Sycamore Hills Distribution Center Project

Final Environmental Impact Report (FEIR)

Revised Appendix D – Burrowing Owl Focused Survey Report

SYCAMORE HILLS DISTRIBUTION CENTER

RIVERSIDE COUNTY, CALIFORNIA

Burrowing Owl Focused Survey Report

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June 2020
Updated September 2020

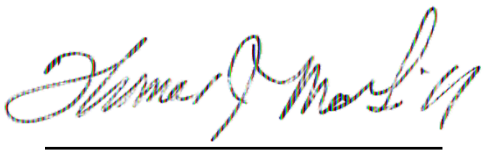
SYCAMORE HILLS DISTRIBUTION CENTER

RIVERSIDE COUNTY, CALIFORNIA

Burrowing Owl Focused Survey Report

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

June 2020
Updated September 2020

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EXHIBITS

APPENDIX

Section 1 Introduction

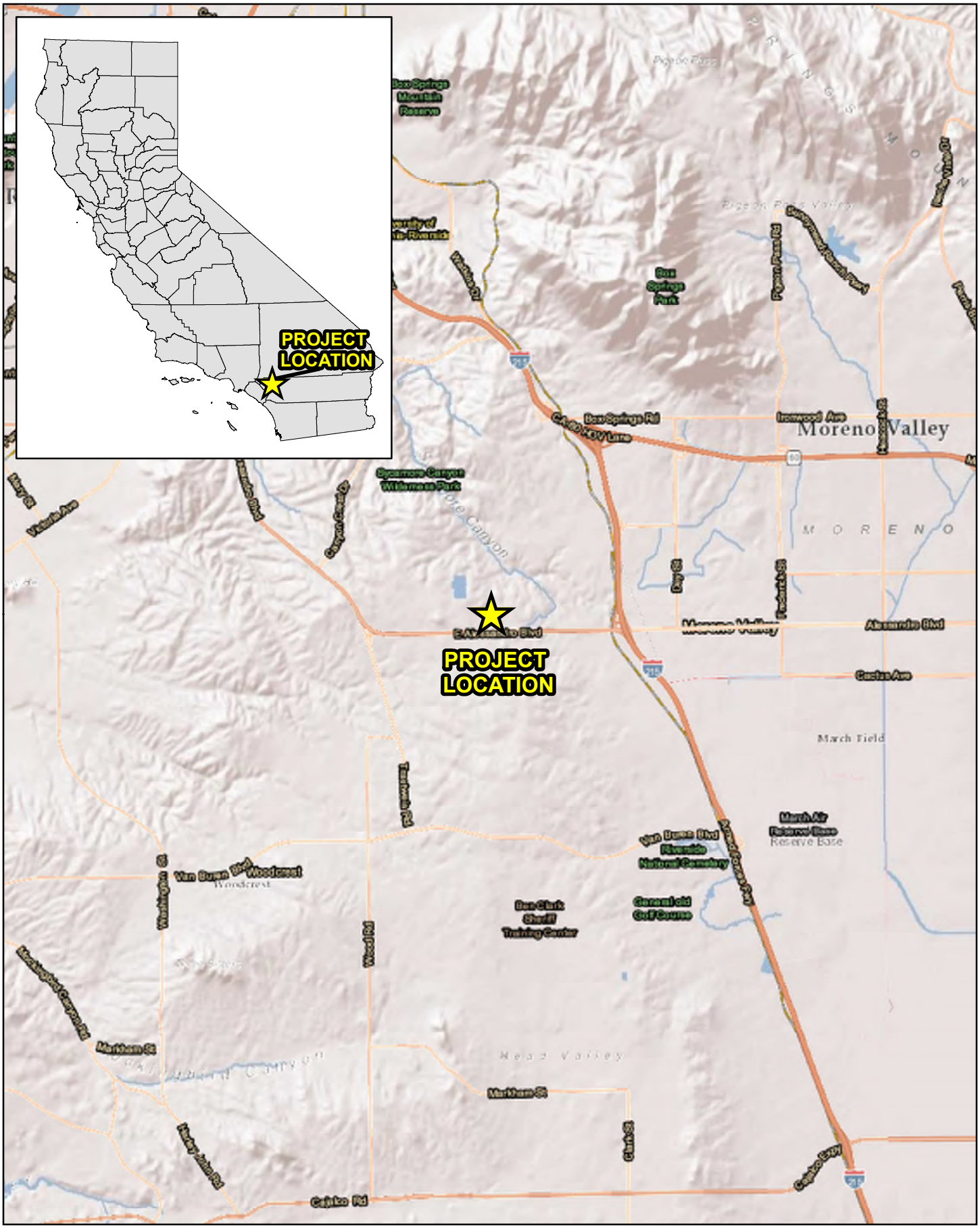
ELMT Consulting (ELMT) conducted a focused burrowing owl (*Athene cunicularia*) survey for the Sycamore Hills Distribution Center East project (project or project site) located north of East Alessandro Boulevard and east of Barton Street in the City of Riverside, Riverside County, California (project site or site). Biologists Thomas J. McGill, Ph.D., Travis J. McGill, Miranda Losing, 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 April 24, May 7, May 21, and June 5, 2020. 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, south of State Route 60, east State Route 91, and north of East Alessandro Boulevard in the City of Riverside, Riverside County, California (Exhibit 1, *Regional Vicinity*). The project site is depicted on the Riverside East quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series in Section 9 of Township 3 South, Range 4 West (Exhibit 2, *Site Vicinity*). Specifically, the project site is located immediately north of East Alessandro Boulevard, immediately east of Barton Avenue, and immediately southeast of the Sycamore Canyon Wilderness Park within Assessor Parcel Numbers (APNs) 263-060-022, -024, and -026 (Exhibit 3, *Project Site*).

