HAMILTON BIOLOGICAL

November 9, 2020

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

SUBJECT: NESTING BIRD SURVEY REPORT, SO. ALAMITOS BAY SITES LONG BEACH, LOS ANGELES COUNTY, CALIFORNIA

Dear Daniel,

At your request, Hamilton Biological, Inc., has conducted a nesting bird survey in trees planned for pruning at several locations near South Alamitos Bay in coastal Long Beach. Figures 1 and 2 show all work areas classified as part of South Alamitos Bay; Figures 3–11 show the areas where palm and coral trees are planned to be trimmed in November and December, which were surveyed for this report. The survey is required to comply with relevant federal and state laws, and the City of Long Beach Tree Trimming Policy.

Figure 1. Overview map showing all of the potential work areas around the eastern part of the South Alamitos Bay survey zone. Only those areas planned for tree work in November/December 2020 were surveyed for this report (see Figures 3–11).

Figure 2. Overview map showing the western part of South Alamitos Bay. All of the sites shown above were surveyed for this report.

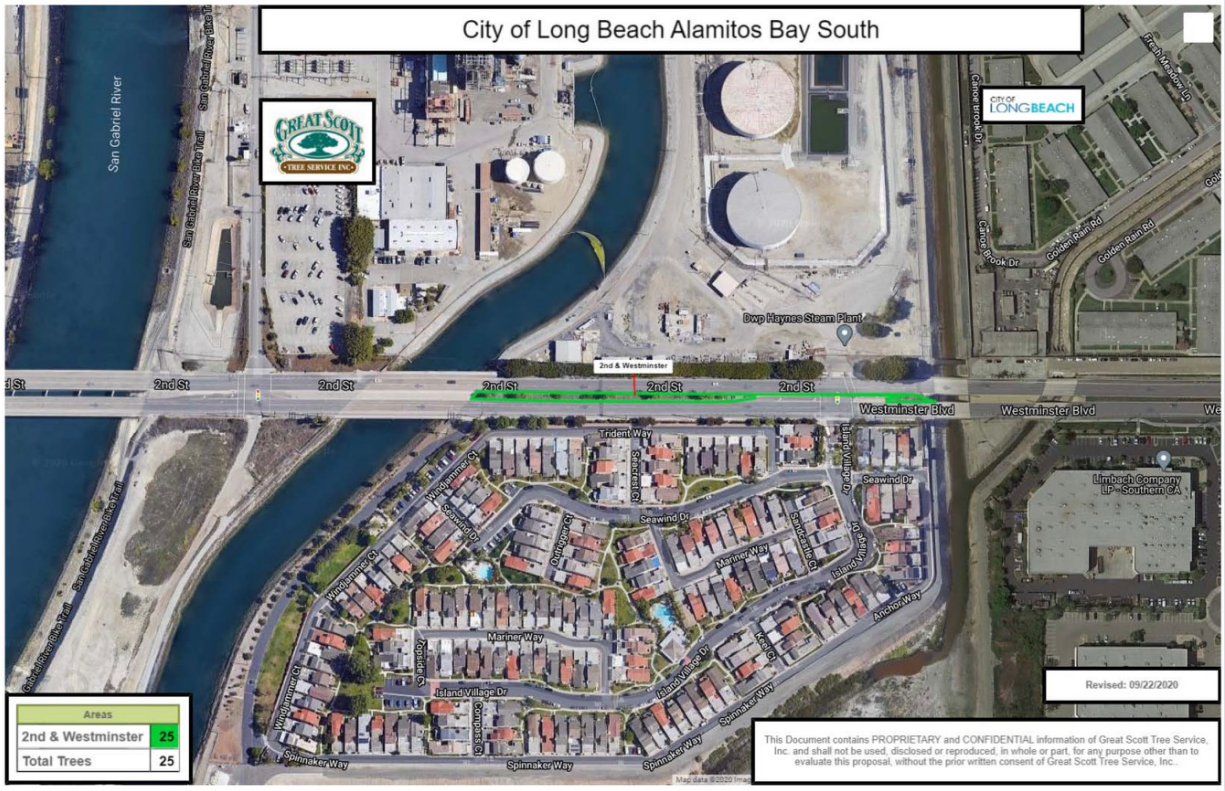

Figure 3. Showing the "2nd and Westminster" work area surveyed for this report.

