APPENDIX C3

BURROWING OWL FOCUSED SURVEY REPORT

MOTTE BUSINESS CENTER

CITY OF MENIFEE, RIVERSIDE COUNTY, CALIFORNIA

ROMOLAND USGS 7.5-MINUTE TOPOGRAPHIC QUADRANGLE SECTION 15, TOWNSHIP 5 SOUTH, RANGE 3 WEST APNS: 331-150-036, -037, -039, -040, -041, -042, -044 AND -045

Burrowing Owl Focused Survey Report

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MOTTE BUSINESS CENTER

CITY OF MENIFEE, RIVERSIDE COUNTY, CALIFORNIA

Burrowing Owl Focused Survey Report

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.

Travis J. McGill Director

Thomas J. McGill, Ph.D. Managing Director

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Section 1 Introduction

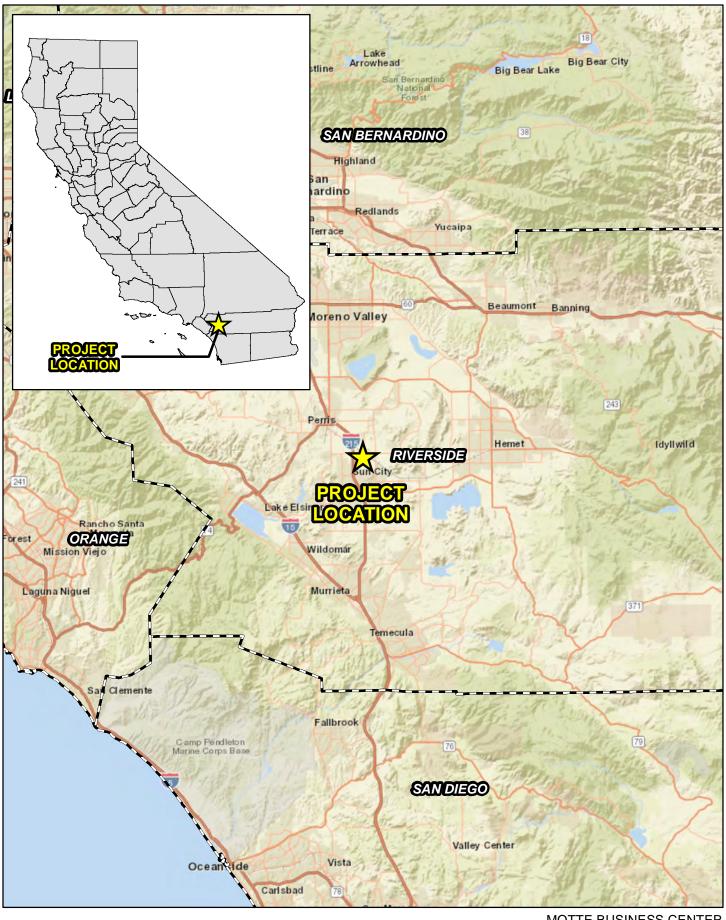
ELMT Consulting (ELMT) conducted a focused burrowing owl (*Athene cunicularia*) survey for the Motte Business Center project located in the city of Menifee, Riverside County, California (project or project site). ELMT biologists surveyed the project site and offsite improvement areas in accordance with 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 June 9, June 23, July 7, and July 24, 2023 within suitable habitat on the project site including offsite areas, and within the designated buffer. All surveys were completed between 0600 and 1000 hours. The surveys were conducted to document the presence/absence of burrowing owl on the project site.

1.1 PROJECT LOCATION

The project site is generally located east of Interstate 215, and south of State Route 74, west of State Route 79 in the City of Menifee, Riverside County, California (Exhibit 1, *Regional Vicinity*). The project site is depicted on the Romoland quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map within Section 15 of Township 5 South, Range 3 West (Exhibit 2, *Site Vicinity*). Specifically, the project site is bounded to the west by Dawson Road and to the east by Antelope Road, and lies north of Mc Laughlin Road and south of Ethanac Road within Assessor Parcel Numbers 331-150-036, -037, -039, -040, -041, -042, -044, and -045 (Exhibit 3, *Project Site*).

