

## **G. LAWS AND REGULATIONS**

*FAR 139.337(f)(3)*

*Requirements for and, where applicable, copies of local, State, and Federal wildlife control permits.*

### **OVERVIEW**

Federal, State and local governments administer laws and regulations that manage wildlife and their habitat. A number of laws affect wildlife control at airports and AVP, and wildlife control personnel must understand and comply with these regulations. In general, taking most types of wildlife is regulated through a permit process, overseen by Federal and/or State agencies. Permits are necessary for a successful control program and will be obtained on a regular basis, or as required, by the wildlife coordinator.

### **PENNSYLVANIA WILDLIFE REGULATIONS**

Several PA government agencies have regulations that affect wildlife control at airports. Pertinent regulations can be found in the Pennsylvania Administrative Code and the Revised Code of PA. County and municipality regulations can also affect AVP's wildlife management efforts. State wildlife laws involving resident birds, mammals, as well as State threatened and endangered species generally are administered by the Pennsylvania Game Commission. State wildlife laws involving reptiles, and amphibians, as well as State threatened and endangered species generally are administered by the Pennsylvania Fish and Boat Commission.

### **FEDERAL REGULATIONS**

Several Federal regulations, including the Migratory Bird Treaty Act, the Lacey Act, the Endangered Species Act, Eagle Protection Act, the National Environmental Policy Act, and the Federal Insecticide, Fungicide, and Rodenticide Act regulate various aspects of Wilkes-Barre/Scranton International Airport wildlife management activities. Additional regulations that may affect wildlife control activities at AVP are found in the Code of Federal Regulations (CFR), and several Federal agencies may be responsible for their implementation. Federal wildlife laws are typically administered by the U.S. Fish and Wildlife Service (USFWS) and involve primarily migratory birds and threatened and endangered species.

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**WILDLIFE CATEGORIES**

Federal (CFR Title 50), and State laws define the categories of wildlife and regulations related to their management. For the purposes of this document, feral and free ranging dogs, cats and other domestic animals are considered “wildlife” because of the hazards they may pose to aircraft, but they are mostly regulated under other municipal laws. Wildlife categories (Table 2) include migratory and resident, game and non-game, and threatened and endangered species. Wildlife control personnel should know the category for the species that they intend to control, so that they can determine the relevant laws and necessary permits.

**Table 2.** Wildlife Categories in PA and permits necessary for lethal control as required by Federal and State wildlife agencies. The table also shows whether AVP has current Federal or State permits for each category. It should be noted that PGC statutes provide for the trapping or killing of wildlife in emergency situations (with exception of threatened, endangered, and federally protected species) by property owners without State permits, if the wildlife are damaging property or posing a threat to human. See table on the following page.

**WILDLIFE CATEGORIES IN PENNSYLVANIA AND THEIR PERMITS**

CATEGORY	SPECIES	STATE PERMIT REQUIRED	STATE PERMIT OBTAINED	FEDERAL PERMIT REQUIRED	FEDERAL PERMIT OBTAINED
<b>Resident Game Birds</b>	Quail, ring-necked pheasant, grouse, and turkey	Yes	Yes	No	N/A
<b>Resident Nongame Birds</b>	Starlings, house sparrows, pigeons, monk parakeets	No	N/A	No	N/A
<b>Migratory Game Birds</b>	Ducks, geese, coots, gallinules, snipe, and mourning doves	Yes*	Yes	Yes	Yes
<b>Migratory Nongame Birds</b>	All species except game birds, resident nongame birds, and domestic and exotic birds (including gulls, vultures, herons, egrets)	No	N/A	Yes	Yes

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**WILKES-BARRE/SCRANTON INTERNATIONAL AIRPORT (AVP)  
AIRPORT CERTIFICATION MANUAL**

