



- CITY OF BIGGS -  
**PLANNING DEPARTMENT STAFF REPORT**

465 C Street /  
P.O. Box 1134  
Biggs, CA 95917

PHONE: (530) 868-5493  
FAX: (530) 868-5239

---

DATE: July 9, 2013  
TO: Honorable Mayor and Members of the City Council  
FROM: Scott Friend, AICP - City Planner  
SUBJECT: Night Herons / Bird Infestation

---

**Report Summary:**

Acting at the request of the City Administrator, Planning staff has contacted the California Department of Fish and Wildlife (CDFW) in regard to the recent influx of additional night herons into the City and the resulting disruptions that this is causing. The purpose of this report is to provide the Council with what limited information staff could find and prepare in the time provided and to inform the Council about the bird and its protection status under the law.

**Background / Discussion - General:**

Based upon the information provided to staff and upon staff's observations, it appears as if the City has become a favored nesting location for the Black-crowned and Yellow-crowned Night-heron. The birds are protected under the Migratory Bird Treaty Act (MBTA), which is enforced by the U.S. Fish & Wildlife Service and the herons are listed as a protected species in California during the period of time that they actively are nesting. Nesting occurs generally between February and August and the birds and their nests cannot be harassed during the time. Disturbance to or harassment of nests during active nesting periods can result in the imposition of fines and game disturbance violations.

Typical techniques used to encourage the bird to move from an existing nesting or roosting location include removal of nests upon the culmination of nesting period, vegetation management (trimming trees), netting trees to prevent nest re-construction and/or tree removal.

Staff has been in contact with both Law Enforcement officers from the CDFW and the regional CDFW biologist on this issue. Staff hopes that a representative of the Department will be available to respond to Council questions on this matter at the July 9<sup>th</sup> meeting.

**Fiscal Impact:**

Not Applicable.

**Environmental Review:**

Not Applicable.

**Staff Recommendation:**

None provided.

**Attachments:**

*Attachment A* - Example Bird Management Plan (City of Willows)



# GLENN COUNTY

## PLANNING & PUBLIC WORKS AGENCY

*Daniel A. Obermeyer, Director*

125 South Murdock Avenue  
Willows, California 95988  
(530) 934-6545 FAX 934-6542



---

## PLAN FOR ALLEVIATING EGRET AND HERON NUISANCES WITHIN THE CITY LIMITS OF WILLOWS 2008/2009

### INTRODUCTION

For the past three years a few species of birds (snowy egrets, cattle egrets, and black-crowned night-herons) have successfully reared their young in nests located in the trees at the Willows Memorial Park and surrounding vicinity. All of these birds, their nests, eggs, and rookery habitat are protected under the "Migratory Bird Treaty Act," although none are considered or classified as threatened or endangered. The Treaty provides protection that lasts throughout the birds' entire nesting season (approximately March through September). There is only a small window of time in which efforts can be administered to prevent the birds from nesting. The first year that the birds arrived, county forces were completely unaware of the laws and regulations associated with migratory birds, which became quite a learning experience. The second year, the birds arrived earlier than the previous year and the birds were able to build their nests before any tactics to move them along could be implemented. The third year, the County was facing some major budget cuts and all efforts to move the birds along that impacted the budget were discouraged.

Problems are created when this type of event occurs near human populations and the results are very unpleasant. Some of the damages which are a direct result of the birds nesting include, but are not limited to: nuisance noises coming from bird vocalizations and flight activities; offensive odors emitted from guano droppings and decomposing birds and eggs combined with extreme summer temperatures and north winds; decline of vegetation, trees, shrubs, etc. by the defoliation of plants, the covering of leaves with droppings, removal of twigs for nest construction, and increases in soil nitrates and phosphates also caused by the accumulation of dropping; and displaced fledglings in yards, streets, under porches, in garages, etc, when the young begin to leave the nests or when the fledglings fall from their nests. The number of birds that came to nest increased from 500± the first year to over 2,000± during the third year.

