



HAMILTON BIOLOGICAL

August 16, 2023

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Great Scott Tree Care
10761 Court Avenue #2435
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**SUBJECT: NESTING BIRD SURVEY REPORT
EL DORADO PARK EAST, LONG BEACH, CALIFORNIA**

Dear Daniel,

At your request, Hamilton Biological, Inc., has conducted a 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 the eastern part of El Dorado Park 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 the nesting bird survey on August 16, 2023, from 10:35 a.m. to 1:05 p.m. Temperature was 79–83° F; skies were hazy; and winds were in the range of 1–3 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 observed nest-building by two species, Mourning Dove and Scaly-breasted Munia.

The following photos and figures show the location of the two active 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

Canada Goose	30	American Crow	5
Egyptian Goose	10	Bushtit	10
Mallard	40	Swinhoe's White-eye	16
Mallard, domestic	20	House Wren	4
Mourning Dove	4	European Starling	5
Anna's Hummingbird	1	Western Bluebird	18
Allen's Hummingbird	3	Scaly-breasted Munia	4
Spotted Sandpiper	1	Pin-tailed Whydah	1
Great Blue Heron	1	House Finch	15
Black-crowned Night-Heron	2	Lesser Goldfinch	8
Cooper's Hawk	1	Dark-eyed Junco	10
Red-shouldered Hawk	2	Hooded Oriole	1
Downy Woodpecker	2	Brown-headed Cowbird	1
Nuttall's Woodpecker	3	Orange-crowned Warbler	4
Black Phoebe	13	Common Yellowthroat	12
Cassin's Kingbird	1	Yellow Warbler	2
Hutton's Vireo	2	Lazuli Bunting	1

DISCUSSION & RECOMMENDATION

The 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,

A handwritten signature in blue ink that reads "Robert A. Hamilton". The signature is written in a cursive, flowing style.

Robert A. Hamilton, President
Hamilton Biological, Inc.