

RESOLUTION No.

Adopt the Portland Parks and Recreation Integrated Pest Management policy to prohibit the use of Avitrol and other avicides on City-owned property and infrastructure (Resolution)

WHEREAS, the City of Portland recognizes that there are over 200 species of native birds that are found in Portland and are integral to the city's local ecosystems; their health and visibility contributes to the quality of life of residents and visitors and supports numerous recreational opportunities such as the Vaux's Swifts at Chapman School; and

WHEREAS, the city's urban parks are enriched by the presence of native birds and the protection and humane treatment of native birds and other wildlife is a core value of the city's residents; and

WHEREAS, the City has long worked to protect native birds by protecting and restoring avian habitat, reducing avian hazards, and promoting stewardship and appreciation of native birds;

WHEREAS the City has committed to the U.S. Fish & Wildlife Service's Urban Conservation Treaty for Migratory Birds on May 7, 2003 (Resolution No. 36135), designating Oaks Bottom Wildlife Refuge as a Migratory Bird Park with a commitment to protect and enhance habitats for migratory birds (Resolution No. 36210), and adopting new code in the Central City 2035 Plan to mandate bird safe building designs; and

WHEREAS, the City has actively worked to refine its own practices to improve conditions for native birds by publishing and voluntarily applying the 2012 *Resource Guide to Bird Friendly Building Design*, adopting Resolution No. 37034, encouraging the exploration and incorporation of bird friendly design and practices in City plans and policies, developing and following guidelines for vegetation removal and modification to avoid impacts on nesting birds (*Protecting Nesting Birds: Best Management Practices for Vegetation and Construction Projects*), and retrofitting the BES Columbia Boulevard Treatment Building to minimize bird collisions; and

WHEREAS, more than 5,000 people across the Metro Region have enrolled in the Portland Audubon-Columbia Land Trust Backyard Habitat Certification Program to restore their yards for birds and other wildlife; and

WHEREAS, American crows (*Corvus brachyrhynchos*) are native birds protected by the federal Migratory Bird Treaty Act of 1918 and the aforementioned City initiatives; and

WHEREAS, American crows are a remarkably intelligent, interesting species that are part of our urban ecosystem; and

WHEREAS, there have been numerous incidents of crow poisoning in Portland, including largescale incidents in 2014 and 2018 that killed numerous crows in downtown Portland and Northeast Portland and that testing determined was caused by Avitrol, a commercially available avicide; and

WHEREAS, these events resulted in dead and dying crows falling from the sky, having seizures on the ground, and left dead crows scattered across the landscape, on roads, sidewalks, public parks and on private property ; and

WHEREAS, these events raised very significant fear and concern among community members, put people, pets and wildlife at risk, and required a significant mobilization of public and non-profit resources to respond; and

WHEREAS, Avitrol is a restricted-use pesticide with acute oral and dermal toxicity that acts on the central and motor nervous systems to cause distressing behaviors resembling epileptic seizures and that is potentially harmful or lethal to non-target species through direct consumption or secondary poisoning; and

WHEREAS, similar events have been documented in other cities across the United States; and

WHEREAS, the use of such avicides is unnecessary, inhumane, and inconsistent with City policies and practices on City property and infrastructure and with the City's ongoing efforts to protect native birds and other wildlife; and

WHEREAS, Portland Parks and Recreation (PP&R) maintains an Integrated Pest Management Program that is used by many City bureaus as best management practices for use of pesticides; and

WHEREAS, PP&R has developed a policy, attached as Exhibit A, to prohibit the use of avicides on PP&R property; and

WHEREAS, City Council direction is required to direct other bureaus to follow specific elements of the PP&R IPM program, such as this policy to ban the use of avicides on City-owned or -managed property and infrastructure.

NOW, THEREFORE, BE IT RESOLVED, that all bureaus within the City of Portland are directed to apply the Parks and Recreation Integrated Pest Management policy to prohibit the use of Avitrol and other restricted use avicides on land owned or managed by the City of Portland.

BE IT FURTHER RESOLVED, that the City will work with partners, such as the Audubon Society and others to promote awareness of the regulations and risks surrounding the use of such avicides.

BE IT FURTHER RESOLVED, that the City will work with partners such as the Audubon Society and others to promote stewardship of birds and other wildlife and humane solutions to resolve human-wildlife conflicts.

Adopted by the Council,
Commissioner Nick Fish

Prepared by: Kaitlin Lovell
Date Prepared: May 15, 2019

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy

EXHIBIT A

IPM Policy 26:

AVIAN MANAGEMENT

PURPOSE

This policy establishes oversight procedures for bird protection and control at all PP&R locations, or on land owned and/or maintained by the City for which this IPM is used as best management practice by another city bureau.

