

Collisions With Nature

When humans and rare animals try to co-exist, challenges follow

by: KATE WOODS

On May 11 Congress declared the first National Endangered Species Day, but for the rare critters living in southern Santa Clara County and northern San Benito, that honor won't be enough to save some of them from the specter of bulldozers and concrete trucks.

It's inevitable: when the critical need for housing at the edges of the Bay Area collides with this region's rich tapestry of dwindling wildlife species, some wildlife pays the price.

Between the ambitious plans of developers Del Webb and DMB, north San Benito County can expect to sprout 11,100 new homes in the not too distant future - essentially a doubling of the population of Hollister. Del Webb backers want to build a senior community of 4,300 homes and golf courses northwest of the Hollister Airport, while DMB officials hope to construct 6,800 homes for El Rancho San Benito, on the south side of Highway 25. While the two projects are the most high profile, they are joined by a host of smaller projects, from Santana

Ranch's 1,100 homes east of Hollister, to smaller developments at Sargent Ranch in southernmost Santa Clara Valley and San Juan Oaks in the hills bordering San Juan Valley.

As the need for housing continues to grow, so does the need for wildlife habitat - the "housing" for animals and plants that with every passing year shrinks as California scrambles to fulfill the call for human shelter. Living directly in the path or within stone's throw of the development footprints is a host of rare species, some federally listed as endangered, some threatened, and others as "species of special concern," such as the Burrowing Owl.

Motorists driving on Highway 25, between 101 and Hollister, may have noticed the new ranch-styled entrance sign to the sprawling DMB property that reads, "El Rancho San Benito." But looking closer, many wildlife enthusiasts also have observed the low-flying owls in the cattle pastures of the property during early morning or early evening, their favorite times to hunt for insects and other small prey.

"On the Rancho San Benito proper-

ty there's still a population of them, mostly up in the hills," said Henry Coletto, who lives on the DMB property in the Bolsa.

DMB spokesman Ray Becker says he and his partners are not aware of any Burrowing Owls living on the property. Moreover, DMB has said the hilly areas of its property are not slated for housing development, but rather for open space and recreation.

To be fair, neither Del Webb nor DMB have completed their environmental impact reports, which entail surveys and assessments of the environment that can take at least a year, sometimes several.

Though it doesn't have the powerful protection of the Endangered Species Act, the Burrowing Owl has diminished in numbers in the past 10 years, biologists say, to an alarming extent. Once plentiful in the western U.S. and Canada, and especially in California, the bright-eyed, skinny-legged owls that take up residence in abandoned squirrel and prairie dog burrows are now as rare as other species whose populations have been declining with the

loss of habitat.

“Because they’re there”

Estimated numbers for the Burrowing Owls still living from San Francisco to San Luis Obispo vary greatly between government agencies and environmental organizations. The U.S. Fish and Wildlife Service figure about 175 pairs of owls still live between Palo Alto and Union City south to Morgan Hill. Yet the San Francisco-based Center for Biological Diversity says, according to its own statistics, by 1993 the species was down to 46 breeding pairs in the four-county area of Monterey, San Benito, San Luis Obispo, and Santa Barbara Counties.

Whatever the number, it has dwindled rapidly between 1990 and now, says Ruth Troetschler, a volunteer biologist for the California Audubon Society who is participating in a new Burrowing Owl survey the organization is undertaking statewide, from May 15 through July 15. Troetschler is in charge of the survey’s Santa Clara/ San Benito/San Mateo sector, and in February she observed a pair in the San Felipe Lake area of the Bolsa, not far from where Del Webb wants to build a new senior community.

“They were much more abundant in the past,” Troetschler said. “They are declining almost everywhere. They need the open fields to feed.”

But why should people care about a little owl with skinny legs?

“Because it’s an indicator species,” Troetschler said. “We need to protect our species because they’re there. It’s an insect feeder, mostly, and eats things like grasshoppers,

so it’s helping farmers. If you’re interested in tourism, it’s a tourist trap par excellence. People love these owls. If they’re all gone, what will people watch? They’re not going to come to watch a subdivision.”

