

BARKER LOGISTICS EAST

RIVERSIDE COUNTY, CALIFORNIA

Burrowing Owl Focused Survey Report

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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.



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Section 1 Introduction

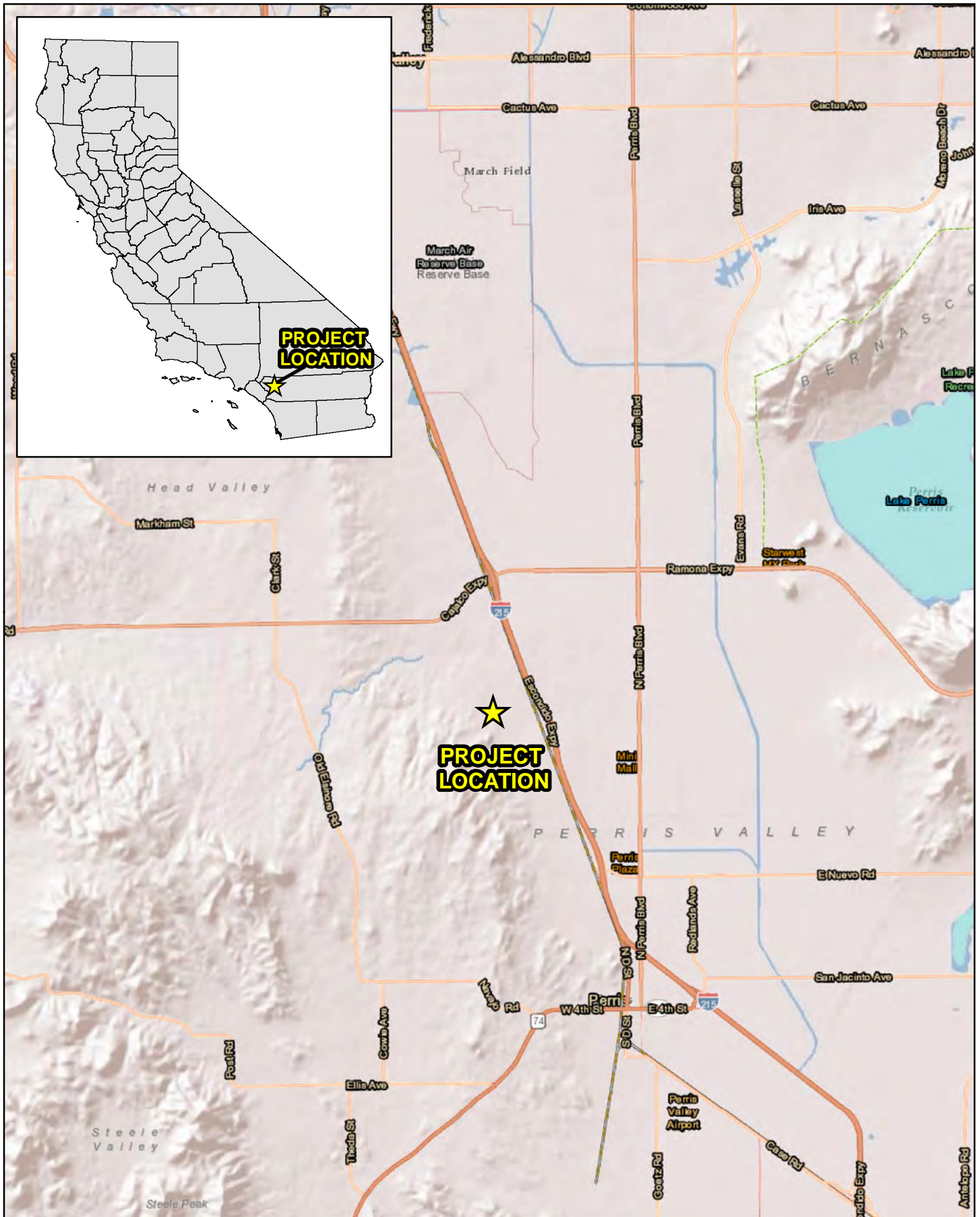
ELMT Consulting (ELMT) conducted a focused burrowing owl (*Athene cunicularia*) survey for the Barker Logistics East project (project or project site) located on the northwest corner of the intersection of Harvill Avenue and Placentia Avenue in the Mead Valley Area of Riverside County, California (project site or site). ELMT biologists Travis J. McGill and Jacob H. Lloyd Davies 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 October 10, 2019 and four (4) separate burrowing owl focused surveys that were conducted during the 2020 breeding season. The four focused burrowing owl surveys were conducted on March 20, 24, 26, and 30. All surveys were completed between 0645 to 1000 hours. The surveys were conducted to document the presence/absence of burrowing owl on the project site.