Figure 4. Showing the "Basin 1/Basin 2" work area surveyed for this report.

Figure 5. Showing the "Basin 3" work area surveyed for this report.

Figure 6. Showing the "Davies Launch Ramps" work area surveyed for this report.

Figure 7. Showing the "Basin 6" work area surveyed for this report.

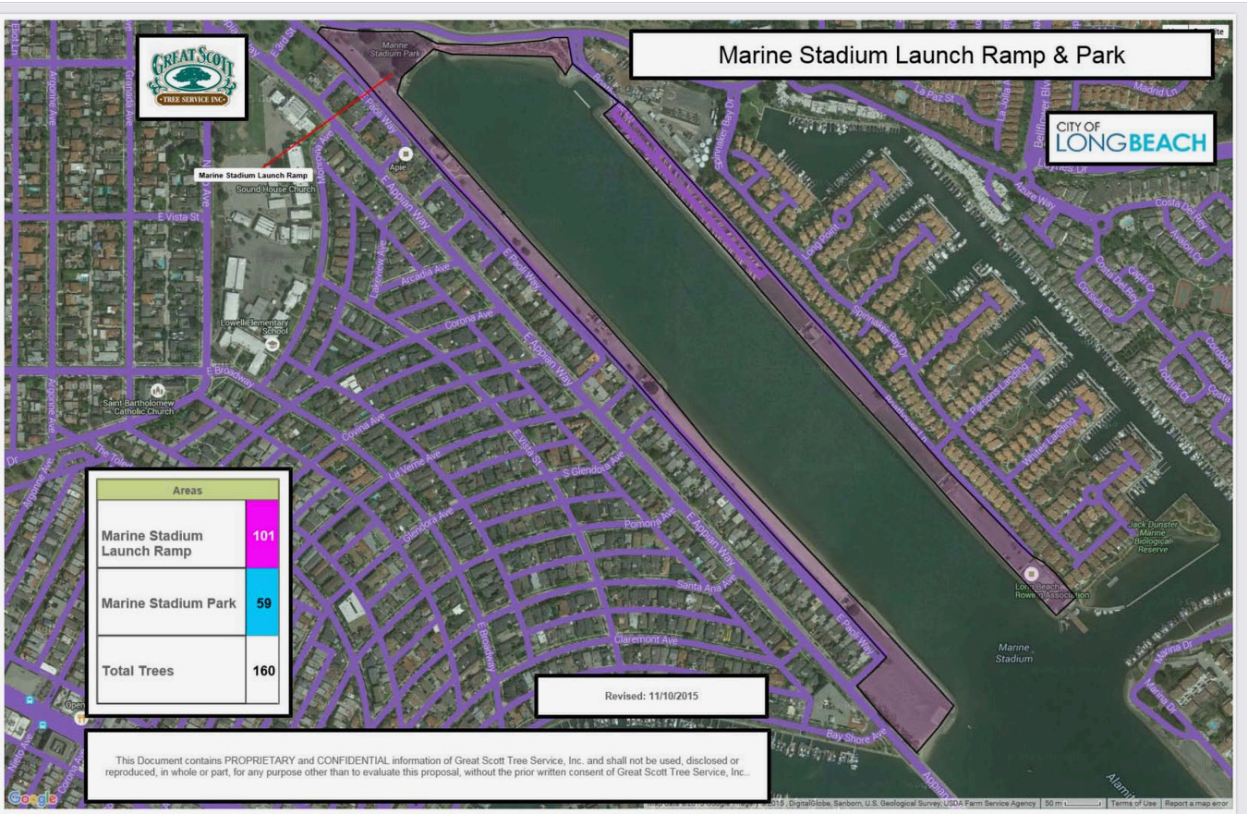

Figure 8. Showing the "Marine Stadium Launch Ramp/Park" work area surveyed for this report.

