Appendix B
Biological Resources Letter Report

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Michael Baker
INTERNATIONAL

January 20, 2023

City of El Centro
Angel Hernandez, AICP
Community Planning Director, Community Development
1275 W. Main Street
El Centro, CA 92243

Subject: **Biological Resources Letter Report - Town Center Village Phase II Single-Family (SF) Residential and Industrial Project, El Centro, California**

This document describes the existing site conditions and potential to support biological resources on the property proposed for the YK America Town Center Village Phase II SF Residential and Industrial project (proposed project). The purpose of this document is to inform the California Environmental Quality Act (CEQA) Initial Study of the proposed project.

METHODS

Michael Baker International conducted background research, which included a review of the *Results of Burrowing Owl Habitat Assessment and a Focused Survey for Burrowing Owl in the City of El Centro, Imperial County, California* report prepared by ECORP Consulting (June 22, 2022)(see Attachment A). Additionally, background research included standard resources such as the latest version of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) within five miles of the Project Area (CNDDB; CDFW 2022a), CDFW Special Animals Lists (CDFW 2022b) U.S. Fish and Wildlife Service (USFWS) Critical Habitat Portal and Information for Planning and Consultation (IPaC) Trust Resource List (USFWS 2022), California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Plants (CNPS 2022), and Calflora Information on California Plants (Calflora 2022).

A site visit was conducted on September 10, 2022 to document changed conditions, if any, or to confirm that existing site conditions have remained unchanged and are as documented in the ECORP report.

RESULTS

Site conditions observed during the September 2022 site visit were similar to those reported for the property in the ECORP report. The proposed project would be constructed on previously graded and disturbed land surface. Topography is relative flat and devoid of vegetation except for a few locations with scattered opportunistic plants that are common in disturbed areas. The property has little ecological value but could support transient species that are known to used disturbed lands. There were no jurisdictional wetlands or waterways in the project footprint and development of the proposed project would not result in fill or dewatering of regulated aquatic resources.

All special status plants were determined to be unlikely to occur within the project area or in adjacent areas that could be potentially influenced by the project. Suitable habitat does not exist to support sensitive plant species know to occur in the region.

Suitable habitat was presumed for burrowing owl, but the results of a focused assessment and survey indicate occurrence is unlikely.

No nests or potential nest sites were identified during site surveys, but it may be possible for nesting birds to establish on the property.

Nesting birds and raptors, such as burrowing owl, are protected pursuant to the federal Migratory Bird Treaty Act (MBTA) of 1918 and the California Fish and Game Code (CFGC)[1]. To maintain compliance with the MBTA and CFGC, clearance surveys are typically required prior to any ground disturbance or vegetation removal activities to avoid direct or indirect impacts to active bird nests and/or nesting birds. Consequently, if an active bird nest is destroyed or if project activities result in indirect impacts (e.g., nest abandonment, loss of reproductive effort) to nesting birds, it is considered "take" and is potentially punishable by fines and/or imprisonment.

DISCUSSION OF IMPACTS

Sensitive Species

No sensitive plant or animal species with the potential to occur within the project area were identified.

No special-status plant or wildlife species were observed within the survey area during the field assessment. All special-status plant and wildlife species were determined unlikely to occur within the survey area due to the lack of suitable habitat and/or other conditions such as soil or elevation. The disturbed project site provides habitat for burrowing owl; however, on-site soils are not suitable for burrowing.

Although no burrowing owl or potential burrows were identified during the field survey, conditions could change by the time project construction activities begin. Additional vegetation could grow on-site if not maintained and provide suitable nesting habitat for ground dwelling/sparse shrub nesting birds. Because recent occurrences of burrowing owl have been recorded in the project area, a preconstruction survey is recommended for compliance with the Migratory Bird Treaty Act.

Sensitive Communities and Habitats

No waters of the state or waters of the United States occur within the project site. As stated above, the site is highly disturbed and habitat is characterized by bare areas with scattered ruderal, non-native vegetation that typically has limited ecological value. Therefore, no impact to riparian habitat or other sensitive natural communities would occur with project implementation.

