of project plans, OC Dana Point Harbor shall confirm that the plans and specifications stipulate that stockpiling and vehicle staging areas shall be located as far as practical from noise-sensitive receptors during construction activities.
441	PDF 4.10-3	Interior and exterior water conservation measures will be incorporated into all projects as development occurs. Measures will include (but not be limited to) low-flush toilets, low-flow faucets, planting of native or non-invasive and drought tolerant

No.	Reference	Requirements/Conditions/Mitigation Measures LCPA LUP Policies/IP Provisions
		plant species as identified by California Department of Water Resources that are also non-problematic/non-invasive plant species as defined by the California Native Plant Society, the California Invasive Plant Council or as may be identified from time to time by the State of California and the installation of efficient irrigation systems to minimize runoff and evaporation.

IMPACTS AND LOCAL COASTAL PROGRAM COMPLIANCE

This impact analysis takes into account the protective measures, listed in the preceding section, incorporated from the certified Program EIR (RBF Consulting 2006) and the subsequent Addendum (LSA Associates 2011). In September 2020, the Coastal Commission issued a Coastal Development Permit (CDP; No. 5-19-0971) for waterside portions of the Dana Point Harbor Revitalization Project. The Dana Point Harbor Hotels project is not covered under that CDP, but it is expected that the City of Dana Point, which has jurisdiction over landside portions of the harbor, will issue a CDP for this project. This analysis provides for compliance with all applicable policies and special provisions of the Dana Point Harbor Revitalization Project and District Regulations (DPHRP&DR).

The project site is fully developed in the existing condition, and is not known or expected to support special-status plant or wildlife species. The Program EIR identified measures that will be implemented to avoid construction-related disruption of nesting activities by any special-status bird species that potentially occur in the vicinity of the project site.

The proposed project would not involve any marina or slip improvements and, therefore, would not have the potential to impact marine mammals or other marine biota.

Surveys have determined that exotic landscaping on the project site does not support nesting by herons, egrets, or other colonial waterbirds, but vegetation on the project site could potentially support other types of nesting birds. State and federal laws prohibit disruption of the nesting of any bird species, and thus removal of vegetation during the nesting bird season (January 1 through September 30) would represent a potentially significant impact to nesting birds. Implementation of Standard Condition BIO-1, below, ensures that project implementation will not impact actively nesting birds.

Standard Condition BIO-1 **Avoidance of impacts to actively nesting birds.** Project construction activities shall avoid any trees that are identified as supporting active nests. If it is determined that it

is not possible to relocate these trees within the site, then these trees shall be replaced with species as determined appropriate by the City of Dana Point. If vegetation removal were to occur during the nesting bird season (January 1 through September 30), a pre-construction survey would be required prior to the start of construction activities to ensure that any active nests are identified and appropriate measures taken to ensure that impacts to nesting species are in compliance with applicable state and federal regulations.

With implementation of Standard Condition BIO-1, project implementation will not entail any significant impacts to actively nesting birds.

Most songbirds migrate at night during spring and fall. During these flights they often follow the coastline, routinely flying over the ocean itself. At daybreak, birds that find themselves over the water reorient and fly to the coast. There they spend the day, or multiple days, resting and foraging before continuing on with migration. At Dana Point Harbor, installation of glass or plexiglass windows, wind screens, etc., on harbor-facing parts of the new buildings will create potential for songbirds flying in off the ocean and toward the coastal bluffs to mistake reflections of sky in windows or other glass panels for open space, resulting in bird-strikes. This is a potentially significant adverse effect of the project addressed in Standard Condition BIO-2, below.

Standard Condition BIO-2 **Minimization of Window-strikes by Migratory Birds.** Prior to County of Orange issuance of any building permits, the Dana Point Director of Community Development shall verify that all proposed harbor-facing glass or glass-like surfaces (e.g., Plexiglas) have been designed to minimize bird-strikes. Clear glass or glass-like materials shall not be installed unless patterning (fritting or appliqués) designed to reduce bird-strikes by reducing reflectivity and transparency are also used. Patterning shall be applied to the outside-facing glass surface. Patterning shall leave untreated two inches or less of horizontal space or four inches or less of vertical space unless the applicant can demonstrate equivalent protection against bird-strikes using a different scheme. Use of opaque or partially opaque materials is preferred to clear glass or Plexiglas and appliqués. All materials, including any appliqués, shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications and as recommended by the Dana Point Director of Community Development.