1.2 PROJECT DESCRIPTION

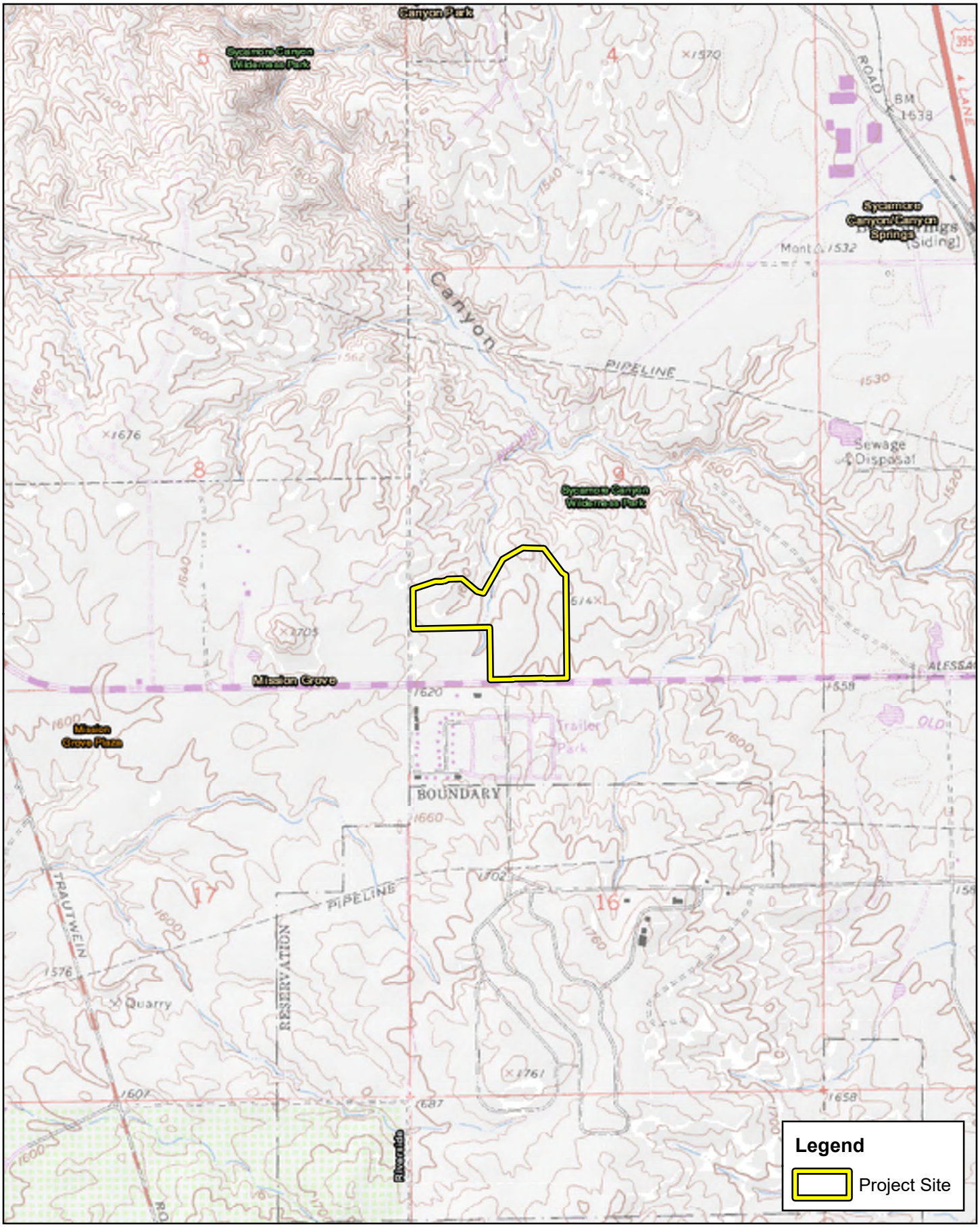
The proposed project consists of the grading for, and construction of, two warehouse buildings and associated office spaces and parking encompassing approximately 48.6 acres. Planned warehouse and office spaces total 603,100 square feet and planned parking includes 623 standard auto parking stalls and 155 tractor-trailer parking stalls.