[1] Section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the CFGC or any regulation made pursuant thereto; Section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey); and Section 3513 makes it unlawful to take or possess any migratory non-game bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA, as amended (16 U.S.C. § 703 *et seq.*).

RECOMMENDED MEASURES

BIO-1 Compliance with Migratory Bird Treaty Act. If construction activities (for example, but not limited to staging, site preparation, grading) commence during the breeding season (January 1st through July 31st for raptors and March 1st through September 15th for songbirds), a pre-construction nesting bird survey shall be conducted by a qualified biologist. The survey shall be performed within three days prior to the commencement of construction activities. Surveys shall include the construction area plus a 500-foot buffer. Survey findings would be documented prior to initiating any construction activities.

If no nesting birds are observed during the survey, implementation of project activities may begin. If nesting birds (including nesting raptors) are found to be present, avoidance or minimization measures shall be undertaken. Measures shall include establishment of an avoidance buffer until nesting has been completed. The width of the buffer will be determined by the biologist based on CDFW recommendations. The qualified biologist will determine the appropriate buffer size and level of nest monitoring necessary for species not listed under the federal or California Endangered Species Acts based on the species' life history, the species' sensitivity to disturbances (e.g., noise, vibration, human activity), individual behavior, status of nest, location of nest and site conditions, presence of screening vegetation, anticipated project activities, ambient noise levels compared to project-related noise levels, existing non-project-related disturbances in vicinity, and ambient levels of human activity.

Buffers will be marked (flagged or fenced with environmentally sensitive area fencing) around any active nests and periodic monitoring by the qualified biologist will occur to ensure the project does not result in the failure of the nest. The buffer(s) will be maintained around each nest until the nest becomes inactive as determined by the qualified biologist. At the discretion of the qualified biologist, if a nesting bird appears to be stressed as a result of project activities and the buffer does not appear to provide adequate protection, additional minimization measures may need to be implemented.

Construction may continue outside of the no-work buffers. The qualified biologist will ensure that restricted activities occur outside of the delineated buffers, check nesting birds for any potential indications of stress, and ensure that installed fencing or flagging is properly maintained during nest monitoring and any additional site visits. Buffer sizes may be adjusted (either increased or reduced), or the extent of nest monitoring may be adjusted, at the discretion of the qualified biologist based on the conditions of the surrounding area and/or the behavior of the nesting bird.

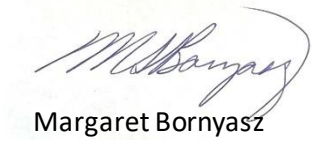
Any changes to buffer sizes and/or nest monitoring frequency will be documented. If listed species are found to be nesting in the survey area, construction activity should not occur without coordination with regulating agencies and may require an agency-approved bird management plan.

Timing/Implementation: Prior to commencement of and during project construction

Enforcement/Monitoring: City of El Centro Community Development Department

If you have any additional questions regarding the biological resources on the property, please contact me at margaret.bornyasz@mbakerintl.com.

Respectfully,



Margaret Bornyasz
Senior Natural Resources Manager
Michael Baker International

REFERENCES

Calflora: Information on California plants for education, research and conservation. [web application]. 2022. Berkeley, California: The Calflora Database [a non-profit organization]. Accessed online at: https://www.calflora.org/.

CDFW. 2022a. RareFind 5, California Natural Diversity Data Base, California. Data base report on threatened, endangered, rare or otherwise sensitive species and communities for the USGS *El Centro, California* 7.5-minute quadrangle.

CDFW. 2022b. Biogeographic Information and Observation System, California Natural Diversity Data Base, California. Data base report on threatened, endangered, rare or otherwise sensitive species and communities for the USGS *El Centro, California* 7.5-minute quadrangle.

California Native Plant Society (CNPS). 2022. Inventory of Rare and Endangered Plants of California (online edition, v9-01 1.5). Accessed online at: http://www.rareplants.cnps.org/.

U.S. Fish and Wildlife Service (USFWS). 2022. ECOS Environmental Conservation Online System: Threatened and Endangered Species Active Critical Habitat Report. Accessed online at: https://ecos.fws.gov/ecp/report/table/critical-habitat.html.

