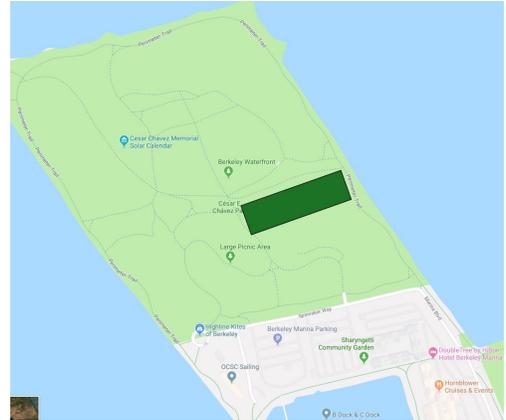




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April 25, 2019
By Hand Delivery

Alexandra Endress
Waterfront Manager
Berkeley Marina



Re: Mowing of Breeding Bird Habitat

Dear Ms. Endress:

On April 19, I delivered a letter to your office advising that Red-winged Blackbirds appeared to be nesting in an unmowed tract of meadow south of the Flare Station, as indicated in the highlighted area of the map, above.

Yesterday, a veteran bird observer and teacher, Rusty Scalf, surveyed that area and was able to establish definitely that the Red-winged Blackbirds were breeding and nesting in this tract.

Scalf established additionally that the Savannah Sparrow, a California Species of Special Concern, was also nesting and breeding in this same tract.

I attach a copy of Scalf's statement. Scalf has been teaching bird identification classes through the Golden Gate Audubon Society since 1990. He has conducted Breeding Bird Atlas projects for Alameda, Contra Costa, Solano, Yolo, Sonoma, Santa Cruz, and Nevada counties.

As I indicated in my earlier letter, if this tract of meadow had been mowed before the vegetation exceeded about one foot in height, the birds would not select it as breeding habitat.



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Now that the vegetation has been allowed to grow to knee height and taller, a number of blackbirds and Savannah Sparrows are breeding there, and mowing would destroy their reproductive environment.

Mowing this tract while breeding is underway would be a violation of the Migratory Bird Treaty Act, as implemented in the California Fish and Game Code. If the City believes that mowing is nevertheless necessary while birds are breeding, the City needs to obtain an "incidental take" permit.

May I respectfully urge that mowing activity in this portion of the meadow, and in other heavily vegetated areas where blackbirds and/or Savannah Sparrows appear to be breeding, 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

Martin Nicolaus
Chavezpark.org

Statement of Rusty Scalf

I met Martin Nicolaus at 8 am 4/24/2019 for a morning survey of the tract in question (just south of the flare).

The area is very active with displaying male Red-winged Blackbirds. Up to five males seen in one binocular view displaying simultaneously. Total number in the tract is possibly 15 to 20. Females were far more furtive and given to short quick flights across the grass. Numbers were difficult to estimate though at least 6 females were seen. Likely we saw more though it's difficult to know about double counting. One female was seen to fly up from a spot of tall grass and Curly Dock (Rumex). Minutes later the bird returned to that spot carrying nesting material in her beak. If she is



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indicative of the state of this colony then they are in nest building or early egg laying stage.

On several occasions male Red-wings were seen attacking Crows as they flew over the area.

Savannah Sparrows were present and at least 5 birds were in song. One sparrow went back and forth between two song perches. These behaved like territorial birds. Additional Savannah Sparrows were seen foraging along the path. Perhaps females or non-territorial birds.

Rusty Scalf

rscalf@sonic.net

510-495-5837

CC: Susan Ferrera, Parks Superintendent

Bruce Pratt, Parks Senior Building Maintenance Supervisor

Walter Vandernald, Building Maintenance Supervisor

Nyles Gregory, Senior Landscape Gardener Supervisor

Matt Shogren, Landscape Gardener Supervisor, Waterfront