

MEMORANDUM

DATE: April 10, 2009

TO: Ivy Edmonds-Hess
Parsons Brinckerhoff

FROM: Steve Granholm, Bird Monitoring Task Leader
LSA Associates, Inc.

FOR: California Department of Transportation

SUBJECT: Bird Monitoring Memo #351, Week of March 23 - 27, 2009
Bay Bridge East Span Project

PURSUANT TO: US Fish and Wildlife Service Biological Opinion and California Department of Fish and Game Incidental Take Permit

Introduction

In order to improve the seismic safety of the San Francisco-Oakland Bay Bridge (SFOBB), the State of California, Department of Transportation (Caltrans) is replacing the existing SFOBB East Span with a new bridge immediately to the north. This is a multi-year effort that will involve a number of construction activities on land as well as in San Francisco Bay. Some of these activities could potentially affect federally and State endangered or threatened bird species and other bird species of special concern.

The U.S. Fish and Wildlife Service (USFWS) Biological Opinion (page 22) and the California Department of Fish and Game (CDFG) Incidental Take Permit (Fully Protected Species Items 1 and 2 on pages 4 and 5) require monitoring of the California least tern and California brown pelican. The CDFG is also concerned about potential impacts to the American peregrine falcon and the double-crested cormorant and required a management plan for these species (Fully Protected Species Item 3 on page 5). In addition, the San Francisco-Oakland Bay Bridge East Span Seismic Safety Project Final Environmental Impact Statement/Statutory Exemption and Final Section 4(f) Evaluation (FEIS) (page 4-130) requires that Caltrans monitor the double-crested cormorant colony and American peregrine falcon during the breeding season and prevent the birds from nesting on the existing bridge where potential impacts by construction activities could occur.

As required by the USFWS Biological Opinion and CDFG Incidental Take Permit, the monitoring efforts are focused primarily on three endangered species: the California least tern, California brown pelican, and American peregrine falcon. The primary objectives are to minimize impacts to these three species and document any take of these species resulting from construction activities. In addition, monitoring is conducted to assess potential impacts to the breeding efforts of American peregrine falcons and double-crested cormorants on the existing SFOBB East Span. The monitoring also assesses potential impacts on breeding activities of western gulls, which are now known to nest on the existing bridge and new Pier E10E. Monitoring was conducted in accordance with the *Revised*

Final Bird Monitoring and Management Plan (Caltrans 2003). This plan incorporated the requirements of the USFWS, the CDFG, and the FEIS, as well as those of the San Francisco Bay Conservation and Development Commission (BCDC) Permit #8-01, Special Condition F-6.

This memo summarizes the SFOBB East Span's construction bird monitoring activities conducted by LSA Associates, Inc. (LSA) and Garcia and Associates (GANDA) during the week of March 23 - 27, 2009.

Bird Monitoring Activities

LSA and GANDA conducted monitoring of the active construction areas from GANDA's boat; GANDA conducted peregrine falcon nest monitoring from the eastern shoreline of Yerba Buena Island (YBI); and LSA conducted Canada goose monitoring from the Emeryville Crescent side of the goose exclusion fence along I-80. Construction activities during the bird survey included workers conducting various activities at the Oakland Touchdown Westbound, South-South Detour (SSD), and Self-Anchored Suspension (SAS) and construction sites; continued falsework construction in the Pier T1 area; and crew boat, tug, and barge traffic in San Francisco Bay. Construction activities during the peregrine survey included work on the SSD and on the new bridge sections located on YBI.

The bird survey was conducted from 0929 to 1228 hours on March 25, 2009. Peregrine falcon monitoring was conducted from 1140 to 1515 hours on March 24, 2009, from 1415 to 1540 hours on March 25, 2009, and from 1215 to 1445 hours on March 27, 2009. Canada goose monitoring was conducted from 1315 to 1415 hours on March 25, 2009.

Results

Monitoring of Active Construction Areas

California Least Tern: No least terns were observed.

California Brown Pelican: No brown pelicans were observed.

Peregrine Falcon: One peregrine falcon was observed at 1132 hours, perched on the existing bridge near Pier E5.

Double-crested Cormorant: Six double-crested cormorants were observed foraging in the study area.

Western Gull: Approximately forty western gulls were observed in the study area. Twenty-five were perched under the existing bridge and fifteen were foraging.

