
MONK & ASSOCIATES
Environmental Consultants

November 23, 2009

California Department of Fish and Game: Region 3
Bay and Delta Region
P.O. Box 47
Yountville, California 94599

Attention: Ms. Suzanne Gilmore, Environmental Specialist

RE: Proposed Blue Ridge Development Burrowing Owl Eviction Plan
Kiper Development, Inc., Antioch, California

Dear Ms. Gilmore:

1. INTRODUCTION

Per our conversations, I have prepared this western burrowing owl (*Athene cunicularia hypugaea*) eviction plan for the Existing Blue Ridge Development project (Figures 1, 2, and 3). During our conversation you had requested that I submit a formal western burrowing owl eviction plan for your review and comments. This document has been prepared accordingly and incorporates your suggested edits during our telephone conversations on November 17th and 19th, 2009.

2. PROJECT SITE HISTORY

On November 24, 1998, McBail Companies received approvals from the City of Antioch for the Sand Creek Ranch Development Project (PD-98-2) that included the Final Development Plan and Vesting Tentative Map for the construction of 490 homes on 68.56 acres. The Kiper Development, Inc. project site (i.e., the subject property) is a portion of PD-98-2. The Draft Environmental Impact Report (DEIR) for PD-98-2 was prepared by Mundie & Associates on August 25, 1995. The Final EIR was prepared on November 8, 1995. The EIR was adopted by the City of Antioch late in the 4th quarter of 1995 (State Clearing House No. 93-111069). There were no mitigation measures in the Draft EIR or the Final EIR specifically prepared for western burrowing owls. Similarly there were no conditions of project approval adopted by the City of Antioch that specifically pertained to western burrowing owls. However, both the DEIR and the conditions of project approval adopted for the project contained the following language: "If nesting raptors are located in proposed construction areas such that nesting success will be doubtful, then construction shall be postponed until the nesting season is over." There were no other mitigation prescriptions or conditions for the project that remotely related to western burrowing owls.

In 1999 and 2002 McBail Companies constructed homes within two final map areas approved by the City of Antioch. Also, in 2002 McBail Companies sold their remaining interest in the project

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to William Lyon Homes and Shea Homes. The third and final development map was approved by the City of Antioch on July 6, 2005 and was for the construction of 156 homes on 37 acres. Shea Homes then completed all onsite improvements for third final map area. All utilities were installed to the 156 lots including natural gas, water, electricity, cable, fiber optics, and phone lines. Shea Homes also improved these lots via addition of sidewalks and retaining walls where necessary. Finally, Shea Homes constructed 29 of the 156 homes approved in the third final map area. Shea Homes was actively constructing homes until May 2009. In December, 2008 Kiper Development Inc. purchased the remaining 127 finished lots from Shea Homes calling their portion of the project the Blue Ridge Development. With the economic meltdown, home construction was halted thereafter. Thus, the Blue Ridge Development property, where the burrowing owls now reside, has remained idle since approximately May 2008.

3. WESTERN BURROWING OWL EVICTION PLAN

WRA, Inc. completed western burrowing owl surveys on the 68.56 acres McBail Company project site in March 2000, May 2002, and March 2003. Surveys were again repeated by WRA, Inc. in April 2004. No western burrowing owls were ever observed during these surveys. Sometime in the spring/summer of 2009, western burrowing owls started moving onto the project site residing in California ground squirrel burrows (*Spermophilus beechyi*).

4. PASSIVE RELOCATION PROPOSAL

4.1 Project Set-Up and Site Survey

As reported in the San Ramon Valley Times on November 9, 2009, a neighbor now living in the Shea Homes portion of the McBail Companies development reported to the newspaper that there are a total of 11 western burrowing owls on the Blue Ridge Development site. The owner states that they have observed a single pair of owls. Actual numbers of owls have not been tallied by a qualified biologist and thus M&A plans to accurately assess occupancy of the site by western burrowing owls prior to installing one-way eviction doors.