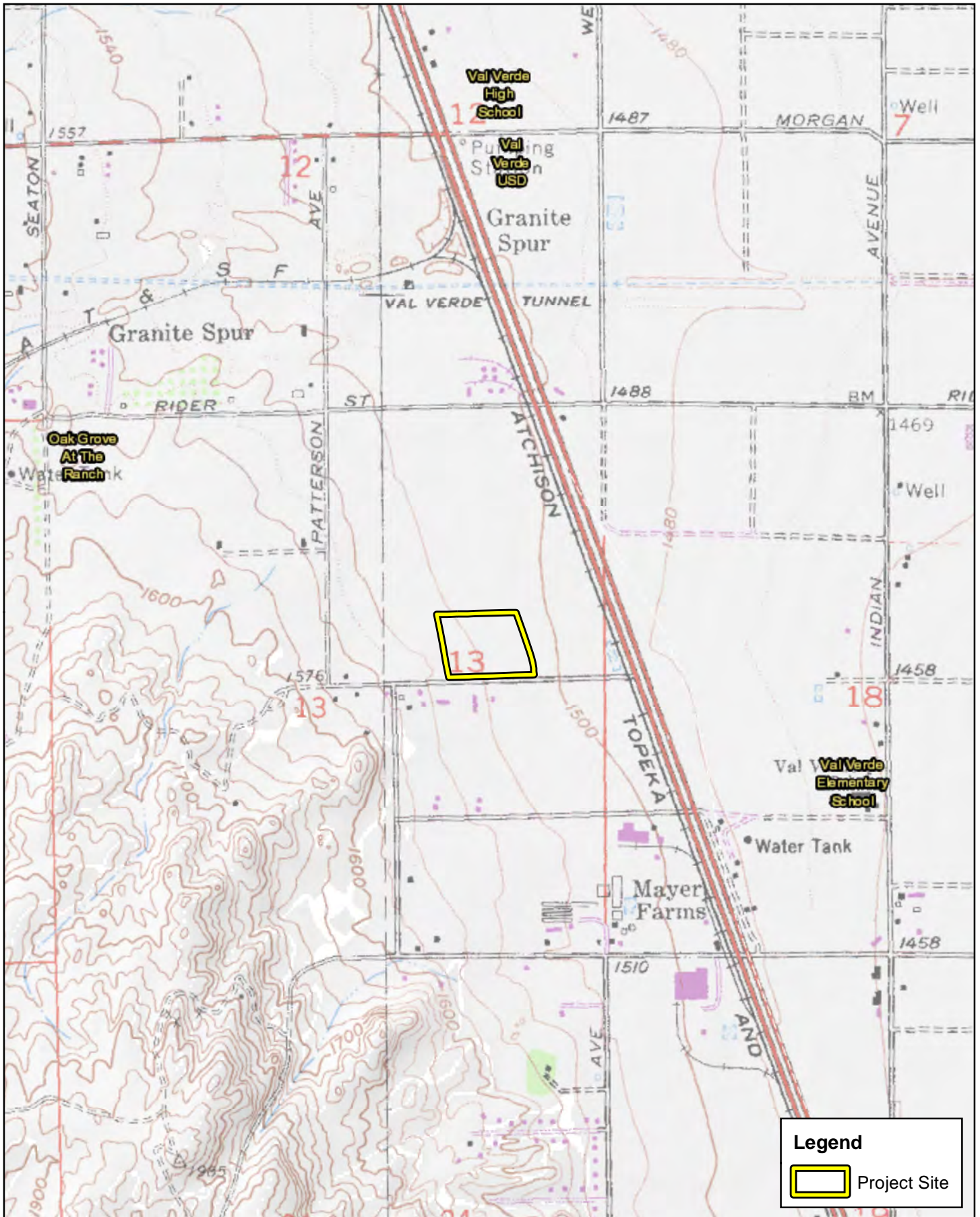
1.1 PROJECT LOCATION

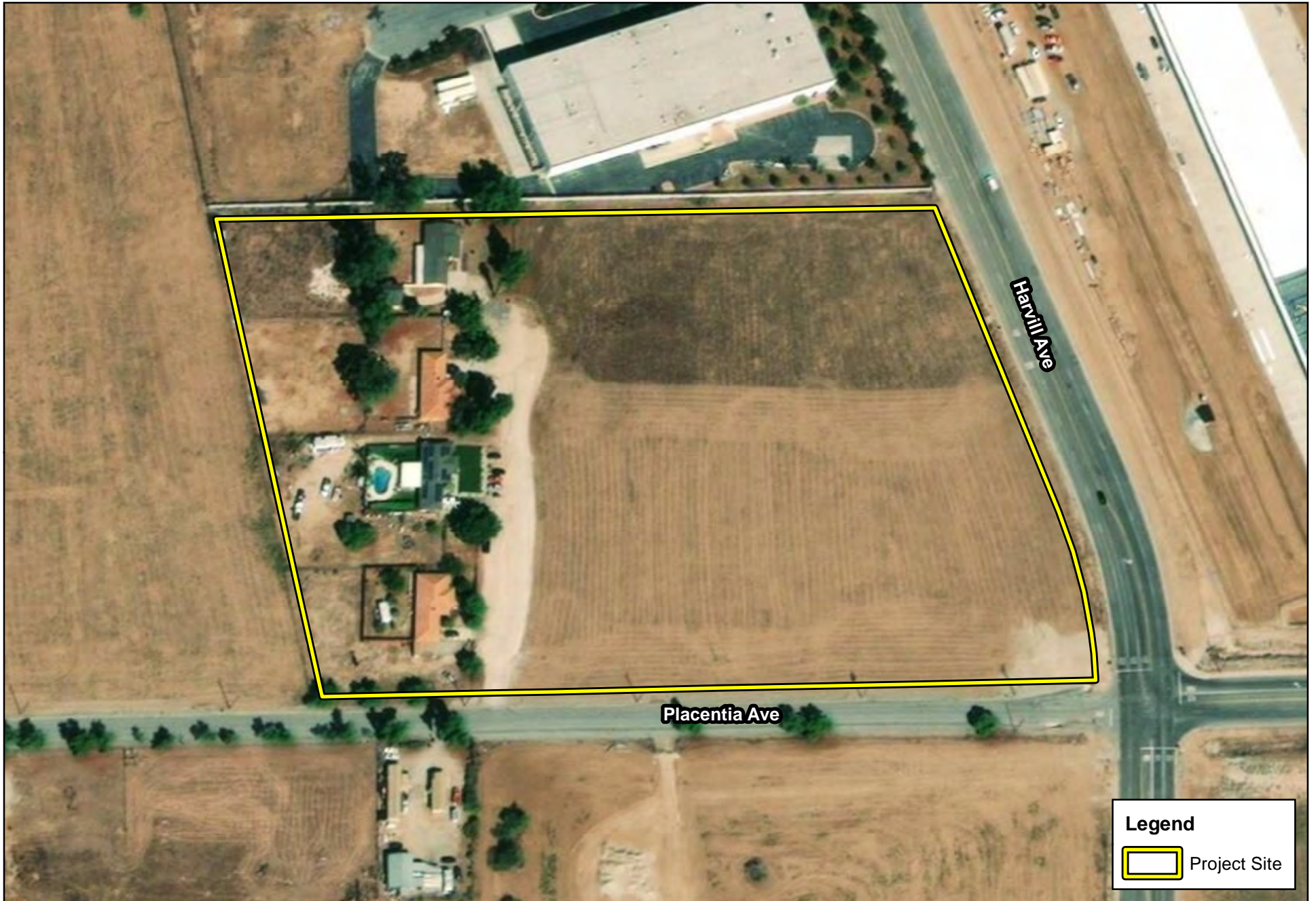
The project site is generally located west of Interstate 215, east of Interstate 15, south of State Route 60, and north of State Route 74 in Riverside County, California (Exhibit 1, Regional Vicinity). The project site is depicted on the Steele Peak and Perris quadrangles of the United States Geological 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 Numbers (APN) 317-240-017, -019, -020, 021, -028, -029, -039, -041 (Exhibit 3, *Project Site*).

