HAMILTON BIOLOGICAL

August 9, 2023

Daniel Ruelas
Great Scott Tree Care
10761 Court Avenue #2435
Stanton, CA 90680

SUBJECT: FOURTH NESTING BIRD SURVEY REPORT EL DORADO PARK SOUTHWEST, LONG BEACH, CALIFORNIA

Dear Daniel,

At your request, Hamilton Biological, Inc., has conducted a follow-up survey for any birds potentially nesting in the southwestern portion of El Dorado Park in Long Beach (Figure 1).

Figure 1. The survey, outlined in yellow, included the southwestern part of El Dorado Park in eastern Long Beach. All trees in the survey area that had not yet been trimmed were surveyed, and additional trees within 300 feet were surveyed for the potential presence of nesting raptors.

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This report discusses relevant federal and state regulations protecting nesting birds, provides the methods and results of my survey, and provides recommendations for completing the project.

REVIEW OF REGULATIONS PROTECTING NESTING BIRDS

Federal Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) of 1918 implemented the 1916 Convention between the U.S. and Great Britain (for Canada) for the protection of migratory birds. Later amendments implemented treaties between the U.S. and Mexico, the U.S. and Japan, and the U.S. and the Soviet Union (now Russia). At the heart of the MBTA is this language:

> Establishment of a Federal prohibition, unless permitted by regulations, to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird." (16 U.S.C. 703)

California Fish and Game Code

Section 3503 of the California Fish and Game Code states, "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." Thus, in California, it remains a potential State offense to knowingly disrupt an active nest of virtually any native bird species. The term "active nest" is not clearly defined in the Fish and Game Code, and in some circumstances may be left to the discretion of the biologist in the field.

SURVEY METHODS

Biologist Robert A. Hamilton conducted nesting bird surveys on July 19, July 26, and August 2, 2023. The fourth survey was conducted on August 9, 2023, from 12:40 to 2:00 p.m. Temperature was 78° F; skies were 70% overcast; and winds were in the range of 2–6 miles per hour. The biologist walked slowly under trees looking for nests in the trees above, observing the behavior of the birds in the area and listening to their vocalizations, and inspecting the ground for guano or "pellets" of undigested fur and bone often deposited beneath the nests of owls and other raptors.

SURVEY RESULTS

The initial survey detected the apparently active nest of a non-native Scaly-breasted Munia, approximately 20 feet up in a large pine tree on the northern side of the park (Figure 2; Photo 1). Crews finished working in this area without disrupting the branch that holds the nest (the nest itself was hidden in dense pine needles). No additional nests were detected during the follow-up surveys.

Figure 2. Showing the location of a Scaly-breasted Munia nest, on the north side of Aleppo Pine, west of the lake. Nest UTM: 398331, 3740649. See also Photos 1–3.

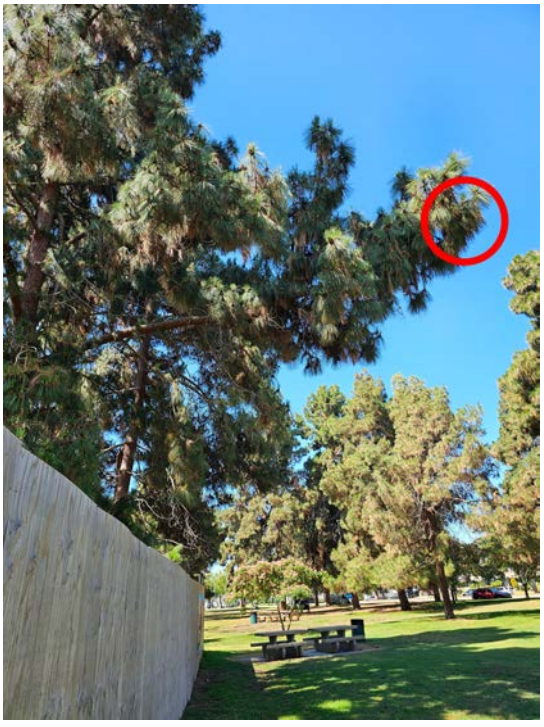

Photo 1. Red circle shows the location of a Scaly-breasted Munia nest approximately 20 feet up in an Aleppo Pine, as viewed facing southwest. Despite no observed activity during subsequent surveys, the nest is presumed active. Crews had finished working in the vicinity of this nest as of August 9. Nest UTM: 398331, 3740649.

The following birds were detected during the fourth survey.

List of Bird Species Detected

Mourning Dove	2	Bushtit	10
Anna's Hummingbird	2	Swinhoe's White-eye	6
Allen's Hummingbird	7	House Wren	1
Nuttall's Woodpecker	2	Western Bluebird	2
Mitred Parakeet	2	Scaly-breasted Munia	1
Black Phoebe	5	House Finch	10
Cassin's Kingbird	1	Lesser Goldfinch	2
American Crow	6	Hooded Oriole	2
Barn Swallow	2	Orange-crowned Warbler	1

Discussion & Recommendation

No new nests were detected during the second, third, or fourth surveys. The first survey detected a Scaly-breasted Munia nest in an Aleppo Pine, and this nest is presumed to remain active. Workers have moved on from this area of the park without disrupting the nest. Hamilton Biological recommends that work at the park may proceed without a biological monitor being present.

As a general disclaimer, this field review represents a good-faith effort to find and document bird nests, and to recommend actions intended to ensure compliance with applicable regulations as landscape trees are pruned and removed. Birds may initiate new nests at any time, and it is possible that unfound nests existed in or near the Survey Areas at the time of the survey. The recommendations provided represent my best understanding of state and federal regulations, and the steps needed to achieve compliance. In particular, it is stipulated here that an active nest is understood to be one that is complete and holding at least one potentially viable egg. If work crews encounter an active nest not reported here, they should avoid disturbing the nest.

Please call me at 562-477-2181 if you have questions or wish to further discuss any matters; you may send e-mail to robb@hamiltonbiological.com.

Sincerely,

Robert A. Hamilton, President
Hamilton Biological, Inc.