At the turn of the century, one could find Burrowing Owls just about anywhere on the open prairies or untouched open space of California. In San Benito, only remnant small colonies remain - mostly in the Bolsa - and also at the edges of Santa Ana Valley and south of Pinnacles National Monument. A few also have been seen in Panoche/Vallecitos area of southeastern San Benito, as the birds prefer cattle pastures with low grass where they can see a predator coming, and where they can easily find housing in the plethora of squirrel burrows in rural areas. They are known as “burrow faithful,” which means a pair will inhabit the same squirrel hole year after year. Attempts to relocate the owls have mostly failed.

“They are faithful to a certain site,” Troetschler added. “Biologists know when they try to move them, they fly away and try to go back, and probably they die.”

The species is listed in the state Fish and Game’s Natural Biodiversity Database, an organized record of sightings made throughout California that tells where rare species are known to reside. The database breaks the state up into rectangular quadrants about eight by 10 miles square. The Del Webb parcel is in the “San Felipe” quad, and the DMB property is partially in the San Felipe quad and the “Chittenden” quad. Both quads are chock-full of wildlife, both animal and plant - and both list the Burrowing Owl. In ad-

dition, the quads list the red-legged frog and the tiger salamander (both federally threatened) and the endangered San Joaquin kit fox.

But the Bolsa, particularly the San Felipe Lake area, is also renowned as a migratory bird habitat due to its year-round wetlands and vernal pools. Troetschler said that last month she saw a rare Tricolor Blackbird, a Golden Eagle, Ring-necked Pheasants, Black Phoebes, Red-tailed Hawks, Canada Geese, a variety of Egrets and American White Pelicans. A brief visit to the same area by Pinnacle staff last week revealed several active Burrowing Owls, a Golden Eagle, Tricolor Blackbird and several Loggerhead Shrikes, striking small songbirds that prey on insects in the manner of hawks. They, too, are classed as federally endangered.

These are species often seen in the area by farmer and bird-lover alike.

Trespasses against others

Recently, another odd species was observed.

Last week, organic farmer Grant Brians said he called the cops on a group of Sacramento surveyors, which he later learned were hired by a developer to ascertain the property levels in the area. The survey team, according to Brians, trespassed through his and five other properties in the Bolsa, going through fences posted “No Trespassing” on all-terrain vehicles. A sheriff’s report was made after several property owners escorted the crew off their lands, but by the time the law arrived the surveyors had moved on.

“I talked with the field boss,” Brians

said. "He said that as surveyors they don't have to get any permission, which of course, is a load of you-know-what. Wouldn't that kind of change the concept of private property rights?"

Del Webb project manager Wendy Elliott said the survey team that it had retained was supposed to get permission before entering properties.

"But I guess that didn't happen and I apologize for that," said Elliott.

The incident leaves Brians, an organic farmer, concerned about the co-existence of nature's bounty and housing. He is mostly worried about the effect two developments on either side of Highway 25 would have on nearby farming operations, including his.

Elliott said her company will know what must be done for wildlife mitigation for the development, once the assessments are made for the environmental impact report required by law. The California Environmental Quality Act (CEQA) further requires that developers develop means to mitigate the effects of development on wildlife. That can take many forms, from setting aside land, or sitting housing with wildlife in mind, to actually creating new habitat.

"It's on our radar screen and something we want to deal with," Elliott said. "It's certainly not anything we're going to wave away. We will find a way to address them. But we can't talk about mitigations until I know what the impacts are."

Brians said the Bolsa is 70 feet below Hollister, and the water table

in the area is so high that it affects what kind of crops can be planted. He noted that once an alfalfa crop of his had to be pulled because the roots had rotted. Runoff has increased over the years as Hollister has grown, since water flows off pavement into the basin before percolating into the ground. On the south side of 25, near the DMB property, normally sky-high eucalyptus trees don't grow over 30 feet tall before toppling over, because the roots sit in saturated soil, Brians said.

"During wet seasons, the fields that are lower back up," Brians said. "If DMB did a flood control project, they would have to dump a lot of water into the Pajaro, which would flood those properties even more. They are rich, productive soils but you can't have too much water backup."

