

## **Tree Care for Birds and Other Wildlife**

### **Federal and state regulations providing protection to birds and their nests**

(draft project document, posted at [www.treecarebirds.org](http://www.treecarebirds.org))

#### ***Federal Endangered Species Act***

- Regulates take of threatened and endangered species. Currently 2054 species are listed, 1436 of which live in the US of which 318 live in California: 187 plants, 34 invertebrates, 29 fishes, 12 amphibians, 10 reptiles, 16 birds and 30 mammals.

#### ***Migratory Bird Treaty Act***

- Regulates take of birds native to the United States. The U.S. Fish and Wildlife Service has released a list of protected birds (currently 1026).

#### ***Bald and Golden Eagle Protection Act***

- Regulates take and disturbance of eagles and eagle nests.

### **State of California Regulations**

#### ***California Fish and Wildlife Code***

Section 2050-2089 - California Endangered Species Act

- Regulates take of California threatened and endangered species. The list currently includes: 218 plants, 3 invertebrates, 21 fish, 12 amphibians, 9 reptiles, 24 birds and 18 mammals.

Section 3503 - California Birds

- Regulates take and needless destruction of birds and nests.

Section 3503.5 - California Raptors

- Regulates take of birds of prey and their nests.

Section 3511 - Fully Protected Species

- Authorization for take of 13 species shall only be authorized by CFWS after contacting all interested parties and given a 30 day comment period. This has largely been incorporated into the Endangered Species Act.

Section 3801 - Exceptions

- House sparrows and European starlings are not protected by section 3503

#### ***California Code of Regulations***

Title 14 Section 251.1 - Harassment of Animals

- Regulates an intentional act which disrupts a bird or mammal's normal behavior patterns, including breeding, feeding, or sheltering

### **State Regulations for Tree Care and Management (will be added later)**

#### **Regulations for Utility Line Clearance**

- California Public Resource Code, Section 4292: Power Line Hazard Reduction

- California Public Resource Code, Section 4293: Line Clearance Guidelines
- General Order 95, Rule 35: Vegetation Management,  
[http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_rule\\_35.html](http://www.cpuc.ca.gov/gos/GO95/go_95_rule_35.html)
- North American Electric Reliability Council (NERC) Standard FAC-003-1: Transmission Vegetation Management Standard, 35 p,  
[http://www.nerc.com/\\_layouts/PrintStandard.aspx?standardnumber=FAC-003-3&title=Transmission%20Vegetation%20Management&jurisdiction=United%20States](http://www.nerc.com/_layouts/PrintStandard.aspx?standardnumber=FAC-003-3&title=Transmission%20Vegetation%20Management&jurisdiction=United%20States)