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ATTACHMENT A

Results of Burrowing Owl Habitat Assessment and a Focused Survey for Burrowing Owl in the City of El Centro, Imperial County, California report prepared by ECORP Consulting (June 22, 2022)

June 22, 2022
(2021-291)

Mr. Bob Stark
Michael Baker International
9755 Clairmont Mesa Blvd
San Diego, CA 92124-1333

Re: Results of Burrowing Owl Habitat Assessment and a Focused Survey for Burrowing Owl in the City of El Centro, Imperial County, California

Dear Mr. Stark,

The purpose of this letter report is to document the findings of the habitat assessment conducted for the burrowing owl (*Athene cunicularia*). One focused burrowing owl survey was conducted in a portion of the Study Area, and the information for that survey is also included in this report.

1.0 PROJECT LOCATION

The Study Area is located within the City of El Centro in Imperial County (Figure 1), east of Highway 86, north of Cruickshank Drive, east of North 8th Street, and is bounded on the north by the Central Drain (Figure 2). It encompasses APNs 044620042001, 044620034001, 044620040001, 044620039001, 044620038001, 044620037001, 044620036001, 044620035001, 044620041001, and includes portions of APN's 044620033001, 044620032001, and 044620044001. The Study Area is located within the center of the U.S. Geological Survey El Centro 7.5-minute topographic quadrangle in Sections 30, Township 15 South, and Range 14 East. The elevation of the Study Area is approximately 50 feet below mean sea level (msl).

A focused survey was conducted in a portion of the Study Area (Figure 2). The focused survey was conducted within 34 acres of APN 044620042001 (Survey Area; Figure 2).