4.2 Installation of One-Way Doors

M&A biologists will install one-way (passive) eviction doors in occupied burrows using hand tools. M&A will set and monitor 20 eviction doors at a time. Eviction doors will be operated for two full days at each occupied burrow. Upon completing the two day eviction process the burrow will be closed manually. Western burrowing owls will be evicted systematically by sections of the project site so that areas can be deemed cleared prior to moving forward with clearing other sections of the site. All suitable or occupied burrows will be cleared per this plan. As eviction doors will have to be moved to new burrows that the owls move to, the schedule for eviction could take several weeks or longer. Upon clearing a contiguous section of the project site, and keeping in mind that California ground squirrel burrows could be interconnected, ground squirrel control measures would be implemented in each cleared section. Natural breaks in California ground squirrel burrow spacing/distribution will be used to establish sections that can be cleared of ground squirrels (also see Section 4.5 below) ensuring that there will not be burrow connectivity with areas that remain occupied by western burrowing owls.

4.3 Collapse and Backfill of the Burrows

After any given one-way door has been installed for 48 hours and once it has been determined that the western burrowing owls have vacated the burrows, an M&A biologist will remove the door and the burrow will be hand-collapsed and backfilled. If owls relocate to other burrows, additional eviction doors will be installed and operated as described above.

4.4 Eviction Monitoring

After to the installation of the one-way doors, an M&A biologist will monitor the doors on a daily basis to ensure that they remain in place and have not been hampered with. If ground squirrels bump out the eviction door(s), the 2 day eviction procedure will recommence upon correctly reseating the eviction door. The behavior of the evicted owls will be monitored.

4.5 Maintenance of the Site

After owls are evicted from the site and have been absent for three days, M&A will begin eliminating California ground squirrels from the site. Removal of the California ground squirrels and thus the potential for new burrows, will remove the catalyst attracting western burrowing owls to this project site. Western ground squirrels cannot be removed via rodenticides when vegetation including grass species that are green. Apparently, the Vitamin K in green grass when consumed by the ground squirrels will counteract the anticoagulants in the rodenticides rendering such baits ineffective in the winter and spring months of the year. Accordingly, since western burrowing owls can only be removed in the fall/winter/spring when grasses are green, in lieu of rodenticide baits, fumigants will be used to remove the ground squirrels from the subject property. Fumigants would only be used after western burrowing owls have been cleared from burrow systems within systematically cleared sections of the project site. Rodenticides (baits) may be used to further control California ground squirrels after most herbaceous vegetation (especially grasses) has turned brown on the project site.

After western burrowing owls and California ground squirrels are removed from the project site, monitoring will commence to ensure that burrowing owls do not become re-established on the project site. Monitoring will commence initially weekly for the first 60 days, and bi-monthly through the commencement of construction of homes on the finished lots. As the project site will be cleared of all owls through implementation of this eviction plan, and continuously monitored, any owl that shows up on the site would be a very recent occupant and would not be nesting. Accordingly, if a western burrowing owl shows up outside the passive eviction timeframe (October 1st, to February 1st) eviction procedures would immediately commence again as approved by the California Department of Fish and Game (CDFG). If routine monitoring is not completed routinely as discussed in this paragraph from the time western burrowing owls are confirmed to have been removed from the project site up through the commencement of construction, any western burrowing owl found occupying the site outside of the passive eviction timeframe, would be subject to normal passive relocation dates between October 1st and February 1st. CDFG must be notified by email prior to any recommencement of western burrowing owl eviction management activities outside of the normal passive eviction timeframe.

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of October 1st, 2009 through February 1st, 2010. Passive eviction is not approved for the 2010-2011 timeframe without written verification from CDFG.

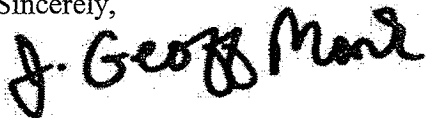
One week prior to initiation of home construction/ground modifications, the project site shall once again be systematically surveyed by qualified biologists for occupancy by western burrowing owls. Reporting elements established below would be required prior to home construction/ground modifications.

5. REPORTING

Once western burrowing owls and California ground squirrels are removed from the project site, M&A will prepare a report for CDFG summarizing the number of western burrowing owls passively evicted from the project site and other actions completed to maintain the project site free of western burrowing owls. A second email report shall be required 24 hours prior to commencement of home construction/ground modifications this coming spring/summer.

