



Bird Nest Protection During Construction & Tree/Shrub Trimming

Did you know?

TO HARM OR HARASS A NATIVE BIRD OR ITS NEST IS A VIOLATION OF FEDERAL AND STATE LAW



State & Federal Laws Protect ALL Native Birds

The Migratory Bird Treaty Act (MBTA) is one of the nation's oldest environmental laws passed in 1918. Under the provisions of the MBTA, it is unlawful "by any means or manner to pursue, hunt, take, capture (or) kill" any migratory birds except as permitted by regulations issued by the U.S. Fish and Wildlife Service (FWS). The term "take" is defined by FWS regulation to mean to "pursue, hunt, shoot, wound, kill, trap, capture or collect" any migratory bird or any part, nest or egg of any migratory bird covered by the conventions, or to attempt those activities.

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 Section 3513 provides protection to the birds listed under the MBTA, essentially all native birds. Other Fish and Game Codes provide further protection to certain types of birds, such as raptors.

How Can You Avoid Nesting Birds During Construction & Tree/Shrub Trimming?

⇒ Conduct brush removal, tree trimming, building demolition, or grading activities outside of the nesting season. The raptor breeding season begins **January 1st and ends September 30th** and the nesting season for other birds on the Palos Verdes Peninsula is **February 15th through August 31st**.

In planning your project or foliage trimming, consider hiring a biologist to survey the project site to determine if or when it is safe to commence construction or trimming activities. Depending on the size of the project area, a professional survey may only take an hour.

⇒ If other timing restrictions make it impossible to avoid the nesting season, the construction area or nearby shrubs/trees should be surveyed for nesting birds. Active nests should be avoided as described below:

Inspect the project site for nests. If birds are observed flying to and from a nearby nest, or sitting on a nest, it can be assumed that the nest is active. Construction activity or tree trimming should then be delayed until a qualified biologist could conduct a nesting survey and provide you with further guidance. Do not disturb or remove the active nest! It is better to be take these precautionary measures, than to run afoul of the law and be subject to **finest and criminal penalties**.

ALL Native Birds are Protected

Since only a few birds encountered in the City of RPV are not protected (e.g. European starlings and house sparrows), it is safe to assume that any nest you encounter should be avoided.



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 (916-414-6464) or California Department of Fish and Wildlife office (909-484-0459).



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Referrals for professional nest surveys:
Palos Verdes/South Bay Audubon Society
P.O. Box 2582, Palos Verdes, CA 90274