SYCAMORE HILLS DISTRIBUTION CENTER
BURROWING OWL FOCSUED SURVEY

Regional Vicinity

Exhibit 1



SYCAMORE HILLS DISTRIBUTION CENTER
BURROWING OWL FOCUSED SURVEY

Site Vicinity

ELMT CONSULTING

0 500 1,000 2,000 Feet

Source: USA Topographic Map, Riverside County

Exhibit 2

SYCAMORE HILLS DISTRIBUTION CENTER
BURROWING OWL FOCUSED SURVEY

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 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 (survey area) on all sides of suitable habitat, where applicable (Exhibit 4, *Survey Area and Suitable Habitat*). Since the project site is bordered by residential and commercial developments to the south, and the Metropolitan Water District Water Treatment Plant to the west, a zone of influence was not able to be surveyed by foot to the south and west of the project site. The residential and commercial developments south of the project site do not provide suitable habitat for burrowing owls and were not surveyed for burrowing owls. The area west of the project site, associated with the Metropolitan Water District Water Treatment Plant, was scanned with binoculars from the western boundary of the project site for burrowing owls. 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 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 Thomas J. McGill, Ph.D., Travis J. McGill, Miranda Losing, and Jacob H. Lloyd Davies who are knowledgeable in the habitats and behavior of burrowing owls.

Four focused burrowing owl surveys were conducted on April 24, May 7, May 21, and June 5, 2020. All surveys were completed between 0600 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	4/24/20	Travis McGill Miranda Losing	0630-1000	77-81	0%	1-5	No
2	5/07/20	Travis McGill Miranda Losing Jacob Lloyd Davies	0600-1000	65-70	25%	1-5	No
3	5/21/20	Thomas McGill Travis McGill	0600-1000	68-74	10%	1-3	No
4	6/05/20	Travis McGill Miranda Losing Jacob Lloyd Davies	0600-1000	60-62	100%	1-3	No

