



# HAMILTON BIOLOGICAL

October 13, 2020

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**SUBJECT: NESTING BIRD SURVEY REPORT  
COLONNADE CANAL PARK, TREASURE ISLAND,  
VALPARAISO PARK, SOUTH END OF OCEAN BOULEVARD  
LONG BEACH, LOS ANGELES COUNTY, CALIFORNIA**

Dear Daniel,

At your request, Hamilton Biological, Inc., has conducted a survey for any birds potentially nesting in trees planned for pruning or removal at four locations in Long Beach: Colonnade Canal Park (all palms in park); Treasure Island (all palms); southern terminus of Ocean Boulevard (two coral trees); and Valparaiso Park (all trees in park). See Figure 1. 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.



**Figure 1.** The Survey Area consisted of the areas shown above. The surveys of Treasure Island and Colonnade Canal Park included all palm trees in those areas. The survey of Valparaiso Park included trees on either side of Junipero Avenue. Trees within 300 feet of these areas were surveyed for the potential presence of nesting raptors.

## **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. At present, wardens for the California Department of Fish & Wildlife (CDFW) typically define an active nest as one that is completed and holding at least one egg (Erinn Wilson, CDFW, pers. comm.).

## **SURVEY METHODS**

Biologist Robert A. Hamilton conducted the nesting bird survey on October 13, 2020, from 3:00 to 4:35 p.m. Skies were hazy; winds were in the range of 2–6 miles per hour; and the temperature was 82° 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 park were inspected for the potential presence of nesting raptors.

## **SURVEY RESULTS**

I did not observe any evidence of nesting birds during the survey. The following bird species were detected during the survey: Western Gull, Rock Pigeon, Allen’s Hummingbird, Black Phoebe, American Crow, European Starling, House Finch, House Sparrow, Lesser Goldfinch, and Yellow-rumped Warbler.

On Treasure Island, I observed a medium-sized nest appeared to have fallen from a palm tree onto a roof at 5576 Geneva Walk; see Figure 2, below.



**Figure 2.** Apparent American Crow nest on a roof at 5576 Geneva Walk on Treasure Island. The nest presumably fell naturally from the crown of a nearby palm, since no work was taking place at the time of the survey.

This appears to be an old, inactive crow nest based on its size and the lack of guano evident in the nest (herons and egrets typically defecate into their nests but crows do not). The nest was on a roof beneath a tall palm tree. The nest was too small to have belonged to a Great Blue Heron or Great Egret, the only species of colonial waterbird that regularly nest in palms in the Long Beach area. In all respects, the nest was consistent with an inactive American Crow nest that fell out of a palm tree some time ago.

## **DISCUSSION & RECOMMENDATION**

Since no indication of nesting was observed during the survey, Hamilton Biological recommends that the work on the subject trees 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. 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](mailto:robb@hamiltonbiological.com).

Sincerely,



Robert A. Hamilton, President  
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