1.2 PROJECT DESCRIPTION

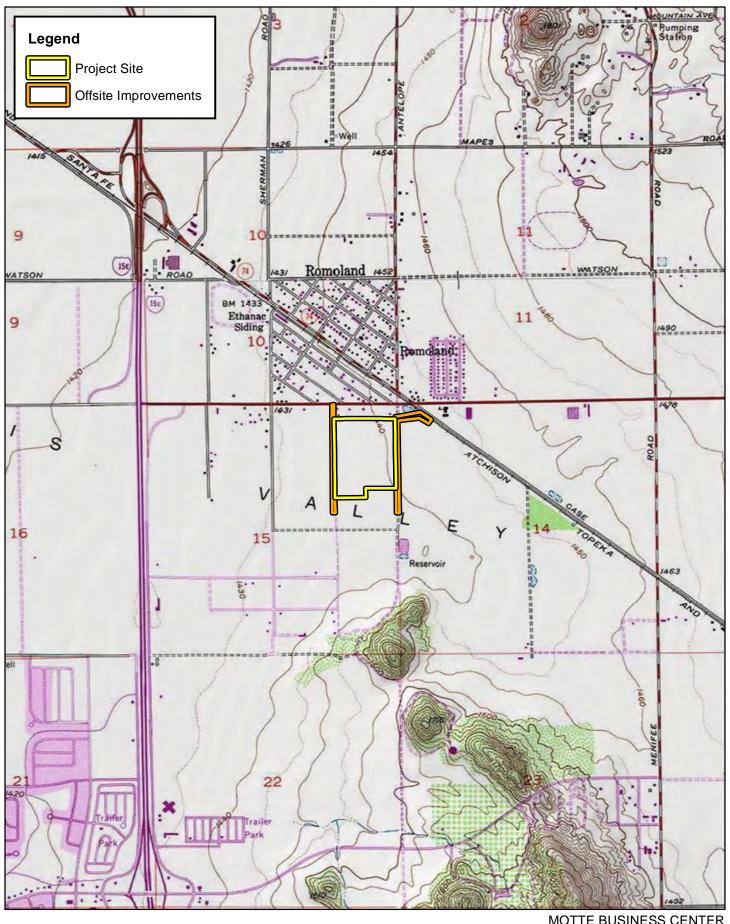
Plot Plan No. PLN 22-0115 proposes to construct one (1) concrete tilt-up building totaling 1,138,638 s.f. (square feet). This includes 10,000 s.f. of office space, 928,638 s.f. of ground-floor warehouse space and 200,000 s.f. of warehouse mezzanine. All on an approximately 44 net-acre project site. The applicant proposes a structural height of approximately 50 feet and includes 610 auto parking spaces, 282 truck trailer parking spaces, and 128 dock doors for commercial opperations. 26-foot fire lanes will be constructed along all sides of the warehouse building and run from Antelope Road to the east to Dawson Road to the west. This project will consolidate eight parcesl into one parcel. The total project site is approximately 46.33 gross acres, and 43.94 net acres. Refer to Attachment A, *Site Plan*.





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BURROWING OWL FOCUSED SURVEY

Regional Vicinity



0 1,000 2,000 4,000 Feet MOTTE BUSINESS CENTER
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Site Vicinity



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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 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 CDFW Code section 3513, the

Department 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 CDFW Code 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). CDFW Code 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 NCCP 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 HCPs 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 NCCPs and HCPs 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.