With implementation of Standard Condition BIO-2, project implementation will not entail any significant impacts to migratory birds due to increased incidence of window-strikes.

LEVEL OF SIGNIFICANCE AFTER STANDARD CONDITIONS

Implementation of the identified standard conditions would preclude any and all potentially significant project impacts upon biological resources.

LITERATURE CITED

California Natural Diversity Database. 2020a. Special Animals List. Current list of wildlife taxa considered to be rare, threatened, endangered, or otherwise "sensitive" by the State of California. List dated July 2020.

California Natural Diversity Database. 2020b. Special Vascular Plants, Bryophytes, and Lichens List. Current list of vegetative taxa considered to be rare, threatened, endangered, or otherwise "sensitive" by the State of California. List dated September 2020.

California Natural Diversity Data Base. 2020c. Rarefind data accessed online on October 28, 2020, for the U.S. Geologic Survey's Dana Point 7.5' topographic quadrangle.

City of Dana Point. 2011. Dana Point Harbor Revitalization Plan & District Regulations. Local Coastal Program Amendment Certified by the California Coastal Commission on October 6, 2011.

Coastal Resources Management, Inc. 2010. Marine Biological Resources Technical Appendix for the Dana Point Harbor Marina Improvement Project Subsequent Environmental Impact Report Dana Point, Orange County, California. Report dated July 10, 2010, prepared for LSA Associates, Inc.

Klem, D. 2019. The Building Industry and Bird Conservation. Walker White Paper No. 1. Published at https://walkerglass.com/wp-content/uploads/2019/04/dr-klem-education-overview.pdf.

Loss, S. R., Will, T., Loss, S. S., and Marra, P. P. 2014. Bird-building collisions in the United States: Estimates of annual mortality and species vulnerability. *The Condor* 116:8–23.

LSA Associates, Inc. 2011. Draft Addendum to Final EIR No. 591, Dana Point Harbor Revitalization Project. Report dated September 2011 prepared for OC Dana Point Harbor, Dana Pt., CA.

RBF Consulting. 2006. Final Program EIR No. 591, Dana Point Harbor Revitalization Project. Report dated January 31, 2006, prepared for County of Orange, Dana Point Harbor Department, Dana Pt., CA.

APPENDIX A

LISTS OF VASCULAR PLANTS & VERTEBRATE WILDLIFE DETECTED

The following list identifies plant and wildlife species detected during the current study in upland habitats within the expanded study area. Source:

Calflora: Information on California plants for education, research and conservation, with data contributed by public and private institutions and individuals, including the Consortium of California Herbaria. 2014. Berkeley, California: The Calflora Database [a non-profit organization]. http://www.calflora.org/

* Taxon not native to the study area

VASCULAR PLANTS

SECTION: GYMNOSPERMS
Cupressaceae – Cypress Family
* *Juniperus sp.*, juniper

SECTION: EUDICOTS
Aizoaceae – Amaranth Family
* *Aptenia sp.*, Heartleaf Iceplant (cultivar hybrid)

Amaranthaceae – Amaranth Family
* *Chenopodium murale*, Nettle-leaved Goosefoot

Anacardiaceae - Cashew Family
Rhus integrifolia, Lemonade Berry

Apocynaceae - Dogbane Family
* *Nerium oleander*, Oleander

Araliaceae - Ginseng Family
* *Hedera canariensis*, Canarian Ivy

Aquifoliaceae - Holly Family
* *Ilex aquifolium,* English Holly

Asphodelaceae - Aloe Family
* *Aloe arborescens*, Candelabra Aloe
* *Hemerocallis sp.*, Lemon Daylilly Species
* *Phormium tenax*, New Zealand Flax
* *Yucca sp.*, yucca

Asteraceae - Sunflower Family
Baccharis pilularis, Coyote Brush
* *Cotula australis*, Australian Brassbuttons
* *Erigeron bonariensis*, Argentine Fleabane
* *Gazania* sp., treasureflower (cultivar hybrid)
Isocoma menziesii, Coastal Goldenbush
* *Osteospermum* sp., daisybush
* *Senecio vulgaris*, Common Groundsel
* *Sonchus oleraceus*, Smooth Sowthistle
Stephanomeria diegensis, San Diego Wirelettuce
* *Taraxacum erythrospermum*, Red-seeded Dandelion

