

**CALIFORNIA BURROWING OWL CONSORTIUM
MEETING MINUTES
February 7, 2004**

Judy Bendix served as chair. Next meeting set for Thursday, September 9, 2004. Tom Roberts volunteered to chair the next meeting. Following introductions, Judy brought up the subject of wider, electronic posting of meeting minutes. Craig offered suggestion of posting as a "Yahoo Group," and will pursue on behalf of CBOC. At a minimum, meeting minutes will be posted on the Santa Cruz Predatory Bird Research Group Website.

SYMOSIUM PROCEEDINGS

Jack Barclay (JB) discussed the California Burrowing Owl Symposium. Reported the symposium was very successful, and there is some interest in publishing the proceedings. To date, at least 12 of the presenters have offered to submit manuscripts and a few more are expected. The Wildlife Society (Western Section) could become the "publisher" in an issue of their Transactions or as a stand-alone publication, which could accommodate more papers but would cost more. Jack expressed a preference for a stand-alone publication and an interest in maintaining control and communications with the authors. Independent effort would cost at least \$5,000 but final cost will depend on the number of pages. \$500 has been pledged so far. The Institute for Bird Populations is also a possible publisher. Tom Roberts, Jeff Lincer and Janet Linthicum have offered to be editors. There may be other invited papers as well. In any event, publication would take at least a year. Shawn Smallwood, now an editor for TWS publications, suggests there may be a possibility of publishing as a special report under the auspices of JWM. Judy B. said electronic publishing (i.e., posting of presentations) also a possibility.

Judy proposes using CBOC funds to support publication. The last treasurer's report said there was approximately \$800 available. Judy moves that the CBOC pledge \$500 towards publishing the proceedings. **Motion passed unanimously**, followed by discussion of how funds would be used. Ron Barklow suggested using attendance list to solicit pre-publication orders, or simple contributions. JB says this is slightly premature and if contributions allow, the proceedings be provided to symposium attendees for the cost of mailing.

Mike Bradbury (from DWR) offers possible support from TWS WS Sacramento Chapter. Jack will prepare proposal for funding for their review. DWR may also want to help, subject to state budget problems. Mike will investigate.

STATUS OF LISTING PETITION

Kim Delfino (Defenders of Wildlife) and Craig Breon (SCVAS) reported on the legal aspects of the petition to list the owl. Question of “reasonable” amount of information was the only threshold at this time for the Fish and Game Commission (i.e., “Listing May be Warranted”), FGC denied the petition and certified it last Thursday (2/4/04). Lawsuit over decision needs to be filed within 60 days; will (if filed) utilize a second CDFG report – not made available – which recommended listing.

Craig Breon said denial was based on burrowing owl abundance in scattered areas of the state and other areas where decline was not clearly evident. Petition rested on contention that remaining information on declines constituted a “significant portion of the species range” as defined by the California Endangered Species Act. Part of the problem as observed by Craig was the FGC’s unwillingness to set a precedent on local declines driving a listing decision. FGC looked on the situation as a population shift from urban to agricultural areas. Kim D. stated that even though 70% of population occurs in 2% of the range, FGC opinion is that there is still no reason to consider threat significant (this, of course overlooks development in these areas). In brief, they looked at the situation backwards: i.e., they looked at the data as saying that the species was *doing well* over a significant portion of its range.

Craig concluded by predicting that the lawsuit will go forward.

John Krause (CDFG) added that there had been support for the petition at DFG, as he viewed it from inside the Department. It’s still the subject of considerable discussion.

In the general discussion, Sue Townsend, who worked on a critical review of the petition, found the “population shift” argument (made by FGC) was unsupported. Her findings were that the petition was thorough and well written; however there were issues around analysis of populations trends. The trend analysis was unclear, including DeSante’s conclusions, which

processed data in different ways in different papers. Also, there are published papers that appear to indicate a significant population increase between 1986-1994. Going on, Sue said that the petition made no attempt to describe habitat availability; that details of estimated densities displayed how little is known; and that there should be population viability analyses done.

Michelle Korpos (LOA, another reviewer) felt that some of the data were presented as suiting the listing agenda; especially as regards use of whole-county analyses to calculate the “part of the range which has been lost,” when only portions of the counties in questions were in fact habitat. She posed a question to CDFG: are you working on a comprehensive conservation plan for the species? John said he does not know of any specifics and referred Sue to Janice Gan. Kim Delfino commented that these plans are not a substitute for the effectiveness of listing, and that the plans themselves are unlikely in the future, given the current political climate.

Judy Bendix asked: which comes first – lawsuit or petition? Craig replied that the lawsuit would come first; new petition may need to wait until one of the core populations (e.g., Imperial Valley) starts to suffer.

