APPENDIX C
BURROWING OWL SURVEY REPORT

H. T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

3 December 2013

Leah Taylor
Architectural Dimensions
300 Frank H. Ogawa Plaza, Ste. 375
Oakland, CA 94612

RE: 237@First, Parcel A, Burrowing Owl Survey Report (HTH #3382-03)

Dear Ms. Taylor:

Per your request, H. T. Harvey & Associates has conducted a protocol-level survey for burrowing owls (*Athene cunicularia*) and other raptors on the approximately 3.5-acre site, Parcel A, located northwest of the intersection of Highway 237 and North First Street in San Jose, California. The site is an open field with tall weeds, grasses, and shrubs, bordered to the north and east by commercial development, to the west by an open field, and to the south by Highway 237. It is our understanding that this site is to be developed, and that the City of San Jose requires a pre-construction burrowing owl survey as a condition of approval for development of the site, as well as surveys for the white-tailed kite (*Elanus leucurus*) and northern harrier (*Circus cyaneus*). Further, it is our understanding that construction is expected to begin on the site in December 2013.

We conducted a burrowing owl pre-construction survey based on the California Department of Fish and Wildlife's (CDFW's) 2012 *Staff Report on Burrowing Owl Mitigation*. Wildlife ecologist Matthew Timmer, M.S., conducted the initial habitat assessment for burrowing owls on 25 November 2013 by walking 20-foot (ft) transects across the entire site and, where access allowed, suitable habitat within 500 ft of the site, looking for owls and for evidence of recent owl occupation at burrows (e.g., whitewash, pellets, feathers, and/or prey remains). Matthew has extensive experience conducting surveys for nesting birds, including burrowing owls. In addition to conducting his Master's thesis work studying nest success of yellow warblers (*Setophaga petechia*), which involved intensive nest searching, Matthew has spent hundreds of hours in the field conducting nesting raptors surveys for H. T. Harvey & Associates projects over the past several years, including numerous burrowing owl and other nesting raptor surveys for projects in San Jose, California. Therefore, he is well qualified to conduct this survey.

No burrowing owls or sign of burrowing owl occupancy of the site were observed during the initial site assessment. However, six burrows of California ground squirrels (*Spermophilus beecheyi*) were detected scattered throughout the Project site. All six burrows appeared to be old and unoccupied (i.e., burrow entrances were covered by vegetation and/or debris and no fresh ground squirrel scat was observed near the burrow entrances). Nevertheless, these burrows provided potential roosting sites for burrowing owls. Therefore, three additional site visits were conducted, per the CDFW protocol, to determine whether owls

were present on the site. Matthew completed the remaining three site visits on 26 and 27 November and 2 December 2013 during the early morning hours to maximize the probability of detecting owls if they were present. In addition, during these surveys, Matthew walked the entirety of the Project site, plus all areas within 300 ft (where access allowed) looking for old raptor (e.g., white-tailed kite [*Elanus leucurus*], northern harrier [*Circus cyaneus*]) nests to determine if they may have nested in the area during the previous nesting season.

No owls, nor any evidence of owl use of burrows on the site, was observed, and it is our opinion that no burrowing owls are currently roosting on the site. Further, no white-tailed kites or northern harriers were observed using the site for nesting, roosting, or foraging during the site visits, and no active or old nests of either species were observed. Thus, no white-tailed kites or northern harriers are currently nesting on the site. Because we are well outside the nesting season for burrowing owls and other raptors, which extends from 1 February to 31 August, these species are not expected to move onto the site and nest prior to the onset of Project activities.

Please feel free to contact me at gbolen@harveyecology.com or (408) 458-3246 with any questions you may have regarding our survey results.

Sincerely,

Ginger Bolen, Ph.D.
Senior Wildlife Ecologist