

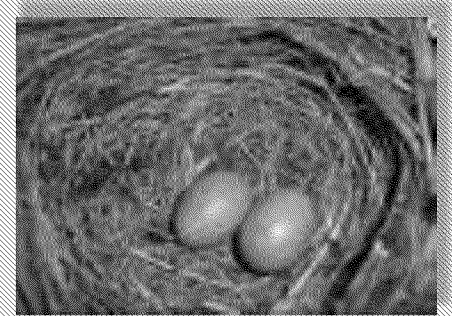


Bird Nesting and Utilities: Discussion Framework and Solutions

San Francisco, CA
August 2012



California Department of Fish & Game
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The Department administers a series of laws and regulations governing the treatment of nests and nesting birds in California

- California Endangered Species Act (CESA)
- Bird take prohibition (FGC 3503 and 3503.5)
- Migratory Bird treaty Act (state implementation – FGC 3513)
- Fully protected species (FGC 3511)

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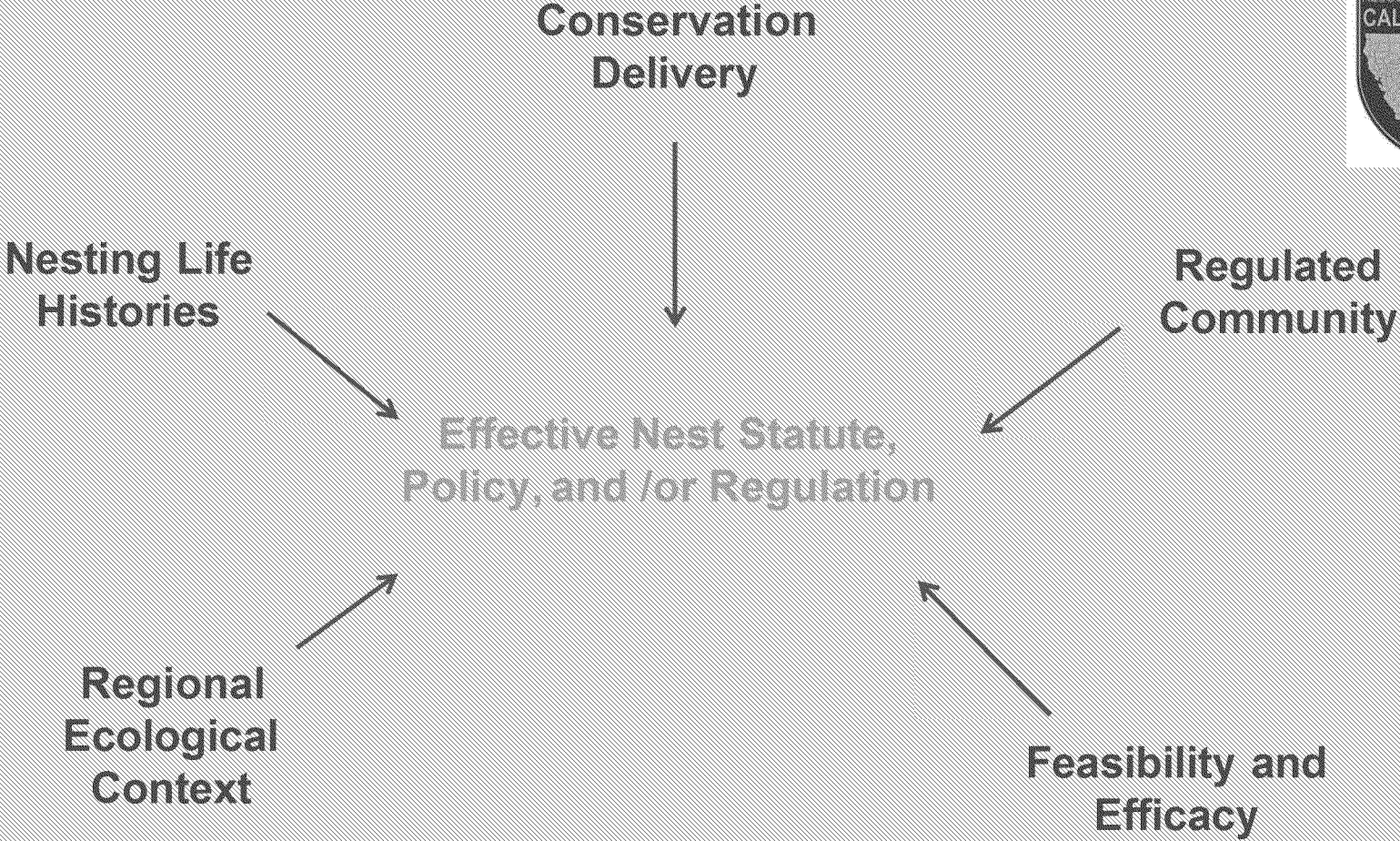


The Department interacts with the public and industry with respect to bird nests in a variety of ways

- Construction of utility lines and other structures
- Maintenance activities for business and infrastructure
- Timber harvest
- Fuel reduction actions
- Public vegetation trimming and clearing
- Nuisance birds
- Management of invasive or deleterious species
- Land use conversions
- Habitat restoration projects
- Agricultural activities

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Some Potential Actions Pros and Cons...

Measure	Pros	Cons
Bird Nest Management Plans	Relatively prescriptive, mutual assurances, can be sensitive to individual species	Costly, require interpretation of terms in law and regulation
Seasonal Construction Restrictions	Avoids impacts, well-suited for temporary projects	Not always feasible with major construction
Use of Buffers	Provide for disturbance during nesting season, monitoring component	Difficult to establish, may not be effective in every application
Nest Deterrents	May achieve complete avoidance	Unknown efficacy in every application
Vegetation Clearance Prior to Construction	May achieve complete avoidance	Costly, additional temporal habitat loss
Use of Qualified Monitors	Modify avoidance in real-time, minimize impacts	Can be subjective and inconsistent

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An approach that provides for short- and long-term solutions for both conservation delivery and take authorization is needed.

- Short Term
 - Existing avoidance and minimization measures
 - Bird nest Management Plans
- Longer Term
 - Develop regulations to implement 3503 and 3503.5

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Elements of a Regulatory Solution...

- Define relevant terms like “nest” and “needlessly destroy”
- Provide for reasonable exemptions
 - Clearly defined emergencies
 - Non-native species
 - Activities outside the breeding season
 - Scientific, educational, propagation, etc.
- A permitting program that includes:
 - Nest and egg take authorization
 - Focused on declining and vulnerable species
 - Greater protection for listed and sensitive species
 - Minimization and avoidance measures tailored to impacts
 - Mitigation measures tailored to impacts
 - Improved wildlife management action opportunities

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On-going Efforts and Future Programs May Further Bird Conservation and Regulatory Effectiveness

- Evolving Bird Nest Management Plans
 - CPUC Content List
 - Submittal timing
- Up-Front Technical Project Planning Assistance
- Improved avoidance and minimization techniques

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Thank you!

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