CATEGORY	SPECIES	STATE PERMIT REQUIRED	STATE PERMIT OBTAINED	FEDERAL PERMIT REQUIRED	FEDERAL PERMIT OBTAINED
<b>Depredation Order Birds (See Footnote 2)</b>	Crows, magpies, blackbirds, and cowbirds	No	N/A	No	N/A
<b>Domestic Birds</b>	Rock doves (feral pigeons) and domestic poultry, domestic ducks and geese	No	N/A	No	N/A
<b>Game Mammals</b>	White-tailed deer, rabbits, woodchucks, black bear	Yes	Yes	No	N/A
<b>Furbearers</b>	Fox, coyote, raccoon, beaver, muskrat	Yes	Yes	No	N/A
<b>Nongame Mammals</b>	All species of mammals, except game, furbearers, domestic mammals, and fully protected wildlife listed in Table 3	No	N/A	No	N/A
<b>Feral Domestic Mammals (See Footnote 3)</b>	Dogs, cats, livestock	No	N/A	No	N/A
<b>Reptiles And Amphibians</b>	All reptiles and amphibians except those listed as threatened or endangered in Table 3	Yes	No	No	N/A
<b>Fully Protected Wildlife</b>	Threatened and Endangered species listed in Table 3	Yes	Yes	No	No
<b>Bald Eagles</b>	To harass Bald Eagles	Yes*	Yes	Yes	Yes

1. Control actions requiring a state permit should be coordinated through the Regional Biologist with the PGC
  2. May be taken without permits when concentrated in such numbers and manner as to constitute a health hazard or other nuisance (50 CFR '21.43)
  3. Call Local Animal Control
- \* PGC co-signs USFWS Permit

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## **GENERAL REGULATIONS FOR WILDLIFE CONTROL**

Several regulations and permits apply to wildlife management activities at airports in Pennsylvania. Many of these regulations relate to safety, methods, and special considerations or restrictions which are usually specified on the depredation permits.

### **BIRDS**

#### **Resident Game Birds**

Resident game birds (grouse, turkey, quail, etc.) are non-migratory. Although they are not managed by the MBTA (and no Federal permit is required for take) they are protected by State law and a State depredation permit is required prior before take.

#### **Resident Nongame Birds**

Starlings, pigeons, monk parakeets, and house sparrows are resident non-game birds that are classified as non-migratory and no permit is required to take them.

#### **Migratory Game Birds**

Migratory game birds (Ducks, geese, coots, gallinules, snipe, and mourning doves) are regulated under Federal law by the USFWS. These regulations allow harassment of migratory birds when the birds are damaging property, but a permit is required for lethal take. Migratory bird permits are not valid for eagles, and threatened and endangered species, which require separate permits for lethal take and harassment. Although States can impose more restrictive regulation than Federal law on migratory birds, PA currently does not. However, the PGC must approve the USFWS permit application before it is submitted. The PGC will then issue a State permit in conjunction with the USFWS permit for the take of migratory birds in PA.

#### **Migratory Bird Depredation Permit for AVP (CFR 50, Part 13)**

A depredation permit to take Federally protected migratory birds can be obtained by completing a Federal Fish and Wildlife License/Permit Application and submitting it to the U.S. Fish and Wildlife Service. The USFWS may also require that a Migratory Bird Damage Project Report (ADC form 37) be completed by Wildlife Services accompany the permit application. Wilkes-Barre/Scranton International Airport has a current Federal permit to take ring-billed gulls,

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mallards, Canada geese, herring gulls, mourning doves, red-tailed hawks, and American kestrels. However, under the bona fide emergency clause on a USFWS migratory bird permit migratory birds except eagles and threatened or endangered species may be taken in excess of the number identified or of species not listed on the permit if human health and safety or air traffic is threatened. Any birds taken under this clause must be reported in writing to the Federal issuing office within 7 days. PA Game Commission allows the take of these species under the Federal permit and issues an additional State permit in conjunction with the USFWS permit. The Wildlife Coordinator will be responsible for the required annual renewal of the depredation permit, and will submit a report to the USFWS within 10 days of the expiration date detailing the species and number of animals taken under the permit. Details for the permit uses are given below. Currently no Federally listed threatened or endangered migratory birds species have been observed on Wilkes-Barre/Scranton International Airport property or the counties it straddles. (See Table 3 of this section). Peregrine falcons were removed from the Federal list in 1999, but are still listed as State endangered. Likewise, bald eagles were removed from the Federal list in 2007, but remain listed as State threatened. Furthermore, bald eagles are protected by the Bald and Golden Eagle Protection Act.

