



City of Laguna Beach

Community Development
Department

INFORMATIONAL GUIDE FOR THE:

Protection of Nesting Birds during Construction and Tree Trimming

Did you know that Laguna Beach is designated a bird sanctuary and it is against the law to harm or kill a wild bird or damage the nest or eggs? In 1978, the City Council adopted an ordinance that designated the City as a bird sanctuary finding that wild birds have great value in the destruction of insects and other pests and provide opportunities for observation of nature and should be protected for the benefit and enjoyment of the City's residents. This ordinance also made it illegal to harm or kill a wild bird or damage the nest or eggs of any wild bird.

In addition, there are State and Federal Laws that protect ALL native birds. The Migratory Bird Treaty Act passed in 1918 makes it unlawful "...by any means or manner to pursue, hunt, take, capture (or) kill.... any migratory bird, any part, nest, or eggs of any such bird..." Migratory birds include all native birds in the United States, except those non-migratory species such as quail that are managed by individual states. California Fish and Game Code 3503 states "It is unlawful to take, possess or needlessly destroy the nest or eggs of any bird..." It is worthwhile mentioning that violation of these laws may result in hefty fines and imprisonment. *It is safe to assume that any nest you encounter should be avoided!*

Keep Nesting Birds Safe

The City would like to inform its citizens, tree trimming contractors, and the general public about impacts on birds that could occur from trimming trees during times of the year when birds are nesting. Plants and trees support a variety of living creatures including birds. Most types of birds in Southern California nest between February 1 and August 31, but nests of hummingbirds, hawks, owls and others may be found at any time of the year. Unfortunately, this is the time of year that many residents tend to trim trees, prune shrubs and clear brush. Before trimming trees and bushes, always check for active nests.

Severely cutting, trimming and topping trees and other greenery in spring and summer could not only destroy nests and valuable nest sites, but it could lead to the intrusion of pests which is detrimental to the health of trees. To avoid harming birds and their nests and keep trees healthy, avoid nesting season and trim plants and trees during the months of September through January. It is best to hire an arborist that is ISA (International Society of Arborists) certified, a licensed landscaper, or a qualified tree trimmer who knows and cares about a tree's health. Avoid hiring "bargain" tree trimmers or handymen, as they are generally inexperienced and may cause more harm than good. All persons under contract should be made aware of the laws that protect birds and the proper protocols when encountering active nests.

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Avoid Nesting Birds during Construction and Tree Trimming

Brush removal, tree trimming, building demolition and grading activities should be done outside of the nesting season which biologists and State agencies have defined as **February 1st through August 15th**. If it is impossible to avoid the nesting season, the construction areas should be surveyed for nesting birds and active nests should be avoided as described below:

Inspect the construction areas for active nests. Most birds conceal their nests carefully and will not be visible to the average observer; but they do give obvious clues of their whereabouts. There are several ways to detect bird nests: 1) look on the ground for concentrations of white-colored droppings, then check the vegetation above; 2) as you walk through an area, look for birds flying out of vegetation close to you and intensely watching you; they may have a nest nearby; 3) sit quietly and watch for birds that may be bringing nest material or food repeatedly to one place. Birds tend to place their nests just on the undersides of the tree canopy and where branches join together. If adult birds are observed flying to and from a nest, or sitting on a nest, it can be assumed that the nest is active. A good rule to abide by is to delay construction activity that would occur within 300 feet of an active nest until the nest is no longer active. **Tree trimming and pruning must be stopped any time there are active nests observed in the tree.** Keep watch on the active nest, and when the chicks have left the nest and activity is no longer observed around the nest, it is safe to continue construction in the nest area or trim the tree.

Consider hiring a biologist to assist with the survey for nesting birds and to determine when it is safe to commence construction activities. If the area contains sensitive habitats such as areas of native plants, dense brush, watercourses and stands of trees, it is best to hire a professional biologist to conduct the survey. Laypersons may attempt to conduct their own nest survey; however, in most cases this is not possible or practical. Depending on the size of the construction area, a professional survey may only take an hour or two. If an active nest is found, one or two short follow-up surveys would be needed to check on the nest and determine when the nest is no longer active.

For More Information

For more information on the Migratory Bird Treaty Act, see <http://www.fws.gov/pacific/migratorybirds/mbta.htm>. For questions, contact the US Fish and Wildlife Service (916) 414-6464 or the California Department of Fish and Wildlife office at

To report bird harassment, killing and/or destruction of bird nests call the **California Department of Fish and Wildlife** at **888-334-2258 (CalTIP number)**

To report nest disturbance, please contact **Animal Control Dispatch** at 949-464-6669

To report inappropriate tree trimming, please contact the Code Enforcement Division at (949) 497-0301.