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April 19, 2019

By Hand Delivery

Alexa Endress

Waterfront Manager

Berkeley Marina

Re: Mowing of Red-winged Blackbird Habitat

Dear Ms. Endress:

Red-winged Blackbirds are currently nest building and breeding in an area of tall vegetation located south of the flare station in Cesar Chavez Park. The approximate area is shown in dark green on the map above. The vegetation in this area exceeds an average of 18 inches in height and there are many individual plants, such as wild radish, wild mustard, and mallow, that exceed 36 inches. This vegetation provides breeding habitat for Red-winged Blackbirds, which, as you know, come to Cesar Chavez Park every spring for nesting and reproduction.

If this area had been mowed before the vegetation exceeded about one foot in height, the birds would not select it as breeding habitat. Now that the birds are breeding there, mowing would destroy their reproductive environment.

Under the Migratory Bird Treaty Act, as implemented in the California Fish and Game Code, an "incidental take" permit is required for mowing activity that destroys bird breeding habitat. Does the City of Berkeley have such a permit for this area?

May I respectfully suggest that mowing activity in this portion of the meadow, and in other heavily vegetated areas where blackbirds appear to be roosting, be suspended until the eggs have hatched and the fledglings taken wing. This normally occurs around the middle of June and is almost always complete by the Summer Solstice, June 21-22.

Thank you for your attention to this matter.

Martin Nicolaus
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