

Group Files Suit Against Development in Burrowing Owl Habitat

by Chris Clarke
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A big proposed residential-commercial development in the San Francisco Bay city of Dublin just hit a speedbump: an environmental group has taken the city to court, saying that the development would hurt some of Alameda County's last remaining burrowing owls.

The Alameda Creek Alliance announced Friday that it's suing Dublin over inadequacies in the city's Environmental Impact Report (EIR) for the 189-acre Dublin Crossing development, saying the EIR doesn't adequately address the regional significance of the local owl population.

About half the state's owls have been lost in the last few decades, and the plaintiffs say the development site is one of the last intact burrowing owl refuges in the Bay Area.

"Burrowing owls are being rapidly eradicated from the Bay Area by urban development," said Alameda Creek Alliance director Jeff Miller in a press statement. "It's inappropriate to approve a project with such significant impacts on the only remaining large burrowing owl population in the Livermore-Amador Valley without an adequate environmental review, and without disclosing up front what mitigation measures will be taken."

The Dublin Crossing project would put an ostensibly pedestrian-centered mix of residential and retail near the East Dublin BART station. Almost 180 acres of the project would occupy a former portion of the World War II-era Camp Parks Navy base, a facility that since 1945 has been passed around among various branches of the military. Now used by the Army to train reservists in disaster response, Camp Parks is an oasis of undeveloped land in a valley that since the early 1980s has been filled nearly to the brim with planned communities and shops for more affluent Bay Area commuters.

Dublin Crossing's developer SunCal and the U.S. Army reached an agreement in 2011 to exchange the land for infrastructural improvements on the remainder of the 2,500 or so acres occupied by the Army base. Alameda Creek Alliance says that those projects on the base may well further degrade burrowing owl habitat in the northern part of the base.

The western burrowing owl (*Athene cunicularia hypugaea*) is one of the smallest owl species in the world. Restricted to grasslands and prairies, burrowing owls are unique among California birds of prey in that they live -- as you might have guessed from their common name -- in holes in the ground. In the Bay Area, those burrows are mainly dug by skunks, ground squirrels, or larger animals. Other subspecies of burrowing owls will

occasionally dig their own holes, but the western subspecies seems to be above that sort of thing.

The owls, which are only a bit larger than an American robin at maturity, can be found throughout California in undisturbed grasslands, and occasionally on large lawns such as golf courses. They eat small rodents, insects, and lizards. They are also just undeniably cute.

In the U.S., western burrowing owls are protected by the Migratory Bird Treaty Act, but otherwise have more or less fallen through the cracks as far as wildlife protection law is concerned. Minnesota and Colorado have listed their local burrowing owls on their state Endangered Species lists, but the owl's two North American subspecies haven't made it past "species of concern" lists elsewhere, including in California. The western burrowing owl's range extends into Canada and Mexico, and the subspecies enjoys better protection in both of those countries: Canada lists the owl as Endangered, and it's listed as Threatened in Mexico.

In California, the state allows developers to "[passively relocate](#)" burrowing owls, by hazing the birds away from their existing homes after providing artificial burrows for them in a nearby area not slated for bulldozing. California's wildlife agencies usually approve plans to passively relocate the owls, and post-eviction monitoring isn't uniformly required.