Figure 9. Showing the "Fuel Dock Road" work area surveyed for this report.

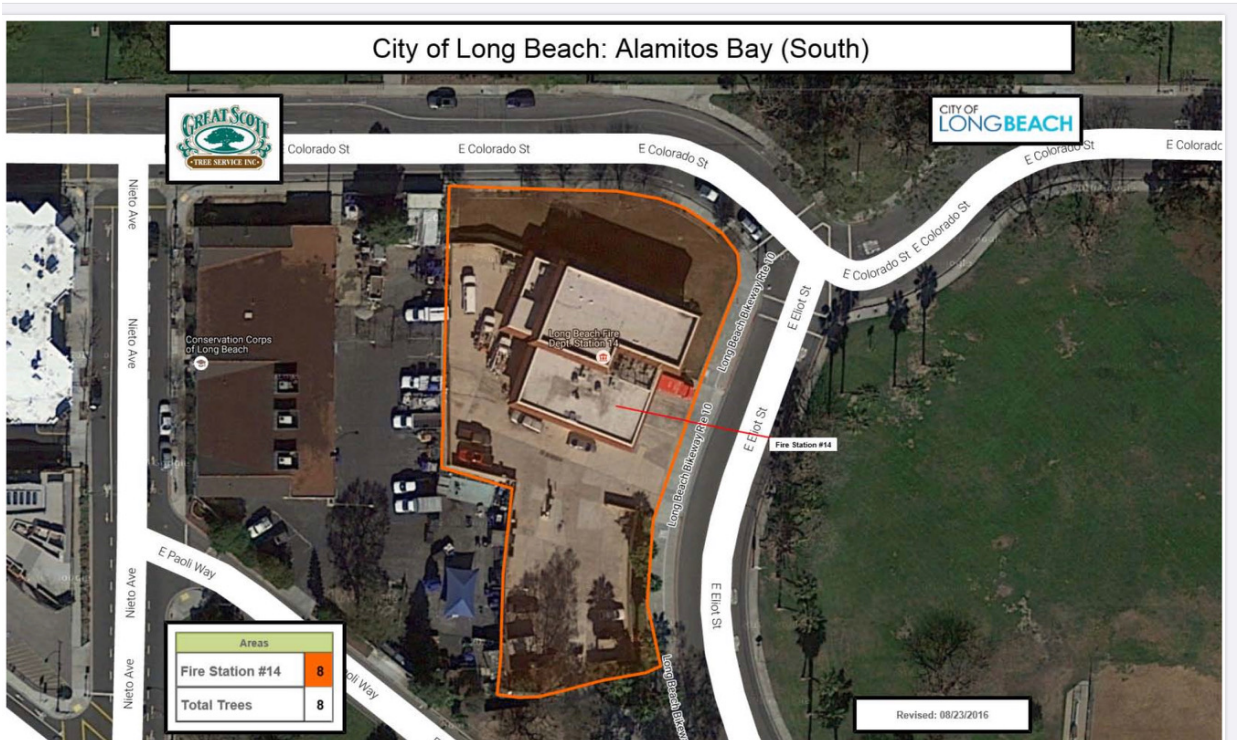

Figure 10. Showing the "Fire Station #14" work area surveyed for this report.

