

HARVEST LANDING RETAIL CENTER & BUSINESS PARK PROJECT

CITY OF PERRIS, RIVERSIDE COUNTY, CALIFORNIA

PERRIS USGS 7.5-MINUTE TOPOGRAPHIC QUADRANGLES
SECTION 14 OF TOWNSHIP 3 SOUTH, RANGE 3 WEST

Burrowing Owl Focused Survey Report

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October 2023

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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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October 2023

Table of Contents

| | | |
|------------------|--|-----------|
| Section 1 | Introduction..... | 1 |
| 1.1 | Project Location | 1 |
| 1.2 | Project Description..... | 1 |
| Section 2 | Species Background | 5 |
| 2.1 | Species Background..... | 5 |
| 2.2 | Regulatory Framework | 5 |
| 2.2.1 | MSHCP Section 6.3.2 Additional Survey Needs and Procedures – Burrowing Owl ... | 6 |
| Section 3 | Methodology | 7 |
| Section 4 | Results | 9 |
| 4.1 | Existing Conditions..... | 9 |
| 4.2 | Burrowing Owl Focused Survey..... | 9 |
| Section 5 | Conclusion and Recommendations..... | 11 |
| Section 6 | References..... | 12 |

EXHIBITS

| | | |
|------------|--|----|
| Exhibit 1: | Regional Vicinity | 2 |
| Exhibit 2: | Site Vicinity..... | 3 |
| Exhibit 3: | Project Site | 4 |
| Exhibit 4: | Survey Area and Suitable Habitat | 8 |
| Exhibit 5: | CNDDDB BUOW Observations..... | 10 |

APPENDIX

| | |
|------------|------------------|
| Appendix A | Site Photographs |
| Appendix B | Fauna Compendium |

Section 1 Introduction

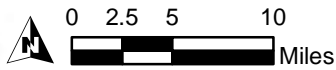
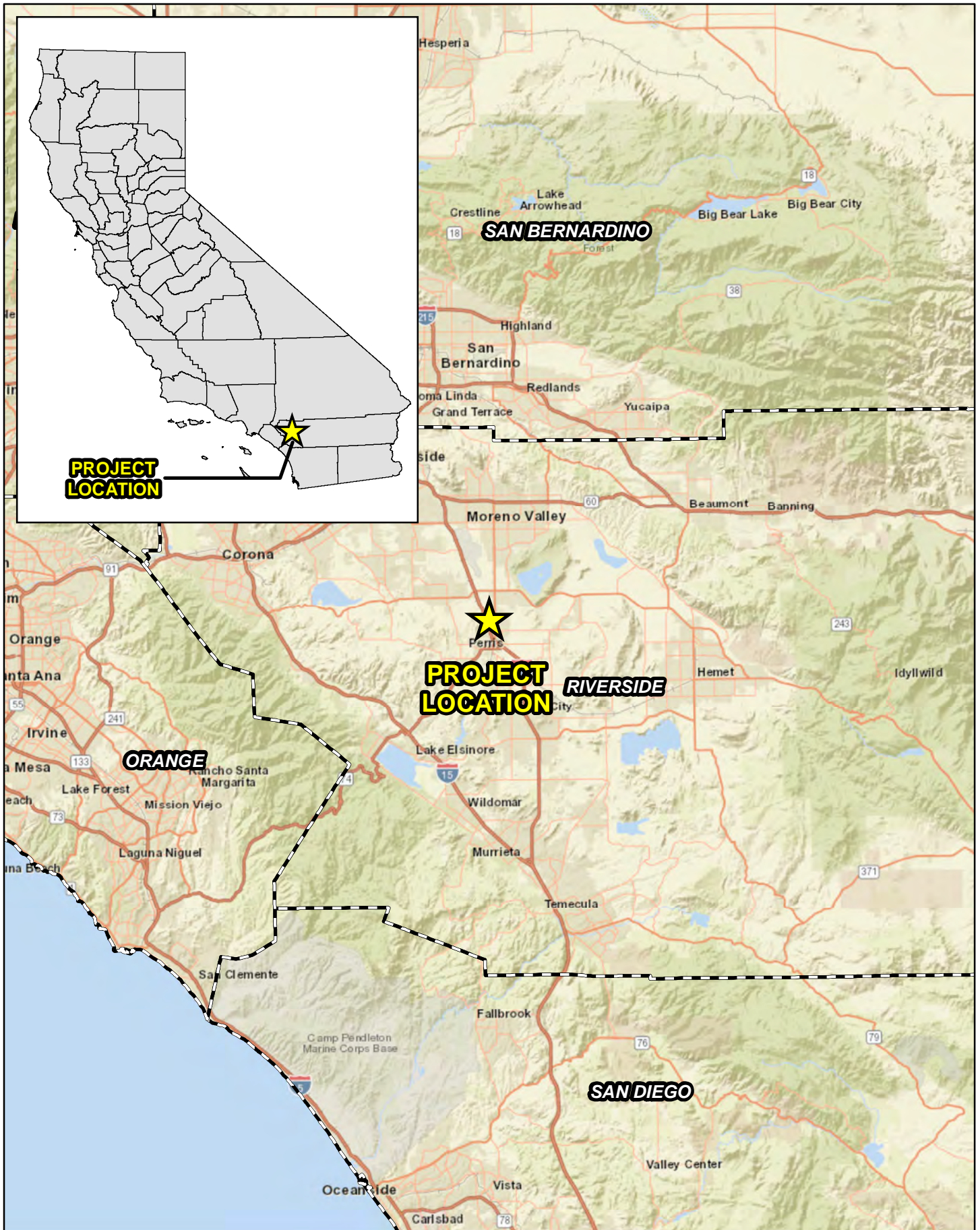
ELMT Consulting (ELMT) conducted a focused burrowing owl (*Athene cunicularia*) survey for the proposed Harvest Landing Retail Center and Business Park Project site located within the City of Perris, Riverside County, California. Biologists Jacob H. Lloyd Davies, Rachael A. Lyons, and Megan E. Peukert 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 surveys were conducted on August 21, 23, 26, and 30, 2023, within suitable habitat. All surveys were completed between 0600 and 1100 hours. The surveys were conducted to document the presence/absence of burrowing owl within the project site.

