

**MOTION:**

**September 23, 2014  
Regular Meeting  
Res. No. 14-**

**SECOND:**

**RE:           AUTHORIZE AMENDMENT NO. 1 TO THE COOPERATIVE SERVICE AGREEMENT BETWEEN UNITED STATES DEPARTMENT OF AGRICULTURE AND PRINCE WILLIAM COUNTY DEPARTMENT OF PUBLIC WORKS TO REDUCE THE PRESENCE OF BIRDS AT THE COUNTY LANDFILL AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO APPROVE FUTURE AMENDMENTS – COLES MAGISTERIAL DISTRICT**

**ACTION:**

**WHEREAS**, the County landfill receives approximately 950 tons of municipal solid waste per day and attracts a number of nuisance birds, particularly seagulls and vultures; and

**WHEREAS**, these concentrations of birds have created a negative impact on the daily operations of the landfill as well as for citizens visiting the site and using the nearby ballfields; and

**WHEREAS**, landfill neighboring properties, particularly County facilities, have received significant bird damage to buildings (roof damage), vehicles (paint, rubber molding, etc.) and other structures from fecal droppings, pecking and tearing; and

**WHEREAS**, in the spring of 2013, the County met with the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service-Wildlife Services (WS) to discuss and develop a plan to reduce and control the presence of birds at the landfill; and

**WHEREAS**, a Cooperative Service Agreement was drafted by the USDA Animal and Plant Health Inspection Service-WS and Public Works and reviewed by County staff for approval; and

**WHEREAS**, in August 2013, the Board approved a Cooperative Service Agreement between the USDA and Department of Public Works to reduce the presence of birds at the County Landfill; and

**WHEREAS**, in October 2013, the plan was initiated, and through January 2014, the USDA estimates the average number of birds at the landfill has been reduced from a daily average of approximately 25,000 to 7,500 birds, a 70% decrease; and

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**WHEREAS**, the program has improved conditions at the landfill facility, improved the ballfield turf, and there has been no additional damage to landfill or Animal Shelter structures; and

**WHEREAS**, due to the natural habits and migratory nature of the birds, it will take a number of seasonal cycles to reduce and control the presence of the birds at the landfill facility; and

**WHEREAS**, an amendment to the Cooperative Service Agreement has been drafted by the Department of Public Works, Solid Waste Division and the USDA Animal and Plant Health Inspection Service–WS to continue with this program; and

**WHEREAS**, the annual cost of the program is estimated to be \$95,822 and existing budgeted funds from the FY2015 Solid Waste Fund for landfill maintenance are available for the project; and

**WHEREAS**, staff recommends that the Board of County Supervisors authorize Amendment No.1 to the Cooperative Service Agreement between the United States Department of Agriculture and Prince William County Department of Public Works to reduce the presence of birds at the County Landfill and to authorize the Director of Public Works to approve future amendments;

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William Board of County Supervisors does hereby authorize Amendment No.1 to the Cooperative Service Agreement between the United States Department of Agriculture and Prince William County Department of Public Works to reduce the presence of birds at the County Landfill and authorizes the Director of Public Works to approve future amendments;

**BE IT FURTHER RESOLVED** that the Board of County Supervisors does hereby authorize the Director of Public Works to sign the Amendment on behalf of the Board;

**BE IT FURTHER RESOLVED** that the Board of County Supervisors does hereby authorize the Director of Public Works, with the approval of the County Attorney, to approve future amendments to the Agreement provided funds are available.

ATTACHMENT: Amendment No. 1 to the Agreement with the United States Department of Agriculture and the Prince William County Department of Public Works

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**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**For Information:**

County Attorney

Public Works Director

Finance Director

Solid Waste Division Chief

**ATTEST:** \_\_\_\_\_  
**Clerk to the Board**

**Amendment No. 1  
TO  
COOPERATIVE SERVICE AGREEMENT  
Between  
PRINCE WILLIAM COUNTY LANDFILL  
And  
The DEPARTMENT OF AGRICULTURE (USDA)  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)  
WILDLIFE SERVICES (WS)**

Under the provisions of Article 12, Prince William County Department of Public Works (PWC-DPW) and USDA, APHIS, Wildlife Services mutually agree to amend Cooperative Service Agreement No. 14-7251-8039-RA (Agreement) as follows.

