BARKER LOGISTICS

RIVERSIDE COUNTY, CALIFORNIA

Burrowing Owl Focused Survey Report

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May 2019
Update January 2020

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The undersigned certify that the statements furnished in this report and exhibits present data and information required for this biological evaluation, and the facts, statements, and information presented is a complete and accurate account of the findings and conclusions to the best of our knowledge and beliefs.

Travis J. McGill
Director

Thomas J. McGill, Ph.D.
Managing Director

May 2019
Update January 2020

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EXHIBITS

APPENDIX

Section 1 Introduction

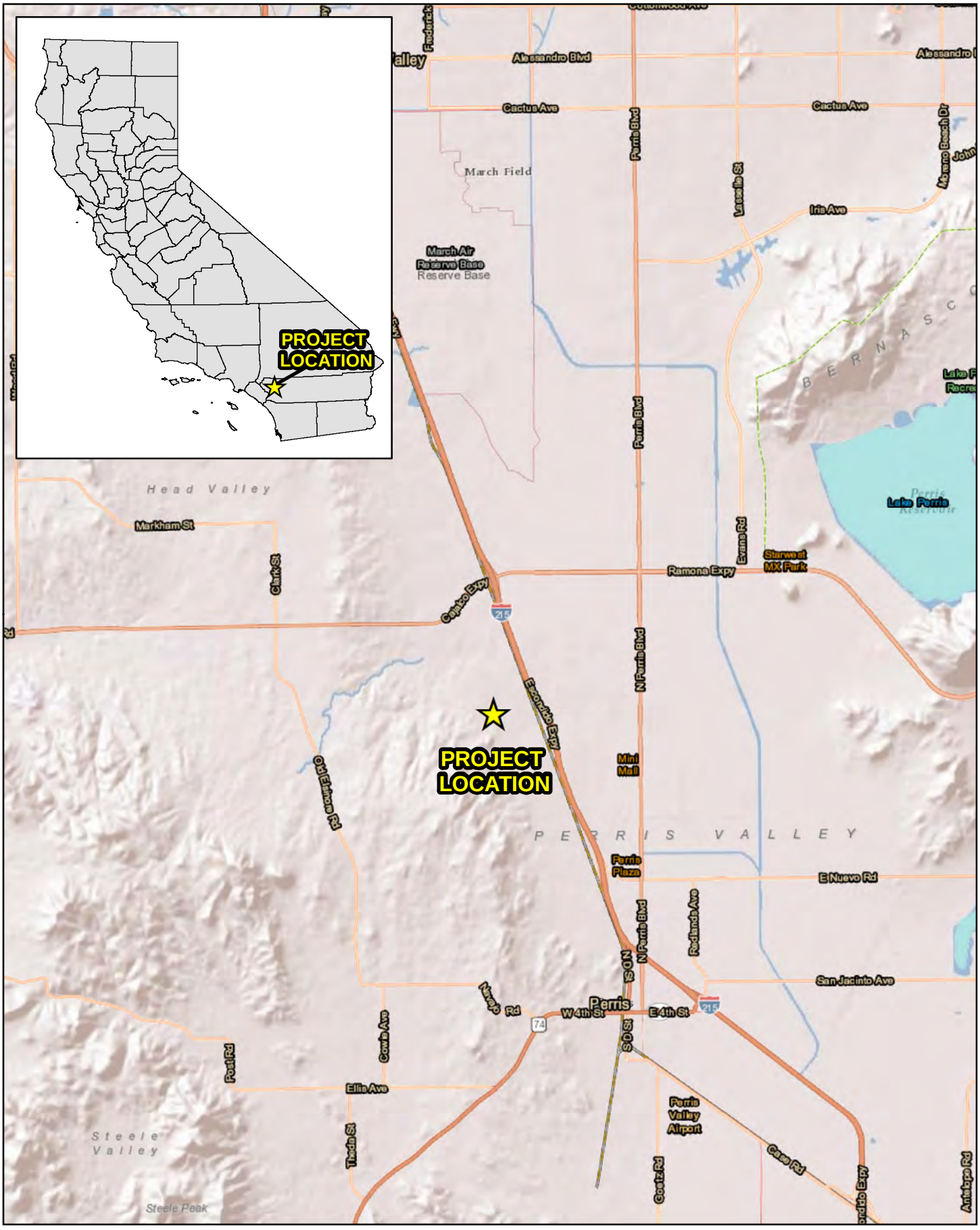
ELMT Consulting (ELMT) conducted a focused burrowing owl (*Athene cunicularia*) survey for the Barker Logistic project (project or project site) located on the northeast corner of the Intersection of Patterson Avenue and Placentia Avenue in the Mead Valley Area of Riverside County, California (project site or site). ELMT biologists Thomas J. McGill, Ph.D. and Travis J. McGill surveyed the project site in accordance with the *Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area* (Environmental Programs Department, 2006). The focused burrowing owl survey included an initial habitat suitability assessment that was conducted on January 15, 2019 and four (4) separate burrowing owl focused surveys that were conducted during the 2019 breeding season. The four focused burrowing owl surveys were conducted on April 4, 15, 23, and May 3, 2019. All surveys were completed between 0630 to 1000 hours. The surveys were conducted to document the presence/absence of burrowing owl on the project site.

