



---

## December Board Cycle

## Milwaukee County Parks

9480 Watertown Plank Rd.

Wauwatosa, WI 53226

(414) 257-PARK

Date: November 12, 2020

To: Marcelia Nicholson, Chairwoman, County Board of Supervisors

From: Guy Smith, Executive Director, Milwaukee County Parks

Subject: **Parks Department Policy on Vegetation Management during the Bird Nesting Season (INFO)**

### Issue

The Parks Department frequently receives requests to conduct vegetation management work that can threaten nesting birds and their habitats. An internal guidance document has been drafted to clarify factors for consideration, as well as implement an effective moratorium on certain vegetation work by non-Parks staff during the peak of bird nesting season.

### Background

In 2019 the Milwaukee County Parks System was designated as an Important Bird Area, one of only 2,700 sites in the United States, by the Wisconsin Bird Conservation Initiative. This accomplishment was an important recognition that Wisconsin's most populous county has essential habitat for the 353 species of birds that have been documented within Milwaukee County, and also speaks to Parks' firm commitment to bird conservation. Through the efforts of the Parks Natural Areas staff, strides have been made to sustainably manage natural parkland, conduct a rigorous long-term bird monitoring program, and provide engaging and accessible bird education programs to our constituents. These conservation efforts are essential because recent scientific research by the country's leading bird conservation organizations has shown that bird populations in North America have declined by 3 billion birds since 1970.

In keeping with this important stewardship of natural resources, Parks staff has worked to prioritize the protection of bird nesting habitats during critical seasons. In many cases this means limiting or restricting vegetation management work that can take place in certain portions of natural areas of the park system in order to protect breeding birds.

### Bird Habitat in the Milwaukee County Park System

Birds can be found nesting almost anywhere, even in the most developed areas. A recently completed 5-year state-wide study called the Breeding Bird Atlas was completed by bird conservationists, citizen volunteers, and the Wisconsin DNR.



As part of this study, Parks Natural Areas staff thoroughly assessed Milwaukee County's breeding bird populations. With that information in mind, this internal guidance document describes those times of the year that birds are most likely to be nesting in a project area within the Milwaukee County Park System. While these guidelines are most often directed at permits for right-of-entry to conduct construction-related activities on parkland, they may be appropriate for a wide range of projects. Lands within the Milwaukee County Parks that are designated as natural areas would always be subject to enforcement of restrictions on vegetation management during peak bird breeding seasons, but all parkland would be subject to review by staff within both the Natural Areas Division as well as Landscape Architects in the Planning and Development Division for applicability on specific projects.

### Timing

The best way to avoid disturbing birds is to schedule vegetation management activities outside the primary bird nesting season. The nesting season is not the same for all species, and not all sites will have nesting birds present during the entire nesting season. Furthermore, at least 125 species of birds build nests, lay eggs and raise young in the County. Parks staff will provide specific guidance when necessary.

Nesting Season: The nesting season can be divided into two major timeframes:

**Early Nesting Season for resident bird species: April 1 – May 31** – Limited vegetation management in designated natural areas.

**Primary Nesting Season for migratory bird species: June 1 - August 31** – No vegetation management in designated natural areas.

These nesting season definitions include songbirds, wetland birds, and raptors which encompass the majority of native bird species.

As they leave the nest, young birds go through the fledgling phase. They are often in vegetation near the ground due to limited mobility and trying to hide from potential predators. It is a very vulnerable time in a young bird's life and they still require a great deal of care from their parents. June and July are peak months for nesting and fledgling activity. Young birds take shelter in low vegetation and are highly vulnerable to a variety of human disturbances at this critical time.

### Nesting Habitats

Restrictions on vegetation management during the bird nesting season would apply to all designated natural areas, and certain other areas of the Parks System based upon staff review:

**Trees:** Stick nests of hawks and owls, placed in tree canopies are among the most conspicuous and familiar signs of nesting birds in the County. These are the easiest to detect and the easiest to avoid.