Observations of Additional Bird Species: The other bird species observed during the bird survey (and the approximate number of individuals) were Canada goose (6), greater scaup (65), surf scoter (20), bufflehead (81), common loon (1), horned grebe (9), eared grebe (12), western grebe (3), Clark's grebe (6), western grebe or Clark's grebe (200), Brandt's cormorant (14), pelagic cormorant (1), American coot (3), mew gull (40), belted kingfisher (1), American crow (4), European starling (15), and yellow-rumped warbler (3). In addition, five black-crowned night-herons were observed in the cypress tree on the south shore of Treasure Island, adjacent to Clipper Cove (just outside the study area).

American Peregrine Falcon Nest Monitoring

On March 24, 2009 at 1206 hours, an adult peregrine falcon was observed perched under the lower deck of the existing bridge at Pier E5. At 1208 hours, the adult and its mate flew from the vicinity of Pier E5 toward Pier E3 on the existing bridge. The male landed on the north leg of Pier E3 and the female continued flying west to the second gusseted plate west of Pier E2, on the south side of the existing bridge. This location was used as a nesting site in 2006. The female entered the site briefly and then flew to the traveler immediately east of Pier E2. At 1215 hours, the female flew to Pier E5. At 1258 hours, the female flew to the top of Pier E3 and perched at the top of the southern pier. At 1308 hours, the female stooped straight down along Pier E3, then flew to the north leg of Pier E3 and perched under the lower deck. At 1315 hours, the male flew from Pier E3 over the top of the existing bridge and out of view. At 1318 hours, the female flew to the south leg of Pier E3, perched briefly and then returned to the north leg of Pier E3. At 1358 hours, the male landed on the female at Pier E3 and copulated with her for approximately one minute before flying north toward the new bridge. After the copulation, the female flew to the second gusseted plate west of Pier E2 on the south side of the existing bridge. At 1422 hours, the male flew to the female and copulated with her again before flying out of view to the east. During and immediately after the copulation, the female was noted to have a brown-colored visual identification (VID) band on her right tarsus and a silver USFWS band on her left tarsus. The VID band appeared to read 05 over F; however, the letter portion of the band was difficult to read. It is believed that the band is actually 05 over R, a band that was placed on a nestling female falcon at San Jose City Hall in 2007.

On March 25, 2009 at 1415 hours, an adult peregrine falcon was observed perched under the lower deck at existing Pier E5. At 1428 hours, the bird flew to the north leg of Pier E4 and landed on the walkway under the lower deck of the existing bridge. Immediately after landing, the bird hopped along the walkway to the south side of the bridge. At 1440 hours, the bird flew toward the Port of Oakland and was last seen amid the container cranes. No other peregrines were observed for the final hour of the monitoring period.

On March 27, 2009 at 1315 hours, the adult male peregrine falcon was observed perched under the existing bridge between Piers E2 and E3. At 1415 hours, the male flew south until it was lost out of view. No other peregrines were observed for the remaining 30 minutes of the observation period.

Based on the observations this week, the SFOBB East Span peregrine falcon pair is believed not to have an active nest. Observations during the previous week suggested that the peregrines were likely in the full-time incubation phase of their nesting cycle at Pier E4 on the existing bridge. The observation of both adults this week suggests that either the initial nesting attempt failed or that the pair were not in the full-time incubation phase.

Other Bird Species Observed: The other bird species observed during the peregrine monitoring were common loon, western grebe, double-crested cormorant, and western gull. The number of other bird species observed during the peregrine falcon monitoring is not recorded because this activity would distract the monitor from watching for peregrine falcons.

Canada Goose Monitoring along the I-80 Roadway Adjacent to the Emeryville Crescent

Six adult Canada geese were observed in the vicinity of the goose fence. Two geese were approximately 70 to 90 meters (230 and 300 feet) north of the marked fence interval of “0 to 100 feet”. One goose was approximately 170 meters (550 feet) north of marked fence interval “100 to 200 feet”. One goose was approximately 120 meters (400 feet) north of marked fence interval “200-300 feet”. Two geese were approximately 45 meters (150 feet) north of marked fence interval “1,300-1,400 feet”. No juvenile geese were observed.

Conclusions and Recommendations

The monitors did not observe any indications that birds were disturbed due to the SFOBB East Span construction activities.

The toe of the goose fence should be restapled to the ground in several places, as growing grasses and forbs are forcing it up off the ground. We recommend that the entire fence be walked and stapled where needed.

cc: Stefan Galvez, Caltrans