The Agreement period is extended from October 1, 2014 to September 30, 2015.

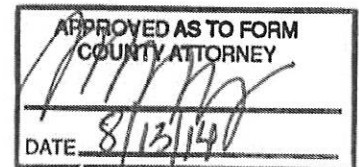
PWC-DPW agrees to provide \$95,822.00 for cost of services during the extended Agreement period (October 1, 2014 to September 30, 2015), as indicated by the attached Financial Plan and Work Plan. There are no changes to the Work Plan.

It is further understood by and between the parties that, in all other respects, the terms, conditions, and provisions of said Cooperative Service Agreement shall remain in full force and effect.

Prince William County Department of Public Works  
5 County Complex Ct., Suite 260  
Prince William, VA 22192

\_\_\_\_\_  
Thomas Bruun  
Director of Public Works

\_\_\_\_\_  
Date



UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
WILDLIFE SERVICES

\_\_\_\_\_  
Scott C. Barras  
State Director, Virginia

\_\_\_\_\_  
Date

\_\_\_\_\_  
Charles S. Brown  
Regional Director, Eastern Region

\_\_\_\_\_  
Date

## ATTACHMENT A WORK PLAN

### Introduction

The U.S. Department of Agriculture (USDA) is authorized to protect American agriculture and other resources from damage associated with wildlife. The primary authority for Wildlife Services (WS) is the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C.426-426b) as amended, and the Act of December 22, 1987 (101Stat. 1329-331, 7 U.S.C. 426c). Wildlife Services activities are conducted in cooperation with other Federal, State and local agencies; private organizations and individuals.

The WS program uses an Integrated Wildlife Damage Management (IWDM) approach (sometimes referred to as IPM or "Integrated Pest Management") in which a series of methods may be used or recommended to reduce wildlife damage. IWDM is described in Chapter 1, 1-7 of the Animal Damage Control Program Final Environmental Impact Statement (USDA, 1994). These methods include the alteration of cultural practices as well as habitat and behavioral modification to prevent damage. However, controlling wildlife damage may require that the offending animal(s) are killed or that the populations of the offending species be reduced.

### Purpose

The Prince William County Landfill is a 500 acre facility that receives approximately 900 tons of non-hazardous waste per day from the County. This waste material serves as an attractant to large numbers of birds. These concentrations of birds have created a negative impact on the daily operations of the landfill. Thousands of birds frequent the landfill on a daily basis where they defecate on employees, citizens, equipment, and structures. These droppings create health concerns for people who come in contact with them and also have a negative effect on employee morale. The droppings increase the maintenance and cleaning of equipment and structures and are aesthetically displeasing. Neighboring properties, particularly other County facilities, receive significant bird damage to buildings (roof damages), vehicles (paint, rubber molding, etc.), and other structures from fecal droppings, pecking, and tearing. Some of the birds concentrate in large numbers off the landfill site at other County facilities including the animal shelter, schools, and the County vehicle parking facility. These facilities have problem with birds due to the attractiveness of the landfill. Feces from birds on vehicles create additional cleaning costs and feces on recreational ball field's raises human health concerns for the children who use the fields.

### Planned USDA, APHIS, Wildlife Services Activities

Wildlife Services will work forty hours per week, excluding Federal Holidays and dates set aside for mandatory training and meetings. This will include maxi-flex hours and days, so that the WS employee is able to work weekends or partial weekends when necessary. The WS employee will disperse the birds away from the landfill, other nearby County facilities and at some nearby neighborhoods that are having problems caused by birds attracted to the landfill. WS will conduct an Integrated Wildlife Damage Management operation to mitigate and prevent damages associated with birds attracted to the landfill and nearby areas. WS

personnel will conduct this work with the following methods: pyrotechnics, shooting, live-trap using legal traps and nets, paintball gun shooting, egg oil treatment, nest destruction, alpha chloralose, application of bird repellents, and corral trapping (goose roundup) to disperse birds using the landfill and surrounding County facilities. Lethal means will be used to reinforce the primary non-lethal methods.