1.2 PROJECT DESCRIPTION

The proposed project consists of the grading for, and construction of a single warehouse, adjoining office spaces, associated trailer and auto parking, and landscaping encompassing 11.80 acres. The proposed building area will consist of approximately 274,190 square feet of depot and office space. Associated parking will include 51 trailer spaces and 173 standard automobile spaces. Total landscaping will encompass 52,689 square feet. Access will be provided by two proposed driveways on Harvill Avenue and two proposed driveways on Placentia Avenue. Refer to Exhibit 4, *Depiction of Proposed Project*.









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 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, possess, 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 44 -60 degrees Fahrenheit (°F). Surveys are not accepted if they are conducted during rain, high winds (> 20 mph), dense fog, or temperatures over 90°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 or private property, 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 on the project site and the vacant field west of the project site, within 500 feet. 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, whitewash, 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 Travis J. McGill and Jacob H. Lloyd Davies who are knowledgeable in the habitats and behavior of burrowing owls.

The initial habitat suitability assessment (focused burrow survey) was conducted on October 10, 2019 and four (4) separate burrowing owl focused surveys were conducted during the 2020 breeding season. The four focused burrowing owl surveys were conducted on March 20, 24, 26, and 30, 2020. All surveys were completed between 0645 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	3/20/20	Jacob H. Lloyd Davies	0700-1000	44-54	100%	1-3	No
2	3/24/20	Jacob H. Lloyd Davies	0645-1000	44-55	70%	1-3	No
3	03/26/20	Travis J. McGill	0700-1000	45-58	10%	1-3	No
4	03/30/20	Jacob H. Lloyd Davies	0700-1000	44-60	0%	1-3	No



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 1,510 to 1,538 feet above sea level and generally slopes from west to east. According to the Custom Soil Resource Report, the project site is underlain by the following soil units: Fallbrook sandy loam (5 to 8 percent slopes, eroded), Ramona sandy loam (2 to 5 percent slopes, eroded), and Greenfield sandy loam (2 to 8 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 the Daytona Business Park to the north, and undeveloped, vacant land to the west that is proposed for development. Placenta Avenue borders the southern boundary and a residential development and undeveloped, vacant land occur south of Placenta Avenue. Harvill Avenue borders the eastern boundary of the project site, and Central Freight Lines occurs east of Harvill Avenue.

The eastern portion of the project site primarily consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances associated with historic agricultural activities and routine disking activities. Four (4) residential developments are located on the western boundary of the project site. Historic aerials show these activities have been ongoing since at least 1966, with grading for the residential developments occurring as early as 1978. These disturbances have eliminated the natural plant communities that historically occurred on the project site. Refer to Appendix A, *Site Photographs*, for representative site photographs. No native plant communities will be impacted from implementation of the proposed project.

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 two land cover types that would be classified as disturbed and developed (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.

