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memorandum

date August 1, 2013

to Laurel K. Boyd
Habitat Planner Technician
SJCOG, Inc.
555 E. Weber Avenue
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from LeChi Huynh
Associate Biologist
Environmental Science Associates

subject Oleander Estates – DR Horton (Phase 2) Burrowing Owl and Swainson’s Hawk Survey Results

The purpose of this memo is to document the results of burrowing owl and Swainson’s hawk surveys conducted on July 24-26 and July 29, 2013 on Assessor’s Parcel Numbers (APN) 226-170-04 and 226-170-05.

Project Background

HD Horton is proposing to grade APNs 226-170-04 and 226-170-05 (Project Area) in preparation for construction. The Project Area is located at the intersection of East Woodward Avenue and South Oleander Avenue, Manteca, CA, in southern San Joaquin County.

HD Horton was issued a San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) Incidental Take Minimization Measures (ITMM) by the San Joaquin Council of Government (SJCOG) on July 10, 2013. The SJCOG ITMM outlines conditions that HD Horton must adhere to prior to commencing ground disturbance, including performing preconstruction surveys for burrowing owl and Swainson’s hawk in accordance with Appendix D of the California Department of Fish and Wildlife (CDFW, previously Department of Fish and Game [CDFG]) *Staff Report on Burrowing Owl Mitigation* (CDFG, 2012) and the *Recommended Timing and Methodology for Swainson’s Hawk Nesting Survey in California’s Central Valley* (Swainson’s Hawk Technical Advisory Committee, 2000).

Project Area Description

The Project Area is comprised of APNs 226-170-04 and 226-170-05 located at the intersection of East Woodward Avenue and South Oleander Avenue in a rural residential and agricultural area. The habitat type of the Project Area is classified as Agricultural (C34) Row and Field Crop and is currently dominated by cultivated oat (*Avena sativa*). Other ruderal species occurring in the field include Russian thistle (*Salsola australis*), pigweed amaranth (*Amaranthus albus*), lambsquarter (*Chenopodium album* var. *album*), puncture vine (*Tribulus terrestris*), and common sunflower (*Helianthus annuus*). The ground substrate is sandy loam in texture and very friable. The field contains a few shallow mammal burrows measuring less than 3” in diameter, with the majority covered by cobwebs at the entrance. These burrows are not suitable for burrowing owls. The site does not contain trees that

would provide habitat for Swainson's hawk and other tree-nesting raptors; however, trees in the surrounding areas may provide suitable raptor nesting habitat. Dominant land uses surrounding the Project Area include rural residential, row crops (corn), and open space used for grazing (by cows and goats). Photos of the Project Area are compiled in **Appendix A**.

Survey Results

Per the project ITMM # 2 and 3, ESA biologists Lindsay Tisch and LeChi Huynh conducted burrowing owl and Swainson's hawk preconstruction surveys within the Project Area on July 24-26 and July 29, 2013. A total of two morning and two evening surveys were conducted between 7:00 AM and 10:00 AM and 5:30 PM and 8:30 PM, respectively. Redfield 10x42 and Pentax 8x40 binoculars were used to scan the entire Project Area and reasonably visible areas in the surrounding vicinity. The entire Project Area was surveyed in evenly-spaced transects (30' apart) in order to locate potentially suitable burrows.

A review of the California Natural Diversity Database (CNDDDB) identified one burrowing owl observation and one Swainson's hawk observation approximately two miles northwest of the Project Area within the last 5 years (**Figure 1**). On April 1998, a pair of adult Swainson's hawk was observed in a nest located on a cottonwood tree in a wind break between an agricultural field and residential buildings in the vicinity of Yosemite Avenue, just south of the City of Lathrop. On January 2000, pair of adult burrowing owls and two juvenile owls were observed in a newly-created detention basin north of the San Joaquin Rail Station parking lot, in the vicinity of Yosemite Avenue and McKinley Avenue, southeast of the City of Lathrop. The majority of other burrowing owl occurrences are located five miles or more from the Project Area to the north; Swainson's hawk occurrences are also numerous and occur both north and south of the Project Area within ten miles of the Project Area (Figure 1).

The Project Area lacks suitable burrows for burrowing owl and suitable nesting trees for Swainson's hawk. Additionally, burrowing owls were not observed during the surveys. During one survey session, a Swainson's hawk was observed foraging briefly to the east of the Project Area. Two red-tailed hawks were observed foraging briefly over the Project Area during one occasion, but did not exhibit nesting behavior. One red-tailed hawk was observed perching on a dead tree approximately 0.25 miles southwest of the Project Area; however, no nests were observed near the hawk.

Incidental species observed within the Project Area and in the vicinity include mourning dove (*Zenaida macroura*), barn swallow (*Hirundo rustica*), American crow (*Corvus brachyrhynchos*), Western kingbird (*Tyrannus verticalis*), black phoebe (*Sayornis nigricans*), rock pigeon (*Columba livia*), yellow-billed magpie (*Pica nuttalli*), European starling (*Sturnus vulgaris*), house finch (*Haemorhous mexicanus*), and killdeer (*Charadrius vociferus*).