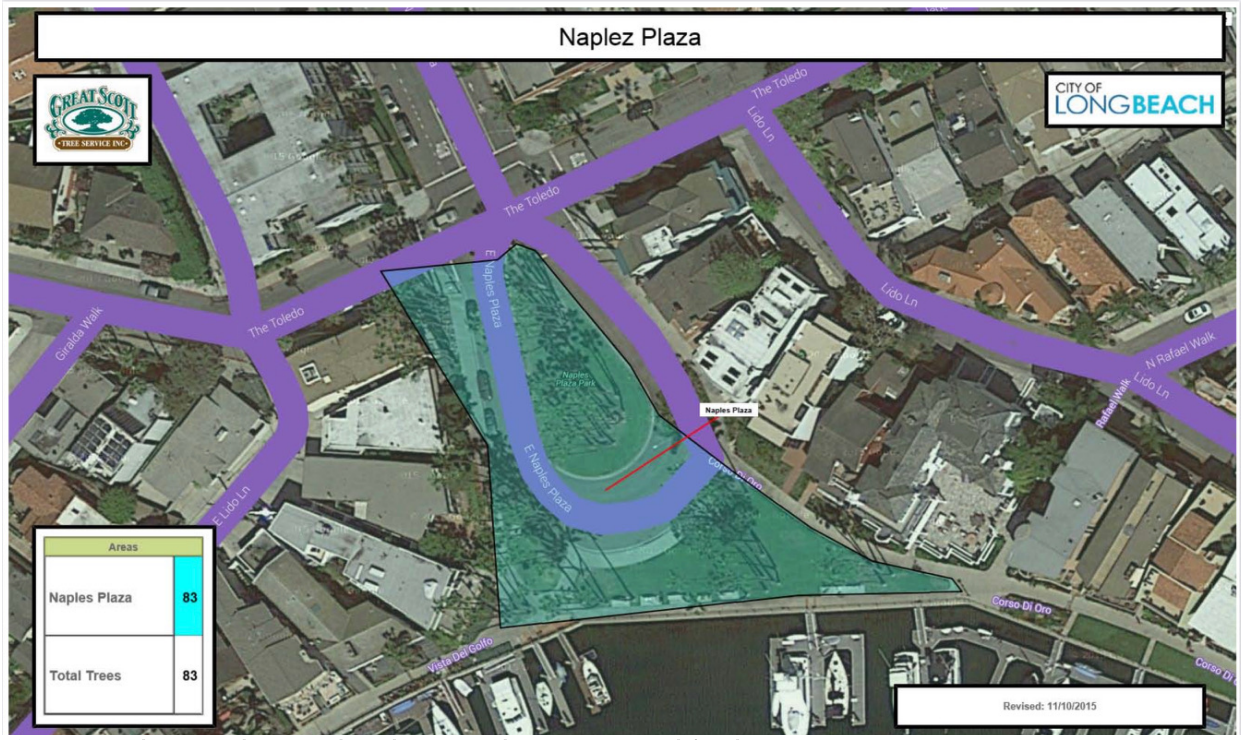

Figure 11. Showing the "Naples Plaza" work area surveyed for this report.

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.).

City of Long Beach Tree Trimming Policy (Coastal Commission)

In 2008, the California Coastal Commission asserted jurisdiction over "annual and emergency tree trimming activities" in those parts of the City of Long Beach that lie within the coastal zone[1]. This includes the Downtown Shoreline, Alamitos Bay Marina, Marine Stadium, Colorado Lagoon, and other state tidelands and beaches. Under this policy:

> Any trimming of trees with nests shall be supervised by a qualified biologist or ornithologist and a qualified arborist to ensure that adequate nest support and foliage coverage is maintained in the tree, to the maximum extent feasible, in order to preserve the nesting habitat. Trimming of any nesting trees shall occur in such a way that the support structure of existing nests will not be trimmed and existing nests will be preserved, unless the Department of Parks, Recreation and Marine, in consultation with a qualified arborist, determines that such trimming is necessary to protect the health and safety of the public. The amount of trimming at any one time shall be limited to preserve the suitability of the nesting tree for breeding and/or

[1] https://documents.coastal.ca.gov/reports/2009/2/W23b-2-2009.pdf.