SYCAMORE HILLS DISTRIBUTION CENTER
BURROWING OWL FOCUSED SURVEY

Survey Area and Suitable Habitat

ELMT CONSULTING

0 125 250 500 Feet

Source: ESRI Aerial Imagery, Riverside County

Exhibit 4

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 1,571 to 1,620 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: Arlington fine sandy loam (2 to 8 percent slopes), Cieneba sandy loam (15 to 50 percent slopes, eroded), Cieneba rocky sandy loam (15 to 50 percent slopes, eroded), Fallbrook sandy loam (8 to 15 percent slopes, eroded), Fallbrook sandy loam (5 to 8 percent slopes, shallow, eroded), Fallbrook fine sandy loam (8 to 15 percent slopes, shallow, eroded), and Vista coarse sandy loam (8 to 15 percent slopes, eroded).

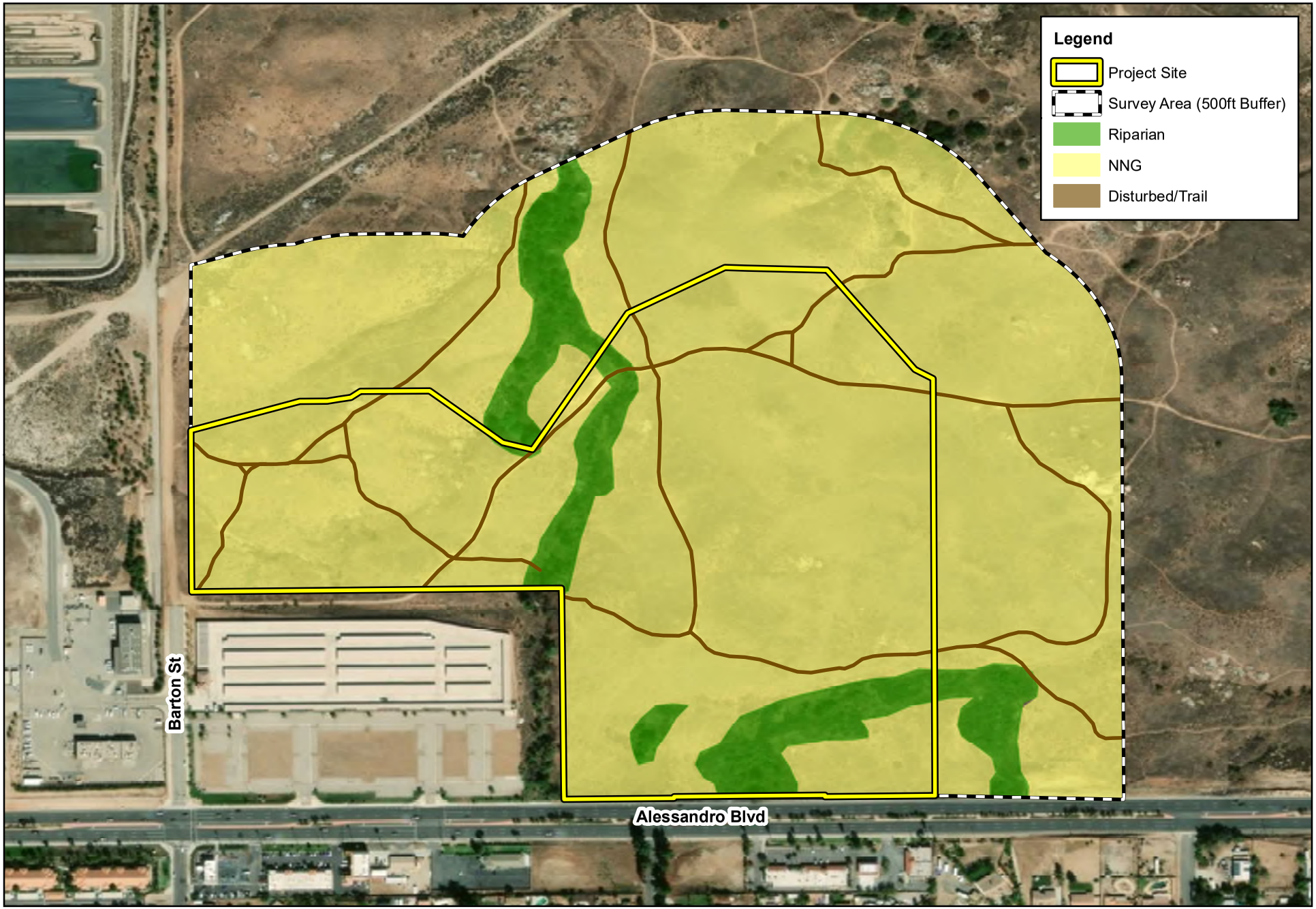
Land uses in the vicinity of the project site primarily consist of residential, commercial, and industrial developments, and undeveloped/vacant parcels. The site is bordered by the Sycamore Canyon Wilderness Park to the north and east, Barton Street and a water treatment facility to the west, a storage facility and Alessandro Boulevard to the south. The project site consists of undeveloped, vacant land, portions of which have undergone periodic weed abatement for fire control purposes. The site supports two (2) vegetation communities: non-native grassland and riparian woodland, and one (1) land cover type that would be classified as disturbed (Exhibit 5, *Vegetation*).