Guidelines for the Implementation of the California Environmental Quality Act (CEQA) provide that a species be considered as endangered or "rare" regardless of appearance on a formal list for the purposes of the 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 (Sections 21001(c), 21083. Guidelines 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 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 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 49 to 75 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 on the project site were generally oriented east to west and were conducted at a maximum of 30-meter (approximately 100 feet) intervals to ensure 100% visual coverage of all areas in suitable habitat on 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 Travis J. McGill, Jacob H. Lloyd Davies, and Megan E. Peukert who are knowledgeable in the habitats and behavior of burrowing owls.

Four focused burrowing owl surveys were conducted June 9, June 23, July 7, and July 24, 2023. All surveys were completed between 0600 and 1000. The surveys were conducted to document the presence/absence of burrowing owl on 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	6/7/23	Travis J. McGill and Jacob H. Lloyd Davies	0600-1000	56-65	0%	1-3	No
2	6/23/23	Travis J. McGill and Jacob H. Lloyd Davies	0630-1000	50-70	0%	1-5	No
3	7/7/23	Travis J. McGill and Jacob H. Lloyd Davies	0615-1000	54-73	0%	1-5	No
4	7/24/23	Jacob H. Lloyd Davies and Megan E. Peukert	0700-1030	67-78	0%	1-5	No





MOTTE BUSINESS CENTER BURROWING OWL FOCUSED SURVEY

Survey Area and Suitable Habitat

Section 4 Results

4.1 EXISTING CONDITIONS

The project site occurs in a gradually urbanizing area that supports some commercial and residential development and undeveloped parcels. Historically, the area supported agricultural practices. At present, the project site is bounded to the west by Dawson Road, to the east by Antelope Road, and to the north and south by a mix of residential and commercial development.

The project site is relatively flat, is located at an approximate elevation of 1,436 to 1,447 feet above mean sea level, and slopes slightly from east to west. Based on the NRCS USDA Web Soil Survey, the project site is underlain by the following soil units: Exeter sandy loam (2 to 8 percent slopes, eroded), Exeter very fine sandy loam (0 to 5 percent slopes), Madera fine sandy loam (2 to 5 percent slopes, eroded), Monserate sandy loam (0 to 5 percent slopes), Monserate sandy loam (shallow, 5 to 15 percent slopes, eroded), and Ramona sandy loam (2 to 5 percent slopes, eroded). Soils on-site have been mechanically disturbed and heavily compacted from historic land uses (i.e., agricultural activities, grading activities, and weed abatement).

At present, the northeast corner of the project site consists of existing commercial development. The majority of the project site is undeveloped and has been subject to a variety of anthropogenic disturbances associated with historic agricultural activities, commercial development and associated activities, routine weed abatement, and illegal dumping. Historic aerials show these activities have been ongoing since at least 1966. Prior to conducting the field investigation, aerial photography was reviewed to document existing site conditions and document the changes to the project site and surrounding area.

1966:

The project site and surrounding areas support agricultural fields. The site is bounded to the west and east by Dawson Road and Antelope Road, respectively, and by farmland to the north and south. Ethanac Road is present to the north of the site. Residential developments immediately border the northern boundary of the project site.

1966 – 1967: No changes.

1967 - 1978: Weed abatement regimes are in effect, and agricultural activities within and adjacent to the project site have lapsed. Additional residential developments are present to the south.

1978 - 1985: Additional residential developments are present to the north.

1985 - 1996: An earthen channel has been installed along the northern boundary of the project site. Flows enter the site via an array of culverts beneath Antelope Road and exit the site via sheet flow into Dawson Road and the property to the west before infiltrating.

- 1996 2002: Grading has occurred throughout the project site and industrial or commercial development is present in most areas.
- 2002 2005: The entire project site supports industrial or commercial development.
- 2005 2009: Land uses in the southeast portion of the project site have ceased. Developed substrate is still present.
- 2005 2009: The southeast portion of the site continues to be vacant. Storage and stockpiling have escalated on the remaining portions of the site. Industrial development is present to the east, beyond Antelope Road.
- 2009 2012: Industrial development is present along the southern boundary of the project site.
- 2012 2014: Previous land uses have been abandoned through most of the project site. The site supports a mixture of developed and undeveloped land. No plant communities of any kind are present.
- 2014 2016: No changes.
- 2016 2018: Vehicle and equipment storage are present in the northern portion of the project site.
- 2018 present: On-site commercial activities on the majority of the project site have ceased. The majority of the project site is vacant but weed abatement regimes and other anthropogenic disturbances continue. Commercial activities remain in the northeast corner of the site.

