
City of Gillette Department of Utilities

AVIAN PROTECTION GUIDELINES



Osprey near CGDU system



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Prepared by



EDM International, Inc.

4001 Automation Way
Fort Collins, Colorado 80525-3479 USA
970/204-4001 — Fax: 970/204-4007
Email: rharness@edmlink.com
www.edmlink.com

PURPOSE

To assure that personnel comply with federal and state requirements for migratory birds (including threatened and endangered birds). This guidance will help to assure that no project is unnecessarily delayed due to failure by personnel to comply with the requirements.

RESPONSIBILITY

All affected personnel shall be responsible for knowing and complying with this guidance.

REGULATIONS

The Migratory Bird Treaty Act of 1918

The Migratory Bird Treaty Act (MBTA) protects the vast majority of birds with the exception of a few species such as the introduced house sparrow, and European starling, rock pigeon. The purpose of the MBTA is to afford protection to migratory birds, their parts, nests, and eggs. The list of protected birds is broad, and the MBTA states that, unless permitted by the regulation, it is unlawful to pursue, hunt, take, capture, kill, possess, sell, barter, purchase, ship, export, or import any migratory birds, or any part, nests, eggs, or products thereof. For misdemeanors, the penalties include fines up to \$5,000 per individual/\$15,000 per organization and up to 6 months imprisonment.

Bald and Golden Eagle Protection Act of 1940

Bald and golden eagles, eggs, and their nests receive additional protection under the Bald and Golden Eagle Protection Act (BGEPA). This law states that no person shall kill or possess any bald or golden eagle, or any part, nests or eggs, without a valid permit to do so. The Act also protects eagles from human disturbance. Culpability for violations is knowingly or with wanton disregard for consequences. Maximum penalties for misdemeanor violations of the BGEPA include up to \$200,000 fine per organization and up to one year of imprisonment.

Endangered Species Act of 1973 (amended)

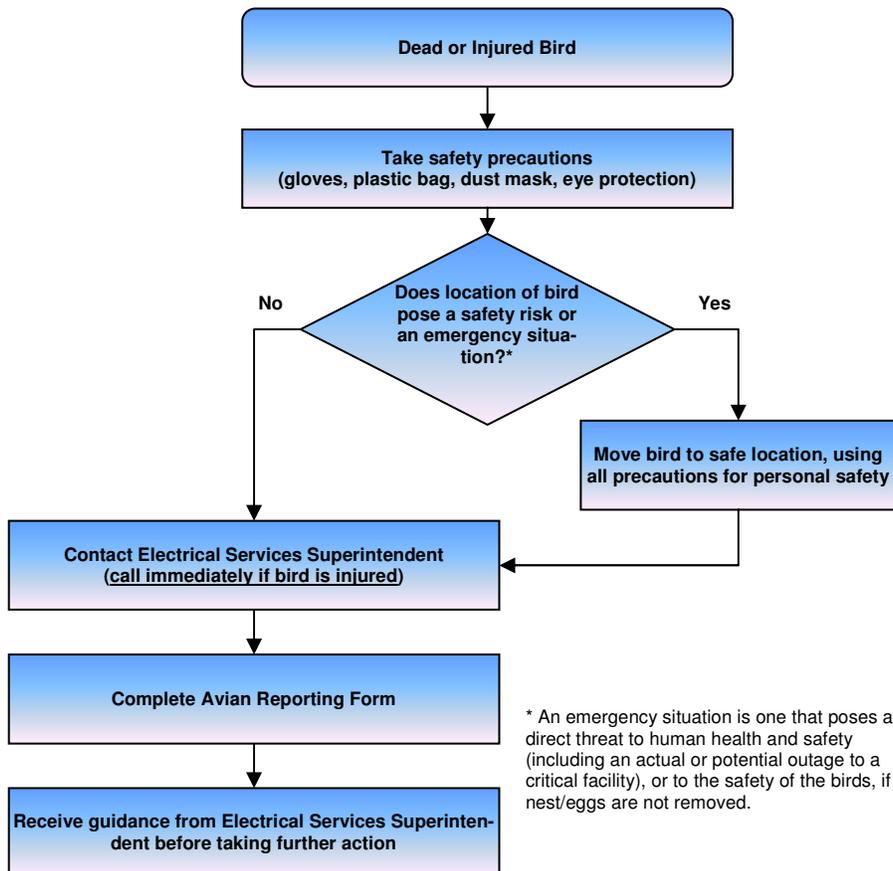
Special protection is afforded to threatened and endangered species under the Endangered Species Act (ESA). The ESA makes it unlawful to import, export, "take," transport, sell, purchase, or receive in interstate or foreign commerce any species listed as endangered or threatened alive or dead. The ESA increases protection to habitat and prohibits the harassment of threatened and endangered birds. An Incidental Take Permit allows for otherwise prohibited take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Maximum penalties for misdemeanor violations include fines up to \$200,000 per organization, as well as up to one year of imprisonment.

RESPONSIBILITIES

Dead or Injured Birds – A USFWS permit is required to authorize the removal of migratory bird carcasses. Personnel must not take possession of any bird (live or dead), portion of a bird, an egg or portion of an egg without first contacting the Electrical Service Superintendent for guidance. A City of Gillette Department of Utilities Avian Reporting Form must be completed for all birds discovered.