1.1 PROJECT LOCATION

The project site is generally located west of Interstate 215, east of Interstate 15, south of State Route 60, and north or State Route 74 in Riverside County, California (Exhibit 1, *Regional Vicinity*). The project site is depicted on the Steele Peak and Perris quadrangles of the United States Geological Survey's (USGS) 7.5-minute topographic map series in Section 13 of Township 4 South, Range 4 West (Exhibit 2, *Site Vicinity*). Specifically, the project site is located on the northwest corner of the intersection of Patterson Avenue and Placentia Avenue within Assessor Parcel Number (APN) 317-240-001 (Exhibit 3, *Project Site*).

1.2 PROJECT DESCRIPTION

The proposed project consists of single building with warehouse and office uses (Exhibit 4, *Depiction of Proposed Project*). The total square footage (SF) is planned to be 699,630 SF currently designed to provide space for up to four (4) occupants. The Site will be graded into one master pad. In addition, the proposed project will widen the northerly right-of-way of Placentia Avenue to its ultimate width and widen the easterly right-of-way Patterson Avenue to its ultimate easterly limit as Secondary Highways per Riverside County Standard No. 94, Ordinance 461. Grading is anticipated to require import of select soils for backfill of trenches. In addition, preliminary grading estimates conclude the site will require no import of soils or export of soils to achieve grading "balance". While the goal is for the site to "balance", i.e., require neither import nor export of soils to achieve the to-be-designed elevations, a range of 175,000 to 195,000 cubic yards ("cy") of cut and a range 175,000 to 195,000 cy of fill is now estimated which results in a potential import between zero and 20,000 cy and a potential export between zero and 20,000 cy. Offsite grading will involve remedial grading to allow construction of the widening of Placentia Avenue and Patterson Avenue. This remedial grading will occur within five (5) feet of the current elevations of the roadways.