1.1 PROJECT LOCATION

The project site is generally located north and east of Interstate 215, west of State Route 79, and south of State Route 60 within the City of Perris, Riverside County, California (Exhibit 1, *Regional Vicinity*). The project site is depicted on the Perris quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map within Sections 18 and 19 of Township 4 South, Range 3 West (Exhibit 2, *Site Vicinity*). Specifically, the project site is bounded to the west by Interstate 215 East Frontage Road and to the east by North Perris Boulevard, to the north by Placentia Avenue, and north of existing development, north of Nuevo Road.

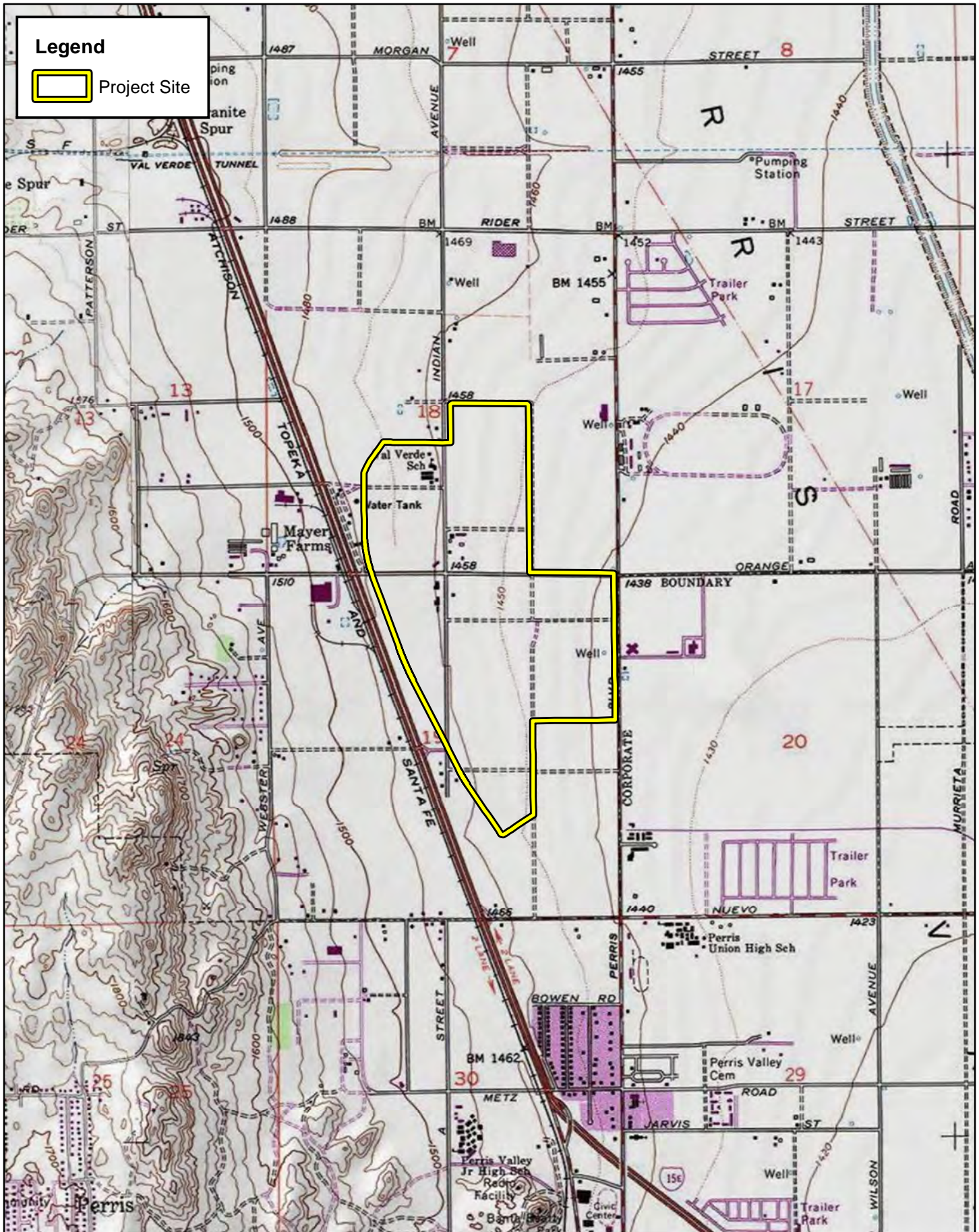
1.2 PROJECT DESCRIPTION

The project involves the proposed construction and operation of a commercial and business park specific plan over 358.28 acres which will be developed in two phases. The first phase of the project consists of construction of seven (7) industrial buildings, a commercial shopping center, a big box retail building, and a Water Quality Management Plan (WQMP) drainage and detention area. The total area of development for Phase I encompasses approximately 187.43 acres. In addition, the project would include the construction of approximately 35.09 acres of roadways and a 13.08-acre WQMP basin. Phase II will consist of future business park uses north of Orange Avenue. Phase II area totals 122.68 acres. Refer to Appendix A, *Site Plan*.

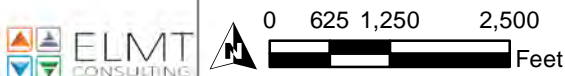


Source: World Street Map, Riverside County

HARVEST LANDING RETAIL CENTER AND BUSINESS PARK
Regional Vicinity



HARVEST LANDING RETAIL CENTER AND BUSINESS PARK
Site Vicinity

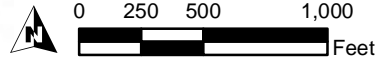


Source: USA Topographic Map, Riverside County



Legend

Project Site



Source: ESRI Aerial Imagery, Riverside County

HARVEST LANDING RETAIL CENTER AND BUSINESS PARK
Project Site

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 generally 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 California Fish and Game Code

(FGC) section 3513, the CDFW 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 FGC 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). FGC 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 Natural Community Conservation Planning 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 habitat conservation plans 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 natural community conservation plans and habitat conservation plans 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.

The Guidelines for the Implementation of the California Environmental Quality Act (CEQA Guidelines) provide that a species be considered as endangered or "rare" regardless of appearance on a formal list for the purposes of the California Environmental Quality Act (CEQA) (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 (CEQA Sections 21001(c), 21083. CEQA Guidelines Sections 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 of 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 project site 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 70 to 89 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*).

Survey transects within 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 within 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 Jacob H. Lloyd Davies, Rachael A. Lyons, and Megan E. Peukert, who are knowledgeable in the habitats and behavior of burrowing owls.

Four focused burrowing owl surveys were conducted on August 21, 23, 26, and 30, 2023. All surveys were completed between 0600 and 1100. The surveys were conducted to document the presence/absence of burrowing owl within the project site. Refer to Table 1, *Survey Data*, for a summary of the survey dates and times, personnel, weather conditions, and general findings.