The disturbances outlined above have eliminated the natural plant communities that historically occurred on the project site and surrounding area. As a result, no native plant communities occur on-site, nor will any native plant communities be impacted from implementation of the proposed project. Refer to Appendix B, *Site Photographs*, for representative site photographs of the project site.

No native plant communities occur within the boundaries of the project site. The project site supports one (1) plant community: non-native grassland. In addition, the site supports two (2) land cover types that would be classified as disturbed and developed.

Non-Native Grassland

The majority of the project site supports non-native grassland that occurs in varying densities throughout the site, except the northeast corner and portions of the site perimeter that support disturbed land. This plant community is dominated by non-native grasses such as oats (*Avena* spp.) and bromes (*Bromus* spp.) and supports primarily weedy/early successional species. Common plant species observed in the non-native grassland plant community include spotted spurge (*Euphorbia maculata*), ripgut brome (*Bromus diandrus*), Russian thistle (*Salsola tragus*), telegraph weed (*Heterotheca grandiflora*), prostrate knotweed (*Polygonum aviculare*), prickly lettuce (*Lactuca seriola*), Bermuda grass (*Cynodon dactylon*), doveweed (*Croton*

setigerus), horseweed (Erigeron canadensis), cheeseweed (Malva parvilflora), stinknet (Oncosiphon piluliferum), and sacred datura (Datura wrightii).

Disturbed

Disturbed land is supported throughout the project site. The disturbed areas of the project site support many of the aforementioned species found in the non-native grassland plant community. Disturbance type varies throughout the site, with grading and weed abatement occurring throughout all areas, piling of refuse materials occurring near the center of most parcels, and illegal dumping being prominent around the site boundaries.

Additionally, the northern boundary of the site supports an unnamed man-made drainage and is bounded to the north by residential development. This feature primarily supports non-native weedy/early successional species, but also supports ornamental vegetation, and species adapted to more mesic conditions. Common plant species observed along the northern boundary include those observed in the non-native grassland in addition to oleander (*Nerium oleander*), red gum eucalyptus (*Eucalyptus camaldulensis*), vinegar weed (*Trichostema lanceolatum*), morning glory (*Calystegia macrostegia*), curly dock (*Rumex crispus*), speedwell (*Veronica* sp.), and common sunflower (*Helianthus annuus*).

Developed

Developed areas generally encompass all buildings/structures or any paved or otherwise impervious surfaces. Developed land is present in the northern and southwest portions of the project site, and in the middle portion of the site where remnant roads have not deteriorated. Vegetative cover in these areas is generally barren but may include sparse coverage of weedy, invasive, and/or primary-successional species, or remnant ornamental species. Developed aeras also include existing paved road right-of-way.

Based on a review of CDFW's California Natural Diversity Database (CNDDB) 20 burrowing owl observations have been recorded within 5 miles of the project site. No burrowing owls have been recorded on or immediate adjacent to the project site. Refer to Exhibit 5, *CNDDB Burrowing Owl Observations*.

