

Staff Summary

Take of Wild Birds including Nests and Eggs

Oregon Department of Fish and Wildlife
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Background

As noted by the U.S. Fish and Wildlife Service (USFWS) (Federal Register Volume 71, No. 154, pages 45964- 45993): “In recent years, the numbers of Canada geese that nest and/or reside predominantly within the conterminous United States (resident Canada geese) have undergone dramatic growth to levels that are increasingly coming into conflict with people and human activities and causing personal and public property damage, as well as public health concerns, in many parts of the country.”

Conflicts between geese and people affect or damage several types of resources, including property, human health and safety, agriculture, and natural resources. Common problem areas include parks, airports, beaches and swimming facilities, business areas, golf courses, schools, lawns, athletic fields, cemeteries, hospitals, and residential subdivisions.

Property damage usually involves landscaping and walkways, most commonly on golf courses, parks, and waterfront property. In parks and other open areas near water, large goose flocks create local problems with their droppings and feather litter. Surveys have found that while most landowners like seeing some geese on their property, eventually, increasing numbers of geese and the associated accumulation of goose droppings results in a reduction of both the aesthetic value and recreational use of these areas, causing many landowners to view geese as a nuisance.

Negative impacts on human health and safety occur in several ways. At airports, large numbers of geese can create a very serious threat to aviation. Resident Canada geese have been involved in a large number of aircraft strikes resulting in dangerous landing/ take-off conditions, costly repairs, and loss of human life. As a result, many airports have active goose control programs. Excessive goose droppings are a disease concern for many people. Public beaches in several States have been closed by local health departments due to excessive fecal coliform levels that in some cases have been traced back to geese and other waterfowl. Additionally, during nesting and brood rearing, aggressive geese have bitten and chased people. Injuries have occurred when people fell or were struck by wings.

There are numerous approaches to addressing goose nuisance and damage problems. Their implementation is dependent on the number of geese, characteristics of the site, time of year, and public perceptions of control techniques. Certain actions do not require special authority including: changes to habitat so it is less attractive to geese, hazing, and

physical deterrents such as fencing or chemical treatments to forage to reduce its palatability. In some cases reducing or eliminating feeding of waterfowl or removing domestic waterfowl can reduce or eliminate the attractiveness of an area to Canada geese.

If indirect approaches to controlling or reducing nuisance or damage by Canada geese are not effective or feasible, direct population control is often applied. Trapping and relocation can be effective, but is expensive and suitable relocation sites must be available. Relocation has increased potential to spread waterfowl diseases, and testing for these diseases adds to the expense. Reducing population growth by eliminating recruitment through egg addling (the shaking, oiling, freezing, replacement, or puncturing of eggs) is a common technique and is the primary method which would be permitted under this proposal. Expanded hunting opportunity, through access or special seasons is often used, but is not feasible in most urban settings. Finally, lethal means of population control can be undertaken by a variety of methods, but in many urban areas this technique is unpopular.

Regulation of Taking Migratory Birds

Under existing law, based on international treaties, the USFWS maintains preeminent authority for the take of all migratory birds. Permits to conduct control activities for nuisance resident Canada geese, typically nest and egg destruction but sometimes including lethal take of adults, are issued by the USFWS. When the Oregon Department of Fish and Wildlife (department) receives complaints about nuisance or depredating geese, the complainant is generally referred to the USFWS and U.S. Department of Agriculture-Wildlife Services (USDA-WS). Appropriate permits may be issued by the USFWS authorizing either USDA-WS or the affected party to take control actions. Control activities for migratory bird species other than resident Canada geese have occurred in the past as permitted by the USFWS.

Beginning in 2002, the USFWS started an environmental review process in preparation for changing existing practices and regulations for addressing nuisance and depredation issues caused by resident Canada geese. “Resident” is defined as geese that nest or reside in the conterminous states. In a Final Rule and Record of Decision issued August 10, 2006 the USFWS changed the regulations for addressing nuisance and depredation issues caused by resident Canada geese.

New Federal Regulations

New federal regulations includes three main “components”; however, not all components or all strategies within these components apply to the Pacific Flyway. Only the one component and the three strategies pertinent to Oregon and the Pacific Flyway are discussed in this document.