Table 1: Survey Data

| Survey No. | Survey Date | Surveyor | Time | Temperature (°F) | Cloud Cover | Wind Speed (mph) | Burrowing Owl Detected On-Site |
|------------|-------------|--|-----------|------------------|-------------|------------------|--------------------------------|
| 1 | 8/21/23 | Jacob H. Lloyd Davids and Rachael A. Lyons | 0600-1000 | 72-80 | 0% | 1-5 | Yes |
| 2 | 8/23/23 | Jacob H. Lloyd Davies and Megan E. Peukert | 0800-1100 | 75-86 | 0% | 1-5 | Yes |
| 3 | 8/26/23 | Rachael A. Lyons and Megan E. Peukert | 0600-1000 | 74-82 | 0% | 1-5 | No |
| 4 | 8/30/23 | Jacob H. Lloyd Davids and Rachael A. Lyons | 0700-1000 | 72-78 | 0% | 1-5 | No |

Section 4 Results

4.1 EXISTING CONDITIONS

On-site topography of the project site is relatively flat, sloping marginally from southwest to northeast at an approximate elevation of 1,435 to 1,480 feet above mean sea level. Limited topographic relief is present in the form of water detention basins, flood control channels, and spoils piles.

Based on the Natural Resources Conservation Service U.S. Department of Agriculture Web Soil Survey, the project site is underlain entirely by Domino silt loam (saline-alkali), Exeter sandy loam (deep, 0 to 2 percent slopes), Exeter sandy loam (deep, 2 to 8 percent slopes, eroded), Exeter very fine sandy loam (deep, 0 to 5 percent slopes), Ramona sandy loam (0 to 2 percent slopes), Greenfield sandy loam (0 to 2 percent slopes), Greenfield sandy loam (2 to 8 percent slopes, eroded), and Pachappa fine sandy loam (0 to 2 percent slopes). Soils on-site have been mechanically disturbed and heavily compacted from historic land uses (i.e., agricultural activities, grading activities, and weed abatement).

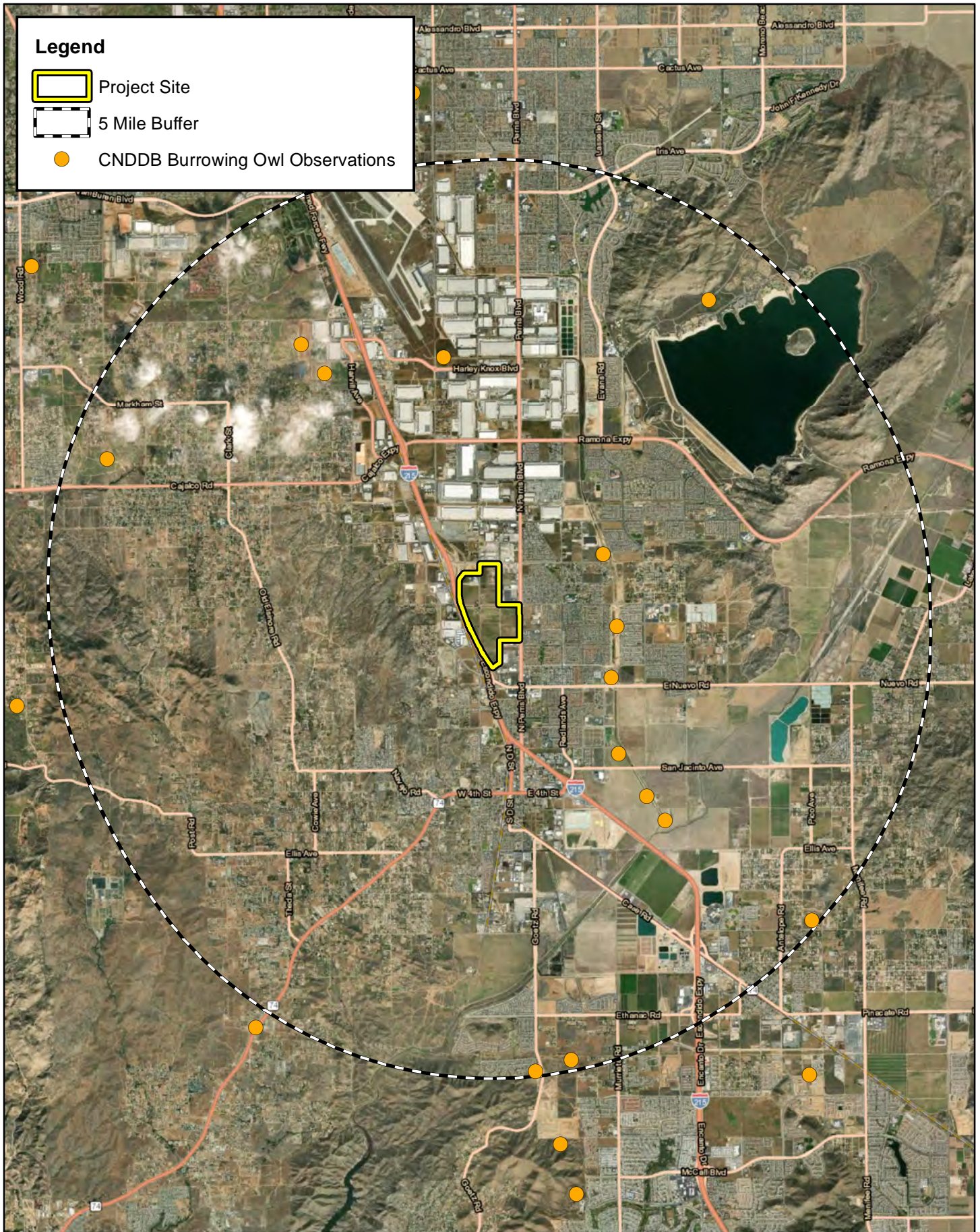
The project site occurs in an area formerly dominated by agricultural land uses that has been urbanized in recent decades. Present land uses in the vicinity include tract neighborhoods, anchor retail centers, and assorted commercial, industrial, and institutional developments, with scattered undeveloped parcels supporting former agricultural land. The site is bounded to the north by undeveloped, vacant land; to the northeast, east, and south by commercial and industrial developments with tract neighborhoods beyond; and to the west by Interstate 215. Due to historic land uses and ongoing disturbances, no native plant communities occur within or adjacent to the boundaries of the project site. The project site supports two (2) land cover types that would be classified as disturbed and developed.