Conclusion

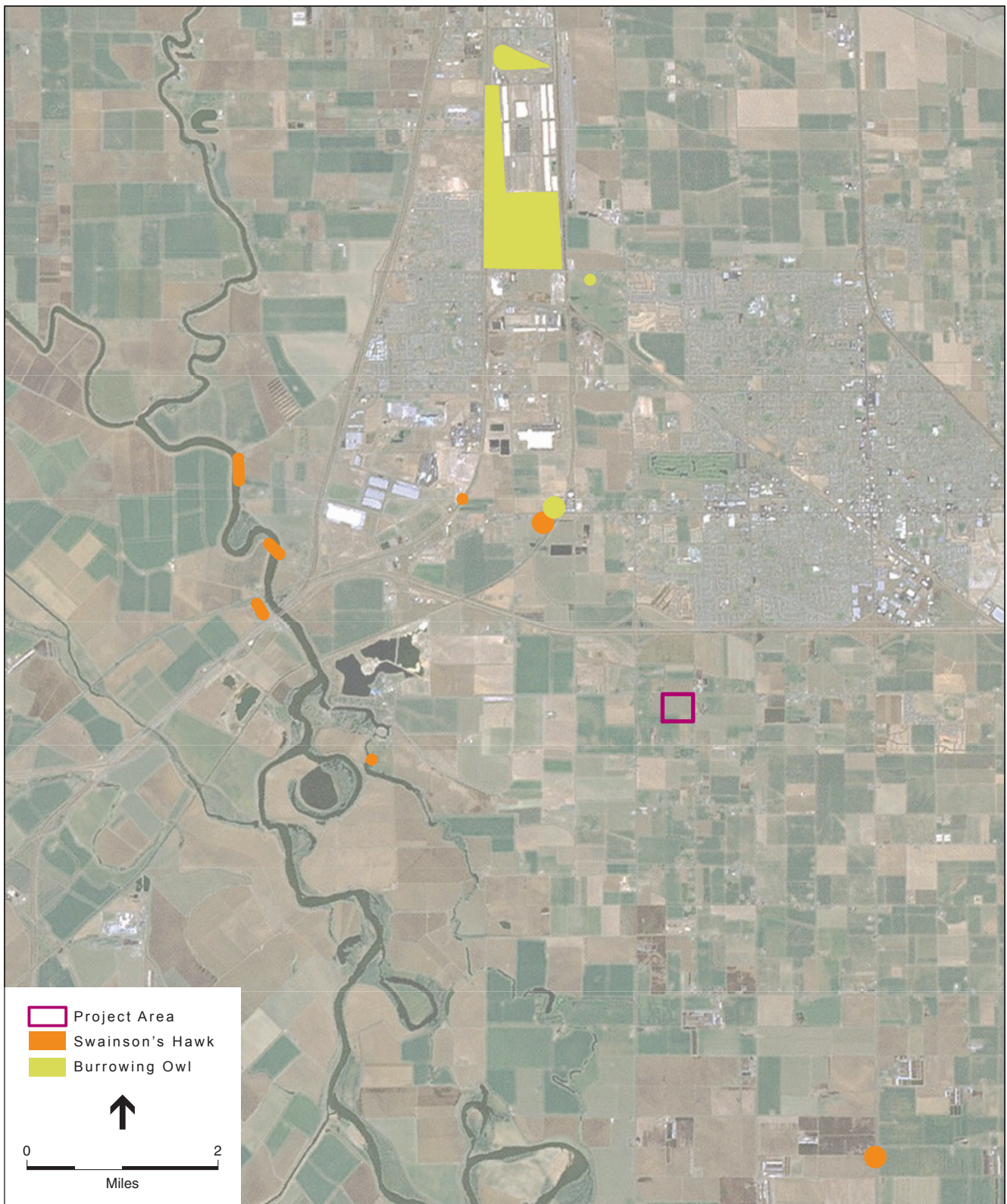
Based on the survey results, we conclude that the Project Area and the immediate vicinity do not contain active burrowing owl burrows or Swainson's hawk nests.

Should you need additional information or have any questions, please contact me at (916) 564-4500.

Sincerely,



LeChi Huynh
Senior Associate Biologist



SOURCE: Microsoft, 2010; CDFW, 2013; ESA, 2013

Oleander Estates – HD Horton Phase 2 . 210228

Figure 1
 Burrowing Owl and Swainson's Hawk Occurrences within
 Five Miles of the Project Area

APPENDIX A

Site Photographs



Photo 1.
View of Project Area from South Oleander Avenue and East Woodward Avenue, looking west.



Photo 2.
View of Project Area from the southern edge, looking west.



Photo 3.
View of the Project Area from the southern edge, looking north.



Photo 4.
View of the Project Area from the southern edge, looking east.



Photo 5.
View of drainage ditch located in the middle of the Project Area, looking north (ditch runs north-south).