BARKER LOGISTICS
BURROWING OWL FOCUSED SURVEY REPORT

Regional Vicinity

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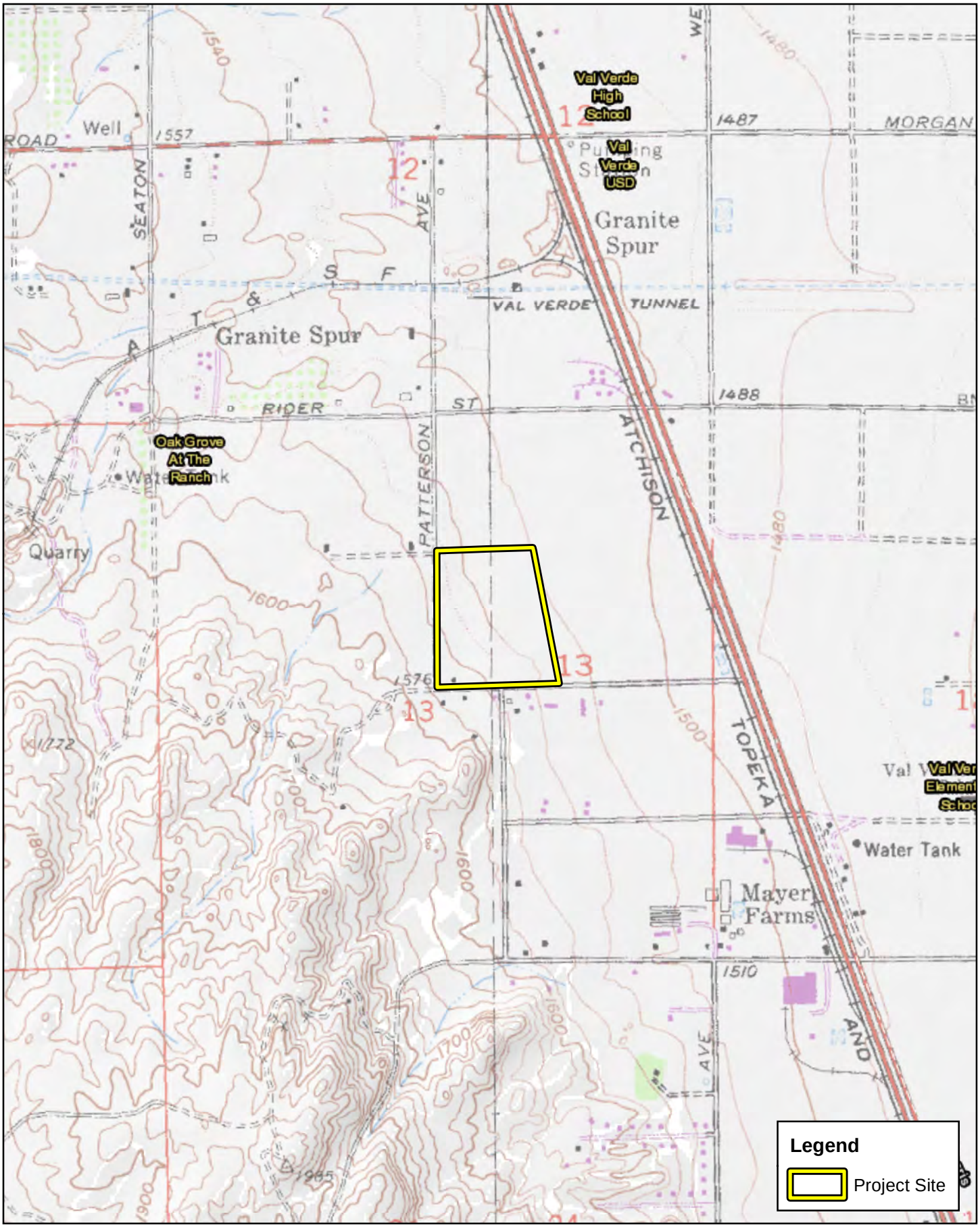
0 0.625 1.25 2.5 Miles

Source: World Transportation, World Shaded Relief, Riverside County

Exhibit 1



BARKER LOGISTICS
BURROWING OWL FOCUSED SURVEY REPORT

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0 500 1,000 2,000 Feet

Source: USA Topographic Map, Riverside County

Site Vicinity

Exhibit 2

ELMT CONSULTING

0 125 250 500 Feet

Source: Google Earth Aerial Imagery, Riverside County

BARKER LOGISTICS
BURROWING OWL FOCUSED SURVEY REPORT

Project Site

Exhibit 3

BARKER LOGISTICS
BURROWING OWL FOCUSED SURVEY REPORT

Depiction of Proposed Project

ELMT CONSULTING

0 125 250 500 Feet

Source: Google Earth Aerial Imagery, Riverside County

Exhibit 4

Section 2 Species Background

2.1 SPECIES BACKGROUND

The burrowing owl is a grassland specialist distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. Burrowing owls use a wide variety of arid and semi-arid environments with well-drained, level to gently-sloping areas characterized by sparse vegetation and bare ground (Haug and Didiuk 1993; Dechant et al. 1999). Burrowing owls are dependent upon the presence of fossorial mammals, such as ground squirrels (*Otospermophilus beecheyi*), whose burrows are used for roosting and nesting (Haug and Didiuk 1993). The presence or absence of colonial mammal burrows is often a major factor that limits the presence or absence of burrowing owls. Where mammal burrows are scarce, burrowing owls have been found occupying man-made cavities, such as buried and non-functioning drain pipes, stand-pipes, and dry culverts. Burrowing mammals may burrow beneath rocks and debris or large, heavy objects such as abandoned cars, concrete blocks, or concrete pads. Large, hard objects at burrow entrances stabilize the entrance from collapse and may inhibit excavation by predators.