Based on a review of CDFW's California Natural Diversity Database (CNDDDB) 14 burrowing owl observations have been recorded within 5 miles of the project site. Refer to Exhibit 5, *CNDDDB Burrowing Owl Observations*.

4.2 BURROWING OWL FOCUSED SURVEY

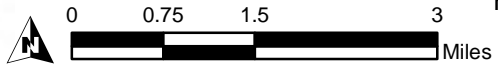
A total of seven (7) burrowing owls, including four (4) adults and three (3) juveniles, were observed roosting on-site. All seven owls were observed roosting in California squirrel (*Otospermophilus beecheyii*) burrows approximately 450 feet south of the intersection of Orange Avenue and Barrett Avenue (Exhibit 4) in the northern of two water detention basins. The project site supports a population of California ground squirrels that have persisted on-site long enough to provide vacant burrows suitable for roosting by burrowing owl; however, no other occupied burrows were observed outside of the water detention basins.

Other avian species observed during the field investigation include rock pigeon (*Columba livia*), common raven (*Corvus corax*), white-tailed kite (*Elanus leucurus*), prairie falcon (*Falco mexicanus*), house finch (*Haemorhous mexicanus*), song sparrow (*Melospiza melodia*), house sparrow (*Passer domesticus*), say's phoebe (*Sayornis saya*), european collared dove (*Streptopelia decaocto*), western meadowlark (*Sturnella neglecta*), cassin's kingbird (*Tyrannus vociferans*), and mourning dove (*Zenaida macroura*).



Legend

- Project Site
- 5 Mile Buffer
- CNDDB Burrowing Owl Observations



HARVEST LANDING RETAIL CENTER AND BUSINESS PARK
CNDDB BUOW Observations

Source: ESRI Aerial Imagery, CDFW CNDDB, Riverside County

Section 5 Conclusion and Recommendations

A total of seven (7) burrowing owls, including four (4) adults and three (3) juveniles, were observed during the 2023 focused surveys approximately 450 feet south of the intersection of Orange Avenue and Barrett Avenue in the northern of two water detention basins.