### **Migratory Nongame Birds**

Migratory nongame birds are all species except game birds, resident nongame birds, and domestic and exotic birds (including gulls, vultures, herons, egrets, American kestrels, hawks, etc.) are regulated under Federal law by the USFWS. These regulations allow harassment of migratory birds when the birds are damaging property, but a permit is required for lethal take. Migratory bird permits are not valid for eagles, and threatened and endangered species, which require separate permits for lethal take and in some cases harassment. Although states can impose more restrictive regulation than Federal law on migratory birds, PA currently does not. However, the PGC must approve the USFWS permit application before it is submitted. The PGC will then issue a State permit in conjunction with the USFWS permit for the take of migratory birds in PA.

A Migratory Bird Depredation permit has been secured for AVP from the USFWS (Exhibit 3, Pages 1-4) and will be maintained to avoid gaps in coverage.

### **Reporting Control Actions to USFWS**

Wilkes-Barre/Scranton International Airport should submit a report of the migratory birds taken to the USFWS to fulfill the requirements of this Section and

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the Federal permit. The report could be generated from a computerized database containing all control actions on AVP.

### **Depredation Order Birds**

Depredation order birds are (crows, magpies, blackbirds, grackles, and cowbirds) who are protected under the MBTA but may be taken when they are concentrated in such numbers and manner as to constitute a health hazard or other nuisance. Under the Depredation Order (50 CFR - 21.43), no Federal permit is required to remove crows, magpies, blackbirds, grackles, or cowbirds. The Commonwealth of Pennsylvania has recently adopted the Federal depredation order and a State permit is no longer required for all depredation order birds except crows. Crows are considered a species that can be hunted by the Pennsylvania Game Commission and therefore a permit is required to control crows outside of standard hunting seasons/conditions.

### **Domestic Birds**

Currently State and Federal laws do not regulate these species (Domestic ducks, geese, and domestic poultry) and no permit is required to take them. Domestic waterfowl may become a problem if they are abandoned on airport property. Taking these species should only be done by wildlife personnel trained to distinguish the differences between domestic and wild waterfowl with similar appearances. If other species of feral poultry or exotic birds are observed at AVP, the Wildlife Coordinator or a WS Biologist should be contacted for assistance with control methods.

## **MAMMALS**

### **Game Mammals**

Game mammals are defined primarily as those species that are hunted for sport, recreation, or meat. Wilkes-Barre/Scranton International Airport has a small population of rabbits, but they do not currently pose a hazard to passenger safety and their numbers are not sufficiently high to merit control. Deer and bear have historically been observed at AVP, and may require control if they enter the airfield. A State permit is required to control deer and bear. Threatened or endangered animals are not covered under this provision.

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## **FURBEARERS**

It is likely that furbearers (particularly fox and coyote) will need to be controlled at Wilkes-Barre/Scranton International Airport, especially with the rising coyote population throughout PA. When these animals pose a hazard that warrants direct control, a permit is required from the Pennsylvania Game Commission.

## **Non-game Mammals**

Several species of non-game mammals are present at Wilkes-Barre/Scranton International Airport and may need to be controlled. Of these, rodents (mice and voles) present the greatest (indirect) threat to aviation. Permits are not required to take these species when they damage or could damage property. However, a pesticide applicators license from the PA Department of Agriculture is required for chemical control. If chemical control methods are needed, the Airport will contract with a permitted company to provide the service. The Penn State University Extension Service can be contacted for information on pesticide use in Pennsylvania.

A Special Use permit has been secured from the PGC (Exhibit 3, Page 5) and will be maintained to avoid gaps in coverage.

## **REPTILES & AMPHIBIANS**

There were several turtles (various species) observed at AVP during WS surveys. If a population of reptiles or amphibians is observed at AVP in such a manner as to constitute a threat to aviation safety contact the PA Fish and Boat Commission for current regulations on the take or control of these species.