The majority of the project site supports a non-native grassland. This vegetation community is dominated by non-native grasses such as wild oat (*Avena fatua*), red brome (*Bromus madritensus* ssp. *rubens*), cheat grass (*Bromus tectorum*), and ripgut (*Bromus diandrus*). Additional vegetation observed within the non-native grassland community includes short-podded mustard (*Hirschfeldia incana*), filaree (*Erodium* sp.), California buckwheat (*Eriogonum fasciculatum*), California sagebrush (*Artemisia californica*), and California-aster (*Corethrogyne filaginifolia*).

Scattered portions of the project site support drainages that consist of a riparian woodland plant community. This plant community is dominated by willows (*Salix* sp.) and cottonwood (*Populus fremontii*). Other plant species observed in the riparian woodland include mulefat (*Baccharis salicifolia*), stinging nettle (*Urtica dioica*), other shrubs and herbs, and non-native grasses.

The disturbed areas of the site occur within a network of open, cleared dirt trails that permeate the site. These areas host frequent human traffic and are either completely devoid of vegetation or support minimal weedy/early successional species.

Based on a review of CDFW's California Natural Diversity Database (CNDDB) approximately 8 burrowing owl observations have been recorded within 5 miles of the project site. The nearest occurrence was approximately 1 mile southwest of the project site. Refer to Exhibit 6, *CNDDB BUOW Observations.*