Burrowing owls have crepuscular (dawn and dusk) hunting habits but are often observed perched in or near the burrow entrance during the day. They prey upon invertebrates and small vertebrates (Thomsen 1971) through the low vegetation which allows for foraging visibility. The nesting season occurs between February 1 and August 31. Burrowing owl in California may migrate southerly, but often remain in the breeding area during the non-breeding period.

The burrowing owl was once abundant and widely distributed within coastal southern California, but it has declined precipitously in counties such as Los Angeles, Orange, San Diego, Riverside, and San Bernardino. A petition was filed to list the California population of the western burrowing owl as an Endangered or Threatened species (Center for Biological Diversity 2003); however, the California Department of Fish and Wildlife (CDFW) declined to list the burrowing owl as either endangered or threatened. The CDFW currently lists the burrowing owl as a California Species of Special Concern.

2.2 REGULATORY FRAMEWORK

The burrowing owl is a resident and migratory bird species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918. The MBTA reflects agreements made between the U.S., England, Mexico, the former Soviet Union, and Japan to protect all of North America's migratory bird populations. The MBTA protects migratory bird nests from possession, sale, purchase, barter, transport, import and export, and collection. The other prohibitions of the MBTA - capture, pursue, hunt, and kill - are inapplicable to nests. The regulatory definition of take, as defined in Title 50 C.F.R. part 10.12, means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to hunt, shoot, wound, kill, trap, capture, or collect. Only the verb "collect" applies to nests. It is illegal to collect, possess, and by any means transfer possession of any migratory bird nest. The MBTA prohibits the destruction of a

nest when it contains birds or eggs, and no possession shall occur during the destruction (United States Fish and Wildlife Service, Migratory Bird Permit Memorandum, April 15, 2003). Certain exceptions to this prohibition are included in 50 C.F.R. section 21. Pursuant to CDFW Code section 3513, the Department enforces the MBTA consistent with rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.

Additionally, burrowing owl is protected under Sections 3503, 3503.3, 3511, and 3513 of the CDFW Code which prohibit the take, possession, or destruction of birds, their nests or eggs. Implementation of the take provisions requires that project-related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (March 1 - August 15, annually). CDFW Code Section 3503.5 protects birds in the orders Falconiformes or Strigiformes (Birds of Prey, such as hawks and owls, including burrowing owls) which makes it unlawful to take, posses, or destroy their nest or eggs.

CDFW's 2012 Staff Report on Burrowing Owl Mitigation offers long-term assurances for conservation of this species in exchange for biologically appropriate levels of incidental take and/or habitat loss as defined in the approved plan. California's NCCP Act (FGC §2800 et seq.) governs such plans at the state level, and was designed to conserve species, natural communities, ecosystems, and ecological processes across a jurisdiction or a collection of jurisdictions. Complementary federal HCPs are governed by the Endangered Species Act (7 U.S.C. § 136, 16 U.S.C.§ 1531 et seq.) (ESA). Regional conservation plans (and certain other landscape-level conservation and management plans), may provide conservation for unlisted as well as listed species. Because the geographic scope of NCCPs and HCPs may span many hundreds of thousands of acres, these planning tools have the potential to play a significant role in conservation of burrowing owls, and grasslands and other habitats.

Guidelines for the Implementation of the California Environmental Quality Act (CEQA) provide that a species be considered as endangered or "rare" regardless of appearance on a formal list for the purposes of the CEQA (Guidelines, Section 15380, subsections b and d). The CEQA requires a mandatory findings of significance if impacts to threatened or endangered species are likely to occur (Sections 21001(c), 21083. Guidelines 15380, 15064, 15065). Avoidance or mitigation must be presented to reduce impacts to less than significant levels.

2.2.1 MSHCP Section 6.3.2 Additional Survey Needs and Procedures – Burrowing Owl

Under Section 6.3.2 the MSHCP burrowing owl is considered an adequately conserved covered species that may still require focused surveys in certain areas as designated in Figure 6-4 of the MSHCP. The purpose of Section 6.3.2 of the MSHCP is to provide coverage under the MSHCP for those species for which existing available information was not sufficient, and therefore, survey requirements are incorporated in the MSHCP to provide the level of information necessary for these species to receive coverage (Dudek & Associates, Inc., 2003).

