

**DOCKETED**

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## **APPENDIX BIO DR-62**

### **Burrowing Owl Memorandum**



**Rincon Consultants, Inc.**

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October 28, 2019  
Project No: 18-06692

Brianna Bohonok  
Circlepoint  
46 South 1st Street  
San Jose, California 95113  
Via email: [b.bohonok@circlepoint.com](mailto:b.bohonok@circlepoint.com)

**Subject: Burrowing Owl Impact Analysis for the De La Cruz Data Center, 2600 De La Cruz Boulevard, City of Santa Clara, California**

Dear Ms. Bohonok:

This burrowing owl technical memorandum presents the results of a literature review, reconnaissance-level site visit, and burrowing owl impact analysis for the De La Cruz Data Center Project (Project), located in the City of Santa Clara (City), California. A Small Power Plant Exemption (SPPE) application was prepared by Circlepoint for the Project. The California Energy Commission (CEC) reviewed this SPPE application and in September 2019, requested additional information from Circlepoint regarding the potential for burrowing owl (*Athene cunicularia*) to occur onsite. This technical memorandum provides the clarification and additional information requested by the CEC. Specifically, this memorandum is intended to address data requests 62 and 63:

62. *Please clarify the basis for the determination on page 4.4-6, paragraph 2, line 3, that western burrowing owls may occur on the project site (e.g., presence of burrows or burrow surrogates, fossorial mammal dens, cast pellets, prey remains, owl white wash, and other distinguishing indicators). Please also specify under what circumstances western burrowing owl could potentially occur on site (e.g., transient individuals, foraging, breeding, residents, dispersing individuals, etc.).*
63. *Please provide the results of any biological resource surveys conducted for the project site that were used to determine the potential for western burrowing owl to occur on site.*

## Methods

Prior to the site visit Rincon conducted a literature and database review that consisted of project plans, aerial imagery, agency databases, including the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) (CDFW 2019), and other relevant background information for context and understanding of the biological concerns related to the potential for burrowing owl to occur on site. These queries were conducted to obtain comprehensive information regarding burrowing owl potential to occur within the *San Jose West, California* USGS 7.5-minute topographic quadrangle and the surrounding eight quadrangles (*Mountain View, Milpitas, Calaveras Reservoir, Cupertino, San Jose East, Castle Rock Ridge, Los Gatos, and Santa Teresa Hills*).

On October 18, 2019, Rincon Senior Biologist Samantha Kehr conducted a reconnaissance-level site visit to document existing conditions at the site and to evaluate the habitat for potential to support



burrowing owl. During this visit Ms. Kehr walked meandering transects throughout the project site looking for suitable habitat (appropriately sized burrows), burrowing owl sign (whitewash, owl pellets, and feathers), and suitable foraging habitat (open grassy areas of sufficient size to support insect prey). Suitable burrows are defined as burrows >11 centimeters (cm) (approximant 4 inches) in diameter and >150 cm (approximately five feet) in depth (CDFW 2012). Ms. Kehr also noted any potential sources of disturbance which might discourage burrowing owls from using the site (noise, human presence, presence of potential predators).

## Results

### Literature review

The closest known occurrence of burrowing owl is located across De La Cruz Boulevard at the San Jose Airport. Other occurrences in the vicinity are known from the other side of the airport near the Guadalupe River, West Valley College, Marian Peterson Middle School, and open space along the edges of the southern San Francisco Bay near Alviso.

### Reconnaissance Site Visit

The project site is located within an area of existing development in the City of Santa Clara. The site is bordered by railroad tracks to the west, industrial development to the north and south, and De La Cruz Boulevard and the San Jose Airport to the east. The entire project site is developed with a large industrial building and parking lot. At the time of the reconnaissance site visit activities on site included the ongoing removal and grinding of the existing pavement. Vegetation is generally limited to the edges of the project site and consist of ornamental trees and ruderal weedy species such as Russian thistle (*Salsola* sp.), stinkwort (*Dittrichia graveolens*), and horsetweed (*Erigeron canadensis*). Representative site photos are included as Attachment 1.

