BCIF HARVILL BUSINESS CENTER PROJECT

RIVERSIDE COUNTY, CALIFORNIA
Assessor Parcel Numbers 317-270-006, -010, -015, and -016

Burrowing Owl Focused Survey Report

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September 2021

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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

September 2021

Table of Contents

EXHIBITS

APPENDIX

Section 1 Introduction

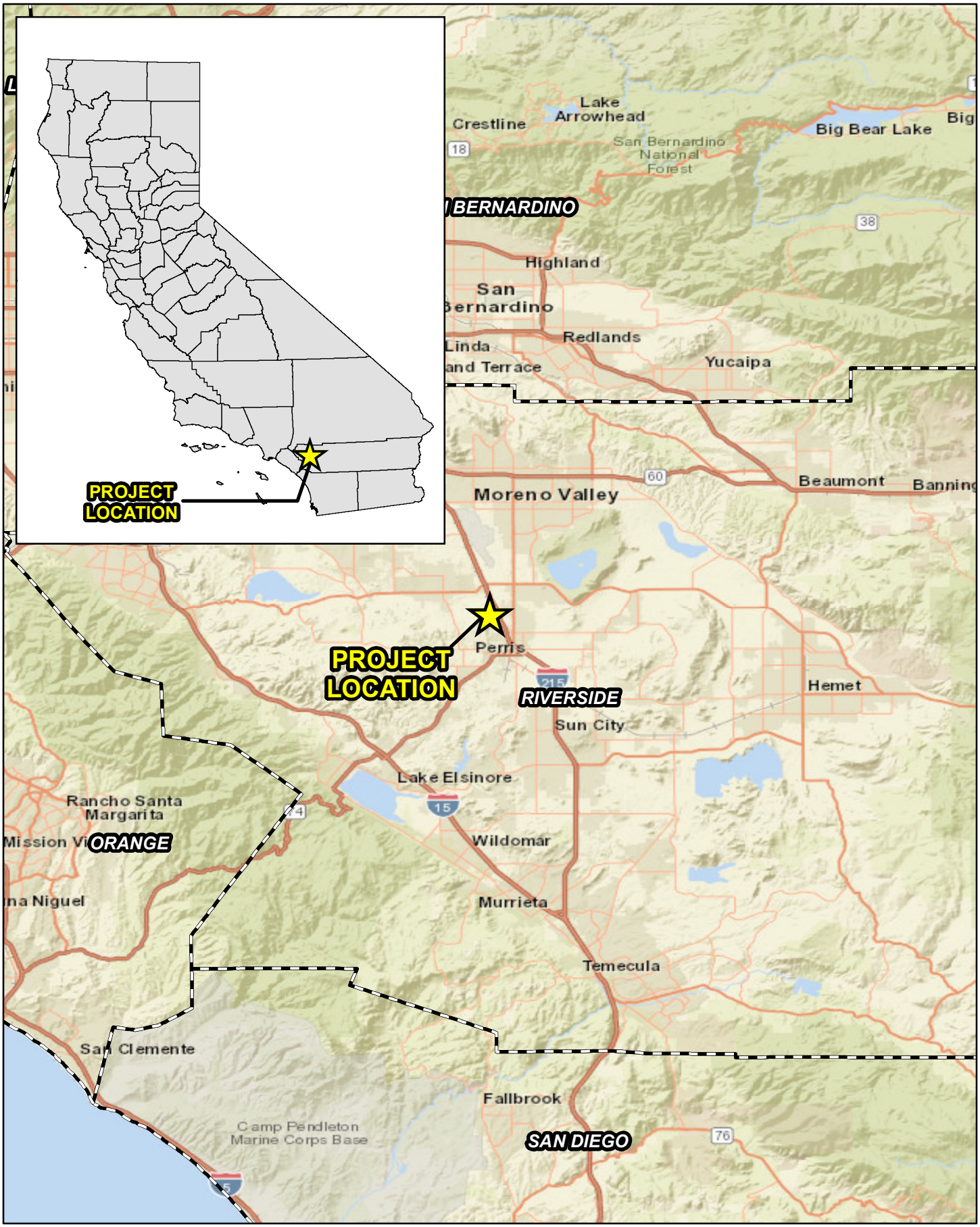
ELMT Consulting (ELMT) conducted a focused burrowing owl (*Athene cunicularia*) survey for the Harvill Business Center Project (project or project site) located in Riverside County, California. Biologists Travis J. McGill and Jacob H. Lloyd Davies surveyed the project site in accordance with the *Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area* (Environmental Programs Department, 2006). Four (4) separate focused burrowing owl surveys were conducted on August 12, 18, 24, and 30, 2021. All surveys were completed between 0600 and 0930 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 south of State Route 60, east of Lake Mathews, north of State Route 74, and west of Interstate 215 in unincorporated Riverside County, California (Exhibit 1, *Regional Vicinity*). The site is depicted on the Perris quadrangle 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 roughly bounded to the south by Orange Avenue and is located at the southwest corner of the intersection of Harvill Avenue and Water Street within Assessor's Parcel Numbers 317-270-006, -010, -015 and -016 (Exhibit 3, *Project Site*).