2.0 METHODS

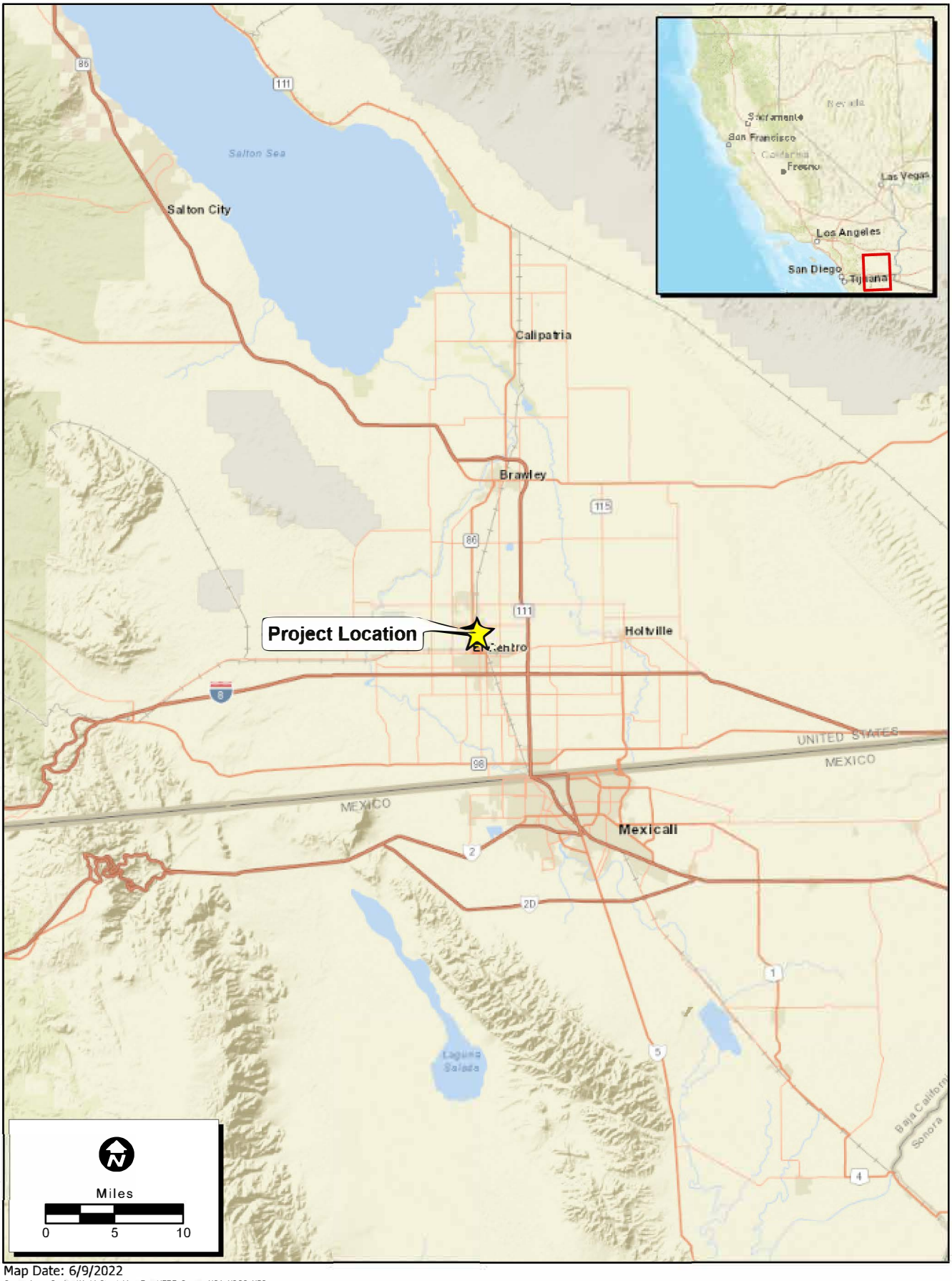
2.1 Background Review

ECORP conducted background research, which included a review of standard resources including the latest version of the of the CDFW California Natural Diversity Database (CNDDB) within 5 miles of the Survey Area (CDFW 2022).

2.2 Burrowing Owl Habitat Assessment

A burrowing owl habitat assessment of the Study Area was conducted by ECORP Biologists Wendy Turner and Kirsten Zornado on February 1, 2022. The habitat assessment was conducted in accordance with the *Staff Report on Burrowing Owl Mitigation* (Staff Report; California Department of Fish and Game [CDFG] 2012). No buffer was surveyed; however biologists used binoculars to survey a 500-foot buffer where feasible. The survey was conducted by walking meandering transects at 20- to 40-meter spacing in order to get a representative sample of the conditions present within the Study Area. Biologists assessed vegetation and habitat types potentially supporting burrowing owls, including soils, potential forage, and structures that would make for suitable burrow sites.

215 North 5th Street ● Redlands, CA 92374 ● Tel: (909) 307-0046 ● Fax: (909) 307-0056 ● www.ecorpconsulting.com



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Map Date: 6/9/2022

Service Layer Credits: World_Street_Map: Esri, HERE, Garmin, NGA, USGS, NPS
World_Street_Map: Esri, HERE, Garmin, NGA, USGS