## **PROTECTED WILDLIFE**

### **Federal and State Threatened and Endangered Species**

The Federal Endangered Species Act (Sec. 2 [16 U.S.C. 1531]) and Pennsylvania Endangered Species Act both protect animal and plant species potentially threatened with extinction. These acts classify species as endangered or threatened. An "Endangered Species" is defined as "any species or subspecies which is in danger of extinction throughout all or a significant portion of its range". A "Threatened Species" is defined as "any species or subspecies which is in danger of becoming an endangered species within the foreseeable future throughout or over a significant portion of its range." Once Federally listed, a threatened or endangered species cannot be taken or harassed without a special permit. Eagles are also afforded protection under the

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U.S. Bald and Golden Eagle Protection Act. In PA, several additional species are given special protection by being listed as State threatened or endangered species. If a significant hazard exists with a listed species that jeopardizes air safety, either the USFWS or the Pennsylvania Game Commission, depending on the protective status of the species involved, should be contacted for assistance. In many cases only personnel from these or other agencies (including USDA-WS) may obtain a permit to take individuals of a specially protected species. Table 3 lists the State and Federally protected species for PA.

### **Eagle Permits**

Eagles are protected under the Bald and Golden Eagle Protection Act and require their own permit, and are therefore, not included under the Migratory Bird Permit. PA has designated bald eagles as fully protected statewide.

AVP has secured an Eagle Depredation Permit from the USFWS due to sightings of Bald Eagles on the airport.

### **Habitat Conservation**

USFWS, PA Department of Conservation and Natural Resources (DCNR) and PGC are responsible for species conservation and recovery plans. These plans require the identification of critical habitat when it is associated with the decline of a species. Habitat alterations and developments may be prohibited in areas where critical habitat has been designated or where such changes could result in the inadvertent take of an endangered species. Consultation with USFWS, DCNR, or PGC biologists will help determine on a case-by-case basis whether critical habitat is affected by airport projects, and if so, the necessary mitigation.

### **Wetlands Mitigation**

Wetland modifications may require permits from various agencies, including the USFWS, U.S. Army Corps of Engineers (USCOE), PA Department of Environmental Protection and Philadelphia and/or Delaware Counties. Pre-development mitigation may be required for issuance of a permit. The FAA has outlined a series of procedures (refer to the publication on wetland mitigation banking in the FAA's wildlife section homepage <http://www.faa.gov/arp/hazard.htm>) for mitigating wetland impacts resulting from project development - See 40 CFR 1505.3.



## **Endangered Species List**

The USFWS, DCNR, and PGC maintain updated lists of endangered and threatened species. PGC current listing of State and Federally endangered, threatened, and sensitive species can be accessed on the Internet. Wildlife control personnel at AVP will familiarize themselves with these listed species and their potential occurrence at the airport to the extent practical (Table 3). Some of these species, particularly bald eagles

may present hazards to air traffic at AVP, and permits are required to harass them. In most cases, permits will not be granted to lethally remove members of a threatened and endangered species. AVP wildlife control personnel will learn to identify these species and understand the regulatory permitting processes required for their effective management. Habitat critical to listed species is regulated by the USFWS, DCNR, or PGC and these regulations will be reviewed to determine their potential effect on AVP's habitat modification plans to reduce wildlife hazards.

Any habitat improvement and/or mitigation projects will be carefully reviewed by the Airport Manager, Wildlife Coordinator, and if necessary, Wildlife Services and the FAA, to ensure the project does not result in hazardous wildlife attractions. AVP should keep an updated listing of Threatened and Endangered species in the WHMP and should review this list prior to implementing construction projects that may adversely affect listed species.

## **Avoiding Impacts to Threatened and Endangered Species**

Control methods utilized at AVP would not have a negative impact on State or Federally listed threatened or endangered species because the capture and removal methods used at AVP are selective and would allow for positive identification of target animals. There are 10 Federally or State listed threatened or endangered species that have been observed at or near AVP either during WS surveys or AVP-related National Environmental Policy Act investigations.

Hazing and lethal control methods such as shooting and trapping/euthanasia are selectively directed at target individuals, thus avoiding impact to listed species. No toxicants are currently used to control wildlife at AVP, thus eliminating the probability of non-target exposure. Habitat alteration such as tree thinning or removal would not affect bald eagle nests because although there are documented bald eagles nests within AVP's Critical Zone, no eagles are known to nest within the airport property. Collisions between birds and aircraft nearly

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always result in the death of the bird, in addition to threatening human safety. Consequently, potential nesting habitat on and around the airfield will be eliminated to the extent possible, thus preventing eagles from being drawn to the area where they may be struck.

