

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".