No burrowing owls or burrowing owl sign were observed during the site visit, and no burrowing owls were observed at the airport (within scanning distance with binoculars). Potentially suitable burrows were observed on the far eastern side of the project site where California ground squirrels (*Otospermophilus beecheyi*) were observed in areas containing ornamental plantings adjacent to the former parking lot (Figure 1 in Attachment 2). Old ground squirrel burrows (collapsed) were also observed along the western edge of the site adjacent to the railroad tracks. Additionally, pipes of sufficient size (surrogate burrows) for burrowing owl were observed in debris piles along with other demolition debris.

## Discussion

The level of human disturbance in the central and eastern areas of the site are a likely deterrent for burrowing owl, and may prevent burrowing owls from utilizing pipes or other suitable surrogate burrows; however, if there is a lapse in work owls may move in. As described above, the project is developed, and contains little vegetation. Pavement has been removed over much of the site leaving bare ground or gravel. This provides marginal foraging habitat and is likely insufficient to support burrowing owls for an entire season. Therefore, burrowing owl could occur transiently, particularly during migration (January to February, and September to October) and dispersal periods (March through August).



Based on the presence of potentially suitable burrows and surrogate burrows within the project site and proximity to known occurrences, burrowing owl could not be completely excluded from a potential to occur within the project site. However, the intensive existing development and historical activity on the site and the general lack of foraging habitat provide only marginal cover for the species, and there is only a low potential for transient or dispersing burrowing owls to occur on site, mostly when and if owls are wintering at the adjacent airport property. Construction for the project is anticipated to occur between February 2020 through March 2021. Burrowing owls typically migrate to breeding grounds between March and April; owls arriving from wintering grounds to the south may occur on the site while looking for suitable burrows. With work beginning in February, the level of human presence and disturbance at the site would likely be a deterrent. Overall, the potential for burrowing owl to occur within the project site is low.

The information provided herein fully responds to date requests 62 and 63. If you have any questions regarding the information provided within this report, please contact Samantha Kehr at [skehr@rinconconsultants.com](mailto:skehr@rinconconsultants.com), 805-947-4855, or David Daitch at [ddaitch@rinconconsultants.com](mailto:ddaitch@rinconconsultants.com), 831-920-5422.

Sincerely,  
**Rincon Consultants, Inc.**

A handwritten signature in blue ink, appearing to read "Samantha Kehr".

Samantha Kehr, B.S.  
Senior Biologist

A handwritten signature in blue ink, appearing to read "David Daitch".

David Daitch, Ph.D.  
Program Manager/Senior Biologist

### Attachments

- |              |                                 |
|--------------|---------------------------------|
| Attachment 1 | Figure 1 - Biological Resources |
| Attachment 2 | Representative Site Photos      |

