

Protecting Nesting Birds

Best management practices & what you need to know



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Thrush babies in their nest

Background:

- 135 species of birds breed around the City of Portland.
- The vast majority of these birds are federally protected under the Migratory Bird Treaty Act (MBTA), which protects birds along with their nests, eggs and feathers.
- This legislation prohibits the “take” (intentional OR accidental killing) of all native birds and nests.
- Bird nests are only protected when they contain eggs or young; in our region this is in spring and summer.
- The Bureau of Environmental Services has generated best management practices for protecting bird nests on City projects: *Protecting Bird Nests: Best Management Practices for Vegetation and Construction Projects* (2017).

What activities disturb bird nests?

Many activities pose a significant threat to birds and their nests. These activities should be avoided during the nesting season (see table below):

- Mowing and clearing
- Invasive or native vegetation removal and re-planting
- Herbicide application
- Snag removal
- Grading of project sites
- Removal/modification of built structures
- Water level management

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PROTECTING NESTING BIRDS: Best management practices & what you need to know

Where are bird nests found?

Nests are not just found in trees! Many birds nest in shrubs, ground vegetation, gravel, streambanks and human-made structures.

Recommendations:

- Avoidance! Avoiding disturbance to nests is the preferred approach.
- Plan disruptive activities during the non-nesting season (August 1 – January 31)
- If this is not possible, plan to survey for bird nests and phase work around active nests.

When is the nesting season?

The bird nesting season is divided into 3 windows. We suggest that potentially disruptive activities be performed during the non-breeding season.



Barn swallow nestings

Start date	End Date	Season	Approach
August 1	January 31	Non-breeding	<ul style="list-style-type: none">• Best time for disturbance
February 1	April 14	Early Nesting	<ul style="list-style-type: none">• Be aware of impacts• Consider early species• Survey
April 15	July 31	Primary Nesting	<ul style="list-style-type: none">• Avoid disturbance• Survey if unavoidable

How should you proceed?

Plan projects around the bird nesting season when possible to avoid disturbance and violation of the MBTA. There are 3 potential scenarios, in order of preference.

1. Plan disturbance during non-breeding season.
No risk of impact on birds or project delay.
2. Remove vegetation in early nesting season. Survey for and avoid nests.
Less risk of impact on birds or project delay
3. Remove vegetation in primary nesting season. Survey for and avoid nests (assume you will miss some)
Highest risk of impact on birds and project delay

Found a nest within the project area?

Consult *Protecting Bird Nests: Best Management Practices for Vegetation and Construction Projects (2017)* for guidance on establishing a protection buffer and phasing work around the nest. Contact **David Helzer** at 503-823-2761.