

# SOP for Nesting Birds

## Background

Most bird nests are protected under the federal **Migratory Bird Treaty Act (MBTA)**. This law says: “No person may take (kill), possess, import, export, transport, sell, purchase, barter, or offer for sale, any migratory bird, or the parts, nests, or eggs of such bird except as may be permitted under the terms of a valid permit...” Under the MBTA it is illegal to destroy a nest that has eggs or chicks in it or if there are young birds that are still dependent on the nest for survival. Exceptions to these regulations are the nests, eggs, and chicks of non-native birds such as pigeons, starlings, and English sparrows.

Under very limited circumstances, the U.S. Fish and Wildlife Service may issue permits to take active nests. Nest removal permits are usually only issued when the particular nest is causing a human health or safety concern that is documented by a health professional, or the birds are in immediate danger. It is usually required that you wait for the nest to become inactive (contains no eggs or chicks and is no longer being used by birds for breeding) before destroying it. We found during investigations to remedy the cliff swallow problem at Building 6004 in the summer of 2023 that obtaining a U.S. Fish and Wildlife Service permit to remove active nests in nearly impossible, and that it is a lengthy process that would not have produced a permit before the birds had finished nesting and abandoned the nests. Therefore, unless an active bird nest is actually preventing a mission critical activity, removing this nest is not an option.

The Sikes Act and a number of subsequent Executive Directives mandate that the Secretary of Defense, in cooperation with the U.S. Fish and Wildlife Service and state fish and wildlife agencies, to carry out a program for the conservation and rehabilitation of natural resources on military installations. The Sikes Act allows for the sustainable, multipurpose use of natural resources subject to military security and safety requirements.

## Problems on Miramar

Typically, bird nesting problems on Miramar fall in three categories:

1. Nests of ravens or barn owls in hangar and bunker roof structures and doors. These are large messy birds, and bird droppings, owl pellets, and nesting material can rain down on cause unsanitary conditions below. Several hangars have installed protective netting to fence out birds and has proven effective. Removal of nesting material usually requires a lift to reach the nests and personnel trained to work from the lifts due to safety concerns.
2. Nests of smaller passerine birds, including European starlings, English sparrows, and mourning doves in inconvenient locations such as electrical boxes or engine compartments of vehicles parked for extended periods. In the cases of European starlings

and English sparrows, nests with eggs and chicks can be removed since these are not covered under the MBTA.

3. Nests of cliff swallows, colonial nesters who build nests of mud pasted to building overhangs. The concentrations of nests and the bird droppings and material can cause buildup of this material down below. In the case of Building 8671, this buildup occurs directly in front of the main entrance doors, and material is tracked into the building. In the case of Buildings 6003 and 6004, dropping buildup has occurred directly outside of office windows. The smell of these droppings makes using natural ventilation by opening windows problematic.

## **Remedies and Prevention**

Measures to employ to reduce and prevent bird nesting at incompatible locations:

- a) Remove old nests so that they cannot be reused;
- b) Excluding access to nest sites/areas by screen, barrier, or other enclosure;
- c) Install some type of facing on walls that prevents adherence of mud;
- d) Mild non-lethal harassment of birds attempting to build nests, including removal of nesting materials if no eggs or chicks are present; and
- e) Removal of nest beginnings before eggs are present (good option for prevention of cliff swallow nesting).

For many small, solitary nesting species, nests are not noticed until they are actively in use by parents tending eggs or young. At that point it is too late for removal, so start planning for how to exclude access to the nesting site in subsequent years. If, however, nesting is identified prior to eggs being laid, removing nest materials can encourage the birds to nest elsewhere.

The highly visible nesting behavior of cliff swallows is an exception to this. Groups of these birds fly around nest sites with continuous vocalizations. When initial bits of mud are observed on building facades and overhangs, they should be removed manually if possible using a long pole or stick. This must be repeated almost daily for weeks until the birds decide to go elsewhere to nest. Importantly, this can only be done when nest building is in early stages. If nest building has been allowed to occur sufficiently for it contain eggs, removal action must cease.