

To: Sacramento Tree Ordinance Project Team and Stakeholder Committee
Re: Suggested language for tree ordinance update
From: Jude Lamare

For the section re protected trees

Trees that have been identified as commonly used for nesting by migrating raptors shall have protections as defined in Section xxxx.

a. City Inventory of Raptor Nesting Trees

1. The City Urban Forestry Department shall maintain an up-to-date inventory of trees in the City identified as nesting trees for Swainson's Hawk and other migrating raptors listed as protected by the US Migratory Bird Treaty Act (MBTA).

2. The Inventory shall be available to the public and be accessible on the internet. Owners of all trees on the inventory shall be advised by direct mail, which includes information about nesting migratory raptors and the protections afforded raptors by law.

3. Trees will be placed in the inventory upon documentation that the tree has been used within the last five years for nesting by migrating raptors as identified by the US Migratory Bird Program under the US Migratory Bird Treaty Act. Documentation may be provided by citizens, experts, or the California Department of Fish and Wildlife.

4. The City shall not remove a tree from this inventory without the finding by the California Department of Fish and Wildlife that the tree does not provide nesting habitat or that its removal will be adequately mitigated.

b. Maintenance and pruning of Raptor Nesting Trees

1. Whether located on public or private property, owners of raptor nesting trees listed on the City's inventory are obligated under federal law to prune and maintain these trees to protect reproduction. The City also wants to maintain nesting habitat to conserve the resource for the future.

2. No pruning or maintenance shall be performed by any landscape maintenance company or private or public owner during nesting season for any MBTA listed raptor using a raptor nesting tree on the inventory, pursuant to the US Migratory Bird Treaty Act prohibiting take of migrating birds.

3. Regarding pruning or maintenance of a tree not on the inventory, a search for nests shall be made prior to beginning the work, and the owners shall cease work and consult with California Fish and Wildlife if a potential raptor nest is found during nesting season.

c. Mitigation of Raptor Nesting Trees When Removal or Excess Pruning Occurs

1. If a tree on the Raptor Nesting Tree Inventory is determined by Urban Forestry to be excessively pruned, or the City provides a permit for the removal of such a tree, the City shall require mitigation by the owner for the loss of nesting habitat for migrating raptors prior to issuance of the permit.

2. Replacement trees provided for mitigation shall be selected and maintained to produce the mature tree structure of the removed tree.

3. The location of replacement (mitigation) trees shall be determined in consultation with the California Department of Fish and Wildlife to maximize the value of the tree for future nesting of raptors in the City of Sacramento.