It should be noted that the vegetation supported in the disturbed areas of the project site occurred in higher density and height during the burrowing owl focused survey than during the October 2019 Habitat Assessment due to recent rainfall and plant growth. Plant species observed within the disturbed areas include stinknet (*Oncosiphon piluliferum*), 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 annuus*), mouse barley (*Hordeum murinum*), cheeseweed (*Malva parviflora*), telegraph weed (*Heterotheca grandiflora*), western ragweed (*Ambrosia psilostachya*), cryptantha (*Cryptantha sp.*), bicolor lupine (*Lupinus bicolor*), sourgrass (*Oxalis pes-caprae*), London rocket (*Sisymbrium irio*), flax-leaved horseweed



(*Erigeron bonariensis*), Mexican fan palm (*Washingtonia robusta*), and Peruvian pepper (*Schinus molle*).

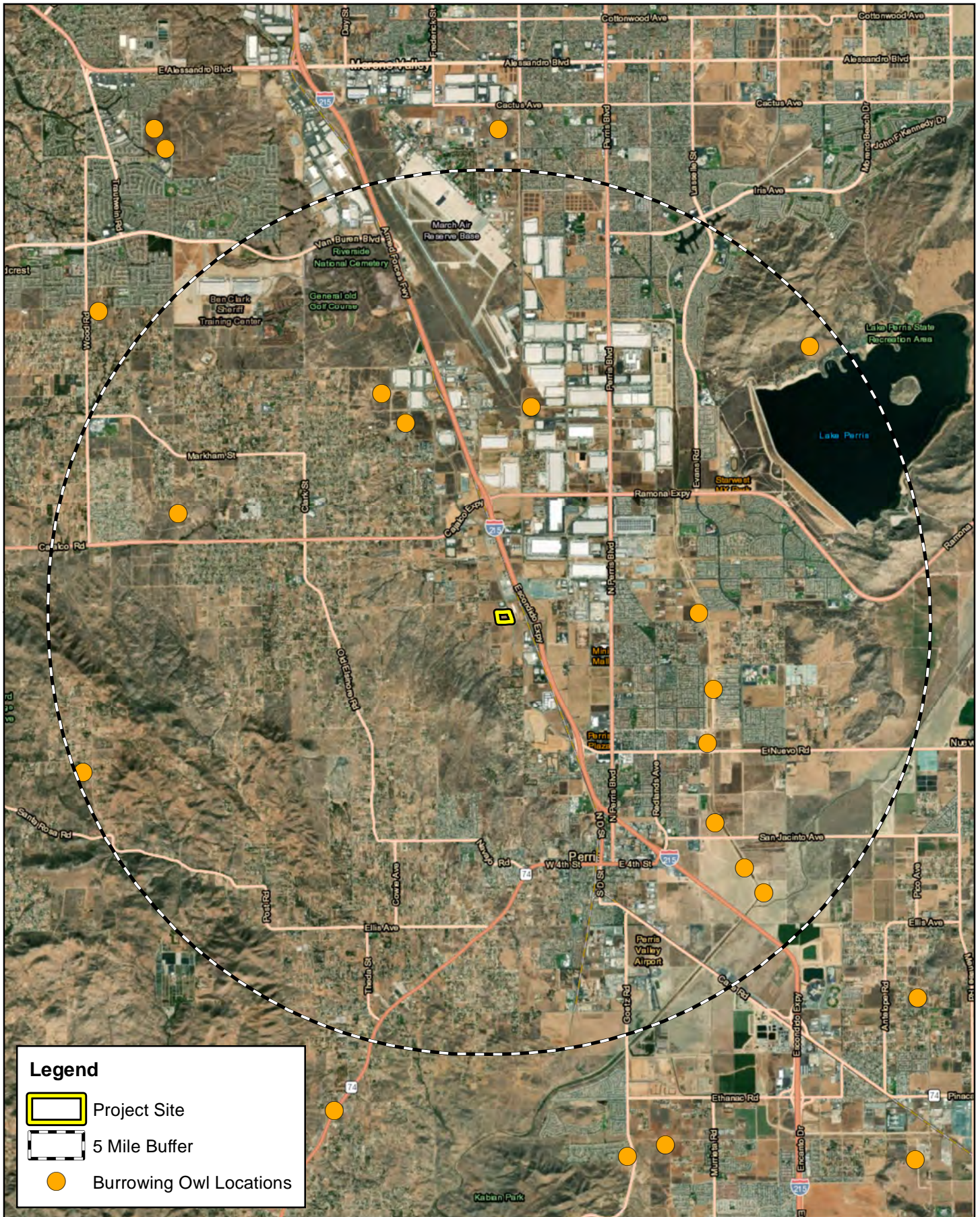
Developed areas generally encompass all buildings/structures and paved or otherwise impervious surfaces. The developed areas occur on the western boundary of the project site associated with the residential developments. Vegetation observed within the residential developments included common weedy/early successional species and a variety of ornamental trees, shrubs, and grasses.

