

California Department of Fish and Wildlife Rules and Regulations Regarding Burrowing Owl



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Burrowing Owl Protection

Designation

- ▣ **State Species of Special Concern** (not protected under ESA or CESA)
 - Impacts and mitigation evaluated through the CEQA process

Fish and Game (State) Codes

- ▣ 86. “**Take**” means hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture, or kill.
- ▣ 3515. It is unlawful to take or possess any migratory nongame bird as designated in the **Migratory Bird Treaty Act** or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act.
- ▣ 3503. It is unlawful to take, possess, or needlessly destroy the **nest or eggs** of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.
- ▣ 3503.5. It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (**birds-of-prey**) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

How do I avoid “take” of Burrowing Owls?

- ❑ Mark
- ❑ Go around
- ❑ Give space (aka buffers)
- ❑ Work outside of the breeding season
 - Breeding Season:
February 1 - August 31
- ❑ Trap and move? NO
 - Trapping is “capture” under “take” definition
 - Can only occur under an HCP/ NCCP
- ❑ Contact us



Department Objectives for Burrowing Owl Conservation

1. Maintain size and distribution of existing populations.
2. Increase range into formerly occupied historical range.
3. Increase size of populations where possible and feasible.
4. Protect and restore ecosystems and natural communities which can support owls.



Department Objectives for Burrowing Owl Conservation (cont.)

5. Minimize or prevent unnatural causes of population declines.
6. Augment/restore natural dynamics of populations (movement and genes) among populations to prevent listing under CESA and/or ESA.
7. Engage stakeholders involved in Burrowing Owl protection and management.



CEQA: The California Environmental Quality Act

- ❑ Establishes environmental protection policies for California
- ❑ Requires disclosure of environmental impacts of government activities
- ❑ Requires agencies to avoid or reduce environmental impacts when possible
- ❑ Encourages interagency coordination
- ❑ Increases public participation
- ❑ Requires agency decision-makers to explain reasons why they expect environmental impacts to occur



CEQA: How do farmers fit in?

Checklist:

- ❑ Public agency funding?
 - Public Agency: any state agency, board, or commission, as well as any city or county
- ❑ Public (government-initiated) project?
- ❑ Public agency approvals (permits, leases, plan changes, other entitlements)?

*Specific situations/projects are excluded from CEQA or are "categorically exempt"



QUIZ!!!

When is CEQA applied for private farmland?

You need to clean one of your own drains with your own money. Does CEQA apply?

No

When is CEQA applied for private farmland?

You want to use your tax return money to build a new shed on your land. Does CEQA apply?

No

When is CEQA applied for private farmland?

You want to change your crop from alfalfa to orange groves. Does CEQA apply?

No

When is CEQA applied for private farmland?

You want to establish a new cattle feedlot on your property. Does CEQA apply?

Maybe. You will likely need to obtain state permits (for water quality, etc.)

When is CEQA applied for private farmland?

You want to establish artificial burrows on your property with your own money. Does CEQA apply?

No

When is CEQA applied for private farmland?

You want to establish artificial burrows on your property with grant money. Does CEQA apply?

Maybe. Does the grant money have a public source?

I have a CEQA project that might impact burrowing owls. Now what?

- ❑ Familiarize yourself with the 2012 CDFW Staff Report on Burrowing Owl Mitigation.
- ❑ Contact the Bermuda Dunes office for assistance.
- ❑ Burrowing owl surveys might be recommended.
- ❑ Depending on the impacts, measures might be recommended for avoidance, minimization, and mitigation of the impacts.

Summary

- ❑ Burrowing owls are always protected by laws governing migratory birds, nests, and raptors. Farmers are not required to contact CDFW, but are always welcome to contact us for advice.
- ❑ CEQA is triggered only when projects receive public money, are initiated by the government, or require public agency approvals. For CEQA projects, farmers are required to contact CDFW and are recommended to follow the CDFW 2012 Burrowing Owl Staff Report.

Questions?

Contacts

Biology/Assistance/Direction

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CEQA Compliance

Imperial County Planning & Development
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2012 Staff Report on Burrowing Owl Mitigation

[https://nrm.dfg.ca.gov/FileHandler.ashx?
DocumentID=83843](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843)