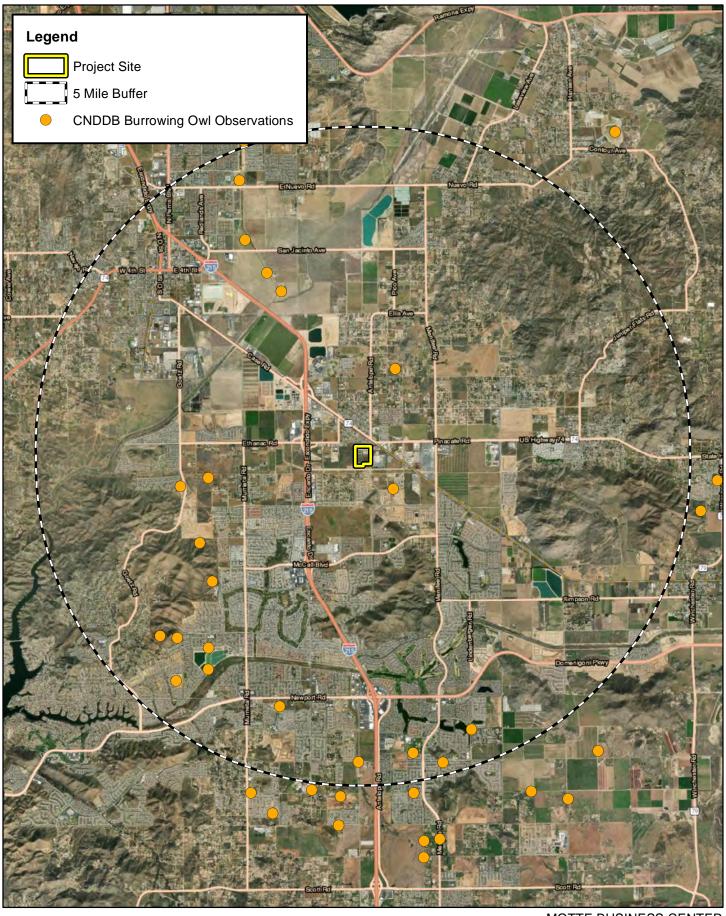
4.2 BURROWING OWL FOCUSED SURVEY

Despite a systematic search of the project site, no burrowing owls or sign (i.e., pellets, feathers, castings, or whitewash) were observed during the field investigation. Portions of the project site are vegetated with a variety of low-growing plant species that allow for minimal line-of-sight observation favored by burrowing owls. Further, several small mammal burrows that have the potential to provide suitable burrowing owl nesting habitat (>4 inches in diameter) were observed in the northwest corner of the project site, immediately adjacent to active equipment and materials stockpiling and vehicle parking areas. Routine disturbance associated with these ongoing adjacent land uses is expected to deter burrowing owls from occupying the burrows in the northwest corner. In addition, all suitable burrows observed occur near boundary fences and structures, which provide perching opportunities for large raptors (i.e., red-tailed hawk) that can prey on burrowing owls.

The site also supports a limited number of California ground squirrel and desert cottontail (*Sylvilagus audubonii*) burrows that provide suitable burrows (>4 inches in diameter) capable of providing roosting and nesting opportunities.

Common avian species identified during the surveys include red-tailed hawk (*Buteo jamaicensis*), Anna's hummingbird (*Calypte anna*), American kestrel (*Falco sparverius*), rock pigeon (*Columba liva*), common raven (*Corvus corax*), Say's phoebe (*Sayornis saya*), northern mockingbird (*Mimus polyglottos*), black phoebe (*Sayornis nigricans*), lesser goldfinch (*Spinus psaltria*), mourning dove (*Zenaida macroura*), killdeer (*Charadrius vociferus*), barn swallow (*Hirundo rustica*), and house finch (*Haemorhous mexicanus*).

Despite a systematic search of the project site, no burrowing owls or sign (pellets, feathers, castings, or whitewash) were observed on or within 500 feet, where accessible, of the project site during the focused surveys.



ELMT CONSULTING



MOTTE BUSINESS CENTER BURROWING OWL FOCUSED SURVEY

CNDDB BUOW Observations

Section 5 Conclusion and Recommendations

Based on the results of the 2023 burrowing owl focused surveys, no burrowing owls or evidence of recent or historic use by burrowing owls were observed on the project site or offsite improvement areas. As a result, burrowing owls are presumed to be absent from the project site.

