

## **Burrowing Owl Habitat Project at the Albany Plateau**

(a component project of the Gilman Street Playing Fields Project – City of Berkeley)

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Submitted by The City of Berkeley

### **Project history**

During the planning process for Eastshore State Park from 1999 through 2002, the demonstration of community need for sports fields led to the designation of the eastern side of the Albany Plateau an “active recreation” land use category. This was problematic because of its proximity to the Albany Mudflats State Marine Sanctuary and because State Parks is not in the practice of operating formal sports fields facilities. The Gilman site in North Berkeley was acquired by the East Bay Regional Park District (EBRPD) separately from Eastshore State Park to solve these problems and provide sports fields to the community. The former sports fields area at the Albany Plateau would then be maintained and improved for “informal recreation and/or conservation” purposes (Eastshore State Park General Plan, December 2002).

In 2004, the City of Berkeley commenced with a California Environmental Quality Act (CEQA) review of the Gilman Street Playing Fields project in Berkeley on behalf of the five-city joint powers agreement (JPA) and the EBRPD. The CEQA Initial Study found historical sightings of burrowing owl by qualified persons at the southwestern portion of the Gilman site as recently as March 21, 2004, which triggered burrowing owl protocol surveys for three years. The presence of owls was not found during two summer surveys, but a winter survey found a single foraging owl on numerous occasions in January 2006 in the southeast area of property. As required by CEQA, construction in this portion of the Gilman site could proceed only if mitigation was provided to address potential impacts the construction might have on the existing owl habitat.

### **Burrowing owl regulations**

Because burrowing owls are a California Species of Concern, development projects that impact the owls and their habitat are subject to the jurisdiction of the California State Department of Fish & Game, which use a set of guidelines called the Burrowing Owl Protocols for ascertaining appropriate mitigations. Under the protocols, the Gilman project may either set aside appropriate habitat area within the project boundaries or identify an appropriate off-site mitigation. The protocols require a mitigation area of at least 6.5 acres of appropriate habitat per presence of single owl or pair of owls (foraging or nesting) to be protected permanently as conservation land. Historical data are to be included when ascertaining presence of owls. In practice, Fish & Game would prefer additional acreage to be set aside for greater foraging potential and a buffer function (to prevent disturbance), but understands that each project may present unique mitigation solutions (e.g, highly urbanized areas versus rural areas). When presence of owls is found but the owls are not sighted (e.g., pellets, feathers, etc.) at potential burrows or foraging

sites, additional surveys may be required to determine the type of presence (foraging or nesting) and number of owls (burrowing owl protocol surveys).

### **The location of the mitigation**

The project sponsors evaluated the feasibility of setting aside owl habitat within the project site and concluded that reducing the ballfields project by 6.5 or more acres out of a 16 acre site would result in the elimination of over 40% of the use of the site. Therefore, an off-site mitigation was sought. It should be noted that the requirement to establish owl habitat as a mitigation resulted from an environmental review of the Gilman Street Playing Fields Project. Because the sports fields designation was removed from the Plateau, the Plateau was re-designated as an “informal recreation and/or conservation.” As the local operator of Eastshore State Parks, the EBRPD has the authority to implement projects that are consistent with the Eastshore State Park General Plan, such as habitat enhancement projects in conservation areas.

The proposed burrowing owl habitat area consists of ruderal scrub and grassy areas with small concrete debris piles left over from prior use as the City of Albany municipal landfill. Evidence of squirrels and other small rodent populations have been observed at the Plateau, all of which constitute sustainable food source for the burrowing owl. Foraging burrowing owls have been sighted historically throughout the general area of Eastshore State Park and nearby areas such as Cesar Chavez Park and Golden Gate Fields Racetrack.

The project sponsors concluded that the Albany Plateau constituted an appropriate location for the owl habitat and would serve as an appropriate mitigation for the Gilman project. This assessment has been confirmed by biologists from California Fish & Game, California State Parks, the EBRPD, and independent review by biologist Jules Evens of Pt. Reyes Observatory (Attachment A).

The Mitigated Negative Declaration for the Gilman Street Sports Fields, adopted by the Berkeley City Council on October 18, 2005, provides for the creation of an off-site owl habitat area to mitigate any potential impact the project construction could have on the areas where owls have been sighted (Attachment B).

### **CEQA environmental review**

CEQA does not require additional environmental review of mitigation measures. The lead agency to implement the project (e.g., City of Albany) may adopt the City of Berkeley’s Mitigated Negative Declaration for the Gilman Street Playing Fields Project (October 18, 2005), or make it’s own determination that the project is Categorically Exempt. As per EBRPD guidelines, the installation of fencing and gates for the project is categorically exempt from CEQA under guidelines Section 15061(b)(3) - General Rule of Exemption, and 15304 - Minor Alterations to Land. EBRPD would need to issue an Encroachment Permit for the installation of the fencing and gates.

## **Size and location of the habitat area (Attachment C)**

The Eastshore State Park General Plan (adopted December 2002) depicts two active recreation areas (sports fields and informal recreation) on the Plateau. The upland perimeter of the Albany Plateau and the neck are designated as conservation areas and contain walking trails (Attachment D.). This proposal retains the general boundaries of these main areas and makes some adjustments to the shapes of the informal recreation area and the former sports fields area (the owl habitat area) based on existing topography as well as the requirements for maintenance and emergency vehicles. As a result, the informal recreation area is 9.4 acres and the former sports fields area (owl habitat) is 8.8 acres.

