



**MEMORANDUM**

**DATE:** October 30, 2018

**TO:** Debby Fernandez, City of Santa Clara

**FROM:** Kristy Weis

**SUBJECT:** Supplemental Text Revisions to the Gateway Crossings Project Final Environmental Impact Report

This memorandum describes changes made to the text of the Final Environmental Impact Report for the Gateway Crossings project (“Final EIR”) following publication of the Final EIR on September 12, 2018<sup>1</sup> and a Supplemental Text Revisions Memo dated September 26, 2018.

The text revisions are typographical corrections and clarifications. These text revisions are not considered “significant new information” pursuant to CEQA Guidelines Section 15088.5. Therefore, recirculation of the Draft EIR is not required. Underlined text represents language that has been added to the Final EIR; text with ~~strikeout~~ has been deleted from the Final EIR.

Draft EIR page 59: **ADD** the following text under the first paragraph under Section 3.4.2.2 as follows:

There are known burrowing owls in the project vicinity at the Norman Y. Mineta San Jose International Airport. The burrowing owl is a species of special concern, though it is not listed as a federal or state endangered species. Burrowing owls (similar to raptors and other birds addressed in the EIR) are transient and, therefore, could appear on-site prior to construction. As conditions of approval, the project shall implement the following measures to survey for the burrowing owl, and protect the burrowing owl if it is found present on-site:

- Pre-construction surveys for burrowing owls shall be conducted in conformance with CDFW protocols. The initial site visit shall be conducted no more than 14 days prior to the start of any ground-disturbing activity such as clearing and grubbing, excavation, or grading, or any similar activity. If during the initial survey any ground squirrel burrows or other burrows that may be used as nesting or roosting sites by burrowing owls are detected, but no burrowing owls are observed, a second survey shall be conducted within 48 hours of the start of construction to determine whether any burrowing owls are present. If no burrowing owls are located during these surveys, no additional action would be warranted. However, if

---

<sup>1</sup> The Final EIR consists of the April 2018 Draft Environmental Impact Report (“Draft EIR”) and the September 2018 Final EIR.

burrowing owls are located on or immediately adjacent to impact areas the following measures shall be implemented.

- If burrowing owls are present during the nonbreeding season (generally 1 September to 31 January), a 160-foot buffer zone, within which no new project-related activity would be permissible, shall be maintained around the occupied burrow(s) if feasible, though a reduced buffer is acceptable during the non-breeding season as long as construction avoids direct impacts to the burrow(s) used by the owls. During the breeding season (generally 1 February to 31 August), a 250-foot buffer, within which no new project-related activity would be permissible, shall be maintained between project activities and occupied burrows. If owls are present at burrows on the site after 1 February, it will be assumed to be nesting on or adjacent to the site unless evidence indicates otherwise. This protected area shall remain in effect until 31 August, or based upon monitoring evidence, until the young owls are foraging independently.
- If ground-disturbing activities would directly impact occupied burrows, the owls occupying burrows to be disturbed shall be passively relocated during the non-nesting season. Relocation shall occur by a qualified biologist using one-way doors. No burrowing owls shall be evicted from burrows during the nesting season (1 February through 31 August) unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young owls have already fledged late in the season).