To ensure burrowing owl remain absent from the project site, it is recommended that a 30-day burrowing owl pre-construction clearance survey be conducted in accordance with the *Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area* prior to any ground disturbing activities. If burrowing owls and/or birds displaying nesting behaviors are observed within the project site during future construction, the project proponents will immediately inform the RCA and the Wildlife Agencies to ensure compliance with the MSHCP, MBTA and Fish and Game Code prior to initiating ground disturbance. If the site is left undisturbed for more than 30 days following the pre-construction survey, another pre-construction survey will be required to ensure burrowing owl has not colonized the site since it was last disturbed.

If the burrowing owls are found to occupy the project site during the pre-construction clearance survey, a burrowing owl relocation plan will need to be prepared and approval by CDFW prior to the commencement of any ground disturbing activities. The burrowing owl relocation plan shall outline recommended methods proposed to relocate the burrowing owls from the project site and provide measures that will be implemented for the maintenance, monitoring, and reporting of the relocated burrowing owls to increase chances of survivorship and better ensure compliance with CDFW guidelines. This plan should be implemented during the non-breeding season, and prior to seasonal rains to promote the best outcome for conservation of the burrowing owl.

However, if the burrowing owls, are determined to remain absent from the project site during the preconstruction clearance survey, no further review will be needed.

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 Romolands 7.5-minute USGS quadrangle.
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- Coulombe, H.N. 1971. *Behavior and population ecology of the burrowing owl (Speotyto cunicularia) in the Imperial Valley of California*. Condor 73: 162-176.
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- Haug, E.A., B.A. Millsap, and M.S. Martell. 1993. <u>Burrowing Owl (Speotyto cunicularia)</u>. 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 southeast.





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 southeast corner of the project site looking north along the eastern boundary.



Photograph 6: From the southeast corner of the project site looking west along the southern boundary.



Photograph 7: From the southwest corner of the project site looking east along the southern boundary.



Photograph 8: From the southwest corner of the project site looking north along the western boundary.





Photograph 9: View of the non-native grassland habitat in the middle of the project site.



Photograph 10: All suitable burrows (>4 inches) for roosting by burrowing owl were observed in the northwest portion of the project site, adjacent to ongoing industrial land uses and vehicle parking/access areas.



Appendix B Fauna Compendium

FAMILY/SPECIES NAME	COMMON NAME			
AVES	BIRDS			
ACCIPITRIDAE	HAWKS, OLD WORLD VULTURES & HARRIERS			
Buteo jamaicensis	Red-Tailed Hawk			
FALCONIDAE	CARACARAS & FALCONS			
Falco sparverius	American Kestrel			
COLUMBIDAE	PIGEONS & DOVES			
Zenaida macroura	Mourning Dove			
Columba livia	Rock Pigeon			
TROCHILIDAE	HUMMINGBIRDS			
Calypte anna	Anna's Hummingbird			
TYRANNIDAE	TYRANT FLYCATCHERS			
Sayornis saya	Say's Phoebe			
Sayornis nigricans	Black Phoebe			
CORVIDAE	JAYS, MAGPIES & CROWS			
Corvus corax	Common Raven			
HIRUNDINIDAE	SWALLOWS			
Hirundo rustica	Barn Swallow			
CHARADRIIDAE	PLOVERS			
Charadrius vociferus	killdeer			
MIMIDAE	MOCKINGBIRDS & THRASHERS			
Mimus polyglottos	Northern Mockingbird			
FRINGILLIDAE	FRINGILLINE FINCHES			
Haemorhous mexicanus	House Finch			
MAMMALIA	MAMMALS			
SCIURIDAE	SQUIRRELS, CHIPMUNKS & MARMOTS			
Otospermophilus beecheyi	California ground squirrel			
CANIDAE	FOXES, WOLVES & RELATIVES			
Canis latrans	Coyote			
GEOMYIDAE	GOPHERS			
Otospermophilus beecheyi	California ground squirrel			