Component 1 – Control and Depredation Orders

Strategy 1: Airport Control Order

Provides airport managers the authority to control resident Canada geese through: 1) trapping and relocation; 2) nest and egg destruction; 3) trapping and culling, or 4) other methods. Nest and eggs could be destroyed between March 1 and June 30 and other control methods could be used between April 1 and September 15.

Strategy 2: Public Health Control Order

Authorizes state wildlife agencies to conduct direct control activities whenever a direct threat to human health is acknowledged by any Federal, State or local public health agency. Nest and eggs could be destroyed between March 1 and June 30 and other control activities could occur between April 1 and August 31.

Strategy 3: Nest and Egg Depredation Order

Provides private landowners and managers of public lands the authority to take nests and destroy eggs when necessary to resolve injury to people, property, or agricultural crops. Nest and eggs could be destroyed between March 1 and June 30.

Oregon Administrative Rules

Current Oregon Administrative Rules (OARs) **635-051-0048 (6)** simply state that no nests or eggs of any wild bird may be destroyed. The Commission considered nest and egg take for resident Canada geese at their August 2007 meeting but deferred formal action until specific policies were presented by the department.

To allow the continuation of control methods currently allowed under Federal permits for all migratory birds and to implement the Nest and Egg Depredation Order for resident Canada geese, the department is proposing to amend current OAR 635 Division 051 as follows:

OAR 635-051-0048, Other Restrictions:

(6) No person shall **take** any wild bird **without a permit** ~~in captivity~~ or destroy the eggs or nests of **wild** birds. ~~However, the department may authorize destruction of eggs of resident Canada geese to the extent consistent with federal law and where necessary to address depredation by geese; provided, however, that no such destruction of goose eggs shall be authorized until specific policy guidelines are adopted by the Commission.~~

(7) Notwithstanding the prohibition in paragraph (6):

(a) If registered through the Resident Canada Goose Nest and Egg Registration Site of the U.S. Fish and Wildlife Service (<https://epermits.fws.gov/eRCGR/geSI.aspx>), any person may destroy the eggs or nests of resident Canada geese:

- (i) inside incorporated cities or urban growth boundaries; or**
- (ii) on golf courses, parks or other highly developed recreational**

areas outside incorporated cities or urban growth boundaries.

(b) The U.S. Fish and Wildlife Service, the U.S. Department of Agriculture-Wildlife Services, or anyone issued a depredation permit by either agency, may take any wild migratory bird, its eggs or nest for the purpose of protecting public health or safety, to address public nuisance or to deal with crop depredation. Any wild bird captured for the purpose of translocation must be reported to the department and the translocation site approved prior to release.

Implementation Guidelines

Following are the proposed guidelines regarding federal agency control of migratory birds and the take of nests and eggs of resident Canada geese. The department will use these guidelines in the acknowledgement and permitting of federal agencies and the public regarding bird control:

Migratory Birds:

The department recognizes the permitting authority of the USFWS and subsequent control work (lethal and non lethal) of all migratory birds by USDA-WS personnel. The department requests the USFWS and USDA-WS consult with department personnel regarding permit issuance and report bird control activities to the department on an annual basis.

Resident Canada geese:

1) Airport Control Order: Because of public safety risks associated with airports and air traffic, the department supports the Airport Control Order and all control work authorized to implement the order. Department approval of translocation sites is required prior to trapping activities.

2) Public Health Control Order: The department fully supports the Public Health Control Order, department personnel will cooperate with public health agencies as needed. Department approval of translocation sites is required prior to trapping activities.

3) Nest and Egg Depredation Order: In regards to the Nest and Egg Depredation Order, take may only be conducted after registration at the USFWS website which monitors such control methods. After registration at the USFWS website the department supports the take of resident Canada goose nests and eggs with the following limitations:

- a) Within incorporated city/urban boundaries where hunting is not allowed.
- b) In areas outside of incorporated city/urban boundaries, specifically golf courses, parks or highly developed recreational areas where hunting is not feasible.

The department will work cooperatively with the USFWS on annual monitoring of activities.