The Albany Plateau contains approximately 20.7 acres of total upland grassy area. In this proposal, the shoreline conservation strip around the eastern portion of the Plateau comprises 3.4 acres (measured from waterline to top of grade, as shown in Attachment C). Moving inland from the top of grade, a flat grassland buffer surrounding the habitat area is designated to contain a narrow walking trail and will be wide enough to allow EBRPD maintenance and emergency vehicles (note: EBRPD requires a 40 foot width to allow emergency and maintenance vehicles to turn around at any point along the grassland buffer). These two conservation lands surround 8.8 acres to be enclosed for a fenced owl habitat (6.5 acres as required plus an additional 2.3 acres for buffer). The habitat area comprises approximately 2,585 linear feet of fencing and 56 feet of gates. The water side of the 40' grassland buffer should be unfenced, except where there are clear pathways to the water for human or dog access or where there is a trip-fall safety concern.

The remaining upland grassy area at the Plateau (the western portion) is designated as informal recreation and comprises 9.4 acres, to be developed in future projects. Of the total of 20.7 acres of upland grassy area, 11.9 acres (58%) will have open access (the informal recreation area and the 40 foot wide grassland band) and 8.8 acres (42%) will be restricted access for the owl habitat.

## **Fencing and entry points**

A barrier to prevent disturbance by humans and dogs is critical in order to create the proposed burrowing owl habitat at the highly used Albany Plateau. As specified by the EBRPD, the boundary of the burrowing owl preserve should be fenced with a 10-gauge, 4 foot no-climb woven wire fence with peeler core pressure treated round posts driven or concreted every ten feet, with corner braces as necessary to secure (see the Bay Trail at Point Isabel). There will be four gates (two 7 foot wide welded pipe gates) on the four sides of the preserve, as specified by the EBRPD Operations Department for mowing and emergency access purposes. While not part of this proposal, landscaping may be placed along the western side of the fence in the future to buffer the two areas (Informal Recreation area and habitat area) and for aesthetic purposes. Any such landscaping should discourage perch or nesting areas for predator raptors of the owls. Also not part of this proposal, vista points in the form of spurs running from the perimeter walking trail out to the Plateau edge could be provided in future phases to afford views of the Albany Mudflats and bird watching.

**Artificial burrows (number, type, location)**

Three artificial burrows will be installed within the fenced habitat area to allow for up to two pairs of nesting owls, with a third nesting location providing redundancy in case of damage to the other burrows. The burrows will be flush with the grade to allow for easier maintenance (grass cutting) using the burrow design proposed by State Parks (Attachment E – typical artificial burrow). An elevated perch will be installed in front of each burrow to provide nesting owls with a vista of the immediate area. The owl perches should be small enough so that larger raptors cannot perch; driven "T" posts could be suitable for this purpose. The location of the burrows should be spaced apart along the northern and eastern areas of the habitat area offset from the fence into the interior of the habitat area (as determined by a qualified field biologist), and at least 200 feet from trees where predator raptors could perch. Care should be taken to avoid the low-lying portion of the Plateau just east of the main entrance trail because of observed flooding during rainstorms.

**Maintenance**

Existing grasses and shrubs should not be allowed to grow higher than 1 vertical foot because this would provide cover to hide mice and other potential food sources from the owls. Vehicle mowing can be used throughout the area, except within a five-foot radius of each burrow, where power hand tools should be used, so as to ensure that burrows do not collapse and entrances are not damaged. The preserve may require mowing up to three times per year to reduce fuel and control coyote brush, most likely in early April, late June and early September. The June mowing is critical to reduce fuel before the 4th of July weekend. A biologist or qualified person should monitor the area and determine when it is "clear" for mowing. This will require some monitoring by the sponsors for a time period to be determined [by project sponsors and East Bay Regional Park District].

Note: The shape of the habitat area contains four curves where larger District maintenance vehicles must turn for grass mowing. These have been designed with a minimum turning radius of 40 feet.

**Types of access**

Access to the owl habitat area is restricted except for maintenance and emergency staff and qualified persons for scientific study or educational purposes, subject to any approvals of the EBRPD.

**Interpretive signage plan**

Interpretive signs should be installed along the fence near the main entrance to the Plateau from the parking lot as per the specifications of the EBRPD. Signs should describe the nature and importance of the burrowing owl habitat and also stating that the area is closed to public access and for what reasons. Additional signs can be added to the area as budget and priorities allow.

**Monitoring and success criteria**

The burrowing owl habitat should be monitored by qualified persons at least annually to ensure that ground and food sources remain exposed to foraging owls and also to document type and presence of owls. The habitat area will be managed for burrowing owls for five years during which time the detection of owl presence (nesting or foraging) will constitute success for the

project. If after five years burrowing owls have not been found to use the habitat area, the EBRPD will determine an appropriate management plan for other wildlife that inhabit the habitat area, which may result in more or less mowing, fencing, other access controls, etc.