

STAFF REPORT

SUBJECT: Southgate Subdivision Project, Burrowing Owl Buffer Reduction

RECOMMENDED ACTION: Motion to Allow a Revision of Incidental Take Minimization Measures for Burrowing Owl Buffer

DISCUSSION:

SUMMARY:

The project applicant, Bright Development, has been provided coverage under the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) through the City of Tracy's Community Development Department. The project is in a mapped area west of Corral Hollow Road and south of Eleventh Street in the City of Tracy in the Central Zone (attachment 1 & 2).

RECOMMENDATION:

SJCOG, Inc. staff and HTAC recommend the SJCOG, Inc. Board to allow a revision to the Incidental Take Minimization Measures for Burrowing Owl Buffer.

FISCAL IMPACT:

SJCOG, Inc. has been provided mitigation for the project impacts as required under the SJMSCP in 2016 for approximately 17.83 acres of Agricultural (C34) habitat at the appropriate rate of disturbance under the Plan. No further mitigation is required.

BACKGROUND:

The project applicant, Bright Development, mitigated in 2016 and followed the burrowing owl measures prior to constructing a residential subdivision on 17.83 acres of agricultural (C34) habitat land. The start of construction related activities were delayed from the last follow up survey after the exclusion plan was implemented for burrowing owls on the site by a SJMSCP approved biologist. A concerned citizen spotted the burrowing owls nesting in an area of the project site not currently being developed and alerted CA Dept. of Fish and Wildlife. A nesting pair of burrowing owls and an active killdeer nest were identified by the SJMSCP biologist on the southern portion of the subdivision. The burrowing owl nest is located approximately 130 feet south of Golden Leaf Lane, which receives a high amount of morning and

afternoon traffic from a nearby school and local residences traversing east/west along the roadway. The construction office is located a little over 200 feet from the occupied burrow (attachment 3). The project and SJMSCP biologist have suggested the buffer be reduced to allow use of the construction office and existing roadway thoroughfare because it is assumed that the baseline level of disturbance and traffic in the area is tolerable to the burrowing owls. The killdeer nest will fledge the young prior to the end of the burrowing owl nesting season which will alleviate the killdeer matter. The SJMSCP biologists also recommends construction-related traffic and any other potential impacts of traffic be diverted from using Michael Cox Lane south of Golden Leaf Lane and David Waite Drive east of the construction office to keep disturbance in the immediate vicinity of the burrowing owls limited.

As identified in section 5.2.4.15 of the plan, HTAC, on a case by case review, can establish a setback and buffer zone to be used by a project in place of the 75-meter suggested. The suggested setting of the buffer would not extend north of Golden Leaf Lane, extends one parcel west of Michael Cox Lane, south to the existing residences, and extends east of Steven Bridges Lane. The alterations will occur as follows:

1. Western Burrowing Owls. Any occupied burrows shall not be disturbed and shall be provided with a **130+/- foot – 220 +/- foot protective buffer as identified on the attached map until and unless the TAC, with the concurrence of the Permitting Agencies (representatives on the TAC)**; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Once the fledglings are capable of independent survival, a Burrowing Owl Exclusion Plan (BOEP) is developed and approved by the applicable Department of Fish and Wildlife SJMSCP representative/office, and habitat is mitigated in accordance with the Staff Report (CDFG 2012), then the burrow can be destroyed. Pre-construction surveys following destruction of burrows and prior to initial construction activities are required (24-hours prior) to ensure owls do not re-colonize the Project Area.