1.2 PROJECT DESCRIPTION

The project proposes the grading for, and construction of, a warehouse facility with associated infrastructure and parking on approximately 20.57 acres.



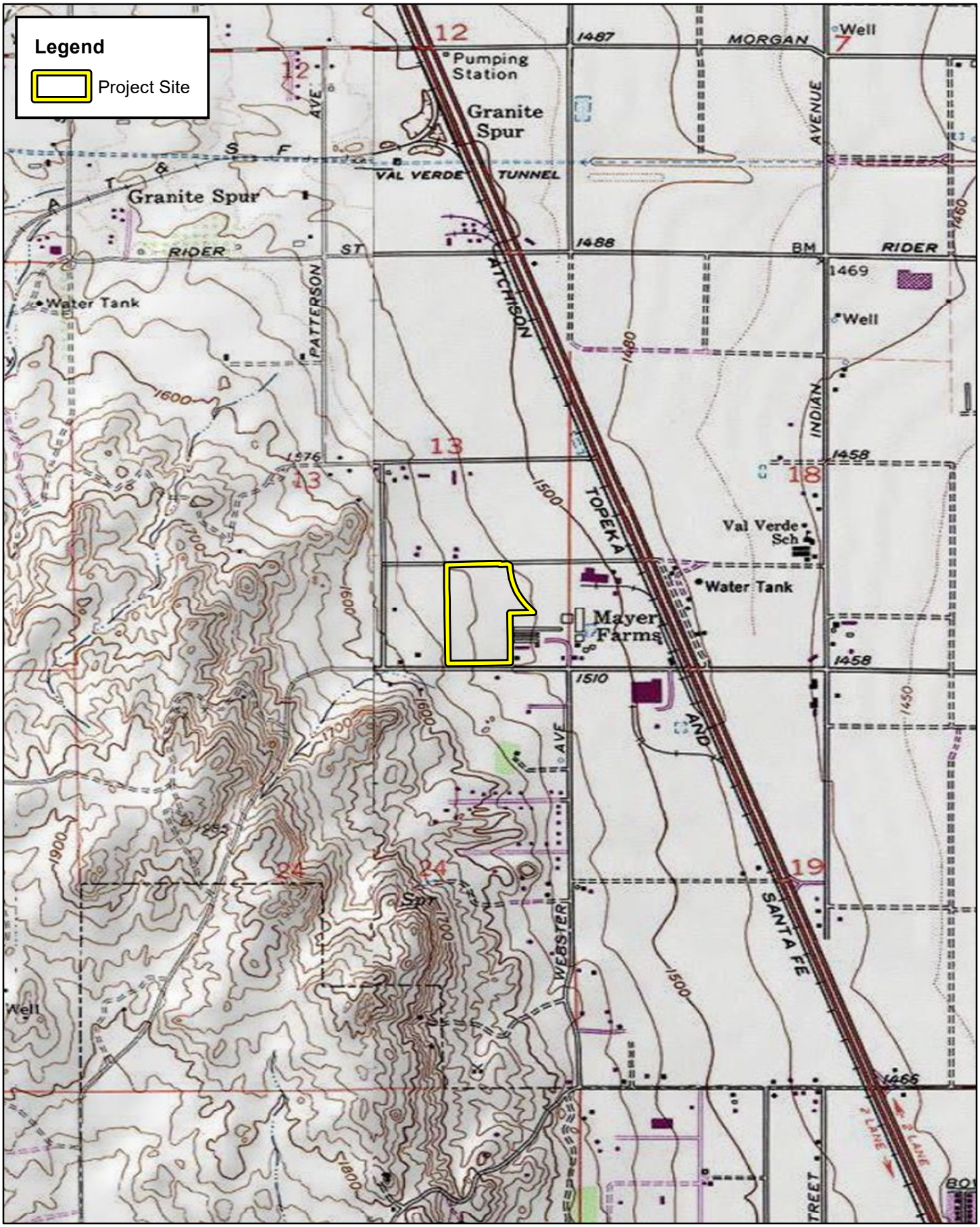
0 2.5 5 10 Miles

Source: World Street Map, Riverside County

BURROWING OWL FOCUSED SURVEY
HARVILL BUSINESS CENTER

Regional Vicinity

Exhibit 1



BURROWING OWL FOCUSED SURVEY
HARVILL BUSINESS CENTER

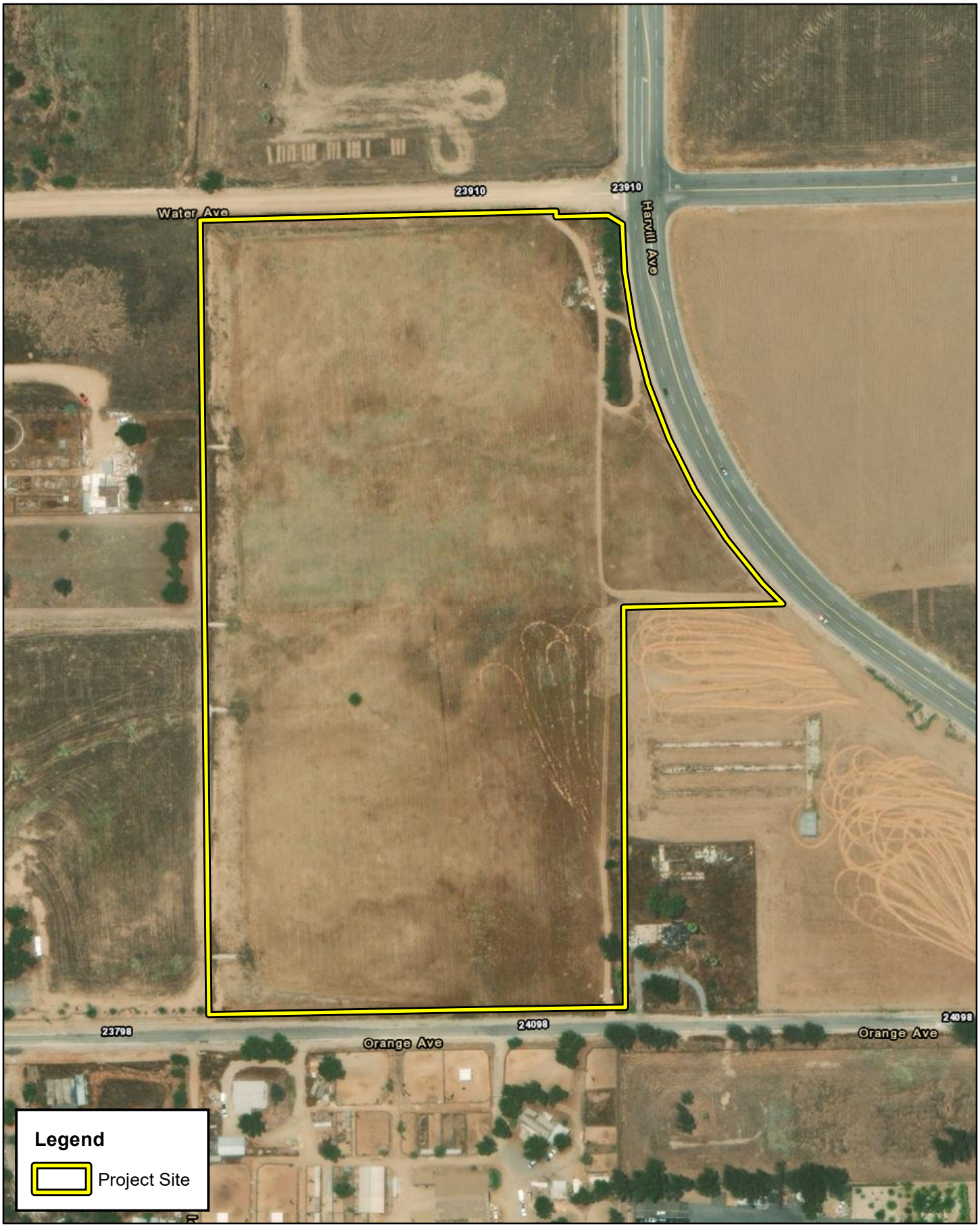
Site Vicinity

ELMT CONSULTING

0 1,000 2,000 4,000 Feet

Source: USA Topographic Map, Riverside County

Exhibit 2



BURROWING OWL FOCUSED SURVEY
HARVILL BUSINESS CENTER

Project Site

ELMT CONSULTING

0 125 250 500 Feet

Source: ESRI Aerial Imagery, Riverside County

Exhibit 3

