



Los Angeles Audubon Society
PO Box 931057
Los Angeles, California 90093-1057

Telephone: 323-876-0202
Fax: 323-876-7609
www.laaudubon.org

Guide to Bird-Friendly Tree and Shrub Trimming and Removal



*This booklet has been reviewed by the
California Department of Fish and Game*



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When one tugs at a single thing in nature, he finds it attached to the rest of the world. -- John Muir



BIRDS BUILD HOMES TO RAISE YOUNG MUCH LIKE PEOPLE DO

Birds build homes in which to raise their young just as humans do, although their site selections are more varied and often in obscure, hidden places. It is common to think of nests being in tree branches. But some birds build nests on the ground, in bushes and cavities; some build on the sides and eaves of houses, as well as on other man-made structures. They use natural substances and materials to do the job: mud, saliva, spider webs, caterpillar silk, leaf mold, twigs, grasses, and certain other plant fibers. The nest protects the bird's eggs from adverse weather and predators, and keeps eggs and nestlings warm.

THE BIRDS OF LOS ANGELES COUNTY: MORE THAN MEETS THE EYE!

What comes to mind when most people think about city birds are pigeons, mockingbirds, crows, and sparrows. Yet these birds are but a small portion of the more than 120 species that reside in Los Angeles County year round. Annual migration brings in additional species to the area, including more than 60 other breeding species (such as orioles and kingbirds). In total, 350+ species live, nest, or pass through the Los Angeles Basin during any one year. Most of them rely on trees, shrubs, and brush for food, cover, nesting, and rest.

Birds generally choose lush locations, such as city parks, schools, business parks, and neighborhoods with high tree density; however, nothing 'typical' should be assumed.

During the spring and summer, many birds, including some migrants, nest in Los Angeles County. Unfortunately this is also the time of year that cities and residents tend to trim trees, prune shrubs, and clear brush. Severely cutting, trimming, and topping trees and other greenery in the spring and summer can destroy nests and may eliminate valuable nest sites.

There are laws that protect birds, their nests, eggs, and young from being removed, destroyed or harassed. A summary of these laws are contained in this booklet. It is worthwhile mentioning that violating any of these laws may result in fines and imprisonment.

Los Angeles Audubon has created these guidelines to inform city authorities, tree trimming contractors, and the general public about the impact on birds by trimming during the times of the year when they are nesting. With your help, great numbers of birds may be spared the destruction of their nests and young each year. In turn, our birds can achieve healthy populations, and continue to provide ecological and aesthetic benefits to humans. More importantly, it will ensure that future generations will be able to enjoy the bounty of birds that call Los Angeles County home.

IMPORTANT PHONE NUMBERS

To report bird harassment, killing, and/or destruction of bird nests:

CALIFORNIA DEPARTMENT OF FISH AND GAME: 888-334-2258

For nesting surveys: 858-467-4201

For advice on nesting birds or referrals for nest surveys:

LOS ANGELES AUDUBON: 323-876-0202

Monday – Thursday, 10 AM – 4 PM

To report bird harassment, killing, and/or destruction of bird nests in county parks:

L. A. COUNTY PARKS & RECREATION: 213-738-2961

Emergency After Hours: 213-974-1234

To report nest disturbance, inappropriate trimming in the City of Los Angeles:

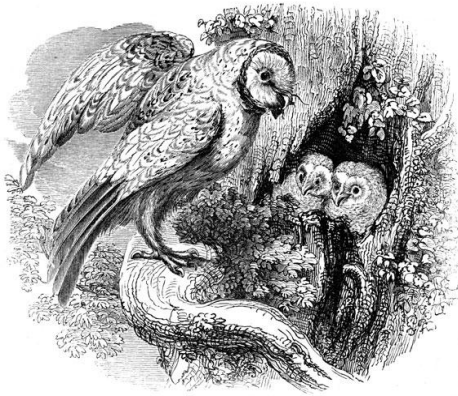
L. A. URBAN FORESTRY DIVISION: EMERGENCY: 311

To report nest disturbance, inappropriate trimming in the coastal zone:

CALIFORNIA COASTAL COMMISSION

Enforcement officer: 562-590-5223

LAWS PROTECTING BIRDS



Los Angeles County Municipal Code:

Sec. 53.48. SONG BIRDS – KILLING

No person shall kill any song bird or destroy or rob the nest of any such bird.

