

Columns:

Wild Neighbors: Antioch Owls Face Eviction

By Joe Eaton
 Thursday January 14, 2010

 A burrowing owl at the Antioch construction site.

Cheryl Reynolds

A burrowing owl at the Antioch construction site.

I've written a couple of times about the western burrowing owls that winter at Cesar Chavez Park at the Berkeley Marina, which seem to be in good hands for now. Other burrowing owls in the Bay Area are not so lucky. In Antioch, a breeding population of owls is about to be displaced by a developer under legally dubious circumstances. Owl advocates have rallied to protect them, but time is running out.

Some context first: As recently as the 1920s, this small semi-diurnal ground-dwelling owl was described as a "fairly common resident in the drier, unsettled parts of the [bay] region; most numerous in parts of Alameda, Contra Costa and Santa Clara counties." Whatever their status may have been in the other Bay Area counties, they're mostly gone. Surveys in 1992-93 found no breeding burrowing owls in Napa, Marin, and San Francisco counties, and only a few in San Mateo and Sonoma. The Santa Clara County population is declining and restricted to a few breeding locations. That leaves Alameda, Contra Costa, and Solano as the remnant breeding range.

Even in those counties, the owls are losing out to rampant development. "It is unfortunate that the habitat needs of the Burrowing Owl perfectly match those of sprawling housing tracts and 'power shopping centers,'" writes Steven Glover in the Breeding Bird Atlas of Contra Costa County. "Although Burrowing Owls are tolerant of disturbances, the wholesale habitat destruction in their East County stronghold has become catastrophic in recent years and there is no end in sight."

You may wonder why this beleaguered bird isn't protected under federal and state endangered species acts. The California Department of Fish and Game rejected a petition to list the western burrowing owl because the species was not declining throughout its range in the state. The owls are thriving in agricultural lands in the Imperial Valley and along the lower Colorado River, although these highly manipulated landscapes are less than ideal refugia.

DFG has instead designated the burrowing owl a California Species of Special Concern (SSC.) According to a DFG fact sheet, "SSCs should be considered during the environmental review process" under the California Environmental Quality Act (CEQA), adding: "Section 15380 of the CEQA Guidelines clearly indicates that species of special concern should be included in an analysis of project impacts if they can be shown to meet the criteria of sensitivity outlined therein." That section makes reference to species "likely to become endangered within the foreseeable future throughout all or a significant portion of its range."

And that brings us to Antioch. Up to 11 burrowing owls are resident on property slated for development by Kiper Homes. Six breeding pairs used the area in 2009. It has everything a burrowing owl might need, including tunnels excavated by California ground squirrels (the owls themselves do not burrow.) The last environmental impact report for the project was approved in 1995 when a previous developer was involved. There's no mention of burrowing owls. They were either overlooked or moved in after the EIR was done.

Although their presence would appear to require a fresh environmental analysis, Kiper is now moving to clear the site by blocking the owls' burrows with one-way doors. Once the birds are gone, the burrows will be collapsed and backfilled and the burrow architects—the ground squirrels—will be gassed. There's a standard protocol for passively relocating burrowing owls from development sites, which involves providing alternate habitat nearby. Kiper is not following the protocol. This is eviction pure and simple, not relocation. One of the developer's hired guns told the Contra Costa Times the owls "will all find happy homes." That's nonsense. Burrowing

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owls are remarkably site-tenacious. The displaced birds will probably hang around until they're picked off by predators.

Observant Antioch resident Scott Artis spotted the developer in action and raised an alert. Owl advocates staged an informational demonstration at the site on Jan. 3. They've also started a letter campaign, urging the Antioch City Council to require a supplemental review of the outdated EIR to take the presence of the owls into account and provide for adequate mitigation and proper relocation.

Here are the e-mail addresses and telephone numbers for the Antioch City Council:

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If you're interested in contributing to the owls' legal fund, e-mail Lisa Owens Viani at lowensvi@sbcglobal.net.

A parting thought: Why are these folks building new homes in Antioch, which not too long ago had the Bay Area's highest foreclosure rate? Local eco-activist Tom Kelly has wondered out loud if Kiper is obligated to show evidence of activity on the site in order to keep its permits current. Sometimes it's hard to tell farce from tragedy.

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