



## **BOARD REPORT**

**DATE:** April 14, 2026

**CATEGORY:** Consent

**DEPT.:** Community Services

**TITLE:** **Biological Services Professional Services Agreement**

### **RECOMMENDATION**

Acting in its capacity as the Board of Directors for the Shoreline Regional Park Community, authorize the Community Manager or designee to amend the professional services agreement with LSA Associates, LLC, a California corporation (Entity No. 2341614), for ongoing biological services at Shoreline at Mountain View to add \$105,000 for additional services for a total not-to-exceed amount of \$345,000.

### **BACKGROUND**

#### **City Plans to Protect Burrowing Owls and Shoreline Wildlife**

In 2012, the City Council adopted the Burrowing Owl Preservation Plan (BOPP) to protect the western burrowing owl population at Shoreline at Mountain View (Shoreline) and hired an on-staff, full-time biologist. In 2023, the City Council adopted the Shoreline Wildlife Management Plan (SWMP). Together, these Plans provide general guidelines for wildlife protection and direction for safeguarding wildlife during projects at Shoreline.

#### **Contract Biologist Services**

During a break in staffing, the City sought contract biological services. In September 2024, the City entered into an agreement with LSA Associates, LLC (LSA) as the primary provider of biological services at Shoreline. LSA was selected from the proposals received due to their experience with burrowing owls and closed landfills, and their staff's extensive expertise with wildlife management. Services provided by LSA include managing and tracking the burrowing owl population in Mountain View. The City also entered into an agreement with Sequoia Ecological Consulting, Inc (Sequoia) for biological services to address any scheduling issues and to have additional biological expertise for non-burrowing owl related matters. Staff has found efficiencies and alignment with best practices by providing all burrowing owl related services through one firm, which has been LSA.

In October 2024, the California Fish and Game Commission voted to list the western burrowing owl under candidate status, for potential listing as threatened or endangered under the California Endangered Species Act (CESA). While a species is under candidate status, California Department of Fish and Wildlife (CDFW) staff perform a 12- to 18-month review to recommend a possible new listing for the species. During this review period, the species is treated as though it is listed as threatened or endangered under CESA. Due to this change in status, the City was required to implement a new, larger buffer zone around burrowing owls and active burrows, and to have a biologist on-site for additional activities, as discussed later in this report.

In July 2025, the City entered into a new professional services agreement with LSA for biological services at Shoreline for Fiscal Year 2025-26. Staff recommends adding funds to the agreement with LSA to retain consistent biological services for monitoring and protection of the burrowing owl population at Shoreline during the time that the Wildlife Preservation Coordinator position is vacant.

### **On-Staff Biologist Plans**

Staff is aware of strong community interest in burrowing owl preservation and the role of on-staff support for this essential objective. Staff shares this commitment to safeguarding burrowing owls in Shoreline and is currently assessing the best use of the vacant Wildlife Preservation Coordinator position to meet Shoreline's needs, including the priority of burrowing owl preservation. This assessment includes reviewing the current job classification and revising it as necessary, informed by the Biodiversity and Urban Forest Plan (which is coming to Council in May) and what staff has learned from the use of contract biologists. Staff anticipates initiating a recruitment in Q3 2026. Staff will share the recruitment plan and timeline with Council and the community as soon as it is developed. Staff is also considering the continuation of some level of contract services in addition to having an on-staff biologist, since there has been a real benefit to a team approach that can provide multiple biologists on-site at the same time as needed.

## **ANALYSIS**

### **Baseline Services Under Current Agreement**

Since September 2024, LSA has provided biological services at Shoreline, including the management and tracking of the burrowing owl population. Their baseline services for Fiscal Year 2025-26 include:

- Monitoring of the burrowing owl population – On a weekly basis, LSA surveys areas of Shoreline where there is evidence of owl activity. They also conduct monthly surveys of areas identified as foraging or nesting habitat in the BOPP to detect owl activity. For Fiscal Year 2025-26, on average LSA surveyed five areas of Shoreline weekly and three areas

monthly (Attachment 1). The results of these surveys are reported in a monthly report to the Parks and Recreation Commission (PRC).

