HAMILTON BIOLOGICAL

September 6, 2023

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

SUBJECT: NESTING BIRD SURVEY REPORT, EL DORADO PARK AREA 3 SOUTHEAST, LONG BEACH, CALIFORNIA

Dear Daniel,

At your request, Hamilton Biological, Inc., has conducted a survey for any birds potentially nesting in the southeastern part of Area 3 of El Dorado Park in Long Beach (see Figure 1).

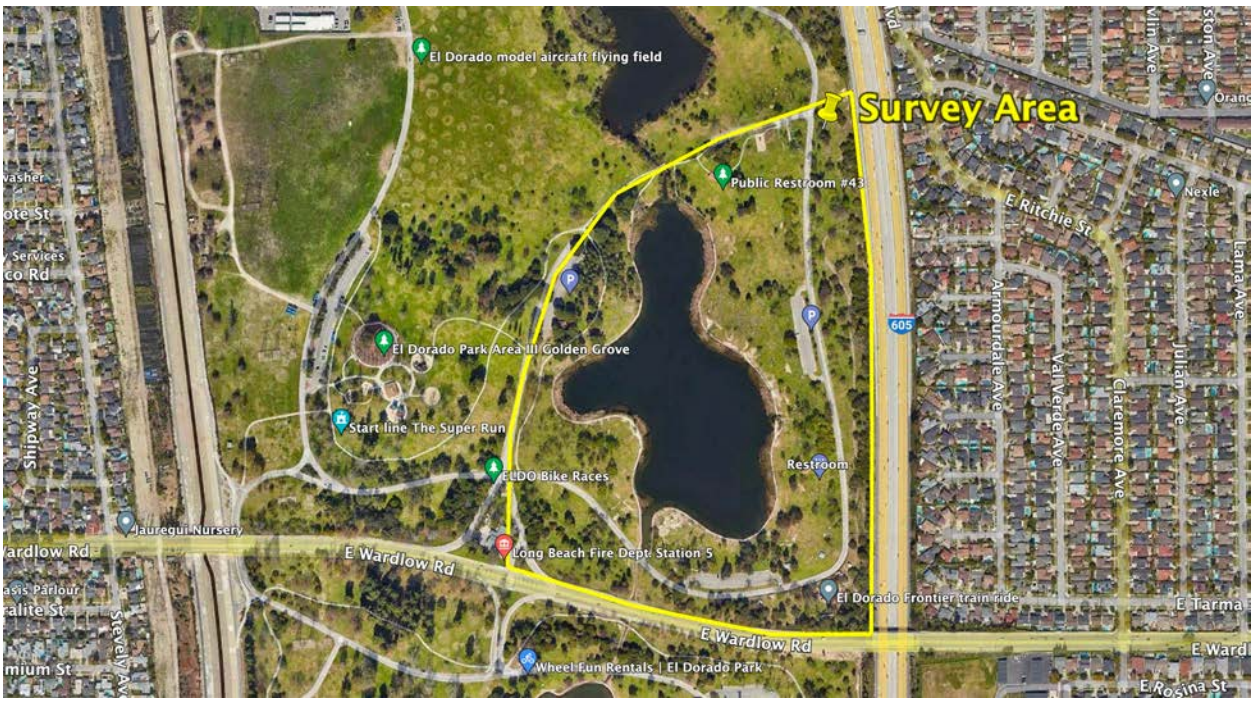

Figure 1. The survey covered the indicated part of "Area 3" in El Dorado Park in Long Beach. All trees in the survey area were surveyed, and additional trees within 300 feet were surveyed for the potential presence of nesting raptors.

316 Monrovia Avenue · Long Beach, CA 90803 · 562-477-2181 · robb@hamiltonbiological.com

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 September 6, 2023, from 11:45 a.m. to 1:15 p.m. Temperature was 76–79° F; skies were 30% overcast to 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

I did not observe any evidence of birds nesting in the park, or any other nearby trees, during my survey. 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.	10	Western Kingbird	2
Canada Goose	45	Bushtit	10
Egyptian Goose	1	Pin-tailed Whydah	6
Mallard	10	House Finch	25
Mourning Dove	2	Lesser Goldfinch	8
Allen's Hummingbird	1	Dark-eyed Junco	3
American Coot	6	Song Sparrow	3
Great Blue Heron	2	Red-winged Blackbird	2
Turkey Vulture	1	Great-tailed Grackle	1
Osprey	1	Orange-crowned Warbler	4
Red-tailed Hawk	2	Common Yellowthroat	10
Downy Woodpecker	1	Yellow Warbler	1
Nuttall's Woodpecker	1	Western Tanager	5
Western Wood-Pewee	1	Black-headed Grosbeak	1
Black Phoebe	10	Lazuli Bunting	2
Vermilion Flycatcher	2		

RECOMMENDATION & CONCLUSION

The survey found no indication of active nesting, and no inactive nests of colonial waterbirds or raptors that require preservation. Hamilton Biological therefore recommends that tree work may proceed in the area 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.