Balsaminaceae - Balsam Family
* *Impatiens walleriana*, Busy-Lizzie

Berberidaceae - Barberry Family
* *Nandina domestica*, Heavenly Bamboo

Bignoniaceae - Bignonia Family
* *Tecoma capensis*, Cape Honeysuckle

Boraginaceae - Borage Family
* *Echium candicans*, Pride of Madeira

Brassicaceae - Mustard Family
* *Lepidium didymum*, Lesser Swinecress

Caryophyllaceae - Pink Family
* *Polycarpon tetraphyllum*, Fourleaf Allseed
* *Sagina apetala*, Annual Pearlwort

Convolulaceae - Bindweed Family
* *Dichondra micrantha*, Asian Ponysfoot

Crassulaceae - Stonecrop Family
* *Aeonium arborescens*, Tree Aeonium
* *Aeonium haworthii*, Haworth's Aeonium

Brassicaceae - Mustard Family
* *Brassica tournefortii*, Saharan Mustard

Escalloniaceae - Escallonia Family
* *Escallonia rubra*, Redclaws

Euphorbiaceae - Spurge Family
* *Euphorbia hypericifolia*, Graceful Spurge
* *Euphorbia maculata*, Spotted Spurge
* *Euphorbia serpens*, Matted Sandmat

Ericaceae - Heather Family
* *Rhododendron sp.*, azalea

Fabaceae - Pea Family
* *Acacia* sp., wattle
* *Medicago polymorpha*, Toothed Medick
* *Parkinsonia* sp., palo verde

Lamiaceae - Mint Family
* *Salvia rosmarinus,* Rosemary

Malvaceae – Mallow Family
* *Hibiscus rosa-sinensis,* Chinese Hibiscus

Moraceae – Fig Family
* *Ficus rubiginosa,* Port Jackson Fig

Myrtaceae – Myrtle Family
* *Corymbia ficifolia,* Red-flowering Gum
* *Eucalyptus camaldulensis*, River Red Gum
* *Eucalyptus melliodora,* Yellow Box
* *Melaleuca quinquenervia,* Broadleaf Paperbark
* *Melaleuca* sp., "Little John Dwarf" bottlebrush (cultivar hybrid)

Oleaceae - Olive Family
* *Ligustrum sp.,* Privet Species

Oxalidaceae – Wood-Sorrel Family
* *Oxalis corniculata*, Creeping Woodsorrel

Polygonaceae – Dock Family
Eriogonum fasciculatum, California Buckwheat

Pittosporaceae – Dock Family
* *Pittosporum tobira*, Japanese Cheesewood
* *Pittosporum undulatum*, Mock Orange

Plantaginaceae - Plaintain Family
* *Plantago major*, Greater Plantain

Plantanaceae - Plane Family
Platanus racemosa, Western Sycamore

Plumbaginaceae - Leadwort Family
* *Plumbago auriculata*, Cape Leadwort

Primulaceae – Dock Family
* *Anagallis arvensis*, Scarlet Pimpernel

Rosaceae – Rose Family
* *Rhaphiolepis indica,* Indian Hawthorn

Sapindaceae – Soapberry Family
* *Cupaniopsis anacardioides,* Carrotwood Tree

Solanaceae – Nightshade Family
* *Solanum lycopersicum*, Tomato

Theaceae – Tea Family
* *Camellia japonica*, Japanese Camellia

Urticaceae – Nettle Family
* *Soleirolia soleirolii*, Baby's Tears

Verbenaceae – Vervain Family
* *Duranta erecta*, Skyflower

SECTION: MONOCOTS
Araceae – Palm Family
* *Thaumatophyllum bipinnatifidum*, Tree Philodendron
* *Zantedeschia aethiopica*, Calla Lily

Arecaceae – Palm Family
* *Phoenix roebelenii*, Pygmy Date Palm
* *Syagrus romanzoffiana*, Queen Palm
* *Washingtonia robusta*, Mexican Fan Palm

Asparagaceae – Asparagus Family
* *Agave americana*, Century Plant
* *Agave attenuaa*, Swan-neck Agave
* *Agave parryi*, Parry's Agave
* *Asparagus aethiopicus*, Sprenger's Asparagus
* *Asparagus densiflorus*, Plume Asparagus Fern
* *Cordyline* sp., cabbage tree