Next year's main objective is to discourage the birds' settlement within the city limits of Willows, so that they will establish their local nesting colony in a location more suitable for humans and for the birds. There are a number of potential locations within a short distance of Willows that provide suitable habitat, including portions of the Sacramento National Wildlife Refuge, located six miles south. City and County officials have agreed to

work cooperatively and have sought the advice, recommendations, and guidance from the U.S. Fish and Wildlife Service officials and from the State Department of Fish and Game officials. The involvement and participation of private citizens from within the city limits of Willows will be necessary to successfully relocate these birds.

The work that will be involved in relocating the birds from the city limits will take from 6-8 weeks of daily harassment and noise activities primarily in the early morning and evening hours, supplemented with intervals of sound during the middle of the day. As the urge to nest increases, the birds will become difficult to move from the area with each succeeding stage of rookery development (nesting, egg-laying, and hatching). Rookery management is a high-profile operation with intense public scrutiny. Noise harassment activities near human populations are disruptive to the birds and to people. The individuals living next to the park will welcome our efforts while nearby unaffected persons may take offense.

**FOLLOWING IS A MONTHLY OUTLINE OF HOW WE PROPOSE TO CARRY OUT THIS "PLAN":**

**SEP-OCT 08** After all birds have left the park and surrounding vicinity or as soon as all young fledgling are flight-capable, city and county workers will begin cleaning all of the affected trees. A request to utilize a pumper truck from the Willows Fire Department will be made to help in pressure washing the higher portions of the trees. Workers will begin power-washing the lower portions of the trees. The guano will be washed away and as much of each nest located will be removed from the trees. Nest removal methods include shooting nests with water or raking with long poles. Officials will check on the availability of work crews from Valley View Conservation Camp to assist in these cleanup activities. Workers will remove the damaged landscaping that has been destroyed by bird guano which is located next to the Willows Memorial Hall building (on the west side). The building, sidewalks, driveways, and surrounding streets will be power-washed to lessen the nuisance odors; remove the potential disease threats; and to improve the vegetation that has declined due to the guano. Also the lawn areas in the park and by the Memorial Hall building will be thatched and/or aerated.

A public awareness campaign will begin to involve neighbors and concerned citizens. The media will be involved and a newsletter established for concerned citizens versus holding public meetings prior to the birds return. Press releases will be sent to the local newspapers for publication explaining the efforts that will be deployed during February, March, and April 2009 and what the public can expect to happen. The "plan" for solving this problem is three-fold: (1) immediately harass and disperse any birds as they show up and before they display or attempt to construct nests utilizing a diversified scaring/hazing program; (2) mark the stand for habitat alteration procedures to begin as soon as possible; and (3) prevent the formation of another rookery in an unfavorable location.

**NOV-DEC 08** County Officials will apply for a depredation permit as a precautionary measure. If the noise and harassment activities begin to not work or the birds become habituated to the continual activities, shooting a limited number of the birds may be necessary. A waiver or special authority will be requested and obtained from the City of Willows regarding local ordinances which prohibit noises at certain times of the day, the use of firearms, and any other tactics that are necessary to move the birds. The use of pyrotechnics to solve this problem may be necessary. Officials will contact the Federal, State, and County Trappers and local law enforcement agencies for assistance in these activities. Retired law enforcers and/or reserve deputies will also be contacted to participate if they are available.

County officials will establish a telephone HOTLINE number for the public to call if they have birds that have invaded their property and/or trees. Develop a release form or liability waiver document that will allow the local officials to enter private properties to assist in moving the birds along.

Continue the public awareness campaign, the newsletter, press releases, and the inter-agency coordination and involvement.