California State Code:

3503. 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.

3503.5. It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

Title 14, Chapter 1, Section 251.1. Harassment of Animals

Except as otherwise authorized in these regulations or in the Fish and Game Code, no person shall harass, herd or

drive any game or non-game bird or mammal or furbearing mammal. For the purposes of this section, harass is defined as an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering. This section does not apply to a landowner or tenant who drives or herds birds or mammals for the purpose of preventing damage to private or public property, including aquaculture and agriculture crops.

Federal Migratory Bird Treaty Act

703. Taking, killing, or possessing migratory birds unlawful.

“...it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, offer to purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or eggs of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof...”



IMPORTANT FACTS ABOUT NESTING BIRDS



The Time of Year that Birds Typically Nest

Many species nest between March 1 and August 31. California Department of Fish and Game often requires surveys for raptors from January 15 to September 15. But nesting birds, especially hummingbirds, hawks and owls, may be found at any time of year, depending on the species. However there are several species that court and nest outside this time frame, for example, some herons and egrets, many raptors (birds of prey), and most hummingbirds. See Appendix B for guidance on safe times for trimming near heron and egret nests. Consult an independent qualified biologist for safe trimming times upon discovering any large nest.*

***NOTE:** *Certain species such as hawks, owls, herons, egrets, crows, and ravens also often re-use nests. If a large nest made of twigs is encountered, even if unoccupied, assume that it belongs to one of these birds and do not disturb it.*

Types of Birds that Nest in Los Angeles County

There are a great variety of species that call Los Angeles County home. The following is a brief list of species, but ***please note that it is not all-inclusive:***

- herons, egrets, cormorants*
- hawks, falcons, owls
- pigeons, doves
- hummingbirds, swallows
- woodpeckers
- crows, ravens, jays
- wrens, bushtits, mockingbirds, orioles, sparrows, finches

***NOTE:** *SEE APPENDIX B FOR SPECIAL CONSIDERATIONS FOR HERONS, EGRETS AND CORMORANTS.*

What To Do Before Trimming

It is best to avoid the nesting season altogether and do your tree trimming between September and February. At any time the area should be carefully inspected before you begin your operation. For larger areas and sensitive habitats such as areas of native plants, dense brush, stream sides and stands of trees, it is best to hire a trained biologist to conduct the survey.* Laypersons may attempt to conduct their own nest survey; however in most cases this is not possible or practical. 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 scolding 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.

***See Appendix A for detailed nest descriptions**

When an Active Nest is Found – STOP TRIMMING!

All work that has the potential to disturb or destroy the nest should cease in the immediate vicinity (50 ft is a good rule of thumb for songbirds, 500 ft for raptors). The nest should not be touched or moved. A qualified biologist or the California Department of Fish and Game can assist in making determinations on how far away to remain from the nest and other measures to avoid disturbing or destroying it. Ideally the nest should remain undisturbed until the young have fledged (left the nest on their own) or the nest is abandoned.

Advice on Finding Nests: Professional Nest Surveys

If you are not comfortable or able to perform a nest survey prior to your project, qualified biological consultants can be found online, or the California Department of Fish and Game may be able to assist you. Either one can perform a nest survey of the trees, shrubs, brush, or other vegetation in question. As stated previously, nests are not easy to spot or to identify. Special care needs to be taken to survey the project area if it includes trees, abandoned buildings, brush, vacant lots, and deadfall.

How Finding Nests May Affect a Project

If the nest contains unhatched eggs or young, work within 50 feet or more of the nest may need to be delayed depending on the species involved. When the species is identified California Department of Fish and Game or Los Angeles Audubon may be able to provide the amount of time until the eggs hatch and nestlings fledge. If the nest is voluntarily abandoned or depredated (and again depending on species) work probably can be continued. However, a precise determination can only be made by an expert such as a consulting biologist or the California Department of Fish and Game.

Why Nests Can't be Disturbed or Moved to Another Location

The parents choose the nest location for specific reasons: proximity to food and water sources; protection from predators and the elements. Birds may abandon their nest (which may already include eggs or young) if it is disturbed or if the parents are harassed. Moving a nest requires special permission from the U.S. Fish and Wildlife Service and is usually only granted for human health and safety reasons.