Based on a review of CDFW's California Natural Diversity Database (CNDDDB) 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 assessable, of the project site during the focused surveys.

The species identified included Eurasian collared dove (*Streptopelia decaocto*), American crow (*Corvus brachyrhynchos*), house finch (*Haemorhous mexicanus*), European starling (*Sturnus vulgaris*), red-tailed hawk (*Buteo jamaicensis*), northern mockingbird (*Mimus polyglottos*), western meadowlark (*Sturnella neglecta*), Anna's hummingbird (*Calypte anna*), house sparrow (*Passer domesticus*), bushtit (*Psaltiriparus minimus*), common raven (*Corvus corax*), song sparrow (*Melospiza melodia*), Say's phoebe (*Sayornis saya*), great egret (*Ardea alba*) and black phoebe (*Sayornis nigricans*). Refer to Appendix B for a complete list of wildlife species observed during the surveys.



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 northeast corner of the project site looking south along the eastern boundary.



Photograph 2: From the northeast corner of the project site looking west along the northern boundary.



Photograph 3: From the middle of the southern boundary looking across the project site at the suitable habitat onsite.



Photograph 4: From the middle of the southern boundary looking northwest at the western half of the project site, that has suitable habitat for burrowing owl.



Photograph 5: Looking north at the western portion of the project site, where the residential homes are found on the western boundary of the site and the vacant lot to the east.



Photograph 6: From the middle of the northern boundary looking east.



Photograph 7: From the middle of the project site looking towards the southwest corner.



Photograph 8: From the southeast corner of the project site looking northwest across the site.



Photograph 9: Photograph of a representative ground squirrel burrow that has the potential to provide suitable nesting opportunities for burrowing owl on the project site.



Photograph 10: Area south of the project site, south of Placentia Avenue, within 500 feet that provides suitable habitat that was surveyed with binoculars.

Appendix B Fauna Compendium

Table B – 1: Wildlife Species

Scientific Name	Common Name
Aves	Birds
<i>Ardea alba</i>	great egret
<i>Buteo jamaicensis</i>	red-tailed hawk
<i>Calypte anna</i>	Anna's hummingbird
<i>Corvus brachyrhynchos</i>	American crow
<i>Corvus corax</i>	common raven
<i>Falco sparverius</i>	American kestrel
<i>Haemorhous mexicanus</i>	house finch
<i>Melospiza melodia</i>	song sparrow
<i>Melospiza crissalis</i>	California towhee
<i>Mimus polyglottos</i>	northern mockingbird
<i>Passer domesticus</i>	house sparrow
<i>Psaltirius minimus</i>	bushtit
<i>Sayornis nigricans</i>	black phoebe
<i>Sayornis saya</i>	Say's phoebe
<i>Spinus psaltria</i>	lesser goldfinch
<i>Streptopelia decaocto</i>	Eurasian collared dove
<i>Sturnella neglecta</i>	western meadowlark
<i>Sturnus vulgaris</i>	European starling
<i>Tyrannus vociferans</i>	Cassin's kingbird
<i>Zenaidura macroura</i>	mourning dove
<i>Zonotrichia leucophrys</i>	white-crowned sparrow
Mammalia	Mammals
<i>Felis catus</i>	domestic cat
<i>Sylvilagus audubonii</i>	Audubon's cottontail