M&A is requesting permission from CDFG to implement the western burrowing owl eviction plan detailed herein. An email correspondence would be an ample response to this request. Should you have any additional questions or concerns regarding this plan, please call me anytime at (925) 947-4867 ext. 201. You may also email me at: geoff@monkassociates.com

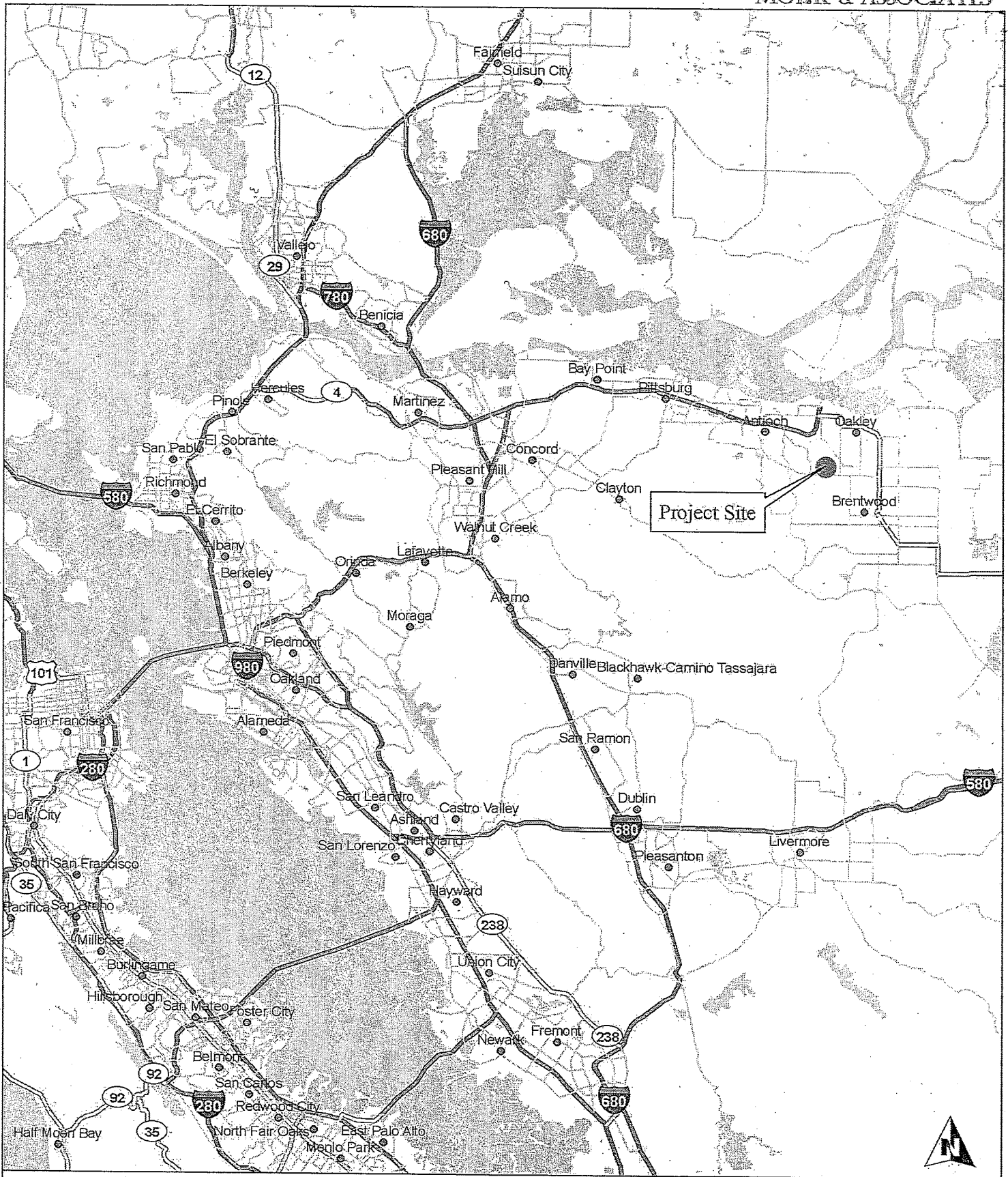
Sincerely,



J. Geoff Monk
Principal Biologist

Attachments: Figures 1, 2, and 3

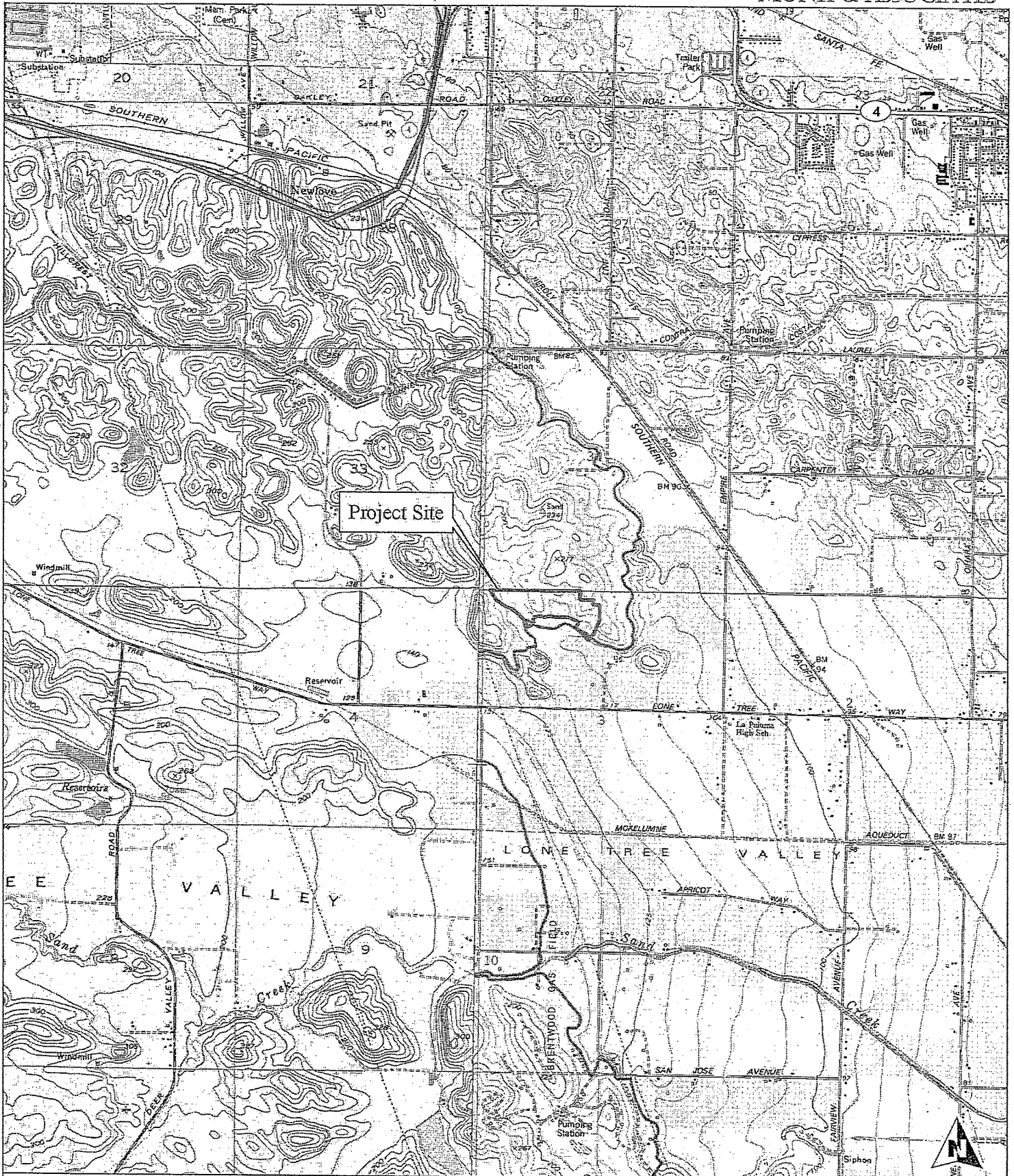
Cc: Mr. Ed Hobaugh, Kiper Development Inc.



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Figure 1. Blue Ridge Project Site Regional Map
Antioch, California

County: Contra Costa
Map Preparation Date: November 11, 2009



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Figure 2. Blue Ridge Project Site Location Map
Antioch, California

7.5-Minute Brentwood quadrangle
Topography Source: <http://gis.ca.gov>
Map Preparation Date: November 11, 2009



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Figure 3. Aerial Photograph of the
Blue Ridge Project Site
Antioch, California

Map Preparation Date: November 11, 2009
Aerial Photograph Source: <http://gdw.apfo.usda.gov>