DMB representatives have stated emphatically that no water will leave its site. The company proposes to hold runoff on site, employing several strategies.

Swans and disks don't mix

Waterways are also a concern for Henry Coletto, who with his wife, Martha, lives on the DMB property. Now retired, Coletto was the Fish and Game Warden for Santa Clara County for 37 years, and is intimately familiar with the changes that have occurred in San Jose, Gilroy, Morgan Hill, and now San Benito, as human populations have taken over the once wide open spaces of the South Valley - and ag production, he says, hasn't encouraged wildlife populations.

Coletto said he remembers the "hundreds and hundreds" of steel-

head trout that once swam the Pajaro River.

"But with all this farmland, the pesticides and herbicides pouring into the streams, there's hardly even a population to monitor anymore," Coletto said. "The Uvas Creek and Llagas Creek (of South Valley) drain into the Pajaro, and the steelhead has died out. They farm right up to the edge of the river, and there's no buffer zone."

Coletto also remembers a flock of about 200 Tundra Swans that lived on the DMB property in the 1980s and '90s.

"They made the fields their home," he said. "Then ag came in."

As a keen observer of the ever-growing Bay Area suburbs that are spreading across the South Valley, Coletto alleged some developers employ a shrewd method of bypassing environmental mitigations. When they buy a raw piece of land, he said, they put in row crops first, because ag land is exempt from many state and local environmental laws. After a few years, the houses or malls follow.

"It's a hop-skip development scheme," Coletto offered. "The Burrowing Owls do fine in cattle fields. But then they put it in ag land - crops - and plow up all the fields. In ag production you can do anything. That's how it's set up for the developer to come in. Developers that look ahead will play that game."

Like Elliott of Del Webb, DMB spokesman Becker said they will know what they're up against, environmentally, once their EIR is complete.

“The first choice for any developer is to avoid the impact,” Becker said. “But in our case, most of the land is in agricultural, or has been at some point, and my understanding is that most wildlife doesn’t co-exist with ag production.”

The Ishi of owls

Not far from the Bolsa south of Gilroy, is the undeveloped 6,700-acre Sargent Ranch - once a prime candidate for an Indian gaming casino.

Now that the idea of a casino is dead, the Native American Amun Mutsen tribe and owner Wayne Pierce want to build a housing community in its place. Former Gilroy Councilman Bob Dillon, spokesman for the project, says that they are considering a project with the unit size “in the low hundreds,” and that it would be built on a very small portion of the 10-square mile parcel.

The Sargent Ranch is in the Chittenden quad - the same quad in which the state lists the Least Bell’s Vireo, an endangered bird, as well as the western pond turtle and endangered showy Indian clover. And the Burrowing Owl.

If the tribe wins federal recognition, said Dillon, they won’t be subject to state environmental laws, but will have to follow the rules of the federal Endangered Species Act. That doesn’t mean much for the Burrowing Owl except that the Migratory Bird Treaty Act, which forbids the destruction of birds and active nests, does provide some protection for the species.

“I’m sure remediation would be done,” said Dillon, referring to mitigations for wildlife on the land.

“These are Native Americans, the original stewards of the land, and the Sargent Ranch is the ancestral home of the Amun Mutsen.

Coletto said he hopes that such remediation won’t take the same form it did when the city of Morgan Hill mitigated for a Burrowing Owl colony that resided in the same spot the Sutter Park business development now sits, on the corner of Cochrane and Monterey roads.

Once teeming with eight pairs of owls, the land where the business center sits is now devoid of the birds. Coletto said developers finally agreed to leave “mitigation strips” of dirt between the buildings and that he worked with Craig Breon, former executive director of the Santa Clara Valley Audubon Society, on protections for the owls but it wasn’t enough. He watched as the eight pairs dwindled to one, then a solitary owl perched on a strip of dirt. Then none.

Morgan Hill now has an ordinance against disking land where there are Burrowing Owls.

Coletto’s thoughts on the matter reflect those of his colleague, bird expert Ruth Troetschler:

“We are destroying much of the wild area of our planet,” she said. “It seems to me that we shouldn’t have the power to do this.”