The project proponent shall retain a qualified biologist to conduct a pre-construction survey for resident burrowing owls within 30 days prior to commencement of grading and construction activities within the project site. The survey shall include the project site and all suitable burrowing owl habitat within a 500-foot buffer. The results of the survey shall be submitted to the City of Perris Planning Division prior to obtaining a grading permit. In addition, if burrowing owls are observed during the required nesting bird survey, to be conducted within three days prior to ground disturbance or vegetation clearance, the observation shall be reported to the Wildlife Agencies. If ground disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. The pre-construction survey and any relocation activity shall be conducted in accordance with the current Burrowing Owl Survey Instructions for the Western Riverside MSHCP.

If burrowing owl are detected, the CDFW shall be sent written notification by the City, within three days of detection of burrowing owls. If active nests are identified during the pre-construction survey, the nests shall be avoided and the qualified biologist and project proponent shall coordinate with the City of Perris Planning Division, the US Fish and Wildlife Service, and the CDFW to develop a Burrowing Owl Plan to be approved by the CDFW and the US Fish and Wildlife Service prior to commencing project activities. The Burrowing Owl Plan shall be prepared in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and MSHCP. The Burrowing Owl Plan shall describe proposed avoidance, minimization, relocation, and monitoring as applicable. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls and/or information on the adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls may also be required in the Burrowing Owl Plan. The project proponent shall implement the Burrowing Owl Plan following CDFW and US Fish and Wildlife Service review and concurrence. A final letter report shall be prepared by the qualified biologist documenting the results of the Burrowing Owl Plan. The letter shall be submitted to the CDFW prior to the start of project activities. When a qualified biologist determines that burrowing owls are no longer occupying the project site per the criteria in the Burrowing Owl Plan, project activities may begin.

If burrowing owls occupy the project site after project activities have started, then construction activities shall be halted immediately. The project proponent shall notify the City and the City shall notify the CDFW and the US Fish and Wildlife Service within 48 hours of detection. A Burrowing Owl Plan, as detailed above, shall be implemented.

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). 2023. RareFind 5, California Natural Diversity Data Base, California. Data Base report on threatened, endangered, rare or otherwise sensitive species and communities for the Perris 7.5-minute USGS quadrangle.
- 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 southern limits of the project site looking north.



Photograph 6: Seven burrowing owls were observed in a derelict water detention basin located approximately 450 feet south of the intersection of Orange Avenue and Barrett Avenue.



Photograph 7: Four of the seven burrowing owls observed on-site during the field investigation.



Photograph 8: The remaining three of the seven burrowing owls observed on-site during the field investigation.

Appendix B Fauna Compendium

| FAMILY/SPECIES NAME | COMMON NAME |
|---|------------------------------------|
| AVES (Birds) | |
| Columbidae | Pigeons and Doves |
| <i>Columba livia</i> | rock pigeon |
| <i>Streptopelia decaocto</i> | European collared dove |
| <i>Zenaida macroura</i> | mourning dove |
| Corvidae | Crows, Ravens, and Jays |
| <i>Corvus corax</i> | common raven |
| Elanidae | Kites |
| <i>Elanus leucurus</i> | white-tailed kite |
| Falconidae | Falcons and Caracaras |
| <i>Falco mexicanus</i> | prairie falcon |
| Fringillidae | Finches |
| <i>Haemorhous mexicanus</i> | house finch |
| Passerellidae | American Sparrows |
| <i>Melospiza melodia</i> | song sparrow |
| Passeridae | Old World Sparrows |
| <i>Passer domesticus</i> | house sparrow |
| Tyrannidae | Tyrant Flycatchers |
| <i>Sayornis saya</i> | Say's phoebe |
| <i>Tyrannus vociferans</i> | Cassin's kingbird |
| Icteridae | Blackbirds |
| <i>Sturnella neglecta</i> | western meadowlark |
| Strigidae | Owls |
| <i>Athene cunicularia</i> | burrowing owl |
| MAMMALIA (MAMMALS) | |
| Canidae | Dogs, Wolves, and Relatives |
| <i>Canis latrans</i> | coyote |
| Sciuridae | Squirrels |
| <i>Otospermophilus beecheyi</i> | California ground squirrel |
| Leporidae | Rabbits and Hares |
| <i>Sylvilagus audubonii</i> | desert cottontail |
| REPTILIA (REPTILES) | |
| Squamata | Lizards and Snakes |
| <i>Sceloporus occidentalis longipes</i> | Great Basin fence lizard |