HAMILTON BIOLOGICAL

August 31, 2023

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

SUBJECT: NESTING BIRD SURVEY REPORT, EL DORADO PARK AREA 2 WESTERN PART, LONG BEACH, CALIFORNIA

Dear Daniel,

At your request, Hamilton Biological, Inc., has conducted a survey for any birds potentially nesting in the western part of Area 2 in El Dorado Park, in Long Beach (Figure 1).

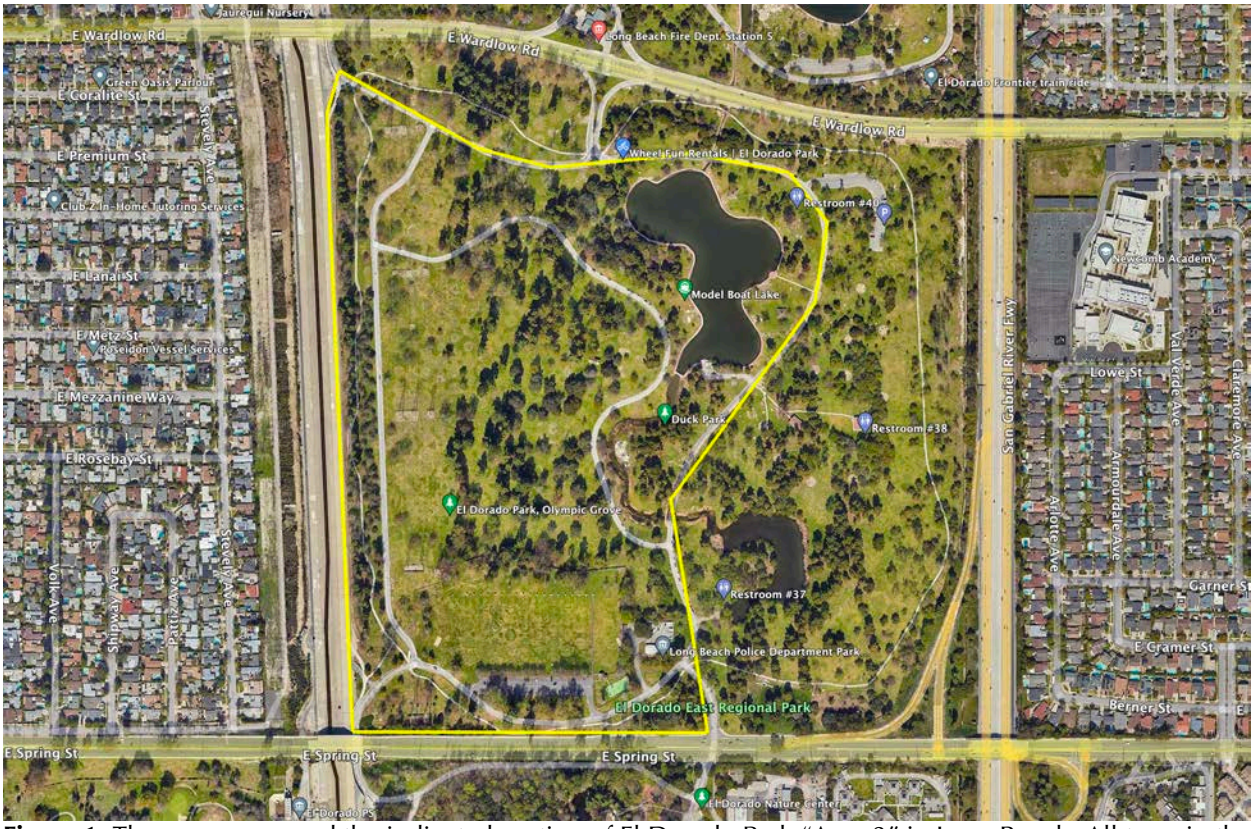

Figure 1. The survey covered the indicated portion of El Dorado Park "Area 2" in Long Beach. All trees in the survey area were surveyed, and additional trees within 300 feet were surveyed for the potential presence of nesting raptors.

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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 the nesting bird survey on August 31, 2023, from 12:15 to 3:00 p.m. Temperature was 75–79° F; skies were hazy; and winds were in the range of 2–4 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

No nests were detected within the survey area, and no inactive nests of colonial waterbirds or raptors were observed in the survey area or elsewhere in the nearby vicinity.

I observed the following bird species during the survey.

List of Bird Species Detected

Domestic goose sp.	4	Bushtit	30
Canada Goose	5	Blue-gray Gnatcatcher	1
Egyptian Goose	15	European Starling	8
Mallard	60	Western Bluebird	40
Mallard, domestic type	20	American Robin	1
Mourning Dove	3	Scaly-breasted Munia	22
Allen's Hummingbird	5	Pin-tailed Whydah	10
Snowy Egret	1	House Finch	55
Cooper's Hawk	1	Lesser Goldfinch	8
Red-shouldered Hawk	1	American Goldfinch	4
Red-tailed Hawk	1	Dark-eyed Junco	26
Downy Woodpecker	4	Hooded Oriole	6
Nuttall's Woodpecker	4	Bullock's Oriole	1
Black Phoebe	22	Red-winged Blackbird	20
Cassin's Kingbird	2	Orange-crowned Warbler	8
Hutton's Vireo	2	Common Yellowthroat	6
American Crow	2	Yellow Warbler	1
Common Raven	2		

DISCUSSION & RECOMMENDATION

The survey found no indication of active nesting, and no inactive nests of colonial waterbirds or raptors that require preservation, in the current survey area. Hamilton Biological therefore recommends that tree work may proceed in the park 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 area 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. If work crews encounter an active nest not reported here, they should avoid disturbing the nest. If crews intend to work near the nest, Hamilton Biological should be notified so that the nest may be properly identified and appropriate protective measures taken.

Thank you for the opportunity to work with you on this project. 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.