What You Can Do If You Witness Tree Trimmers Disturbing or Destroying Nests

Ask them to stop, and make them aware it is against the law. Then a call should be placed to the California Department of Fish and Game. [See "Important Phone Numbers"] *Be prepared to provide the exact location of the activity. Specifically note address and cross streets as well as a vehicle license plate number or name of the company doing the trimming.*

Why We Should Care About Protecting Birds' Nests

First and foremost, it is the law. Second, birds provide numerous beneficial activities, such as eating many thousands of insect pests, which may eliminate some of the need for toxic pesticides. They also disperse seeds over wide areas, ensuring plant health and biodiversity. Finally, many bird populations nationwide are plummeting primarily due to the impact of human activities. Birds are creatures of the earth, a family of animals with which we share this planet and its limited resources. Our positive, cumulative actions can make the difference in ensuring their long-term survival.

IMPORTANT FACTS TO CONSIDER WHEN PLANNING A PROJECT

- Trimming or removal of trees can only be conducted safely outside of the breeding seasons for the bird species inhabiting the area. A qualified independent biologist or the California Department of Fish and Game should be retained by the City and/or project manager to conduct focused nest surveys prior to any work.
- All persons under contract should be made fully aware of the laws protecting birds and the proper protocols when encountering active nests.
- 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 to the trees.
- Most trees in Southern California are trimmed excessively and inappropriately, especially around apartment complexes and condominiums. This is not only to the detriment of the trees, but it leaves fewer habitats for birds to thrive in. Examples of unnecessary tree trimming are:
 - Thinning out pine trees and conifers to the point that you can see through them;
 - Sycamore trees—they do not need pruning because they don't drop limbs;
 - Removing dead palm fronds that drape down around the trunks of palm trees, which provide valuable nest sites for orioles and kingbirds.
- Choose tree varieties wisely. Put the right tree in the right place to prevent the need to severely trim or remove trees because they are too big, no longer 'work,' or are causing problems for plumbing, uprooting sidewalks, growing into electrical lines, etc.
- Please Remember: Trees are not ornaments; they are living organisms and will naturally become a host for other living things.

APPENDIX A

TYPES OF BIRD NESTS

- Birds as small as hummingbirds and as large as herons nest on tree branches; so do hawks, owls, and crows. The nests may be found at every level of the tree, from the crown to the under-story; they may be near the crotch, between branch and trunk, or out toward the end of a branch. Birds may use maples, pines, junipers, oaks, sycamore, and palm trees for nesting.
- Some birds, such as some species of sparrow, use grassland and brushy areas, making the nest on the ground.
- Species such as wrens, juncos, and finches may build their nests in bushes and shrubs with dense, compact foliage, or on the ground below them.
- Some swallows and flycatchers build mud nests attached to the sides of buildings, under culverts, and the eaves of houses.
- Woodpeckers, wrens, some species of owls, sapsuckers, and swallows use cavities that they either excavate themselves or use after another has abandoned it. They will use holes found in live and dead trees, stumps, cacti, and sides of old buildings.

The types of nests that birds construct are as varied as the birds themselves. A few of the major examples are:

- **Scrape nests** are simple depressions in the ground (sometimes with a few stones or leaves added), or in the leaf litter. Such nests are used by shorebirds, gulls, terns, nighthawks, vultures, and other species.
- **Burrow nests** are very effective at protecting eggs and young from predators and maintaining an appropriate microclimate for eggs and young. Some birds, like Bank Swallows and Belted Kingfishers, usually construct their own burrows, while others, such as Burrowing Owls, may use the burrows constructed by other species.

- **Cavity nests** are used by numerous passerines, woodpeckers, owls, parrots, and some waterfowl. Woodpeckers construct their own cavity nests and are referred to as primary cavity nesters. Species that use natural cavities or cavities constructed by primary cavity nesters are called secondary cavity nesters.
- **Platform nests** are relatively flat nests that may be located on the ground, in a tree, or on the tops of rooted vegetation or debris in shallow water.
- **Cupped nests** are, of course, cup shaped. Such nests may be constructed of various materials and in a variety of locations. Noted ornithologist Olin Sewall Pettingill subcategorized cup nests as follows:
 - **Supported cupped nests:** nests located in the crotches and branches of trees and shrubs, supported mainly from below. Many passerines and hummingbirds build such nests.
 - **Suspended cupped nests:** nests not supported from below but from the rims, sides or both:
 - **Pensile:** nests suspended from the rims and sides; rather stiff (e.g. those of kinglets and vireos).
 - **Adherent nests:** cupped nests whose sides are attached by an adhesive substance (e.g. mud or saliva) to a vertical surface, like those of swifts and some swallows.
 - **Ground nests:** cupped nests on the ground; sides are sometimes extended upward and arched over the top making a domed structure. Several passerines, particularly those that occupy open habitats like grasslands and tundra, build ground nests.