BACKGROUND

There are over 200 bird species that spend all—or part—of their lives in Portland. Some are resident non-migratory species that spend their whole life in the same neighborhood and never migrate. Others are migratory, spending winters in Central and South America, but may breed here. Some only pass through this area on their migratory routes to feed and rest. In addition to native bird species, there are some non-native bird species in Portland, which may at times be considered pest or nuisance species.

During the fall and winter, crows form communal night roosts in various locations throughout the City. These roosts can range in size from a few dozen to more than 10,000 birds. The crows congregate in large numbers at dusk, to spend the night in close proximity to one another in trees. This behavior provides them with protection from predators, warmth and facilitates information sharing about food sources. This behavior continues as a nightly occurrence for several months, with the population increasing as cold weather continues. The winter overnight roost normally begins to dissipate in March. For many people this behavior is viewed as a fascinating wildlife observation opportunity. Others may view it as a nuisance due to noise and droppings.

There have been incidents of sudden mass crow die-offs in Portland in 2014 and 2018 due to improper use of an avicide by unknown individuals. Avicides are any substance (normally, a chemical) which can be used to kill birds. It was determined that Avitrol (an avicide) was used in the crow poisoning, Avitrol is a restricted use pesticide only available for purchase by state licensed pesticide applicators. Application of avicides by any bureau is inconsistent with both federal law and City policies.

All native birds found in Portland, including crows are federally protected under the Migratory Bird Treaty Act (MBTA). Unless permitted under certain regulations or permits, no one can harm these native migratory birds, their nests, eggs or young.

Portland City Council has also taken several actions to proactively protect and conserve Portland's birds. In 2003 Council signed an urban migratory bird treaty with the U.S. Fish and Wildlife Service and regional partners. Resolution 37034 was passed in 2013 encouraging bird safe design and practices in city plans, projects and policies. Mandatory bird safe design elements in the city's green building policy in 2015. Most recently, bird-safe building design requirements were added to the newly adopted Central City 2035 Plan.

POLICY

Under no circumstances does Portland Parks & Recreation allow or condone the use of avicides to harm or kill birds of any status; pest, nonnative, native, and particularly migratory. The use of avicides are not

an approved pest management strategy in Portland Parks and Recreation's Integrated Pest Management Program. Other city bureaus that utilize this Integrated Pest management Program as best management practice to any other land owned or maintained by the City, shall not use avicides. Avicides, specifically Avitrol are toxic to all vertebrate species, not just birds. Its action on the motor nervous system usually causes behaviors characteristic of an epileptic seizure or convulsion. These chemicals can cause nontarget harm via direct exposure to bait or secondary poisoning from exposure to dead or dying birds or animals. They can present a significant risk to non-target birds, other wildlife, pets and people including acute oral and dermal toxicity for both birds and mammals. Parks supports non-lethal mitigation measure such as hazing, exclusion and sidewalk cleaning for situations where human-wildlife conflicts occur.

To avoid impacts to nesting birds when scheduling mowing and clearing, invasive and native vegetation removal, and herbicide applications, Parks staff will consult Bureau of Environmental Services document "Protecting Nesting Birds: Best Management Practices for Vegetation and Construction Projects, version 3.0, May 2017".

IMPACT STATEMENT

Legislation title:

Adopt the Portland Parks and Recreation Integrated Pest Management policy to prohibit the use of Avitrol and other avicides on City-owned property and infrastructure (Resolution)

Contact name: Kaitlin Lovell (BES) or James Allison (PP&R)

Contact phone: 823-7032 or 307-2084

Presenter name: Nicole Linehan (PP&R) and David Helzer (BES)

Purpose of proposed legislation and background information:

- After a series of highly visible crow deaths due to poisoning in the city that generated public outrage, Portland City Commissioner Nick Fish requested Portland Parks and Recreation and Bureau of Environmental Services to work together to prevent future bird deaths on City owned property.
- PP&R maintains an Integrated Pest Management (IPM) Program that regulates how pesticides should be used on PP&R properties, however many other land management bureaus use the IPM as best management practices. PP&R and BES determined that the IPM program provided the best mechanism to ban the use of avicides on city owned and managed properties but requires City Council to direct other bureaus to follow the specific policy within the IPM.

Financial and budgetary impacts:

Discuss the impacts of the legislation relating to all of the following if relevant:

City bureaus do not use avicides currently. This policy will ensure that bureaus do not use avicides in the future. Because it is a prohibition within the existing IPM Program, it does not have any financial and budgetary impacts.

Community impacts and community involvement:

This issue was brought to the city's attention by concerned citizens. The bureaus conducted extensive research into practices in other cities and state and federal laws on pesticide prohibitions. The bureaus consulted with local experts at Portland Audubon Society and the U.S. Fish and Wildlife Service to develop the policy.

Because this policy applies only to City actions on City property and infrastructure, it is not expected to impact community actions but it will limit public exposure to avicides to users of City properties and rights-of-way.

100% Renewable Goal:

- N/A

Budgetary Impact Worksheet

Does this action change appropriations?

YES: Please complete the information below.

NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount