

**Memorandum of Understanding
between the
United States Department of Transportation
Federal Aviation Administration
and the
United States Department of Agriculture
Animal and Plant Health Inspection Service
Wildlife Services**

ARTICLE 1

This Memorandum of Understanding (MOU) continues the cooperation between the Federal Aviation Administration and Wildlife Services (WS) for mitigating wildlife hazards to aviation.

ARTICLE 2

The FAA has the broad authority to regulate and develop civil aviation in the United States¹. The FAA may issue Airport Operating Certificates to airports serving certain air carrier aircraft. Issuance of an Airport Operating Certificate indicates that the airport meets the requirements of Title 14, Code of Federal Regulations, part 139 (14 CFR 139) for conducting certain air carrier operations.

The WS has the authority to enter agreements with States, local jurisdictions, individuals, public and private agencies, organizations, and institutions for the control of nuisance wildlife². The WS also has the authority to charge for services provided under such agreements and to deposit the funds collected into the accounts that incur the costs³.

¹ Federal Aviation Act of 1958, 49 U.S.C. § 40101, et. seq.

² The Animal Damage Control Act of March 2, 1931, as amended, 46 Stat. 1468; 7 U.S.C. 426 – 426b.

³ The Rural Development, Agriculture, and Related Agencies Appropriations Act of 1988, as amended, 426c to U.S.C. 426 – 426b.

14 CFR 139.337 requires the holder of an Airport Operating Certificate (certificate holder) to conduct a wildlife hazard assessment (WHA) when specific events occur on or near the airport. A wildlife management biologist who has professional training and/or experience in wildlife hazard management at airports, or someone working under the direct supervision of such an individual, must conduct the WHA required by 14 CFR 139.337. The FAA reviews all WHAs to determine if the certificate holder must develop and implement a wildlife hazard management plan (WHMP) designed to mitigate wildlife hazards to aviation on or near the airport. These regulations also require airport personnel implementing an FAA-approved WHMP to receive training conducted by a qualified wildlife damage management biologist.

ARTICLE 3

The FAA and the WS agree to the following.

- a.** The WS has the professional expertise, airport experience, and training to provide support to assess and reduce wildlife hazards to aviation on and near airports. The WS can also provide the necessary training to airport personnel.
- b.** Most airports lack the technical expertise to identify underlying causes of wildlife hazard problems. They can control many of their wildlife problems following proper instruction in control techniques and wildlife species identification from qualified wildlife management biologists.
- c.** Situations arise where control of hazardous wildlife is necessary on and off airport property (i.e., roost relocations, reductions in nesting populations, and removal of wildlife). This often requires the specialized technical support of WS personnel.
- d.** The FAA or the certificate holder may seek technical support from WS to lessen wildlife hazards. This help may include, but is not limited to, conducting site visits and WHAs to identify hazardous wildlife, their daily

and seasonal movement patterns and habitat requirements. WS personnel may also provide:

- i. support with developing WHMPs including recommendations on control and habitat management methods designed to minimize the presence of hazardous wildlife on or near the airport;
 - ii. training in wildlife species identification and the use of control devices;
 - iii. support with managing hazardous wildlife and associated habitats; and
 - iv. recommendations on the scope of further studies necessary to identify and minimize wildlife hazards.
- e.** Unless specifically requested by the certificate holder, WS is not liable or responsible for development, approval, or implementation of a WHMP required by 14 CFR 139.337. Development of a WHMP is the responsibility of the certificate holder. The certificate holder will use the information developed by WS from site visits and/or conducting WHA in the preparation of a WHMP.
- f.** The FAA and WS agree to meet at least yearly to review this agreement, identify problems, exchange information on new control methods, identify research needs, and prioritize program needs.

ARTICLE 4

The WS personnel will advise the certificate holder of their responsibilities to secure necessary permits and/or licenses for control of wildlife. This will ensure all wildlife damage control activities are conducted under applicable Federal, State, and local laws and regulations.

ARTICLE 5

This MOU defines in general terms, the basis on which the parties will cooperate and does not constitute a financial obligation to serve as a basis for expenditures. Request for technical, operational, or research assistance that requires cooperative or reimbursable funding will be completed under a separate agreement.

ARTICLE 6

This MOU will supersede all existing MOUs, supplements, and amendments about the conduct of wildlife hazard control programs between WS and the FAA.

ARTICLE 7

Under Section 22, Title 41, U.S.C., no member of or delegate to Congress will be admitted to any share or part of this MOU or to any benefit to arise from it.

ARTICLE 8

This MOU will become effective on the date of final signature and will continue indefinitely. This MOU may be amended by agreement of the parties in writing. Either party, on 60 days advance written notice to the other party, may end the agreement.

_____ OSB Woodie Woodward _____ Date ____ June 20, 2005 _____
Associate Administrator for Airports
Federal Aviation Administration

_____ OSB William H Clay _____ Date ____ June 27, 2005 _____
Deputy Administrator for Wildlife Services
Animal and Plant Health Inspection Service