

Memorandum

To: Alexandra Endress, Waterfront Manager

From: Martin Nicolaus, Chavez Park Conservancy

Date: September 12 2019

Executive Summary: *To protect seasonally visiting Burrowing Owls in Cesar Chavez Park while allowing reasonable public access for bird viewing, public access to the Spiral seating area should be permitted all year, and a temporary plastic garden-type fence should be set up running east-west just above the path that gives access to the Spiral. Material and labor cost: negligible.*

Burrowing Owls, a federally protected species and a California species of special concern, normally visit the park between the end of September and the middle of March. They migrate here from frozen northern regions to spend the winter, a time when they do not breed or lay eggs. Their presence in the park is a major event for numerous park visitors, who greatly admire these birds.

The northeast corner of the park has been enclosed since 2011 by an ornamental fence installed as part of the public art project known as the “Open Circle.” The main installation of the artwork is on the southern border of the area. It is a spiral-shaped concrete seating area intended as an open air classroom and meeting place. Park visitors commonly call it “The Spiral.”

The ornamental fence has four gates that are normally kept open: one at the northern end, two additional gates across pathways in the northern half, and one gate on the southern end. The gate on the southern end controls a paved access path to the Spiral.

It has been Parks management practice, generally, to close all four gates somewhere around the beginning of the Burrowing Owl season and to reopen them somewhere around the end. Actual practice has been inconsistent.

In the past seven years, all Burrowing Owls that have been observed have roosted on the north shore of the park outside the fenced area or on the extreme northeast corner inside the fenced area. No owls have been seen even momentarily in the vicinity of the Spiral. Thus, closing off public access to the Spiral serves no protective purpose for the Burrowing Owls.

On the contrary, the Spiral is an essential observation point from which to monitor the Burrowing Owls if and when they are present. During the 2018-2019 winter, for example, one of the two owls that took up residence for the season made its home in the rip-rap on the east edge of the fenced area. In that spot it could not be observed from outside the fence. It could be seen regularly, however, from the Spiral; but that observation required the observer to step over the fence gate at the southern end.

The Spiral is also the prime birding observation point for the North Basin Cove. Literally thousands of birds from more than 50 species visit this body of water, most of them during the winter season when Burrowing Owls may also be present. Shutting off public access to the Spiral during the winter inhibits study and appreciation not only of the Burrowing Owls but also of the whole range of visiting birds.

The Spiral ought to be kept open to the public year round. The segment of fence that has been used to shut off access to the Spiral ought to be left open. A temporary plastic garden-type mesh fence should be installed in an east-west direction to prevent pedestrian and canine access north of the path that gives access to the Spiral. The temporary fence should go up when the three northern fence gates are closed (ideally on or just before October 1), and it should be removed after the last seasonally resident Burrowing Owl has left (generally March 15).

The required materials consist of about 20 feet of green plastic mesh fence and four or five 48" metal stakes. Both are normally in abundant supply in Parks storage. It would take about an hour to install the fence, but at least an hour would be saved by not installing the decorative wire fence gate, so the labor time would be negligible or negative. If materials or labor are a problem, Conservancy volunteers stand ready to provide both, with Parks management's consent.



Existing ornamental fence

Gates to be closed

Gate to keep open

Temporary fence location

Open Circle
Viewpoint
"The Spiral"

Proposed Reconfiguration of Southern End of Protected Area
So as to Keep Open Circle Viewpoint ("Spiral")
Accessible to Public during Burrowing Owl Season