



# HAMILTON BIOLOGICAL

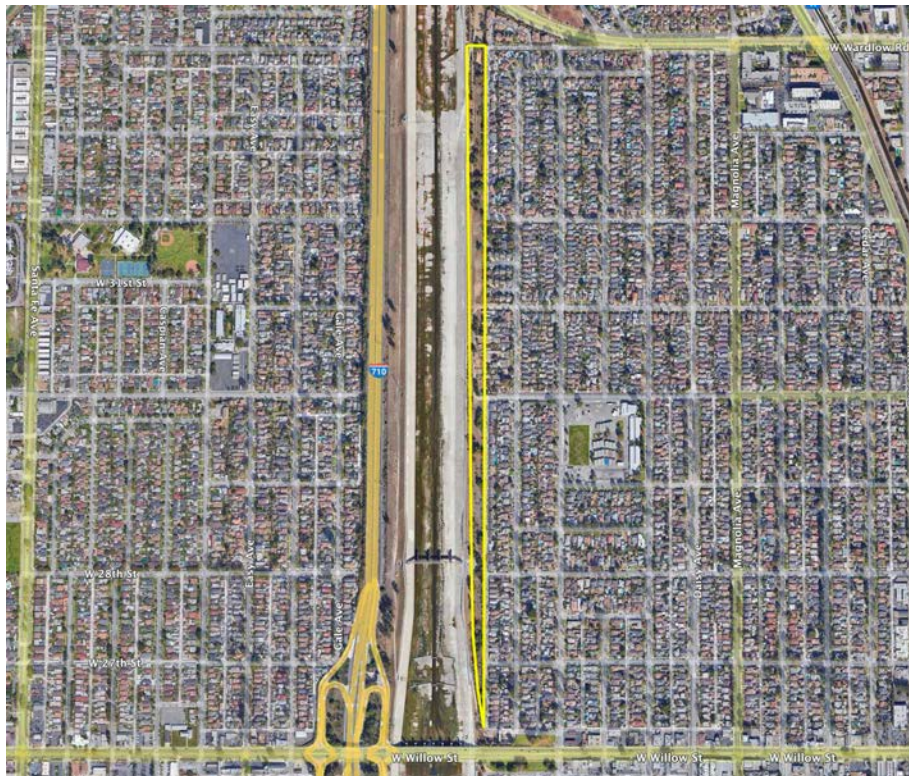
October 29, 2021

Adrian Puyolt, Capital Projects Coordinator  
City of Long Beach Public Works, Engineering Bureau  
411 West Ocean Blvd, 5th Floor  
Long Beach, CA 90802

**SUBJECT: NESTING BIRD SURVEY REPORT  
WRIGLEY GREENBELT  
LONG BEACH, LOS ANGELES COUNTY, CALIFORNIA**

Dear Adrian,

At your request, Hamilton Biological, Inc., has conducted a survey for birds potentially nesting in trees planned for pruning/removal at the Wrigley Greenbelt in Long Beach (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 Wrigley Greenbelt in Long Beach, located just east of the Los Angeles River channel north of 26<sup>th</sup> Way and south of West 34<sup>th</sup> Street. Trees within 300 feet of this area 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)

This language is subject to broad interpretation, which in some cases has led to prosecution for violations of the MBTA that were incidental to otherwise lawful activities, such as tree trimming.

### **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**

On October 29, 2021, biologist Robert A. Hamilton met with Larry Smith of the California Conservation Corp, and Mr. Smith provided a map of trees scheduled for removal or pruning. Mr. Hamilton conducted the nesting bird survey from 9:30 to 10:30 a.m., inspecting all trees planned for removal or pruning. Skies were clear; winds were in the range of 1-3 miles per hour; and the temperature was 72-74° 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 area were inspected for the potential presence of nesting raptors.

## **SURVEY RESULTS**

During the survey, I did not observe any active or inactive bird nests. This is not surprising, since late October is outside of the normal nesting period for nearly all birds in the Long Beach area.

The following 20 bird species were detected during the survey.

### **List of Bird Species Detected**

Anna's Hummingbird .....	2
Allen's Hummingbird .....	5
Mitred Parakeet .....	40
Black Phoebe .....	3
Cassin's Kingbird .....	1
American Crow .....	20
Bushtit .....	10
Ruby-crowned Kinglet .....	1
Blue-gray Gnatcatcher .....	1
House Wren .....	1
European Starling .....	1
House Sparrow .....	5
House Finch .....	20
Lesser Goldfinch .....	4
White-crowned Sparrow .....	25
California Towhee .....	2
Orange-crowned Warbler .....	4
Yellow Warbler .....	2
Yellow-rumped Warbler .....	23
Townsend's Warbler .....	1

## **DISCUSSION & RECOMMENDATION**

Since no active or inactive bird nests were detected during the survey, pruning and removal of trees should be able to proceed without biological monitoring. This survey report is valid for 14 days, through November 12, 2021.

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 and notify Hamilton Biological immediately.

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,

A handwritten signature in blue ink that reads "Robert A. Hamilton". The signature is written in a cursive style with a large initial 'R'.

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

cc: Larry Smith, CCC