Figure 1. Project Vicinity

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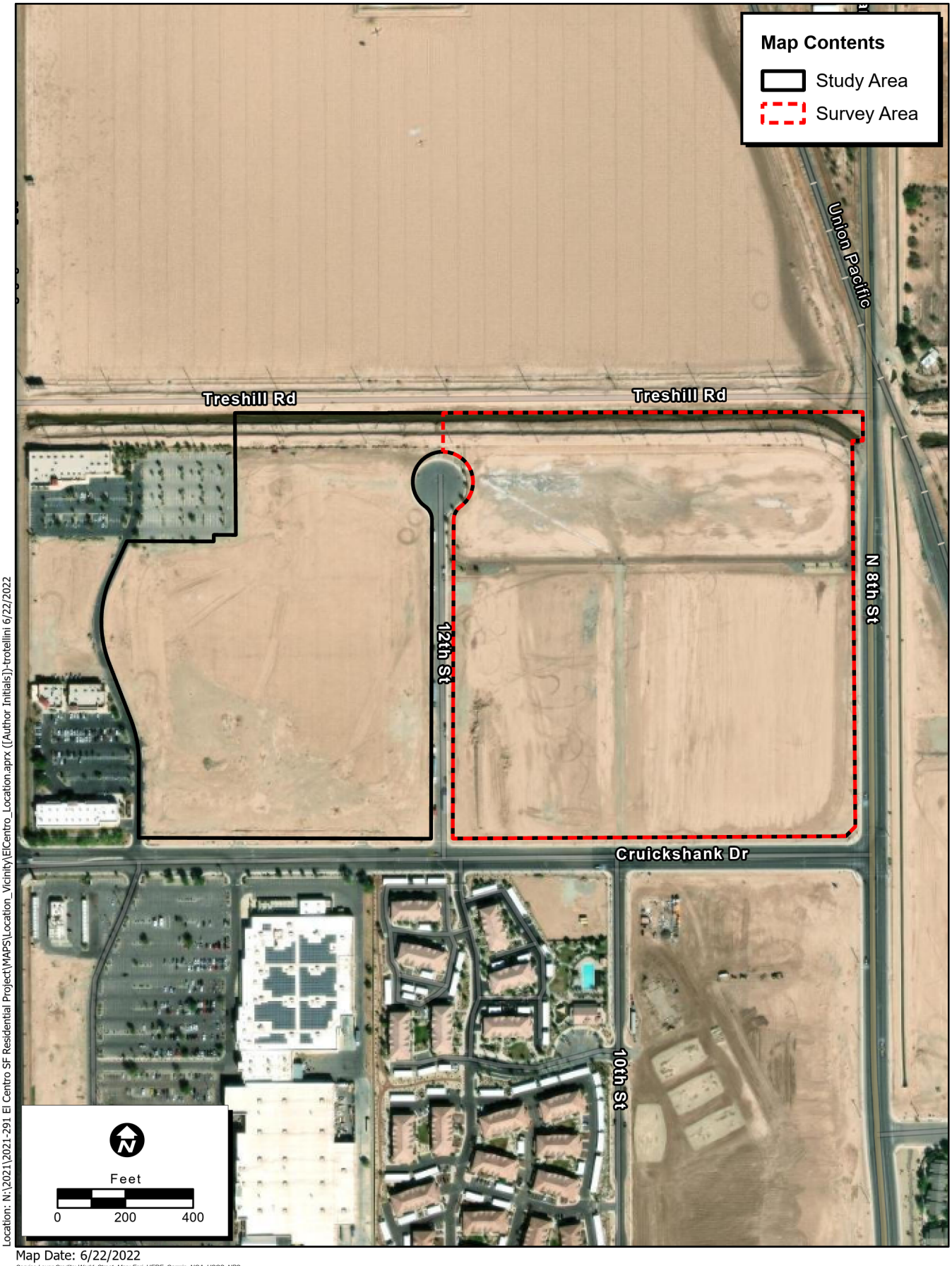
2021-291 El Centro SF Residential Project



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Map Date: 6/22/2022

Service Layer Credits: World_Street_Map: Esri, HERE, Garmin, NGA, USGS, NPS Hybrid Reference Layer: Esri Community Maps Contributors, California State Parks, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA World Imagery: Maxar

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

Figure 2. Project Location

2021-291 El Centro SF Residential Project

Where the Study Area and the Survey Area overlap, the burrowing owl habitat assessment and burrowing owl survey were conducted concurrently, following the methods of the protocol survey (Section 2.3 below).

2.3 Burrowing Owl Survey

A single protocol survey for burrowing owls at the Survey Area was conducted by ECORP biologists, Wendy Turner and Kirsten Zornado on February 1, 2022, both of whom are qualified biologists with experience conducting burrowing owl surveys. The survey methods followed those specified in the Staff Report (CDFG 2012) with minor modifications. No buffer was surveyed; however biologists used binoculars to survey a 500-foot buffer where feasible. The survey consisted of walking transects spaced 20 meters apart across the entire Survey Area to provide 100 percent visual coverage.