**Table 3. Endangered, Threatened and Protected Species in PA.** There are many species of animals in Pennsylvania that are listed as Threatened, Endangered, Candidate, or Sensitive by the Federal and/or State Government. Below is a list of each of these species (plants excluded), their status as of (2010), and potential occurrence at AVP. This list is dynamic with new species being added or removed periodically; therefore, it should be reviewed and updated at least once per year to ensure compliance with Federal and State wildlife regulations. See table below.

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**WILKES-BARRE/SCRANTON INTERNATIONAL AIRPORT (AVP)  
AIRPORT CERTIFICATION MANUAL**

**ENDANGERED, THREATENED AND PROTECTED SPECIES IN PENNSYLVANIA**

COMMON NAME	SCIENTIFIC NAME	STATE STATUS	FEDERAL STATUS	OCCURRENCE AT AVP
<b>MAMMALS</b>				
Least Shrew	Cryptotis parva	E	T	
Water Shrew	Sorex paulustris punctulatus	T		
Eastern Woodrat	Neotoma floridana	T		
Delmarva fox squirrel	Sciurus niger cinereus	E		
Indiana bat	Myotis sodalis	E	E	
Small-footed myotis	Myotis subulatus	T		
Eastern cougar	Felix concolor cougar	E		
<b>BIRDS</b>				
Bald Eagle	Haliaeetus leucocephalus	T		M
Peregrine falcon	Falco peregrinus	E		M
Upland sandpiper	Bartramia longicauda	T		
Black tern	Chlidonias niger	E		
Common tern	Sterna hirundo	E		
American bittern	Botaurus lentiginosus	T		
Least bittern	Ixobrychus exilis	T		
Great egret	Casmerodius albus	E		
Yellow-crowned night heron	Nycticorax violaceus	E		
King rail	Rallus elegans	E		
Short-eared owl	Asio flammeus	E		
Dickcissel	Spiza americana	E		
Osprey	Pandion haliaetus	T		M
Sedge wren	Cistothorus platensis	E		
Yellow-bellied flycatcher	Empidonax flaviventris	E		
Piping plover	Charadrius melodus	E	E	
Loggerhead shrike	Lanius ludovicianus	E		
<b>REPTILES</b>				
Bog turtle	Clemmys muhlenbergii	E	T	
Red-bellied turtle	Pseudemys rubriventris	T		
Kirtlands snake	Clonophis kirtlandii	E		
Eastern massasauga	Sistrurus catenatus catenatus	E		
Rough green snake	Ophedrys aestivus	E		

E- Endangered  
T - Threatened  
C - Candidate

PE - Proposed Endangered  
PT - Proposed Threatened  
S - Sensitive

SC - Species of Concern  
M - May occur in County  
O - Observed on Airfield

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**ENDANGERED, THREATENED AND PROTECTED SPECIES IN PENNSYLVANIA**

COMMON NAME	SCIENTIFIC NAME	STATE STATUS	FEDERAL STATUS	OCCURRENCE AT AVP
<b>AMPHIBIANS</b>				
Costal plain leopard frog	Rana utricularia	E		
New Jersey chorus frog	Pseudacris feriarum kalmi	E		
Eastern mud salamander	Pseudotriton m. montanus	E		
Eastern spadefoot toad	Scaphiopus holbrookii	E		
Green salamander	Aneides aeneus	T		
<b>FISH</b>				
Shortnose sturgeon	Acipenser brevirostrum	E	E	
Atlantic sturgeon	Acipenser oxyrinchus	E		
Lake sturgeon	Acipenser fulvescens	E		
Burbot	Lota lota	E		
Southern redbelly dace	Phoxinus erythrogaster	T		
Mooneye	Hiodon tergisus	T		
Goldeneye	Hiodon alosoides	T		
Spotted sucker	Minytrema melanops	T		
Bluebreast darter	Etheostoma camurum	T		
Eastern sand darter	Ammocrypta pellucida	E		
Spotted darter	Etheostoma maculatum	T		
Glit darter	Percina evides	T		
Tippecanoe darter	Etheostoma tippecanoe	T		
Iowa darter	Etheostoma pellucida	E		
Cisco	Coregonus artedi	E		
Bigmouth shiner	Notropis dorsalis	T		
Silver chub	Macrhybopsis storeriana	E		
Bridal shiner	Notropis bifrenatus	E		
River shiner	Notropis blennius	E		
Ghost shiner	Notropis buechanani	E		
Ironcolor shiner	Notropis chalybeaus	E		
Blackchin shiner	Notropis heterodon	E		
Redfin shiner	Lythyrus umbratilis	E		
Bigmouth buffalo	Ictiobus cyprinellus	E		
Black bullhead	Amerius melas	E		
Threespine stickleback	Gasterosteus aculeatus	E		
Banded sunfish	Enneacanthus obesus	E		
Warmouth	Lepomis gulosus	E		
Longear sunfish	Lepomis megalotis	E		
Spotted gar	Lepisosteus oculatus	E		