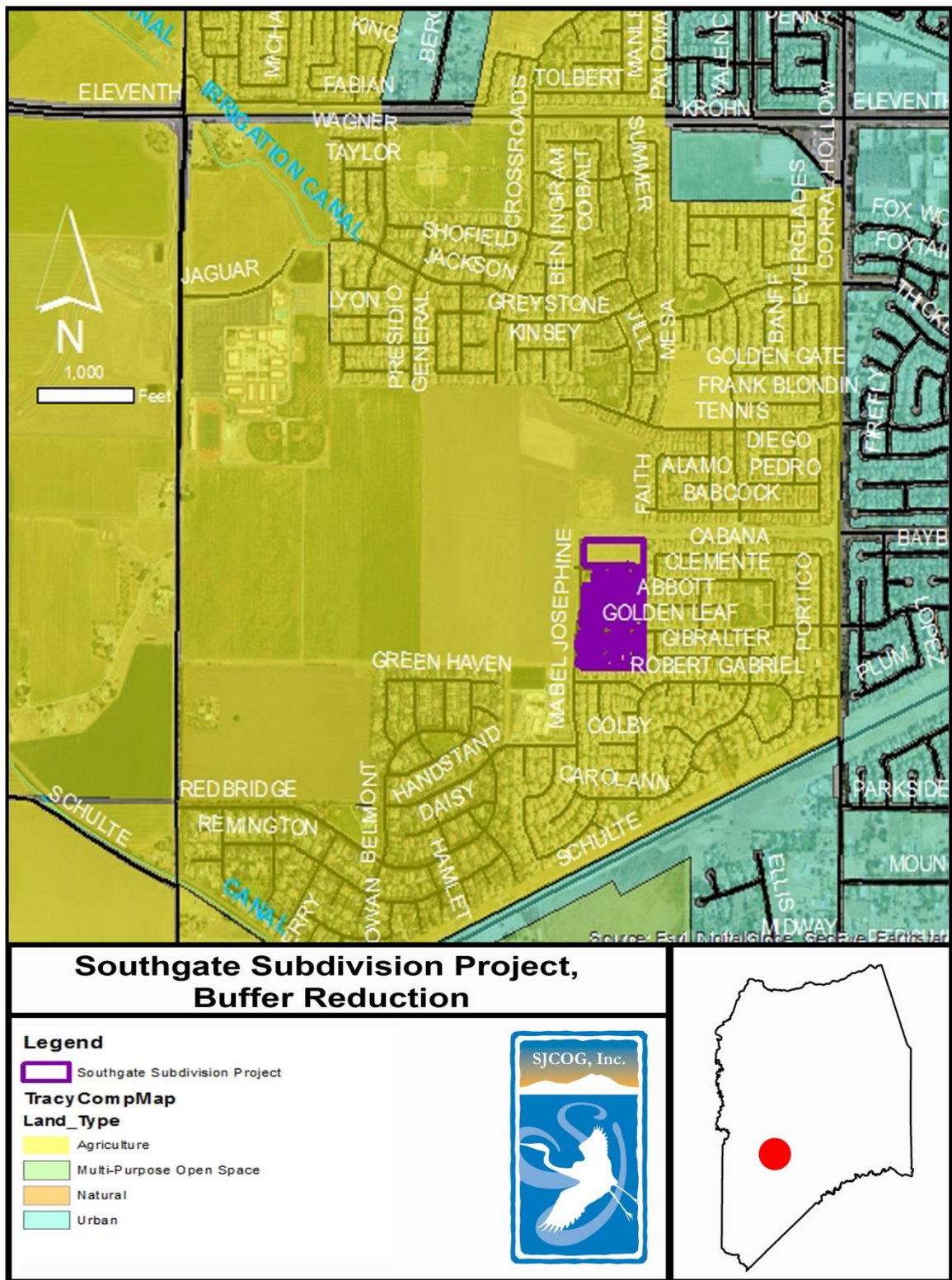
COMMITTEE ACTIONS:

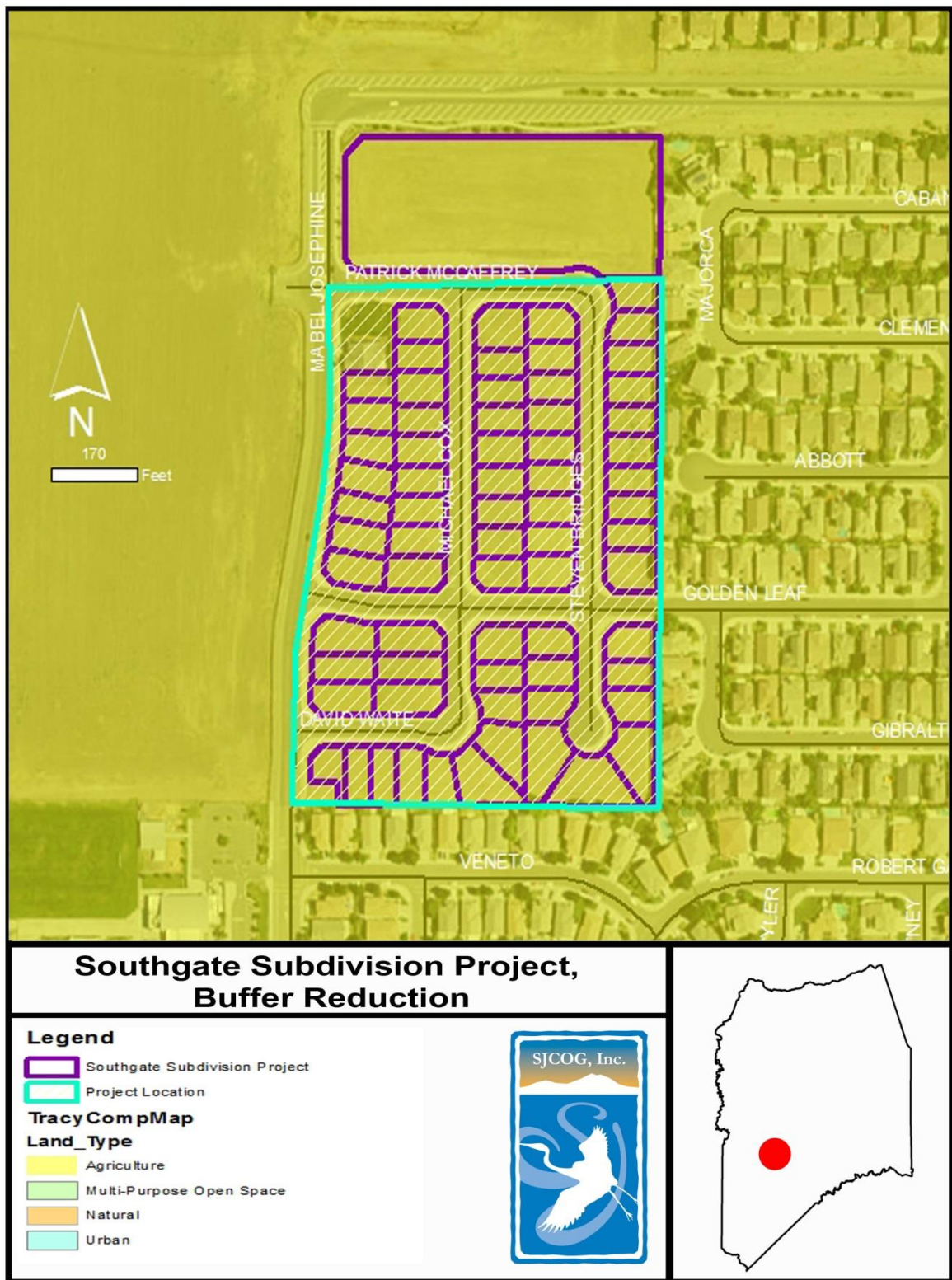
- Habitat Technical Advisory Committee: Approved
- SJCOG, Inc. Board: Action Required

ATTACHMENTS:

1. Location Map
2. Project Location Map
3. Recommended Buffer Location Map

Prepared by: Laurel Boyd, Assistant Habitat Planner





Southgate Subdivision Burrowing Owl Buffer

Burrowing owl location on April 11, 2017, and recommended buffer

Legend

- 200-ft buffer
- 250 ft. buffer
- Recommended buffer

