HAMILTON BIOLOGICAL

January 28, 2024

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

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

Dear Daniel,

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

Figure 1. The survey covered the southwestern part of Area 3 in El Dorado Park in Long Beach, as well as one large eucalyptus in the "Frontier" area in the southeastern corner of Area 3. All trees in the survey area were surveyed, and additional trees within 300 feet were surveyed for the potential presence of nesting raptors.

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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 January 26, 2024, from 2:30 to 4:45 p.m. Temperature was 64–69° F; skies were mostly clear; and winds were in the range of 1–4 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 survey I detected the active nest of a Great Horned Owl approximately 40 feet up in an Evergreen Ash (*Fraxinus uhdei*) in the northern part of the survey area, at UTM 399351 3742967. See Figure 2 and Photo 1 and 2 on the following pages.

Figure 2. Showing the location of the Great Horned Owl nest, approximately 40 feet up in an Evergreen Ash. Nest UTM: 399351 3742967.

Photo 1. Red circle shows the location of the Great Horned Owl nest, as viewed facing northeast.

Photo 2. Showing the tail of a Great Horned Owl nest visible at the edge of the nest. I also observed an adult Great Horned Owl in an adjacent eucalyptus tree, and heard it hooting.

List of Bird Species Detected

Snow Goose 1
Domestic Goose 12
Canada Goose 35
Egyptian Goose 3
Mallard 5
Mallard (Domestic type) 2
Mourning Dove 10
Anna's Hummingbird 1
Allen's Hummingbird 5
American Coot 24
American White Pelican 1
Great Blue Heron 1
Red-tailed Hawk 1
Great Horned Owl 2
Nuttall's Woodpecker 2
American Kestrel 1
Gray Flycatcher 1
Black Phoebe 10
Say's Phoebe 1
Vermilion Flycatcher 2
Cassin's Kingbird 3
Hutton's Vireo 1
American Crow 2
Ruby-crowned Kinglet 2
Blue-gray Gnatcatcher 1
European Starling 15
Western Bluebird 3
American Pipit 2
House Finch 12
American Goldfinch 2
Dark-eyed Junco 4
Song Sparrow 3
Orange-crowned Warbler 2
Common Yellowthroat 3
Yellow-rumped Warbler 20

DISCUSSION & RECOMMENDATION

The active nest of a Great Horned Owl was observed in an Evergreen Ash, at the location shown in Figure 2. I could not see into the nest to ascertain the stage of the nest, but given the late January timing of the observation the pair was likely incubating. If so, the known nesting phenology of this species suggests that the nest may remain active for 70 to 80 days (i.e., until the young fledge from the nest). Thus, unless the nest fails, it is likely to remain active through mid-April.

Based on my observations at the site, and previous experience with Great Horned Owls in urban park settings, I recommend that workers avoid working within the nest tree and surrounding trees within approximately 300 feet until the nest is observed to either successfully fledge or fail. If these recommendations are followed, Hamilton Biological recommends that scheduled tree work in Area 3 may proceed without a biological monitor being present. If work must take place within 300 feet of the active owl nest, a biological monitor should be present.

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.