WS will operate under the landfills Migratory Bird Depredation Permit when applicable and under USDA WS Permit when species, number of birds, and/or methods are not covered under the landfill's Permit.

Effective Dates

The agreement shall become effective on October 01, 2014, and shall expire on September 30, 2015.

**ATTACHMENT B  
FINANCIAL PLAN**

Personnel Costs .....	\$69,361
Supplies .....	\$ 3,000
Equipment .....	\$ 3,000
Subtotal (Direct Costs) .....	\$75,361
Pooled Job Costs .....	\$ 8,290
Indirect Costs .....	\$12,171
TOTAL .....	\$95,822

The distribution of the budget from this Financial Plan may vary as necessary to accomplish the purpose of this agreement, but may not exceed \$95,822.

Financial Point of Contact

PWCL: <u>Bernard C. Osilka</u> <Name to call for billing questions>	<u>(703) 792-7966</u> Phone
APHIS, WS: <u>Lisa Hurst</u> <Budget Personnel Name>	<u>(804) 739-7739</u> Phone




Melissa S. Peacor  
County Executive

**COUNTY OF PRINCE WILLIAM**  
OFFICE OF EXECUTIVE MANAGEMENT  
1 County Complex Court, Prince William, Virginia 22192-9201  
(703) 792-6600 Metro 631-1703 FAX: (703) 792-7484

BOARD OF COUNTY SUPERVISORS  
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Martin E. Nohe  
Frank J. Principi

September 4, 2014

**TO:** Board of County Supervisors

**FROM:** Thomas Bruun   
Director of Public Works

**THRU:** Melissa S. Peacor  
County Executive

**RE:** Authorize Amendment No.1 to the Cooperative Service Agreement between United States Department of Agriculture and Prince William County Department of Public Works to Reduce the Presence of Birds at the County Landfill and the Director of Public Works to Approve Future Amendments – **Coles Magisterial District**

**I. Background** in chronological order is as follows:

- A. The County Landfill – The facility receives approximately 950 tons of municipal solid waste per day which serves as an attractant to large numbers of birds. These concentrations of birds have created a negative impact on the daily operations of the landfill as well as for citizens using the nearby recreational ballfields.
- B. Landfill Facilities used by Citizens and Employees – Thousands of birds frequent the landfill and its surrounding fields on a daily basis, where they have defecated on employees, citizens, equipment, and structures. Feces covering/blanketing recreational ballfields raise human health concerns for the children who use these fields.
- C. Neighboring County Facilities – Neighboring properties, particularly County facilities, have received significant bird damage to buildings (roof damage), vehicles (paint, rubber molding, etc.) and other structures from fecal droppings, pecking, and tearing. Some of the birds concentrated in large numbers off the landfill site at other County facilities including the

Animal Shelter, Fleet Maintenance parking lot, and the Edward L Kelly Complex. These facilities have similar issues with the birds because of their close proximity to landfill and attractiveness to the birds. Feces from birds on vehicles create additional cleaning costs, increase maintenance on equipment and structures and are aesthetically displeasing.

- D. United States Department of Agriculture (USDA) – In the spring of 2013 the County met with the USDA Animal and Plant Health Inspection Service (APHIS) Wildlife Service (WS) to discuss the best possible methods to reduce the presence of birds at the landfill. The USDA is authorized to protect American agriculture and other resources from damage associated with wildlife. The WS activity is conducted in cooperation with other Federal, State and local agencies, private organizations and individuals.
- E. WS Program – The WS recommended a program that uses an Integrated Wildlife Damage Management (IWDM) approach in which a series of methods may be used or recommended to reduce wildlife damage. These methods include the alteration of cultural practices as well as habitat and behavioral modification to prevent damage.
- F. Board Approval of Agreement - In August 2013 the Board approved a Cooperative Service Agreement between USDA and PWC Department of Public Works to reduce the presence of birds at the County Landfill. This agreement is due to expire September 30, 2014.