**Shrubs:** Many species of nesting birds build a cup nest in dense vegetation in the shrub layer, often within 6-feet of the ground. These species – sometimes called “tangle nesters” – complicate reasonable efforts to avoid harming vulnerable birds. Examples include warblers, thrushes, and gray catbirds.

**Ground:** Many species place a well-concealed nest on the ground in either grasslands, forests or sometimes even on rooftop habitats. Examples include meadowlarks, nighthawks, killdeer and a variety of native sparrows.

**Cavities:** Rather than concealing a nest in vegetation, dozens of local species use tree cavities. These are often in dead or dying trees but can also be in a variety of human-made structures in the urban environment. Examples of common cavity nesters include tree swallows, chickadees, wrens, and woodpeckers.

**Streambanks:** The northern rough-winged swallows, bank swallows, and the belted kingfisher are “cut bank” nesters, meaning they use holes excavated in exposed soil along bluffs or streambanks for nesting. Sometimes northern rough-winged swallows even use old drainpipes that are no longer functioning along county waterways.

**Structures:** Some birds even use human-made structures for nesting. In addition to using bird boxes and platforms that are intended for such use, birds will nest under bridges, under house eaves, on building ledges, excavate cavities in utility and light poles, and even nest on lightly used gravel roads.

### Exceptions

When tree or vegetation clearance work has to be undertaken during the nesting season, a pre-work survey should be carried out by a suitably qualified person and/or Milwaukee County Parks staff. Guidance will be provided by staff for specific projects, but as a general rule, it should be assumed that birds will be nesting in trees, and qualified contractors must record and confirm that any works carried out in the management of trees and other vegetation has not disturbed actively nesting birds.

Ground vegetation, and therefore ground nesting birds, can often be overlooked by tree workers so additional care and controls should be taken when access and egress to the work site may also cause disturbance or damage to a nesting site. This is also true for retained trees on site as the removal of adjacent trees or remedial works on a tree may lead to the established nest being abandoned, exposed to the elements, or predation. This action is also a breach of the act and therefore could lead to prosecution.

Exceptions to restrictions on vegetation management during bird breeding season would only be allowed through a right-of-entry permit signed by the Parks Director. Such exemptions are at the discretion of Parks staff. Possible exceptions would be for specific invasive species management, public safety, or storm damage removal.

### **Recommendation**



pg. 4

No action required as this report is informational only.

Prepared By: Sarah Toomsen, Manager of Planning and Development, Milwaukee County Parks

Brian Russart, Natural Areas Supervisor, Milwaukee County Parks

Approved By: Guy Smith, Executive Director, Milwaukee County Parks Guy Smith

### Copy

- David Crowley, County Executive
- Mary Jo Meyers, Chief of Staff, County Executive's Office
- Sheldon Wasserman, Parks, Energy & Environment Chair, Supervisor District 3
- Steven Shea, Parks, Energy & Environment Committee Vice-Chair, Supervisor District 8
- Felesia Martin, Parks, Energy & Environment Committee Member, Supervisor District 7
- Sylvia Ortiz-Velez, Parks, Energy & Environment Committee Member, Supervisor District 12
- Liz Sumner, Parks, Energy & Environment Committee Member, Supervisor District 1
- Kelly Bablitch, Chief of Staff, County Board
- Julie Landry, Director, Department of Administrative Services
- Joseph Lamers, Fiscal & Budget Director, DAS
- Vince Masterson, Fiscal & Strategic Asset Coordinator, DAS
- Pamela Bryant, Capital Finance Manager, Comptroller's Office
- Justin Rodriguez, Capital Finance Analyst, Comptroller's Office
- Kelsey Evans, Committee Coordinator, Office of the County Clerk
- Emily Peterson, Research & Policy Analyst, Office of the Comptroller
- Lindsey Peterson, Budget & Management Analyst, DAS-PSB