Section 3 Methodology

General weather conditions during each of the surveys were suitable for detections of burrowing owls. The weather during the surveys consisted of cloudy to clear skies with minimal wind, and temperatures ranging from 56 -60 degrees Fahrenheit (^{o}F). Surveys are not accepted if they are conducted during rain, high winds (> 20 mph), dense fog, or temperatures over 90^{o}F. The protocol survey for burrowing owl requires a systematic survey of all areas that provide suitable habitat plus a 150-meter (approximately 500 feet) zone of influence on all sides of suitable habitat, where applicable. Since the project site is primarily surrounded by development on all of its sides, a zone of influence was not able to be surveyed by foot since the parcels of land that provided suitable habitat within 500 feet are privately owned and site access was restricted. As a result, binoculars were used from public right-of-way to scan the areas within 500 feet that provided suitable habitat for burrowing owls searching for burrowing owls, sign, and suitable burrows. Refer to Exhibit 5, *Survey Areas and Suitable Habitat.*

Survey transects on the project site were oriented north to south and were conducted at a maximum of 30-meter (approximately 100 feet) intervals to ensure 100% visual coverage of all areas in suitable habitat, as applicable based on topography of the site. The focused burrowing owl surveys were conducted during the recognized timeframe (the breeding season is typically March through August) in the morning one hour before sunrise to two hours after sunrise.

Areas providing potential habitat for burrowing owls were surveyed for suitable burrows, consisting of natural and non-natural substrates in areas with low, open vegetation. All burrows encountered were examined for shape, scat, pellets, white-wash, feathers, tracks, and prey remains. The location of all suitable burrowing owl habitat, potential owl burrows, burrowing owl sign, and any owls observed were recorded and mapped, with a hand-held GPS unit, if observed. Methods to detect presence of burrowing owls included direct observation, aural detection, and signs of presence; including pellets, white wash, feathers, or prey remains. Suitable burrows/sites, including rock piles and non-natural substrates, were thoroughly examined for signs of presence. The survey included identifying avian species in the area and observing behaviors that suggested nesting activity. Binoculars were used to observe distant birds and their activity around potential nesting habitat. During the focused surveys, the survey area was assessed on foot by qualified biologists Thomas J. McGill, Ph.D., and Travis J. McGill who are knowledgeable in the habitats and behavior of burrowing owls.

The initial habitat suitability assessment (focused burrow survey) was conducted on January 15, 2019 and four (4) separate burrowing owl focused surveys that were conducted during the 2019 breeding season. The four focused burrowing owl surveys were conducted on April 4, 15, 23, and May 3, 2019. All surveys were completed between 0630 to 1000 hours. The surveys were conducted to document the presence/absence of burrowing owl on the project site.

Table 1: Survey Data

Survey No.	Survey Date	Surveyor	Time	Temperature (˚F)	Cloud Cover	Wind Speed (mph)	Burrowing Owl Detected
1	4/4/19	Thomas McGill and Travis McGill	0650-0930	56	100%	1-3	No
2	4/15/19	Travis McGill	0640-1000	55	75%	1-3	No
3	4/23/19	Travis McGill	0645-1000	58	5%	1-3	No
4	5/3/19	Thomas McGill and Travis McGill	0630-0930	60	75%	1-3	No

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0 125 250 500 Feet

Source: Google Earth Aerial Imagery, Riverside County

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BURROWING OWL FOCUSED SURVEY REPORT

Survey Area and Suitable Habitat

Exhibit 5

Section 4 Results

4.1 EXISTING CONDITIONS

The project site is relatively flat with no areas of significant topographic relief and ranges in elevation from 1,5020 to 1,580 feet above sea level and generally slopes from southwest to northeast. According to the Custom Soil Resource Report, the project site is underlain by the following soil units: Fallbrook sandy loam, shallow (5 to 8 percent slopes, eroded), Greenfield sandy loam (2 to 8 percent slopes, eroded), Hanford coarse sandy loam (2 to 8 percent slopes, eroded), Monserate sandy loam (5 to 8 percent slopes, eroded), Ramona sandy loam (0 to 2 percent slopes), and Ramona sandy loam (2 to 5 percent slopes, eroded). Soils on-site have been mechanically disturbed from historic land uses (i.e., grading/disking activities).