[Information on nests courtesy of Prof. Gary Ritchison, Ornithologist, Dept. of Biological Sciences Eastern Kentucky University
[<http://people.eku.edu/ritchisong/birdnests.html>]

APPENDIX B

SPECIAL CONSIDERATION: HERONS & EGRETS

(Species includes Great Blue Heron, Great Egret, Snowy Egret, Green Heron and Black-crowned Night Heron)

Heronries or nesting colonies of herons are frequently located in areas isolated from human disturbance, such as riparian corridors, marshes, and groves of trees adjacent to water bodies or on islands. However, some herons have adapted minimally to human activity and may build their nests in trees near apartment and condo complexes, ports, and harbors that have large trees planted in their greenscape.

Heronries are especially vulnerable to human disturbance and habitat destruction during pair formation and the breeding season (mid-November to September of the following year) when large numbers of birds are concentrated in a rather confined area. Herons are delicate and tend to desert nests and entire colonies if disturbed during periods of pair forming (starting mid-November), nest construction (starting in January) or early egg laying (as early as January). Herons continue to be sensitive to disturbance after hatching and up until the young fledge (up to late-September). In some cases, colonies have even been deserted after destruction or alteration of their habitat during the non-nesting season. Even if herons relocate after deserting a colony, consequences of disturbance include fragmentation of breeding populations, total reproductive failure in colonies, reduced number of breeding pairs, and reduced reproductive output per pair. Ultimately this can affect the stability of the entire regional population (Bowman & Siderius, 1984).

Heronries are unpredictable in their response to disruption of a colony and the severity of the response does not always correspond to the magnitude of the disturbance (seemingly innocuous activities can produce serious results). The most important factors to consider when evaluating these effects are the timing of the disturbance in relation to critical periods of the nesting season and the degree to which the birds are able to adjust to human activities (degree of exposure-induced habituation). Herons are sensitive to humans and mammals moving around under their nesting trees.

When conducting surveys or inventories, individuals should take caution to avoid walking into heronries, especially under nesting trees (indicated by the ring of white guano around the base of the tree). Should they find themselves within a heronry, one should quietly and quickly leave by the same route they entered.

Density of vegetation within and surrounding the colony can influence the impact of disturbances. The removal of vegetation near a colony can open paths into the heronry that would not only enable intrusion by humans and predators, but would result in an increased number of exposed nests. Maintaining the vegetation, including trees and shrubs, around a colony provides alternate nest sites and a buffer against disturbance. **Furthermore, tree trimming should generally not remove more than the minimum of foliage necessary for human health and safety, and should be done, where it is permitted, in a manner that does not unnecessarily discourage herons and egrets from returning to their altered (trimmed) habitat during the next breeding cycle.**

HERON & EGRET BREEDING ACTIVITY:

Great Blue Heron: Mid-November to end of September*

Great Egret: Late February to end of August*

Snowy Egret: Early April to late July*

Green Heron: Early April to early August*

Black-crowned Night Heron: Mid-January to end of September*

SPECIAL CONSIDERATION: CORMORANTS

The Double-crested Cormorant, another colonial nesting species, occupies similar habitat and nesting areas as herons. They also need the protection of buffer zones while nesting, but they appear to be less sensitive to human disturbance than herons.

CORMORANT BREEDING ACTIVITY:

Late March to mid-October (especially in Marina del Rey) *

*Information on breeding activity from *Los Angeles County Breeding Bird Atlas and from breeding bird atlas records from San Diego, Orange Counties, and the Salton Sea.*

[PLEASE NOTE: Some of the information on herons and cormorants is adapted from "Special Management Practices for Herons," courtesy of the government of Nova Scotia. Although the information below was provided by biologists in Nova Scotia, it is relevant to these species in most locales. **For purposes of these guidelines, local biologists and ornithologists were consulted and relevant dates modified to fit conditions in Los Angeles County.**

The PDF document in its entirety can be found at:

[<http://www.gov.ns.ca/natr/wildlife/Thp/heronsmp.pdf>]