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, 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). CEQA requires a mandatory finding 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 Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) the 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 62 to 80 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 (survey area) on all sides of suitable habitat, where applicable (Exhibit 4, *Survey Area and Suitable Habitat*).

Due to surrounding development and fenced-off private property, a zone of influence was only able to be surveyed by foot to the northwest and southeast. Residential development and an active construction site occur to the south and east, respectively, and do not provide suitable habitat for burrowing owls; therefore, these areas were not surveyed for burrowing owls. The areas north and west of the site are largely undeveloped, but were fenced off and scanned with binoculars from the boundary of the site. The area immediately southeast of the site was accessible and was surveyed on foot. Refer to Exhibit 4, *Survey Areas and Suitable Habitat.*

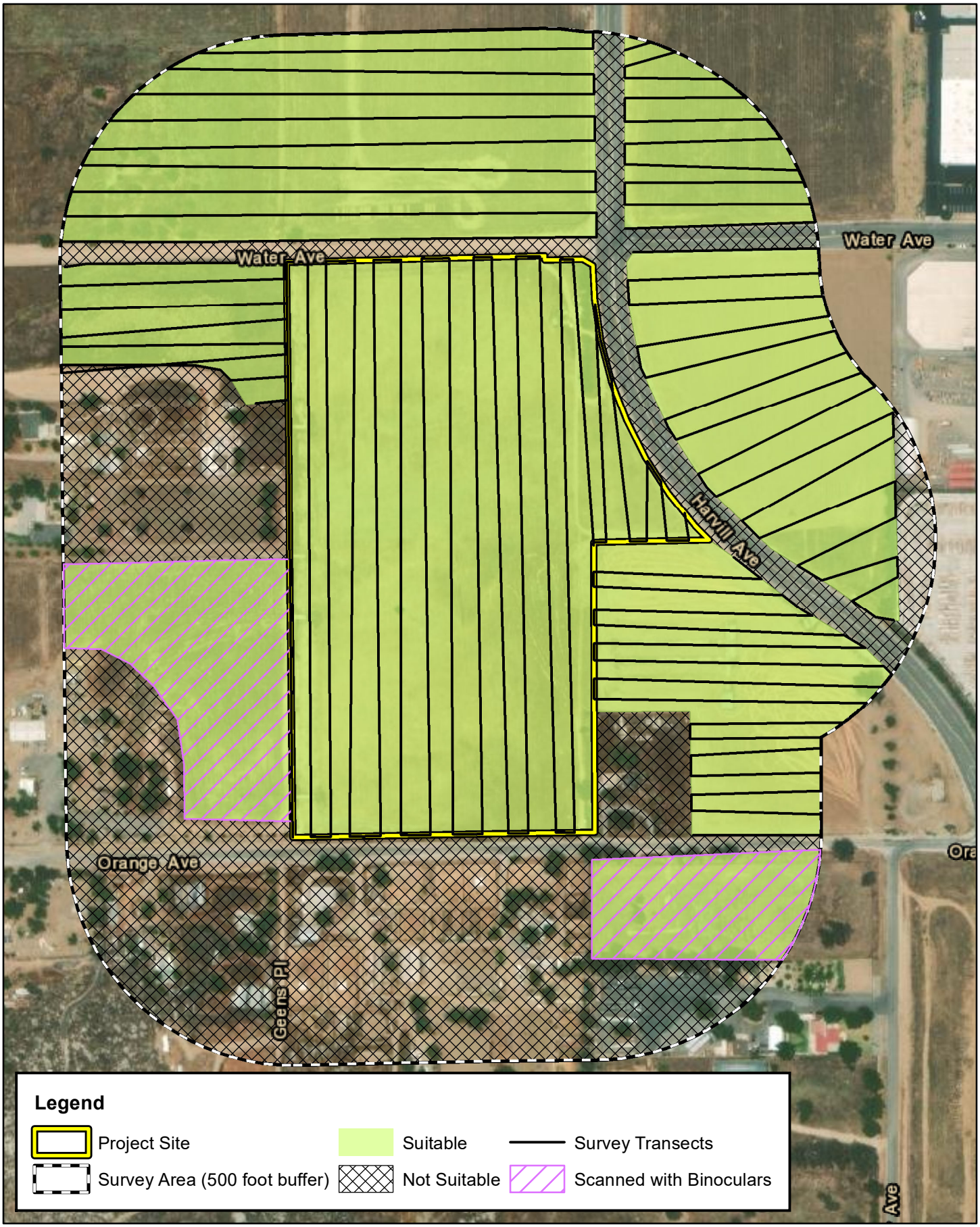
Survey transects on the project site were generally oriented north to south across the project site and east to west across the surrounding undeveloped areas that were accessible. The transects were spaced at a maximum of 30-meter (approximately 100 feet) intervals to ensure 100% visual coverage of all areas in suitable habitat on the project site and within the survey area. 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.