Land uses in the vicinity of the project site primarily consists of residential and industrial developments, and undeveloped/vacant parcels. The project site is bordered by a residential development along the westerly two-thirds of the northern boundary and the proposed Harvill Industrial Park (under construction) along the easterly third of the northern boundary of the project site. Patterson Avenue borders the western boundary of the project site, and four residential developments are located west of Patterson Avenue. The project site is bordered by four residential developments on the southern half of the eastern boundary and the Daytona Business Park on the northern half of the eastern boundary. Placentia Avenue borders the southern boundary of the project site. Four residential developments are located south of Placentia Avenue on the western half of the southern boundary and an undeveloped field is located on the eastern half of the southern boundary.

The project site primarily consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances. The project site has been subject to on-historic agricultural activities and going disking activities. These disturbances have eliminated the natural plant communities that historically occurred within the immediate vicinity of the project site. Refer to Attachment A, *Site Photographs*, for representative site photographs.

Due to existing land uses, no native plant communities or natural communities of special concern were observed on or adjacent to the project site. The project site contains a land cover type that would be classified as disturbed (Exhibit 6, *Vegetation*). The disturbed areas on the project site no longer comprise a native plant community, but rather consist of areas that have been subject to historic agricultural activities, and frequent disking activities. Portions of the disturbed area contain areas of bare ground due extensive disturbance from anthropogenic disturbance, and areas that support early successional and ruderal/weedy plant species. Plant species observed within the disturbed areas include short-podded mustard (*Hirschfeldia incana*), Russian thistle (*Salsola tragus*), wild radish (*Raphanus raphanistrum*), London rocket (*Sisymbrium irio*), filaree (*Erodium sp.*), fiddleneck (*Amsinckia menziesii*), common sunflower (*Helianthus annus*), cudweed aster (*Corethrogyne filaginifolia*), stinknet (*Oncosiphon piluliferum*), and pigweed (*Chenopodium album*). It should be noted that several

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Source: Google Earth Aerial Imagery, Riverside County

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BURROWING OWL FOCUSED SURVEY REPORT

Vegetation

Exhibit 6

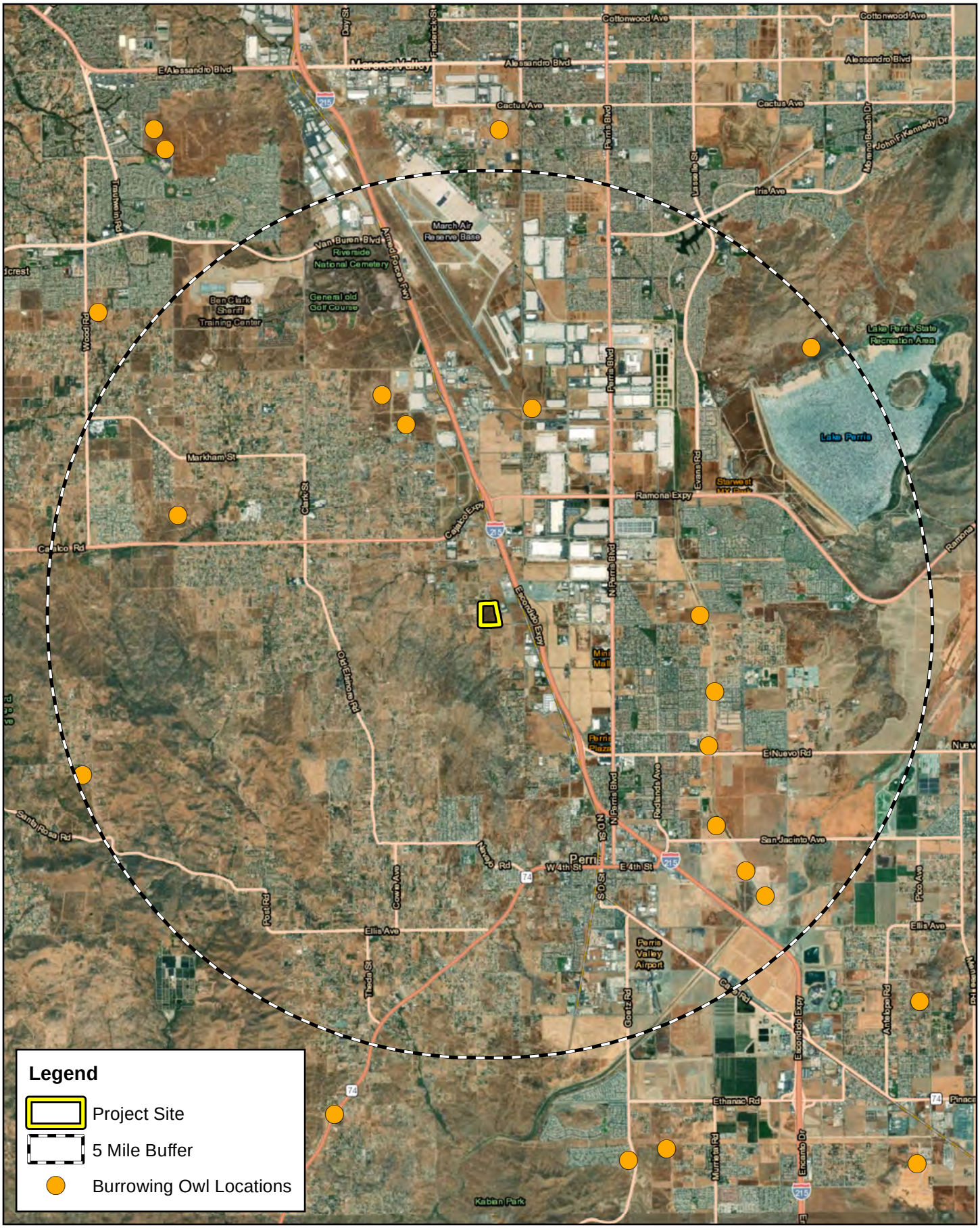
Peruvian pepper trees (*Schinus molle*) and elderberry (*Sambucus nigra*) were observed on the southwest corner of the project site and several olive trees (*Olea europaea*) were observed along the southern half of the western boundary of the project site.

