

Settlement Reached in Burrowing Owl Lawsuit

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A conservation agreement signed by the Alameda Creek Alliance, City of Dublin and Dublin Crossing Venture will protect 313 acres of habitat in the East Bay for the declining western burrowing owl population.

The agreement resolves a lawsuit filed over the Dublin Crossing Project, a 189-acre residential and commercial development on land just north of the East Dublin BART station.

Alameda Creek Alliance has dismissed the lawsuit.

Filed in March, the lawsuit challenged the approval of the Dublin Crossing Project to be constructed on former public land at Camp Parks Reserve Forces Training Area. The land is home to one of the few remaining large breeding colonies of burrowing owls in Alameda County. According to the suit, the EIR did not disclose the regional significance of the burrowing owl colony that will be displaced by development and was approved without disclosing adequate mitigation measures for impacts to burrowing owls.

In addition, in exchange for the 189 acres, the developer agreed to construct new military facilities, which could lead to further loss and degradation of burrowing owl habitat in the northern portion of Camp Parks.

Under the agreement, Dublin Crossing Venture will purchase a secure conservation easement or provide conservation protection for 313 acres of suitable habitat for burrowing owls on or as close as practical to the Dublin Crossing Project site. Management and monitoring plans will be created for the owl conservation lands to ensure they are habitable and suitable for breeding and wintering burrowing owls.

The California Department of Fish and Wildlife will have approval over the location of owl conservation lands and owl management and monitoring programs.

"Burrowing owl colonies are increasingly scarce in the Livermore-Amador Valley, so this agreement will be important for helping to maintain the large breeding owl colony at Camp Parks or to protect additional burrowing owl habitat in the East Bay," said Jeff Miller, director of the Alameda Creek Alliance. "We believe this is suitable mitigation for the impacts of the Dublin Crossing Project on burrowing owls."

Over the course of the next several years, the project area will be transferred from the U.S. Army's Parks Reserve Forces Training Area to the developer.

"Dublin Crossing Venture is excited to be proceeding with its mixed-use, master planned community and we are pleased to be conserving habitat for the Western burrowing owl," said Joe Guerra, project manager for the Dublin Crossing Project.

Burrowing owls in the Bay Area are threatened by habitat loss and fragmentation resulting from urban development, elimination of burrowing rodents and destruction of burrows, pesticides, predation by pets and nonnative species, vehicle strikes and collisions with wind turbines.