**II. Current Situation is as follows:**

- A. Bird Dispersal Operations – In October 2013 WS personnel initiated bird dispersal operations. Since the program started over 10 species of birds have been dispersed/harassed including, crows, pigeons, black vultures, turkey vultures, and three different types of gulls. In addition WS personnel have assisted with bird nuisances at the Balls Ford Road facility, Animal Shelter and the Ferlazzo building.
- B. Reduction in Bird Population – From October 2013 through January 2014, WS estimates that the average number of birds at the landfill has been reduced from a daily average of approximately 25,000 to 7,500 birds, a 70% decrease.
- C. Improvements at the Landfill Facility - The ballfields at the landfill have a marked improvement from bird nuisances from last year. The workface operations, the citizen's convenience area and the animal shelter are experiencing fewer birds. There has been no additional damage to



structures at the landfill or Animal Shelter and the ballfield turf has improved.

- D. Program Extension - The program has improved conditions at the landfill facility. According to WS personnel, due to the natural habits and migratory nature of the birds it will take a number of seasonal cycles to reduce and control the presence of the birds at the landfill facility.
- E. Agreement Amendment Drafted – An amendment to the Cooperative Service Agreement has been drafted by Department of Public Works, Solid Waste Division and the United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Service to continue with this program.
- F. Board Action Requested – The Board is requested to authorize Amendment No.1 to the Cooperative Service Agreement between United States Department of Agriculture and Prince William County Department of Public Works to reduce the presence of birds at the County Landfill and the Director of Public Works to Approve Future Amendments.

**III. Issues** in order of importance are:

- A. Legal – What are the legal impacts?
- B. Timing – When is approval required?
- C. Service Level/Policy Impact – What is the impact on solid waste services?
- D. Fiscal Impact – What is the cost of the program and what are the impacts on the County’s Solid Waste Fund and General Fund and Solid Waste Fund?

**IV. Alternatives** in order of feasibility are:

- A. Authorize Amendment No.1 to the Cooperative Service Agreement between United States Department of Agriculture and Prince William County Department of Public Works to Reduce the Presence of Birds at the County Landfill and the Director of Public Works to Approve Future Amendments.
  - 1. Legal – The Cooperative Service Agreement will continue to mitigate possible legal action against the County. The County Attorney’s office approved the Cooperative Service Agreement, and has approved Amendment 1 to the Agreement. It is recommended that the Board authorize the Director of Public

Works to approve future amendments to the Agreement, provided funds are available.

2. Timing – The Department of Public Works, Solid Waste Division and the USDA recommends approval of Amendment No.1 by September 30<sup>th</sup> to continue the program this fall. The heavy migration time happens in the fall and the USDA would like to continue the systems already in place prior to the birds' arrival.
3. Service Level/Policy – Approval of Amendment No. 1 of the Cooperative Service Agreement will have no impact on solid waste services. The program will continue to reduce nuisances to customers and employees of the landfill.
4. Fiscal Impact – The estimated cost of the program is \$95,822 for the next year. USDA will only bill the County for actual work required to meet the objective to eliminate the nuisances caused by the birds. The payment for this Agreement will come from Solid Waste Fund, budgeted contractual maintenance funds (OCA 400341 and 402073, OL 3261). There will be no financial impact on the County's general fund.

B. Take No Action

1. Legal – If no action is taken, the County could face legal issues from citizens using County facilities at the landfill.
2. Timing – If renewal is not approved, the birds will come back in mass and property damage and citizens' and employee complaints will likely occur.
3. Service Level/Policy – No impact on landfill services, but adjacent ballfields may not useable or require increase maintenance.
4. Fiscal Impact – There may be a need increased maintenance and cleaning at County landfill facilities.

V. Recommendation is that the Board of County Supervisors concurs with Alternative A and approve the attached Resolution.

Staff Contact: Thomas Smith, x6252