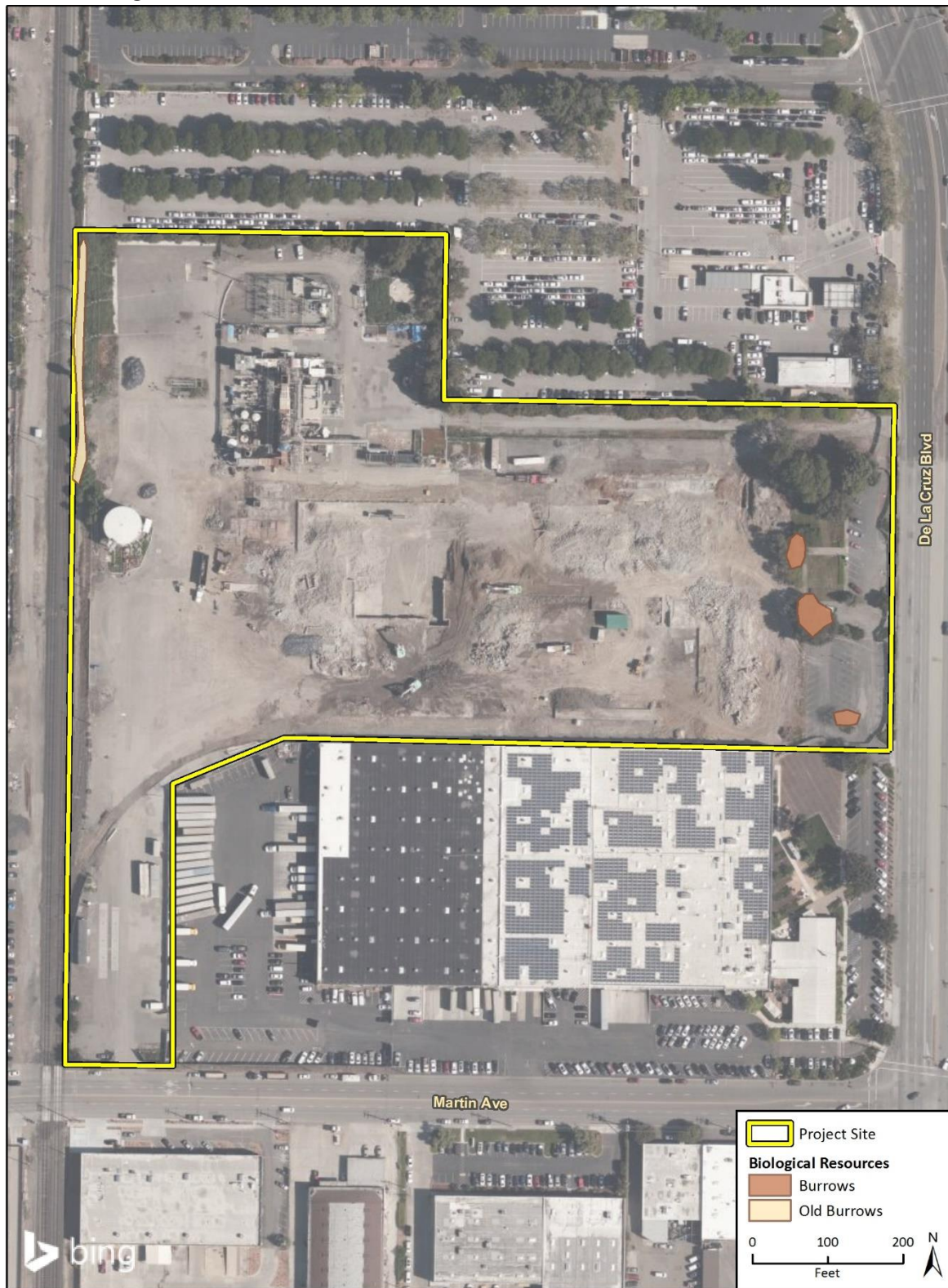


## References

Department of Fish and Game (CDFG). 2012. Staff Report on Burrowing Owl Mitigation. State of California Natural Resources Agency. March 7, 2012

California Department of Fish and Wildlife (CDFW). 2019. California Natural Diversity Database (CNDDDB) RareFind 5. <https://www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data> (Accessed October 2019)

Figure 1 Biological Resources



Imagery provided by Microsoft Bing and its licensors © 2019.

FigX Bio Resources



**Attachment 2**



**Photograph 1.** View from the west side of the project site, showing ongoing demolition activity, facing east.



**Photograph 2.** View from the west side of the project site, showing the edge of the site along the railroad tracks where old ground squirrel burrows were observed, facing south.





**Photograph 3.** View from the north west side of the project site, showing a pile of pipes and debris burrowing owl could use as surrogate burrows, facing west.



**Photograph 4.** View from the north west side of the project site, showing the eastern side of the project site, facing east.





**Photograph 5.** View from the north east side of the project site, showing the former parking lot, facing south.



**Photograph 6.** View from the north east side of the project site, showing potentially suitable burrows at the former parking lot.





**Photograph 7.** View from the south east side of the project site, showing the project site facing west.