Suitable burrows/sites, including rock piles and non-natural substrates, were thoroughly examined for signs of presence. 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. 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.

Four focused burrowing owl surveys were conducted on August 12, 18, 24, and 30, 2021. All surveys were completed between 0600 to 0930 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	8/12/21	Travis McGill	0600-0900	68-72	30%	1-5	No
2	8/18/21	Jacob Lloyd Davies	0630-0930	62-65	100%	1-5	No
3	8/24/21	Jacob Lloyd Davies	0630-0930	73-80	0%	1-5	No
4	8/30/21	Jacob Lloyd Davies	0630-0930	73-80	10%	1-5	No



ELMT CONSULTING

0 125 250 500 Feet

Source: ESRI Aerial Imagery, Riverside County

BURROWING OWL FOCUSED SURVEY
HARVILL BUSINESS CENTER

Survey Area and Suitable Habitat

Exhibit 4

Section 4 Results

4.1 EXISTING CONDITIONS

At some point in recent decades, the project site had been graded in such a way that the western boundary and corners slope downwards and the northern and southern portions of the site are tiered, the latter of which is higher. Elevation on the project site ranges from approximately 1,520 to 1,560 feet above mean sea level. The highest elevation occurs at the southwest corner and the site generally slopes from west to east. In addition, several v-ditches are present along the western boundary as part of flood control efforts that convey flows from adjacent properties.

Based on the NRCS USDA Web Soil Survey, the project site is underlain by the following soil units: Greenfield sandy loam (2 to 8 percent slopes, eroded), Hanford coarse sandy loam (0 to 5 percent slopes), Monserate sandy loam (5 to 8 percent slopes, eroded), and Monserate sandy loam (8 to 15 percent slopes, eroded). Soils on-site have been mechanically disturbed and compacted from historic land uses (i.e., grading activities, routine weed abatement, illegal dumping, materials stockpiling, flood control measures, and staging activities to support surrounding development). Historic aerials show these activities have been ongoing since at least 1966.

The site is bordered by residential development to the south beyond Orange Avenue; commercial and residential developments to the west; undeveloped, vacant land that formerly supported agricultural activities to the north beyond Water Street; an active construction site to the east beyond Harvill Avenue; and remnant structures and foundations within undeveloped, vacant land that formerly supported agricultural activities and a farmhouse to the southeast.