> nesting habitat. Trees or branches with a nest that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists.
>
> Trimming may not proceed if a nest is found and evidence of courtship or nesting behavior is observed at the site. In the event that any birds continue to occupy trees during the non-nesting season, trimming shall not take place until a qualified biologist or ornithologist has assessed the site, determined that courtship behavior has ceased, and given approval to proceed within 300 feet of any occupied tree.

The policy pertains to the nests of colonial waterbirds, including cormorants, herons, and egrets, as well as raptorial species known to re-use nests from previous years.

SURVEY METHODS

Biologist Robert A. Hamilton conducted the nesting bird survey on November 9, 2020, from 9:30 a.m. to 3:30 p.m. Skies were mostly clear; winds were in the range of 2–6 miles per hour; and the temperature was 62-68° 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 survey areas were inspected for the potential presence of nesting raptors.

SURVEY RESULTS

I detected the following bird species during the survey: Mallard, American Coot, Great Blue Heron, Black-crowned Night-Heron, Snowy Egret, Ring-billed Gull, Western Gull, Rock Pigeon, Mourning Dove, Anna's Hummingbird, Allen's Hummingbird, Black Phoebe, American Crow, Swinhoe's White-eye, European Starling, House Sparrow, House Finch, Orange-crowned Warbler, and Yellow-rumped Warbler.

I did not observe any evidence of actively nesting birds during the survey.

Among the trees surveyed, I observed evidence of recent heron/egret nesting only in two palm trees located in the Basin 1 survey area; see Figure 12 and Photos 1 and 2. I am aware that Great Blue Herons nested in these trees in 2019, and the extensive deposits of guano beneath these trees suggest that herons also nested in them in 2020, although I was not able to see any inactive nests in these trees during the survey. Consistent with

Figure 12. Location of two palms in the Basin 1 survey area that exhibited evidence of recent heron nesting.

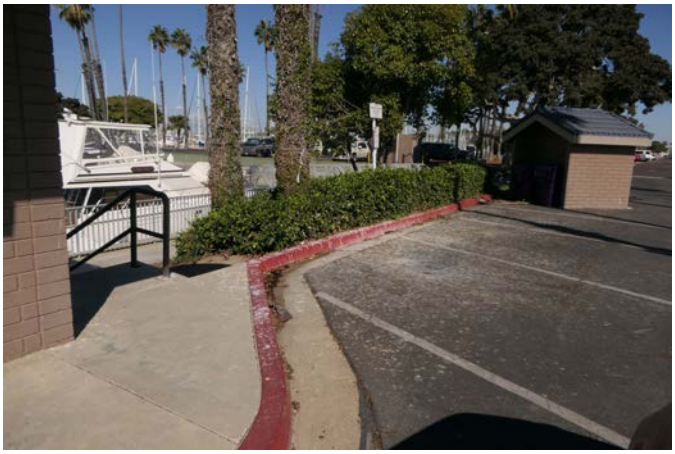

Photo 1. Showing extensive guano beneath the two presumed nesting palms in the Basin 1 survey area.

Robert A. Hamilton 11/9/20

Photo 2. Showing the canopies of the two presumed nesting palms, where no remnants of inactive nests could be seen from the ground.

Robert A. Hamilton 11/9/20

DISCUSSION & RECOMMENDATION

The City of Long Beach Tree Trimming Policy states, "Trees or branches with a nest that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists." The two palms in the Basin 1 survey area (Figure 12 and Photos 1, 2) that have been used by nesting Great Blue Herons within the last five years may possibly hold nest remnants not visible from the ground. It is recommended that pruning of these two palms should be monitored by a biologist to ensure compliance with the City of Long Beach Tree Trimming Policy. Even if these trees are found to not hold any inactive nests at this time, it is recommended that pruning be limited to the minimum required for public safety, so that the trees remain viable as heron nesting substrates.

Trimming of the remaining (non-nesting) trees within the survey areas 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.

Sincerely,

Robert A Hamilton

Robert A. Hamilton, President
Hamilton Biological, Inc.
http://hamiltonbiological.com