Note: Personnel should be aware that certain diseases that can be transmitted by contact with wildlife (including nests), and must wear dust masks and gloves or use an inverted plastic bag to pick up dead wildlife or nest materials.

Dead or Injured Bird on City of Gillette Property or Facilities Procedures for Field Personnel



RESPONSIBILITIES (continued)

Nest Management – Personnel must not take possession of a nest without first contacting the Electrical Services Superintendent for guidance on proper procedures. The federal government protects all migratory birds and their active nests. A USFWS permit is required to authorize the removal of active nests. An additional State permit may also be required, depending on the species. A copy of each permit must be carried whenever exercising this authority.

When nests are removed in extreme emergency situations threatening human health and safety (which includes potential electric outages), the nest must not be disposed of until the USFWS is properly notified. Permits require record keeping, which includes the date and location of each nest removed, species, the name of the person who removed the nest, and the permit number under which the nest was removed.

Note: Personnel should be aware many diseases can be transmitted by contact with nests, and should wear gloves or use an inverted plastic bag to pick up nests. Breathing filters are also required because moving nests will often disperse dried bird feces into the air.



Immature Golden Eagle



Barn Owl



Osprey



Red-tailed Hawk



Golden Eagle

RESPONSIBILITIES (continued)

Carcass Discovery – When a bird carcass is found at a CGDU facility, field personnel will complete a CGDU Avian Reporting Form for submittal to the CGDU Electrical Services Superintendent. Field personnel will take photographs from a variety of angles and focal lengths (zoom to wide angle). Photos with sufficient detail and context will aid in identifying the bird species and the likely cause of death. If photos of the carcass are not possible and the bird species is unknown, an overall description of the bird size and appearance should be included. If the bird has a leg band, the band number must be recorded on the Avian Reporting Form. This form must be submitted to the Electrical Services Superintendent within 48 hours of discovery. If this is not possible, the Electrical Services Superintendent must be called immediately and the form submitted the following work day. If a carcass is tangled up in electrical equipment, field personnel may knock it free.



Carcass Removal from Utility Pole



Platform Erected by CGDU Providing Safe Nesting Location for Osprey



Red-tailed Hawk Nest on Pole



Say's Phoebe Nest on Disconnect

RESPONSIBILITIES (continued)

Injured Wildlife – City of Gillette Department of Utilities discourages its employees from handling any injured bird species but particularly species such as hawks, owls, eagles, falcons, egrets, herons, etc. These species have powerful and potentially dangerous defenses such as talons and piercing beaks that can result in serious harm to employees, including eye injuries. Utilities personnel should contact the Electrical Services Superintendent when encountering any injured wildlife. If the Electrical Services Superintendent cannot be reached, contact one of the following:

Organization	Phone
Wyoming Game and Fish Department (Cheyenne)	307-777-4600
Wyoming Game and Fish Department (Gillette)	307-687-7157

Permits and Record Keeping – The Electrical Services Superintendent will be responsible for making arrangements with the USFWS and the state to obtain necessary permits or guidance.

An **Avian Reporting Form** must be completed for each bird found under power lines or on at a City of Gillette Department of Utilities location. This form includes the date and location of the bird, species, the name of the person who found the bird, and if applicable, the unit configuration of the pole and the specific retrofitting steps to be taken to prevent future bird fatalities on the structure. Poles must be retrofitted to raptor-friendly standards and records kept on the action taken.

Any contact with a federal or state officer should be handled as a regulatory inspection.



European Starling



Eurasian Collared-dove



Rock Pigeon (Common Pigeon)



Pheasant

Examples of bird species that are not protected by the Migratory Bird Treaty Act (MBTA)



House Sparrow

If you have questions, comments, or need additional information, contact

City of Gillette Department of Utilities Contacts	Phone
1. Mick Wolf Electrical Services Superintendent	307-686-5277 (Office) 307-660-8159 (Cell)
2. Jon Hoffman Electrical Services Foreman	307-686-5277 (Office)
3. Trond Birk Electrical Engineer	307-686-5277 (Office) 307-696-5000 (Cell)
611 N. Exchange Avenue P.O. Box 3003 Gillette, WY 82717	307-686-5277 (Phone) 307-686-6564 (Fax)

DEFINITIONS

Depredation Permit – a permit issued by the USFWS that allows the permittee to take, transport, and temporarily possess birds/nests under approved situations.

Migratory Bird – any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in 50 CFR § 10.13, or which is a mutation or a hybrid of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof.

Nest – any readily identifiable structure built, maintained, or occupied for incubating and rearing of protected species off-spring. Nests can be found on the ground, in trees, or on structures.

Possession – detention and control of a protected species. This includes picking up or handling of any migratory bird, as defined above. This may also include moving or transporting.

Protected Species – any bird listed as an endangered or threatened species found in 50 CFR § 17.11 and § 17.12, on the list of migratory birds found in 50 CFR 10.13.

Raptors – birds of prey including eagles, hawks, falcons, accipiters, kites, ospreys, owls, and vultures.



Great Blue Heron



Great Horned Owl



Photo by A. Wilson

Turkey Vulture



Rough-legged Hawk



Rough-legged Hawk



American Crow



Swainson's Hawk



Swainson's Hawk



Ferruginous Hawk



Black-billed Magpie



Bald Eagle



Ferruginous Hawk