HAMILTON BIOLOGICAL

August 24, 2023

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

SUBJECT: SECOND NESTING BIRD SURVEY REPORT
EL DORADO PARK EAST, LONG BEACH, CALIFORNIA

Dear Daniel,

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

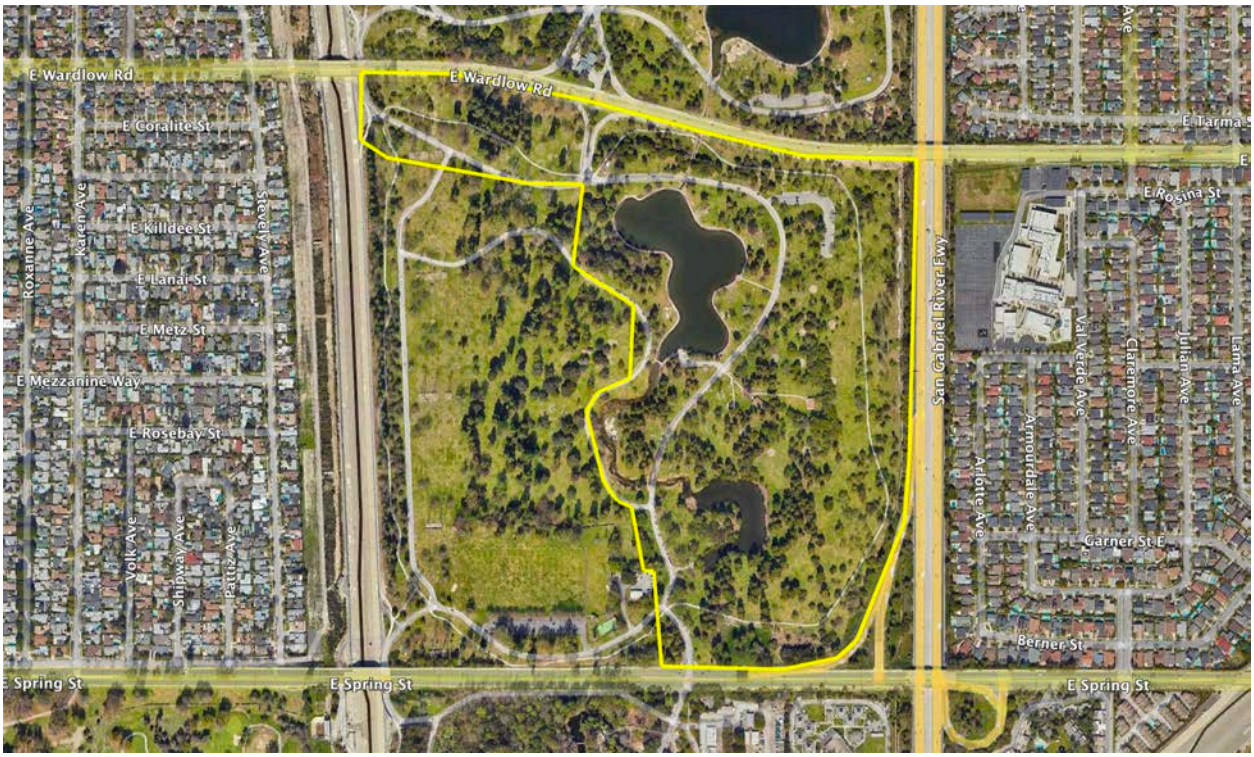

Figure 1. The survey covered the indicated portion of El Dorado Park "Area 2" in Long Beach. All trees in the survey area were surveyed, and additional trees within 300 feet were surveyed for the potential presence of nesting raptors.

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 an initial nesting bird survey on August 16, 2023. The second survey was conducted on August 24, 2023, from 12:30 to 2:30 p.m. Temperature was 76–79° 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

During the first survey, on August 16, 2023, I observed nest-building by two species, Mourning Dove and Scaly-breasted Munia. I did not see any activity at these nest sites during the second survey, but assume that both nests remain active. The following photos and figures show the locations of these two nests.

Photo 1. View facing northeast. The Mourning Dove nest is located approximately 30 feet up in an Aleppo Pine. UTM: 399655, 3742064.

Figure 2. Showing the location of the nest, in the eastern part of a pine in the dog park area in the southern part of the survey area. UTM: 399655, 3742064.

Photo 2. View facing southwest. The Scaly-breasted Munia nest is located approximately 12 feet up in an Aleppo Pine. UTM: 399626, 3741724.

Figure 3. Showing the location of the nest, in the eastern part of a pine in the dog park area in the southern part of the survey area. UTM: 399626, 3741724.

List of Bird Species Detected

Domestic goose sp.	4	Barn Swallow	6
Canada Goose	7	Bushtit	30
Egyptian Goose	13	House Wren	2
Mallard	95	European Starling	25
Mourning Dove	1	Western Bluebird	16
Black-chinned Hummingbird	1	Scaly-breasted Munia	10
Anna's Hummingbird	2	Pin-tailed Whydah	6
Allen's Hummingbird	3	House Finch	60
Turkey Vulture	3	Lesser Goldfinch	16
Cooper's Hawk	2	American Goldfinch	4
Red-shouldered Hawk	2	Dark-eyed Junco	14
Downy Woodpecker	1	Song Sparrow	5
Nuttall's Woodpecker	7	Hooded Oriole	1
Black Phoebe	18	Brown-headed Cowbird	1
Vermilion Flycatcher	1	Common Yellowthroat	12
Cassin's Kingbird	1	Yellow Warbler	1
American Crow	1		

DISCUSSION & RECOMMENDATION

The first survey detected a Mourning Dove nest in the northern part of the survey area and a Scaly-breasted Munia nest in the southern part of the survey area. Both nests were in Aleppo Pines. The known nesting phenology of these species indicate that the nests may remain active for four or five weeks (i.e., until the young fledge from the nest). While the nests remains active, workers should avoid any work on the trees where the nests are located. If this recommendation is followed, 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. 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.