**JAN-FEB 09** Begin purchasing cracker shells and/or racket bombs, propane cannons, air horns, helium and/or durable PVC material balloons as visual scare tactics, iridescent holographic ribbon rolls, reflective tape rolls, and an electronic broadcast alarm device that can deliver harassment sounds, distress calls and cries, and predator sounds to repel the birds (and to stand guard all day and night). In addition, use bald eagle deterrence decoys that are a plastic type kite that will indicate the presence of a natural predator. Tree netting may be another method for deterring the birds; some trees could be covered with the netting if it appears that the tactics being deployed are not working. Paint ball guns with clear paint, sling shots with rubber projectiles, and exploding decoys are also being considered. Local farmers will be contacted and asked if they have any Zon guns (propane cannons) that they would be willing to lend.

Seek and obtain volunteers from the owners of surrounding properties with emphasis on all citizens that have voiced complaints in the past. Ask for a volunteer to head a neighborhood watch team. This individual should be an interested person that can coordinate the activities of the group through the officials in charge of the work. Emphasize the need to report evidence of the first birds to return to the area. Seek additional sources of help through the local schools, churches, and various service clubs and organizations.

Begin setting up split shift schedules for all inter-agency workers that will be involved in the relocation/harassment work. Relocation and/or harassment work will take from 6-8 weeks and will be primarily conducted in the early morning (a half-hour before sunrise) and late evening hours (a half-hour after sunset) supplemented with intervals of sound from the electronic device used throughout the middle of the day. The use of shells/cannons, air horns, and other loud devices during regular business hours will be a wait and see situation.

**MAR-APR 09** Begin the scaring/hazing work when the first birds arrive. This may entail use of only one zon gun or cannon initially and hanging of the reflective visual ribbon rolls, balloons, and deterrence decoys in various tree locations. If the birds persist, we will set up one or more of the broadcast alarm devices to play recorded distress cries and calls at timed intervals. Bird activity and harassment efforts should peak just before sunset. Rookery monitoring and bird scouting activities will be continued during this period for several weeks to prevent reestablishment of the rookery, or the creation of new rookeries in unacceptable areas. The use of these devices will require responsible citizen coordination. The HOTLINE number will be used to prevent the birds from relocating at another undesirable location. We must involve the media so the citizens will be aware of what is happening. Dispersal will take excellent cooperation and community involvement. No one agency could accomplish this alone. The U.S. Fish and Wildlife Service and State Department of Fish and Game experts will monitor the county and city efforts for effectiveness in the relocation of the birds. Because there is only a small window of time (bird arrival to nesting) before the rookery becomes a protected area, professional judgment and/or view of the activities will be an asset. After hazing operations begin and the tactics appear to **not** be working with the birds, workers will begin habitat alterations (tree thinning/pruning). An 80'± Lift will be rented to begin pruning trees that held the majority of the nesting birds. The City's chipper equipment will be requested for removal of the debris. Rookery sites can be made less attractive to birds by selectively cutting or pruning trees to open the stand 50-75%. All underbrush should be removed entirely. Pruning efforts can only be done if the birds have not nested, timing will be everything.

Any questions pertaining to this document, please feel free to contact Bobbé Lewis, Glenn County Facilities Manager, at the Planning & Public Works Agency, 125 South Murdock Avenue, Willows, California 95988; (530) 934-6545 FAX 934-6542 or Email: [blewis@countyofglenn.net](mailto:blewis@countyofglenn.net).

cc: Paul Hofmann, Sam Castillo, State Dept. of Fish and Game  
Jim Ferrier, Mike Wolder, U.S. Fish and Wildlife Service  
Steve Holsinger, Manager, City of Willows  
Tom Rusert, Sonoma Birding  
Jay Holcomb and Marie Travers, Intn'l. Bird Rescue Research Center, Fairfield, CA  
Mike Murray and Tracey Quarne, Glenn County Board of Supervisors  
David Shoemaker, Glenn County Administrative Officer  
Larry Jones & Marybeth Stanbery, Sheriff's Office  
Scott Gruendl and/or Kevin Backus, Health Services Agency  
Dan Obermeyer, Randy Murphy, and Ricardo Valdez, Planning & Public Works Agency