The biologist visually inspected any burrows, rocky areas, or manufactured materials within the Survey Area for potential burrowing owl occupation. All burrows encountered would have been inspected for presence or sign of burrowing owl (e.g., whitewash, pellets, feathers, prey remains) and classified according to the guidelines in the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). The biologists looked for burrowing owls and evidence of the presence of burrowing owls (e.g., suitable burrows with whitewash, feathers, pellets, and/or bones of prey) and listened for burrowing owls. If any burrowing owl, sign of burrowing owl, or other sensitive resources were observed during the survey, the biologists would have identified and recorded the locations using a handheld Global Positioning System (GPS) unit. Data were recorded on survey sheets and photographs were taken.

Weather data was recorded at the time of the survey (e.g., time, temperature, cloud cover, and wind speed at the start and end of the survey). The survey was not conducted during rain, high winds (more than 20 miles per hour [mph]), dense fog, or temperatures over 90°F. The survey was conducted in the morning one hour before sunrise and up to two hours after sunrise. The biologists also recorded the wildlife species observed or detected during the surveys.

3.0 SURVEY LIMITATIONS

Typically, a 500-foot buffer is surveyed as part of a protocol survey if the surveyors have permission to access adjacent properties. In this circumstance, the areas surrounding the Survey Area were visually scanned with binoculars. Since no buffer areas were actively surveyed, it is possible that burrowing owls were present within the vicinity of the Survey Area, but were not detected.

3.1 Results

3.1.1 Background Review

The CNDDB background review was conducted on June 8, 2022, and found that there were no recent records of burrowing owl within 1 mile of the Study Area, however there are 24 records within a 5-mile radius. Of the 24 records, 23 are recent records (1990 – 2009), with one historical record from 1909. The closest record is located approximately 1.3 miles to the southeast of the Study Area, and was recorded in 1994. The majority of records are located along roadsides, adjacent to agricultural fields, or disturbed open lands, with a majority of the records occurring between 2 to 5 miles to the south, or to the northeast of the Study Area.

3.1.2 Habitat Conditions

Representative site photographs can be found in Attachment A. A complete list of wildlife species list is included in Attachment B. The Study Area is relatively flat and consists of a fenced detention basin located at the northeastern end of the Study Area, and open, disturbed lands throughout the site. Land uses to the north and east of the Study Area consist of active agriculture, with open, disturbed lands to the west and south, and a small residential development to the southwest. Evidence of disturbance within the Study Area include compacted soils, and scattered vehicle tracks throughout the property. The soils throughout the Study Area appear to be regularly inundated with water and dried out as the entire site was comprised of dry, heavily cracked soils. The Study Area is completely flat with the exception of a dirt berm located at the southwest corner of the Survey Area. The berm also consists of dry, cracked soils that would be unsuitable for burrowing owl use. Vegetation within the Study Area was almost nonexistent, and when present consisted primarily of small patches of mustard and grass species.

The southwestern portion of the Study Area appears to have been used as an agricultural field in the past. Vegetation present consisted primarily of mustard species, with a couple additional weedy species also present, though vegetative cover was still extremely sparse.

3.1.3 Burrowing Owl Survey

ECORP biologists Wendy Turner and Kirsten Zornado conducted a modified protocol burrowing owl survey, and burrowing owl habitat assessment on February 1, 2022. Weather conditions at the time of the survey are provided in Table 1 and field data sheets are included in Attachment C. The biologists walked transects throughout the Survey Area and searched for evidence of burrowing owls. No burrowing owls, burrowing owl burrows, or sign of the species (e.g., bones of prey, whitewash, or pellets) that would indicate that this species was or has been present in the Survey Area were observed or detected. In addition, no small mammal burrows, or burrows of any kind were observed or detected during the survey. The substrate present throughout the Survey Area consisted of dry cracked soils that appeared to be regularly inundated with water, and dried out. Wildlife observed during the survey consisted only of bird species observed flying over or around the Survey Area, and a single piece of domestic dog scat. Since no burrowing owls or recent burrowing owl sign were observed within the Survey Area, the area is currently considered to be unoccupied by burrowing owls at this time. Based on the soils present, and the lack of vegetation or small mammal burrows, the site is considered unsuitable for burrowing owl habitation.

