

Thank you for sending this. In general, based on the level of detail provided, this doesn't constitute what I would consider an adequate survey for nesting birds (however, in this case it may be possible to proceed anyway—see below).

Here are my concerns: the observer listed seven species of birds during two two-hour survey visits. Based on observations from Humboldt State University's Wright Wildlife Refuge (approximately 1 mile from the subject parcel, within the same watershed and with similar habitat), there are many other common species that would occur at this time of year in the habitat in question that are not included on the species list. A complete species list of all birds observed during the survey would help greatly in my ability to determine whether or not the observer did a thorough job, which at this point is a bit of a question in my mind. I'd also recommend, in general, that a survey for nesting songbirds start within a half hour of sunrise. Additionally, in habitat with trees taller than 20 feet, or any complex habitat of this size, it is extremely difficult for one person to ascertain with certainty that there are NO nesting birds in that habitat within only a few hours. This is particularly true for hummingbird nests, which are tiny and cryptic. This is why CDFW recommends the March – August no disturbance window. Finally, the survey is already 11 days old, and the nesting season is underway. Early nesters (song sparrow, white-crowned sparrow, dark-eyed junco, Allen's and Anna's hummingbirds) can build a nest in under a week and all of these species are likely present in the habitat in question.

I think in this case, the applicant may proceed if the work can be completed within seven days of today's date. If not, another survey should be completed. The next survey needs to start within half an hour of sunrise, all birds encountered should be recorded, and if the survey reveals no nesting activity, all work should occur within seven calendar days of the date of that survey. This is not an ideal situation and I realize that these regulations have not always been widely known or strictly enforced. I am continuing to work with Mike and other staff to develop consistent recommendations to prevent take and follow state and federal laws. Let me know if you or the applicant have any questions.