SYCAMORE HILLS DISTRIBUTION CENTER
BURROWING OWL FOCUSED SURVEY

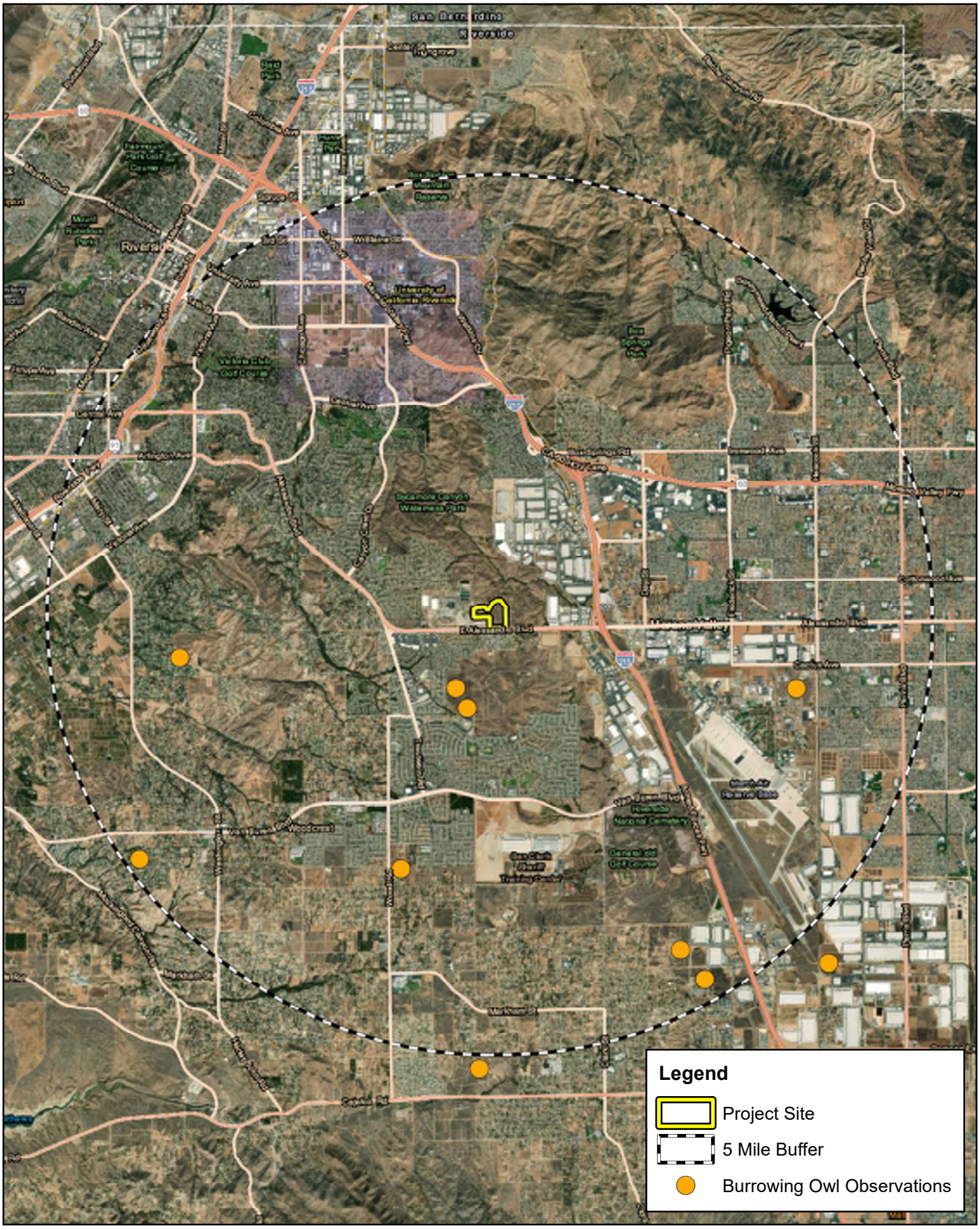
Vegetation

ELMT CONSULTING

0 125 250 500 Feet

Source: ESRI Aerial Imagery, Riverside County

Exhibit 5



SYCAMORE HILLS DISTRIBUTION CENTER
BURROWING OWL FOCUSED SURVEY

CNDDB BUOW Observations

ELMT CONSULTING

0 0.625 1.25 2.5 Miles

Source: ESRI Aerial Imagery, CDFW CNDDB, Riverside County

Exhibit 6

4.2 BURROWING OWL FOCUSED SURVEY

The majority of the 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, the majority of the site is densely vegetated following high levels of late spring precipitation, resulting in minimal open areas and limited line-of-sight opportunities. 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 whitewash) were observed on or within 500 feet, where accessible, of the project site during the focused surveys.