Table 1- Weather Conditions

Date	Time		Temperature (F)		Cloud Cover (%)		Wind Speed (mph)	
	Start	End	Start	End	Start	End	Start	End
2/1/2022	0650	0820	52	60	70	50	0-3	0-1

4.0 DISCUSSION

No suitable habitat for the burrowing owl was present within the Study Area. No burrowing owls or their sign were observed or detected during the focused survey of the Survey Area. The soils present are not conducive to burrowing animals, and the Study Area lacked vegetation cover that is typical for sites that support burrowing owls.

Thank you for the opportunity to work on your project. If you have any questions regarding the contents of this letter report, please contact me at (858) 279-4040 or wturner@ecorpconsulting.com.

CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present data and information required for this biological evaluation, and the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

SIGNED:  Date June 22, 2022

Wendy Turner
Senior Biologist

Attachment A: Representative Site Photographs
Attachment B: Wildlife Species List
Attachment C: Field Data Sheets

5.0 LITERATURE CITED

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

California Department of Fish and Wildlife (CDFW). 2022. RareFind 5 California Department of Fish and Wildlife Natural Diversity Database (CNDDB) Version Commercial Version. Sacramento, CA: California Department of Fish and Game, Biogeographic Data Branch. Accessed on June 9, 2022.

ATTACHMENT A

Representative Site Photographs

Photo 1: Northwest corner of the Survey Area, facing east.

Photo 2: Middle of Survey Area, facing southeast.

Photo 3: West side of Survey Area, facing east.

Photo 4: Berm located at southwest corner of the Survey Area, facing south.

Photo 5. Berm located on southwest corner of Survey Area, facing southwest.

Photo 6: Study Area where only a Habitat Assessment was performed, from the south, facing north.

Photo 7: Study Area where only a Habitat Assessment was performed, from the west, facing east.

SCIENTIFIC NAME	COMMON NAME
AVES	**BIRDS**
*Columba livia**	Rock pigeon
Falco sparverius	American kestrel
Larus sp.	Gull sp.
*Passer domesticus**	House sparrow
Zenaida macroura	Mourning dove
Zonotrichia atricapilla	Golden-crowned sparrow
Canis Familiaris	Domestic dog

*Nonnative species

ATTACHMENT C

Field Data Sheets

Date: 2/1/22
Survey Season: HA
Survey #:
GPS File Name: ____________

Burrowing Owl Survey

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

Project #: 2021-291
Client:

General Information	Weather Data				
Observers:		AM		PM	
W. Turner	Time (24 hr)	Start: ~~525~~ 0650	End: 8:20	Start:	End:
K. Zornado	Temp* (°F) 6" above ground in shade	Start: 52.5	End: 60	Start:	End:
	Wind (mph)	Start: 0-3	End: 0-1	Start:	End:
	% Cloud Cover	Start: 70	End: 50	Start:	End:

Site Information

Project Name:
Location: El Centro
Photos Taken? (Y) [N] — Y circled
County: Imperial
Area Surveyed:

Physical Characteristics

Elevation:	Soils:
Land Form*:	Other:
* e.g. mesa, bajada, wash	
Land Uses:	
N:	S: Housing + active construction
E: Road > field	W:

Disturbances on Site: [e.g. tracks (vehicle, human, livestock); trash; dump sites; blading; other]
Graded + inundated w/ water often. Salt on ground. Smell very sulfur-y
Transect Width: 20 m

Field Observations

Vegetation Communities:
Plants

Animals: [include: B - burrow, S - scat, O - observed, T - tracks, C - carcass, or Other (specify)]
~~[illegible]~~, ROPI, canine scat, (very bleached)
MODO, gull sp., ~~[illegible]~~ AMKE, GCSP, HOSP,

Comments

Date: 7/1/22
Survey Season: NA
Survey #:
GPS File Name:_____

Burrowing Owl Survey

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

Project #: 2021-291
Client:_____

Burrowing Owl Sign

Sign	# features	Location (UTM Northing/Easting)	Comments (aspect, dimensions, etc.)

Comments:
No habitat. Soils are inappropriate for BUOW looks like site is Regularly mundated + dries up. Soils across entire site cracked. No small mammal burrows observed, Little to No vegetation present.