HAMILTON BIOLOGICAL

October 8, 2023

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

SUBJECT: SECOND NESTING BIRD SURVEY REPORT SLEEPY HOLLOW GREENBELT, LONG BEACH

Dear Mr. Ruelas,

At your request, Hamilton Biological, Inc., has conducted a second survey for any birds potentially nesting in trees planned for pruning or removal at the Sleepy Hollow Greenbelt in Long Beach (Figure 1).

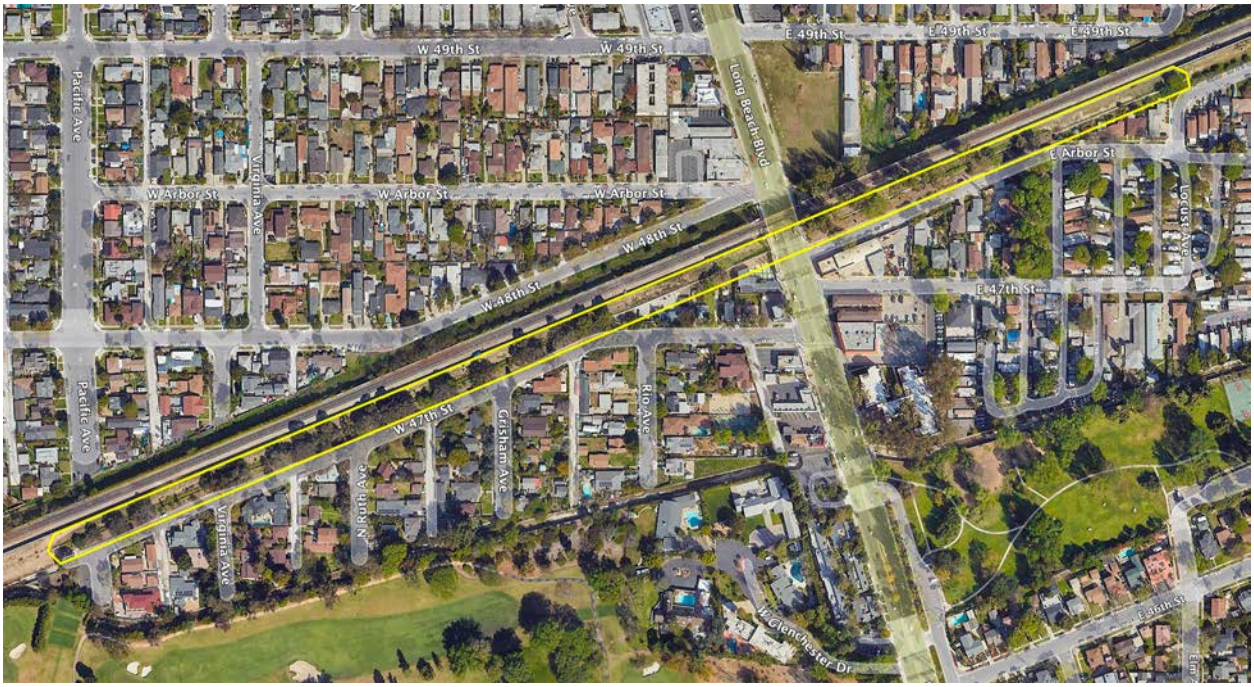

Figure 1. The Survey Area included the Sleepy Hollow Greenbelt, located along West 47th Street and East Arbor Street in Long Beach, on either side of Long Beach Boulevard. In addition, all trees within 300 feet of the specified area were surveyed for the potential presence of nesting raptors.

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

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 initial nesting bird survey on September 20, 2023. The second survey was conducted on October 8, 2023, from 11:00 a.m. to 12:05 p.m. Skies were 20% overcast; winds were in the range of 2–3 miles per hour; and the temperature was 74–76° F. The area was surveyed by walking slowly under the trees proposed for pruning or removal, 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. Trees within 300 feet of the pine were inspected for the potential presence of nesting raptors.

SURVEY RESULTS

During the initial survey, I observed a Cooper's Hawk, as well as a large nest consistent with a Cooper's Hawk nest. I observed this nest again on the second survey. The nest appeared to be inactive during both surveys. The nest was located approximately 60 feet up in the middle of a tall eucalyptus in the central-eastern part of the survey area, at UTM 389379 3745344. See Figure 2 and Photos 1 and 2 on the next page.

Figure 2. Showing the location of the potential Cooper's Hawk nest (inactive), approximately 60 feet up in a eucalyptus tree. Nest UTM: 389379 3745344.

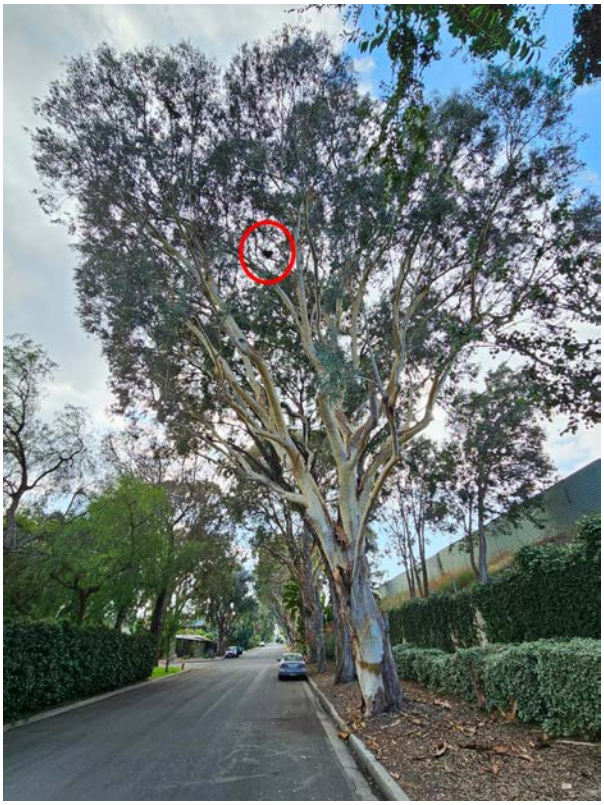

Photo 1 (left), Photo 2 (above). Showing the potential Cooper's Hawk nest (inactive) located approximately 60 feet up in a eucalyptus tree. This nest should be avoided.

As discussed subsequently, the potential Cooper's Hawk nest should be avoided even though it is not currently active, since raptors often re-use their nests.

Otherwise, no active nests were detected within the survey area or elsewhere in the nearby vicinity.

I observed the following bird species during the second survey.

List of Bird Species Detected

Anna's Hummingbird	2	House Finch	10
Allen's Hummingbird	4	Lesser Goldfinch	3
Downy Woodpecker	1	Dark-eyed Junco	4
Nuttall's Woodpecker	5	California Towhee	3
Black Phoebe	3	Orange-crowned Warbler	3
American Crow	4	Common Yellowthroat	1
Common Raven	2	Yellow-rumped Warbler	12
Swinhoe's White-eye	6	Townsend's Warbler	2
Blue-gray Gnatcatcher	1	Western Tanager	1
House Wren	5		

Discussion & Recommendation

During each survey, an inactive nest potentially belonging to a Cooper's Hawk was observed in a eucalyptus tree (Figure 2; Photos 1 and 2). Because raptors often re-use their nests, this inactive nest should be avoided when crews work on this tree. Otherwise, the survey found no indication of active nesting, and Hamilton Biological recommends that tree work 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 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 or potential raptor nest not reported here, they should avoid disturbing the nest. If crews intend to work near any active 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.