A discussion followed on the ineffectiveness of the MBTA and the Fish and Game Codes and problems in using local population declines (e.g., ESUs for salmonids; snowy plover) to justify state or federal listings. Further discussion of owl evictions as another inadequate conservation tool.

Continued discussion proposed for the next meeting agenda.

ACTIVE RELOCATION OF BURROWING OWLS IN ARIZONA

Greg Clark presented a report on burrowing owls in Arizona. Greg is a private citizen representing the “Burrowing Owl Project” based in Chandler AZ (480 961-4047). He described the general distribution of owls and their association with agriculture. Habitat use and development threats are similar to the situation in CA. Round-tailed ground squirrel holes are as primary excavators, but holes are small and must be improved. Burrows in canals are threatened by “Canal Cleaners” that seal owls in their burrows. Artificial burrows are a principle means of replacing or improving habitat availability. Over 300 artificial burrows have been installed so far, and are preferred over natural burrows. In 2004, 300-400 more are planned.

Owls are frequently relocated in areas formerly occupied, provided that burrows are provided. Areas are not permanently protected, but a commitment is made by landowners to protect the site. Colonies have been successful over multiple years. Greg discussed artificial burrow excavation and installation. To protect flexible pipes used as entrance tunnels, rigid plastic drainage pipe is used as a shield. Greg noted that immediately adjacent burrows are both used; the soil is so hard, even for a backhoe, that his group maximizes burrow placement when excavations are available. Also, multiple burrows in the same place allow for a compact “release site” for relocated birds. Relocations of 100 miles are not uncommon. “Rehab period” – before hacking – is 90 days. Erosion around burrows is avoided by placement of river rock.

Greg described hack site tent construction on PVC poles: light, strong and cheap. Birds are fed mice for 30 days (1 per bird per day). Hacking season is March through September. Usual hack period is thirty days, but site fidelity is improved when birds breed while resident in the tent. Greg gave examples of the outreach and community involvement program.

Questions posed on costs, landowner attitudes, mortality.

LAWSUIT BROUGHT BY THE CENTER FOR BIOLOGICAL DIVERSITY (CBD) AGAINST ALTAMONT PASS WINDFARMS

Shawn Smallwood (BioResource Consultants) reported on owl (and other raptor) mortality at the Altamont Wind Resource Area in Alameda County. The data presented were updates of data presented at the Owl Symposium in November. High levels of mortality were recorded for burrowing owls, especially at the slower turbines (99 through 380 per year). No evidence that blade stripes are effective mitigation. Dead birds reported immediately to Florida Power and Light (FPL).

Shawn said they were allowed access to a limited number of turbines; only recently expanded sample size. He believes that many years are required to accurately assess the scope of the problem. It’s rare to observe actual mortality. Certain levels of mortality are more common for certain areas, but impacts were widespread (owls killed more often at lower elevations). Question of local vs. migratory owls is still open. Birds appear to be attracted to turbines, based on behavior. One possible reason is “declivity

winds” (updrafts). Shawn hypothesizes that cattle are attracted to wind turbines, too. They graze more extensively, exposing prey and increasing numbers of grasshoppers. Small mammals are present at platforms in larger numbers. Presence of rock piles (mandated by USFWS) are an attractant to prey species. Turbines in windwalls are safer; single pole towers are not. Rodent control (introduced as a secret program and which affects CTS and CRLF by eliminating burrows; SJKF by direct poisoning) does not work, even when barren of prey: burrows are the attractant. Owl fatality most associated with slower moving blades; bigger blades kill more birds. 20% of mortality occurs at the ends of “turbine strings.”

FPL has refused to implement recommended mitigations, such as new blade painting scheme, fencing out cattle and abandoning the inadequate monitoring program. Even if they do adopt them, mortality would only be reduced by 20%; off-site compensatory action should be required.

Rick Wiebe, attorney for CBD in the lawsuit, summarized the basis of the case. The fact that the problem has been known for 15 years without any regulatory action was a surprise to CBD (only Alameda County has permitting responsibility). No enforcement action by resource agencies. The legal action was triggered by Alameda County’s re-licensing without any mitigation required. At the same time, some “re-powering” (replacement of old turbines) is occurring. MBTA, DFG Codes, etc. have not been enforced; sometimes “Citizen suits” are not possible. But CFR 17200 prohibits violating other laws when operating a business; this is the key to the litigation, and a novel use of the statute. At the same time, CBD is challenging adequacy of CEQA analysis.

Scott Hurd (new USFWS warden) appears determined to resolve this issue. **Unanimous CBOC decision to provide letters to UFWS and Alameda County in support of enforcement and additional county analysis before permits are issued.** Judy Bendix agreed to draft letters.

Meeting adjourned at 1515 hrs.