Avian species observed during the focused surveys include American crow (*Corvus brachyrhynchos*), American kestrel (*Falco sparverius*), Anna's hummingbird (*Calypte anna*), Bewick's wren (*Thryomanes bewickii*), blue grosbeak (*Passerina caerulea*), bushtit (*Psaltriparus minimus*), California towhee (*Melozone crissalis*), common yellowthroat (*Geothlypis trichas*), hooded oriole (*Icterus cucullatus*), house finch (*Haemorhous mexicanus*), lark sparrow (*Chondestes grammacus*), least Bell's vireo (*Vireo bellii pusillus*), lesser goldfinch (*Spinus psaltria*), mourning dove (*Zenaida macroura*), northern harrier (*Circus hudsonius*), northern mockingbird (*Mimus polyglottos*), red-shouldered hawk (*Buteo lineatus*), red-tailed hawk (*Buteo jamaicensis*), Say's phoebe (*Sayornis saya*), song sparrow (*Melospiza melodia*), western meadowlark (*Sturnella neglecta*), Wilson's warbler (*Cardellina pusilla*), and yellow warbler (*Setophaga petechia*). Refer to Appendix B for a complete list of wildlife species observed during the surveys.

It should be noted that a burrowing owl focused survey was also conducted in 2018 by Wood Environment & Infrastructure Solutions, Inc. in accordance with the *Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area* (Environmental Programs Department, 2006). No burrowing owl or sign were observed during the 2018 focused surveys.

Section 5 Conclusion and Recommendations

Based on the results of the 2018 and 2020 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 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

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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 southwestern boundary of the project site north of the storage facility to the south.

Photograph 3: From the northeast corner of the survey area (500-foot buffer) looking south along the western boundary.

Photograph 4: From the northwest corner of the survey area (500-foot buffer) looking southeast across the western half of the project site.

Photograph 5: From the southeast portion of the western half of the project site looking north.

Photograph 6: From the middle of the northern boundary of the survey area looking south across the western half of the project site.

Photograph 7: From the northeast corner of the survey area looking southwest across the eastern half of the project site.

Photograph 8: From the middle of the eastern portion of the project site looking south at the southwestern boundary of the project site.

Photograph 9: From the middle of the eastern half of the project site looking north.

Photograph 10: From the eastern boundary of the survey area west across the northern extent of the survey area.

Photograph 11: Looking south from the eastern portion of the survey area.

Photograph 12: From the southeast corner of the survey area looking west across the southern portion of the site.

Photograph 13: From the middle of the project site looking east across non-native grassland on the eastern portion of the site.

Photograph 14: Looking at the riparian habitat on the southwest corner of the project site, east of the storage facility.

Appendix B Fauna Compendium

Table B – 1: Wildlife Species

Scientific Name	**Common Name**
Aves	**Birds**
Aeronautes saxatalis	white-throated swift
Buteo jamaicensis	red-tailed hawk
Buteo lineatus	red-shouldered hawk
Callipepla californica	California quail
Calypte anna	Anna's hummingbird
Cardellina pusilla	Wilson's warbler
Cathartes aura	turkey vulture
Chondestes grammacus	lark sparrow
Circus hudsonius	northern harrier
Corvus brachyrhynchos	American crow
Falco sparverius	American kestrel
Geothlypis trichas	common yellowthroat
Haemorhous mexicanus	house finch
Icterus cucullatus	hooded oriole
Melospiza melodia	song sparrow
Melozone crissalis	California towhee
Mimus polyglottos	northern mockingbird
Myiarchus cinerascens	ash-throated flycatcher
Passerina caerulea	blue grosbeak
Picoides nuttallii	Nuttall's woodpecker
Pipilo maculatus	spotted towhee
Psaltriparus minimus	bushtit
Sayornis nigricans	black phoebe
Sayornis saya	Say's phoebe
Setophaga petechia	yellow warbler
Spinus psaltria	lesser goldfinch
Stelgidopteryx serripennis	northern rough-winged swallow
Sturnella neglecta	western meadowlark
Thryomanes bewickii	Bewick's wren
Tyrannus vociferans	Cassin's kingbird
Vireo bellii pusillus	least Bell's vireo
Zenaida macroura	mourning dove
Mammalia	**Mammals**
Canis latrans	coyote
Otospermophilus beecheyi	California ground squirrel
Sylvilagus audubonii	desert cottontail
Reptilia	**Reptiles**
Sceloporus orcutti	granite spiny lizard
Sceloporus occidentalis longipes	Great Basin fence lizard