Poaceae - Grass Family
* *Pennisetum advena*, Purple Fountaingrass
* *Poa annua*, Annual Blue Grass
* *Festuca arundinacea*, Tall Fescue

VERTEBRATE WILDLIFE

CLASS AVES – BIRDS

Columbidae – Pigeon and Dove Family
* *Columba livia*, Rock Pigeon

Trochilidae - Hummingbird Family
Selasphorus sasin, Allen's Hummingbird

Ardeidae – Heron and Egret Family
Nycticorax nycticorax, Black-crowned Night-Heron

Laridae – Gull, Tern, and Skimmer Family
Larus occidentalis, Western Gull

Tyrannidae – Tyrant-Flycatcher Family
Sayornis nigricans, Black Phoebe

Corvidae – Jay, Magpie, Crow, and Raven Family
Corvus brachyrhynchos, American Crow

Fringillidae - Finch Family
Haemorhous mexicanus, House Finch

Passerellidae – New World Sparrow Family
Zonotrichia leucophrys, White-crowned Sparrow

Parulidae – New World Warbler Family
Setophaga coronata, Yellow-rumped Warbler
Leiothlypis celata, Orange-crowned Warbler

CLASS MAMMALIA – MAMMALS

Sciuridae - Squirrel Family
* *Sciurus niger*, Fox Squirrel

HAMILTON BIOLOGICAL

March 10, 2021

Ms. Stacey Love
U.S. Fish and Wildlife Service
2177 Salk Avenue, Suite 250
Carlsbad, California 92008

SUBJECT: CORRECTED RESULTS OF FOCUSED SURVEYS FOR THE CALIFORNIA GNATCATCHER APPENDIX B TO BIOLOGICAL ASSESSMENT, HOTEL REPLACEMENT PROJECT DANA POINT HARBOR REVITALIZATION

Dear Recovery Permit Coordinator:

This corrected letter report provides the results of presence/absence surveys for the federally threatened coastal California gnatcatcher (*Polioptila californica californica*; CAGN) on approximately 3.8 acres of the bluffs north of Dana Point Harbor in the City of Dana Point (Figures 1 and 2). Under a modification of the federal survey protocol pre-approved by Jonathan Snyder, Assistant Field Supervisor at the U.S. Fish and Wildlife Service (Service) Carlsbad Fish and Wildlife Office (FWO), two presence/absence surveys were conducted by Robert Hamilton under my federal permit (TE-799557). I initially reported the methods and results of these surveys in a letter report to you dated February 10, 2021. This amended version corrects my description of the harbor revitalization project, to state that the hotel replacement project now being planned and permitted is in the third phase of the overall revitalization, not the first phase as previously stated. No changes are made regarding the CAGN or potential project impacts.

METHODS

The survey covered all potentially suitable habitat for the California Gnatcatcher within 500 feet of planned work areas for the harbor revitalization project, the third phase of which (replacement of hotels) is currently being planned and permitted. Since I was aware of a credible report of a CAGN in this area on November 4, 2020 (https://www.inaturalist.org/observations/66938072), I proposed to the Carlsbad FWO limiting my survey effort to confirming the presumed occurrence of CAGN in the area rather than conducting a full slate of nine protocol surveys. This was amenable to the Service, assuming the surveys would, in fact, confirm the species' presence (email from Jonathan Snyder dated December 11, 2020).

The survey focused primarily on approximately 3.8 acres of coastal bluff scrub, a short distance north of Dana Point Harbor Drive, that constitute potentially suitable habitat for the California Gnatcatcher (see Figures 1 and 2).

316 Monrovia Avenue Long Beach, CA 90803 562-477-2181 robb@hamiltonbiological.com

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 CAGN vocalizations to elicit responses from any gnatcatchers that might be present in suitable habitat.

