

BIRD PROTECTION LAWS

As we engage in helping bluebirds (or any native bird) it is important to understand that there are federal and state laws that protect birds. The Migratory Bird Treaty Act of 1918, the California Endangered Species Act, and California Department of Fish and Game codes 3503 and 3503.5 restrict what people can do to and for birds without a permit. These regulations are particularly applicable to nesting birds. They are, however, currently under revision but changes are not expected to impact nest box monitoring.

WHAT REGULATIONS MEAN TO NEST BOX MONITORS

Nest box monitors need to have a permit to do anything beyond opening a box with an active nest and recording what they see. Good intentions do not take the place of a permit or serve as an excuse for actions that are illegal. To our knowledge, no nest box monitor in our region has ever been questioned or fined for breaking these laws. Despite this very low level of oversight, the Southern California Bluebird Club recommends the highest compliance with the law in all our activities. This helps to ensure a good reputation for our organization and serves as a model to the public.

The following actions cannot be taken without a permit

- Removing/destroying an active nest (with eggs or birds) of any native bird; this includes the House Wren.
- Handling birds in the nest box except when intending to take them to a licensed rehabilitator. (This falls under the Good Samaritan Law.)
- “Treating” birds for any health condition, including mites. (Diatomaceous Earth needs to be applied by a licensed individual.)
- Relocating birds and/or their nests from one box to another.
- Putting an immature, dependent bird at risk (E.g. opening a box after nestlings are 14 days and unable to fly and survive on its own.)
- Taking a bird home to care for it.
- Trapping, capturing and/or relocating a native bird of any species in any location (especially if it is immature and still dependent on its parent).
- Possessing, collecting, trading or selling nests and feathers of native birds

A good publication to read is:

U.S. Fish & Wildlife Service Bird Nests-What you need to know.

For questions you can also contact:

U.S. Fish and Wildlife Service Pacific Southwest Region Division of Migratory Birds and Habitat by emailing: permits8mb@fws.gov.