Based on a review of CDFW's California Natural Diversity Database (CNDDB) approximately 12 burrowing owl observations have been recorded within 5 miles of the project site. The nearest occurrence was approximately 2 miles northwest of the project site. Refer to Exhibit 7, *Burrowing Owl Observations.*

4.2 BURROWING OWL FOCUSED SURVEY

The entire project site is vegetated with a variety of relatively low-growing plant species that allow for the line-of-sight observation opportunities favored by burrowing owl. However, during the surveys vegetation onsite ranged from approximately 2-3 feet tall, with minimal open areas. Several small mammal burrows that have the potential to provide suitable burrowing owl nesting habitat (>4 inches in diameter) were observed scattered throughout the project site during the surveys. Despite a systematic search of the project site, no burrowing owls or sign (pellets, feathers, castings, or white wash) were observed on or within 500 feet, where assessible, of the project site during the focused surveys.

The species identified included red-tailed hawk (*Buteo jamaicensis*), killdeer (*Charadrius vociferus*), American crow (*Corvus brachyrhynchos*), American kestrel (*Falco sparverius*), house finch (*Haemorhous mexicanus*), hooded oriole (*Icterus cucullatus*), northern mockingbird (*Mimus polyglottos*), house sparrow (*Passer domesticus*), California towhee (*Pipilo crissalis*), black phoebe (*Sayornis nigricans*), Say's phoebe (*Sayornis saya*), lesser goldfinch (*Spinus psaltria*), Bewick's wren (*Thryomanes bewickii*), Cassin's kingbird (*Tyrannus vociferans*), western meadowlark (*Sturnella neglecta*), mourning dove (*Zenaida macroura*), and Eurasian-collard dove (*Streptopelia decaocto*). Refer to Appendix B for a complete list of wildlife species observed during the surveys.



0 0.625 1.25 2.5 Miles

Source: ESRI Aerial Imagery, CNDDB, Riverside County

BARKER LOGISTICS
BURROWING OWL FOCUSED SURVEY REPORT

Burrowing Owl Observations

Exhibit 7

Section 5 Conclusion and Recommendations

Based on the results of the burrowing owl focused survey, no burrowing owls or evidence of recent or historic use by burrowing owls was observed on the project site during the focused surveys. As a result, burrowing owl are presumed absent from the project site. However, out of an abundance of caution, and to ensure burrowing owl remain absent from the project site, it is recommended that a 30-day burrowing owl pre-construction clearance survey be conducted prior to any ground disturbing activities. If burrowing owls and/or birds displaying nesting behaviors are observed within the project site during future construction, further review may be needed to ensure compliance with the MSHCP, MBTA and Fish and Game Code.