The project site supports one (1) plant communities: non-native grassland. Refer to Exhibit 5, *Vegetation*. In addition, the site also supports one (1) land type that would be classified as disturbed. Refer to Appendix A, *Site Photographs*, for representative site photographs. No native plant communities are expected to be impacted from implementation of the proposed project. The non-native grassland plant community occurs throughout the project site and is impacted by routine weed abatement. This plant community is dominated by non-native grasses such as ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), and foxtail barley (*Hordeum murinum*). Common plant species observed in this community include Mediterranean mustard (*Hirschfeldia incana*), sunflower (*Helianthus annuus*), and jimsonweed (*Datura wrightii*). Disturbed areas on-site occur along site boundaries and two dirt access roads that traverse the site. These areas are impacted by routine weed abatement, vehicluar and pedestrian traffic, and illegal dumping and primarily support weedy-early successional species such as Mediterranean mustard, horseweed (*Erigeron* sp.), Russian thistle (*Salsola tragus*), and telegraph weed (*Heterotheca grandiflora*). In addition, a row of ornamental trees occurs along one of the dirt roads that extends south from the intersection of Water Avenue and Harvill Avenue, remnant from historic land uses.

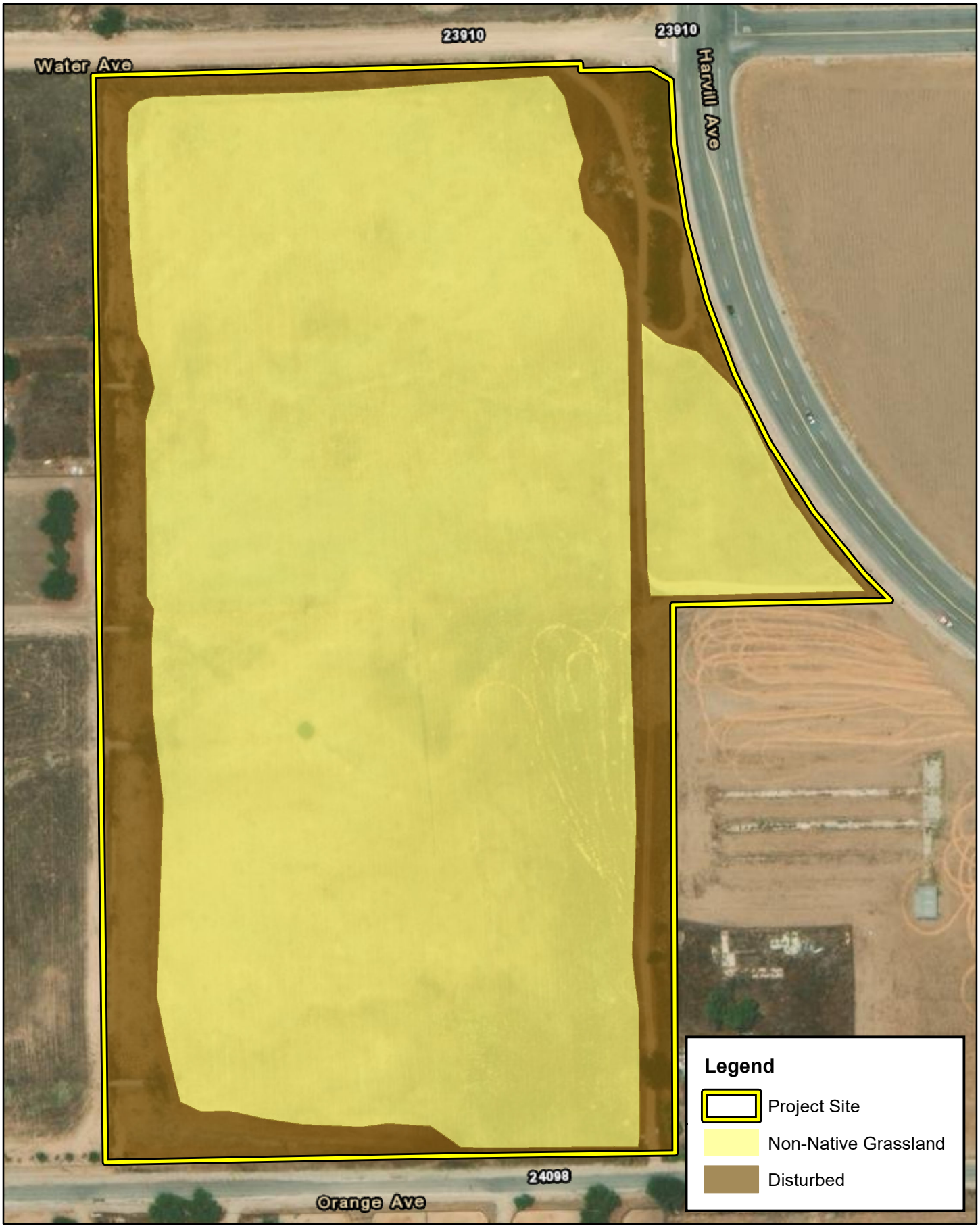
Based on a review of CDFW's California Natural Diversity Database (CNDDB) approximately 12 burrowing owl observations have been recorded within 5 miles of the project site. The nearest