- Project Evaluations – Project Evaluations are the City’s process for performing biological pre-construction surveys for activities and projects that may impact burrowing owls or their habitat. The Project Evaluation process is defined in Protocol F of the BOPP. For Fiscal Year 2025-26, LSA has conducted 42 Project Evaluations to date, averaging five per month.
- Oversight of Habitat Maintenance – While monitoring the burrowing owl population, LSA also tracks and provides recommendations for habitat maintenance. Any maintenance within an area that has evidence of owl activity must be performed under the supervision of a biologist. Therefore, when Shoreline performs large mowings by staff or a mowing contractor, the mower must follow behind the biologist who is on foot, confirming that no burrowing owls are in front of the mower or otherwise being disturbed. LSA has also required hand-pulling of invasive weeds near active burrows to reduce the risk of disturbing a burrowing owl. Habitat maintenance work in sensitive areas is time-consuming and must also be performed under the supervision of a biologist.

These baseline services require at least one of LSA’s biologists to be present on two separate days of the week. If there is an urgent infrastructure repair or planned habitat maintenance, multiple biologists may be on-site so that each one can focus on the different survey needs.

### **Additional Services Needed for Fiscal Year 2025-26**

Through the first half of Fiscal Year 2025-26, LSA provided services that were not anticipated under the original agreement. These services were necessary to protect wildlife at Shoreline, especially the burrowing owl population.

- Review of CEQA Documents for Capital Projects – Several capital projects within Shoreline or the adjacent Burrowing Owl Habitat Overlay Zone have required design and plan review. Because LSA has the greatest biological familiarity with the site and the most recent data, LSA reviews the CEQA documents for these projects to ensure that information on protected species and avoidance and mitigation measures is accurate and up to date. In addition, LSA advises on plant palettes, project timing, and other matters, leveraging their knowledge of Shoreline to ensure compliance with BOPP, SWMP, and state and federal laws. Additional funding is needed for LSA to support the review and compliance of future project plans and environmental documents.
- Research Permit to Band Burrowing Owls – Over the first half of Fiscal Year 2025-26, LSA worked with staff to apply for a banding permit for an LSA biologist to be able to trap and band burrowing owls at Shoreline. Biologists at LSA were approved for the permit and are prepared to begin banding of burrowing owls in the 2026 nesting season. This will require

the permitted biologist with LSA to be on-site and conduct banding activities in conjunction with other biologists performing the baseline surveying. This will require additional resources for the remainder of 2026, which is addressed in this funding request.

- Landfill System Repairs in Northeast Meadowlands and North Shore Areas – In the fall of 2025, two extensive landfill system repair projects were needed to comply with regulatory agency requirements and to ensure protection of public health and system integrity. The first repair project occurred in September 2025 and involved a broken landfill line in the Northeast Meadowlands area. Although no burrowing owl activity was observed within the work area, the CDFW requires biological monitoring for any work occurring in the Northeast Meadowlands due to the concentration of burrowing owls and their listing as candidate status. Accordingly, LSA provided daily biological monitoring during construction.

The second repair project involved a substantial landfill cap repair in the North Shore area of Shoreline, where a burrowing owl was residing in a burrow within the work area. A buffer zone was established around the active burrow, and an LSA biologist conducted daily monitoring whenever construction activities occurred near the buffer zone. The owl remained undisturbed and appeared acclimated to the activity, frequently spending extended periods outside the burrow observing the repair work. Due to the need for daily construction monitoring at the north shore site, a second biologist was needed to perform the baseline monitoring surveys and Project Evaluations concurrently. These unexpected monitoring requirements resulted in biological services expenses exceeding the budget allocated for the first half of the Fiscal Year.

The recommended amendment to add \$105,000 to the agreement will allow LSA to continue providing baseline services through the end of the fiscal year, as well as review project plans, conduct banding activities, and provide on-site project monitoring as needed.

### **FISCAL IMPACT**

A total of \$280,000 in Limited Period funds in the Shoreline Regional Park Community Fund (SRPC) were budgeted in Fiscal Year 2025-26 for biological services. Of this amount, \$240,000 was allocated for LSA, with the remaining \$40,000 allocated for the agreement with Sequoia.

The Community Services Department's Shoreline Division has adequate funding available from salary savings associated with vacant positions to cover the recommended agreement increase. No additional appropriation is being requested at this time.

### **LEVINE ACT**

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a "license, permit, or other entitlement for use" if

the official has received a campaign contribution exceeding \$500 from a party, participant, or agent of a party or participant within the last 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. For more information see the Fair Political Practices Commission website: [www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html](http://www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html)

Please see below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

**SUBJECT TO THE LEVINE ACT**

Material contract modification or amendment

**ALTERNATIVES**

1. Do not approve the recommended professional services agreement amendment.
2. Provide other direction.

**PUBLIC NOTICING** – Agenda posting.

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Attachment: 1. Weekly and Monthly Burrowing Owl Survey Map