Section 6 References

California Burrowing Owl Consortium, 1993. *Burrowing Owl Survey Protocol and Mitigation Guidelines.* Accessed on the internet at: www.dfg.ca.gov/wildlife/nongame/docs/boconsortium.pdf

California Department of Fish and Wildlife (CDFW). 2019. RareFind 5, California Natural Diversity Data Base, California. Data Base report on threatened, endangered, rare or otherwise sensitive species and communities for the Stelle Peak and Perris 7.5-minute USGS quadrangles.

California Department of Fish and Wildlife (CDFW), 2012. *Staff Report on Burrowing Owl Mitigation*.

Coulombe, H.N. 1971. *Behavior and population ecology of the burrowing owl* (*Speotyto cunicularia) in the Imperial Valley of California.* Condor 73: 162-176.

Environmental Programs Department. (2006, March 29). *Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area.* http://www.wrc-rca.org/mshcp-species-survey-protocols/

Haug, E.A., B.A. Millsap, and M.S. Martell. 1993. Burrowing Owl (*Speotyto cunicularia*). In: A. Poole and F. Gill, editors, Birds of North America, No. 61. Philadelphia: The Academy of Natural Science; Washington DC: The American Ornithologists' Union.

Ramsen, Jr., J.V. 1978. *Bird Species of Special Concern in California*. Non-game Wildlife Investigations. Wildlife Management Branch Administrative Report No78-1. Report prepared for California Department of Fish and Game.

Appendix A Site Photographs

Photograph 1: From the southwest corner of the project site looking north along the western boundary.

Photograph 2: From the southwest corner of the project site looking east along the southern boundary.

Photograph 3: From the middle of the southern boundary looking east.

Photograph 4: From the southeast corner of the project site looking west along the southern boundary.

Photograph 5: From the southeast corner of the project site looking north along the eastern boundary.

Photograph 6: From the middle of the southern boundary of the project site looking north across the middle of the site.

Photograph 7: From the northeast corner of the project site looking south along the eastern boundary.

Photograph 8: From the northeast corner of the project site looking west along the northern boundary.

Photograph 9: From the middle of the northern boundary looking south across the project site.

Photograph 10: From the northwest corner of the project site looking south along the western boundary.

Photograph 11: Photograph of a representative ground squirrel burrow that has the potential to provide suitable nesting opportunities for burrowing owl on the project site.

Photograph 12: Photograph of a representative ground squirrel burrow that has the potential to provide suitable nesting opportunities for burrowing owl on the project site.

Appendix B Fauna Compendium

Table B – 1: Wildlife Species

Scientific Name	**Common Name**
Aves	**Birds**
Buteo jamaicensis	red-tailed hawk
Callipepla californica	California quail
Calypte anna	Anna's hummingbird
Charadrius vociferous	killdeer
Columba livia	rock pigeon
Corvus brachyrhynchos	American crow
Corvus corax	common raven
Falco sparverius	American kestrel
Haemorhous mexicanus	house finch
Hirundo rustica	barn swallow
Icterus cucullatus	hooded oriole
Melozone crissalis	California towhee
Mimus polyglottos	northern mockingbird
Passer domesticus	house sparrow
Passerculus sandwichensis	Savannah sparrow
Pipilo crissalis	California towhee
Sayornis nigricans	black phoebe
Sayornis saya	Say's phoebe
Spinus psaltria	lesser goldfinch
Stelgidoperyx serripennis	northern rough-winged swallow
Streptopeli adecaocto	Eurasian collard-dove
Sturnella neglecta	western meadowlark
Sturnus vulgaris	European starling
Thryomanes bewickii	Bewick's wren
Tyrannus vociferans	Cassin's kingbird
Zenaida macroura	mourning dove
Zonotrichia leucophrys	white-crowned sparrow
Mammalia	**Mammals**
Otospermophilus beecheyi	California ground squirrel
Sylvilagus audubonii	Audubon's cottontail
Reptilia	**Reptiles**
Uta stansburiana elegans	western side-blotched lizard