occurrence was approximately 2.5 miles east of the project site. Refer to Exhibit 6, *CNDDB BUOW Observations.*

4.2 BURROWING OWL FOCUSED SURVEY

The project site is unvegetated and/or vegetated with a variety of low-growing plant species that allow for line-of-sight observation favored by burrowing owls. The site also supports California ground squirrel and desert cottontail (*Sylvilagus audubonii*) burrows that provide suitable burrows (>4 inches in diameter) capable of providing roosting and nesting opportunities. However, adjacent parcels to the site support tall trees that provide perching opportunities for large raptors (i.e., red-tailed hawk) that can prey on burrowing owls. Despite a systematic search of the project site, no burrowing owls or sign (pellets, feathers, castings, or whitewash) were observed on or within 500 feet, where accessible, of the project site during the focused surveys.

Avian species identified during the surveys include Say's phoebe (*Sayornis saya*), common raven (*Corvus corax*), American kestrel (*Falco sparverius*), red-tailed hawk (*Buteo jamaicensis*), house finch (*Haemorhous mexicanus*), and mourning dove (*Zenaida macroura*). Refer to Appendix B for a complete list of wildlife species observed during the focused surveys.



BURROWING OWL FOCUSED SURVEY
HARVILL BUSINESS CENTER

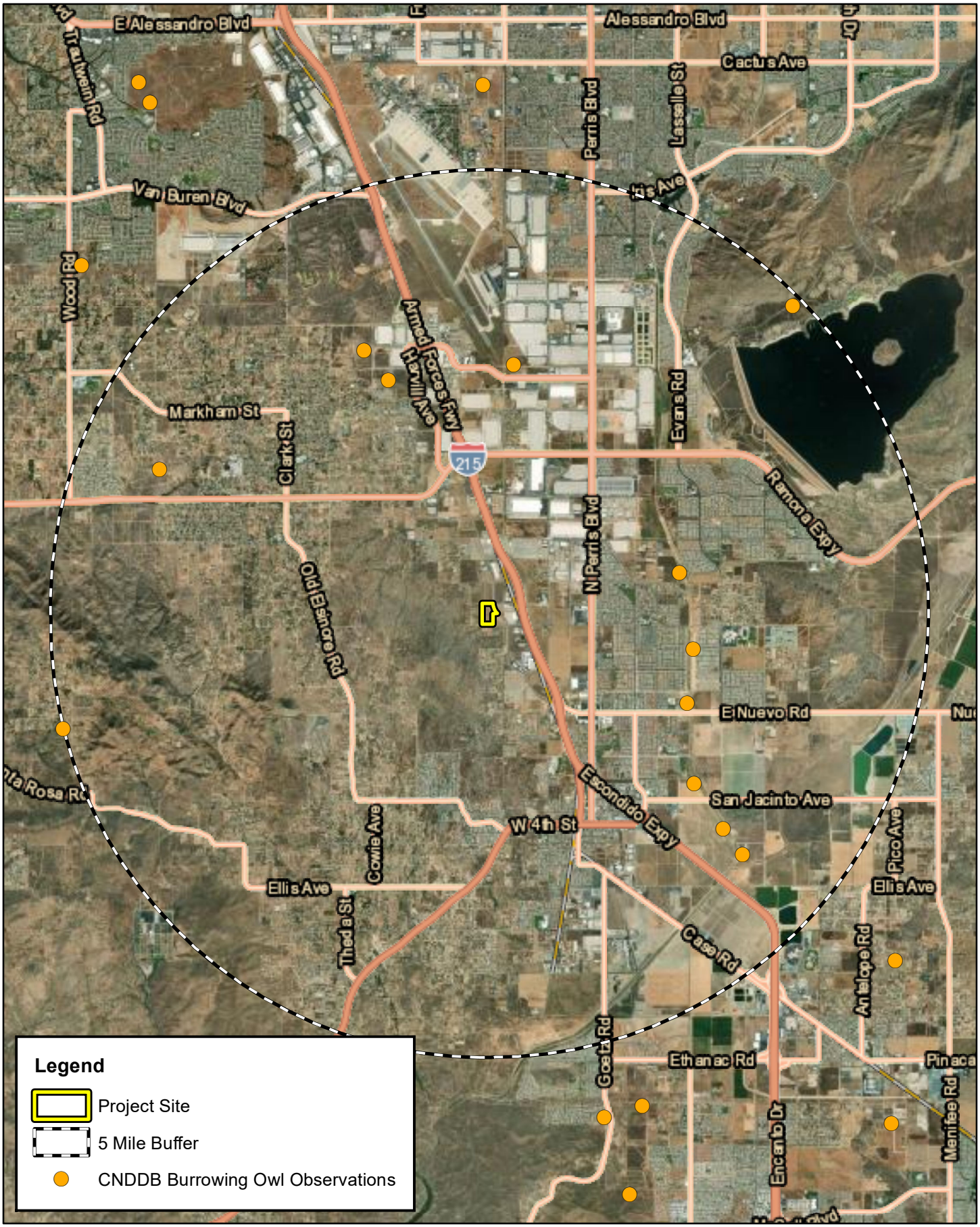
ELMT CONSULTING

0 125 250 500 Feet

Source: ESRI Aerial Imagery, Riverside County

Vegetation

Exhibit 5



BURROWING OWL FOCUSED SURVEY
HARVILL BUSINESS CENTER

CNDDB BUOW Observations

ELMT CONSULTING

0 1 2 4 Miles

Source: ESRI Aerial Imagery, CDFW CNDDB, Riverside County

Exhibit 6

Section 5 Conclusion and Recommendations