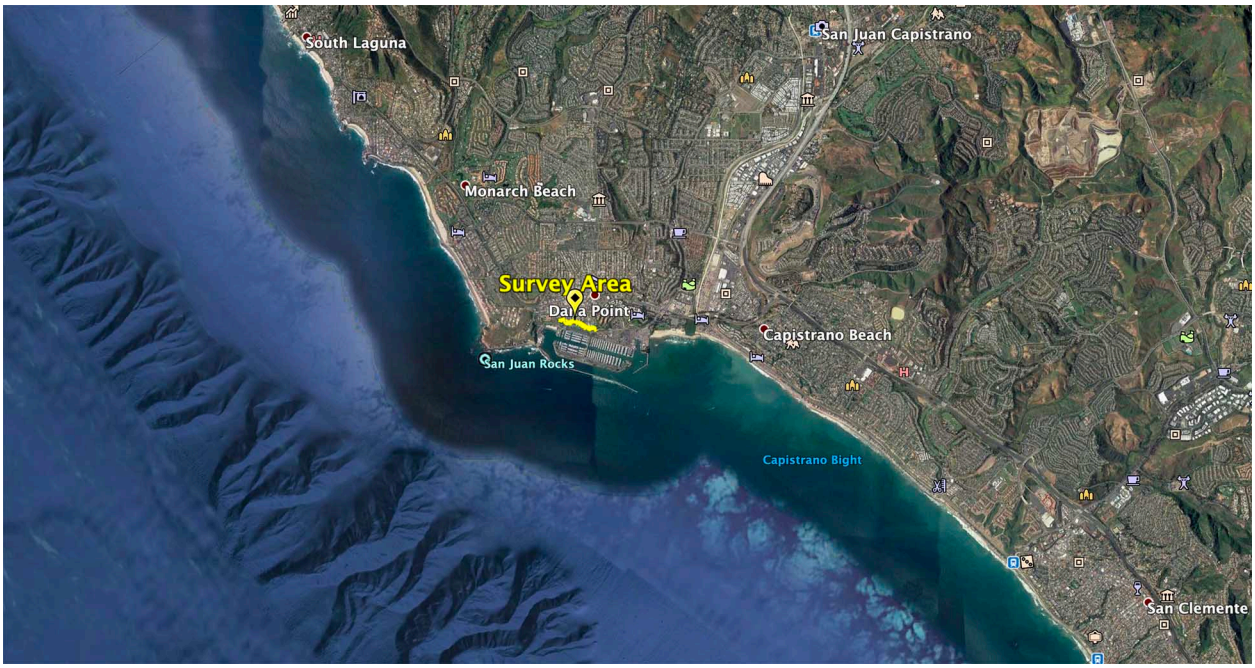

Figure 1. Showing the location of the 3.8-acre survey area, on bluffs north of Dana Point Harbor in the City of Dana Point.

Figure 1. Showing in yellow the extent of coastal bluff scrub habitat, on the bluffs north of Dana Point Harbor Drive near its intersection with Island Way, and the location of a female CAGN detected during the second survey, on December 30, 2020.

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 again employed playback of CAGN 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 occurring within 500 feet of the planned work areas.

RESULTS

On December 30, 2020, during the second survey, I recorded a female California Gnatcatcher. The CAGN was foraging in coastal bluff scrub north of Dana Point Harbor Drive (see Photos 1 and 2 below).

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

The adult female CAGN detected on December 30, 2020, 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 Photo 2 on page 3 of this report.

The occupied coastal bluff scrub habitat that I surveyed lies more than 300 feet northwest of the planned work area for the harbor hotel replacement project. No direct or indirect impacts to the scrub are proposed.

During the two surveys of the 3.8-acre coastal bluff scrub area, I detected 29 bird species, 24 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 (*).

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

Vultures, Hawks, and Allies
Turkey Vulture *Cathartes aura*
Osprey *Pandion haliaetus*

Woodpeckers
Nuttall's Woodpecker *Dryobates nuttallii*

Falcons and Caracaras
American Kestrel *Falco sparverius*

Tyrant Flycatchers: Pewees, Kingbirds, and Allies
Black Phoebe *Sayornis nigricans*
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*

SUMMARY AND CONCLUSION

During two focused surveys of bluffs north of Dana Point Harbor Drive, I detected one adult female CAGN, which I considered to be probably unpaired. The extent of coastal bluff scrub habitat suitable for use by CAGN lies more than 300 feet northwest of the planned work area for the harbor hotel replacement project, and no direct or indirect impacts to CAGN or its occupied habitat are proposed.

If you have any questions, please send e-mail to robb@hamiltonbiological.com or call me at (562) 477-2181.

Sincerely,

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

cc: Jonathan Snyder, Carlsbad FWO
Christine Medak, Carlsbad FWO

This page intentionally left blank