Based on the results of the 2021 burrowing owl focused surveys, no burrowing owls or evidence of recent or historic use by burrowing owls were observed on the project site. As a result, burrowing owls are presumed to be absent from the project site. 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 in accordance with the *Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area* 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 northwest corner of the project site looking south along the western boundary.

Photograph 2: From the northwest corner of the project site looking east along the northern boundary.

Photograph 3: From the northeast corner of the project site looking west along the northern boundary.

Photograph 4: From the northeast corner of the project site looking south along the eastern boundary.

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

Photograph 6: From the southeast corner of the project site looking west along the southern boundary.

Photograph 7: From the southwest corner of the project site looking east along the southern boundary.

Photograph 8: From the southwest corner of the project site looking north along the western boundary.

Photograph 9: A suitable burrow (>4 inches) along the southeast boundary of the project site.

Photograph 10: A suitable burrow beneath a concrete v-ditch along the western boundary of the project site.

Appendix B Fauna Compendium

Table B-1: Wildlife Species

Scientific Name	**Common Name**
Aves	**Birds**
Buteo jamaicensis	red-tailed hawk
Corvus corax	common raven
Falco sparverius	American kestrel
Haemorhous mexicanus	house finch
Sayornis saya	Say's phoebe
Zenaida macroura	mourning dove
Mammalia	**Mammals**
Canis latrans	coyote
Felix catus	domestic cat
Otospermophilus beecheyi	California ground squirrel
Procyon lotor	raccoon
Sylvilagus audubonii	Audubon's cottontail
Thomomys bottae	Botta's pocket gopher
Reptilia	**Reptiles**
Uta stansburiana elegans	western side-blotched lizard