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COMMON NAME	SCIENTIFIC NAME	STATE STATUS	FEDERAL STATUS	OCCURRENCE AT AVP
Hickory shad	Alosa mediocris	E		
Skipjack herring	Alosa chrysochoris	T		
Gravel chub	Hybopsis x-punctuata	E		
Longnose sucker	Catostomus catostomus	E		
Northern brook lamprey	Ichthyomyzon fossor	E		
Mountain brook lamprey	Ichthyomyzon hubbsi	T		
Brindled madtom	Noturus miurus	T		
Tadpole madtom	Noturus gyrinus	E		
Mountain madtom	Noturus eleutherus	E		
Northern madtom	Noturus stigmosus	E		
<b>MOLLUSKS</b>				
Clubshell mussel	Pleurobema clava	E	E	
Pink mucket	Lampsillis abrupta	E	E	
Pearlymussel	Hemistena lata	E	E	
Rough pigtoe	Pleurobema plenum	E	E	
Orangefoot pimpleback	Plethobasus cooperianus	E	E	
Ring pink mussel	Obovaria retusa	T	E	
Dwarf wedgemussel	Alasmidonta heterodon	E	E	
<b>INSECTS</b>				
Northern riffleshell	Epioblasma torulosa rangiana	E	E	
Regal fritillary	Speyeria idalia	E		

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T - Threatened  
C - Candidate

PE - Proposed Endangered  
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S - Sensitive

SC - Species of Concern  
M - May occur in County  
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**PESTICIDE APPLICATOR LICENSE**

Authorization to use restricted-use pesticides for the removal of hazardous wildlife (e.g., blackbirds, starlings) or prey-base (e.g., rodents, rabbits, insects, earthworms, and weeds) should be limited to Certified Pesticide Operators or persons under their direct supervision. To obtain the necessary license to apply restricted-use pesticides, a person must pass an exam administered by the Pennsylvania Department of Agriculture (refer to Section L). All AVP personnel that use restricted-use chemicals must first obtain a pesticide applicator's license or be under the direct supervision of an applicator. Use of all pesticides should strictly adhere to the pesticide label and should follow U.S. EPA guidelines.

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**FAA REGULATIONS, ADVISORY CIRCULARS, AND CERTALERTS**

The FAA is the Federal agency responsible for developing and enforcing air transportation safety regulations. Many of these regulations are codified in the Federal Aviation Regulations (FARs). The FAA also publishes a series of guidelines for airport operators to follow called Advisory Circulars (ACs). Advisory Circulars in the 150 series deal with airport safety issues, including wildlife hazards. In addition to FARs and ACs, the FAA periodically issues Cert Alerts for internal distribution and to provide recommendations on specific issues for inspectors and airport personnel. All of the above-mentioned regulations, Advisory Circulars, and Cert Alerts are frequently changed or updated, and their current status should be verified on a regular basis. This may be accomplished by contacting the FAA directly (refer to Section L) or by visiting their website at <http://www.faa.gov/arp/hazard.htm> or <http://www.faa.gov/faadocs.htm> for the most current revision.

In July 2005, the FAA and USDA Wildlife Services cooperatively developed the 2<sup>nd</sup> edition to the manual, "Wildlife Hazard Management at Airports." It contains important information on airport wildlife hazard management, and it will be consulted regarding control actions and other issues.

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## **H. RESOURCES**

*FAR 139.337(f)(4)*

*Identification of resources that the certificate holder will provide to implement the plan*

### **OVERVIEW**

Habitat Management and wildlife control supplies can be purchased from several companies. An adequate supply of equipment will be kept on hand at AVP for use by trained personnel and restocked every spring or as necessary.

### **AIRPORT SUPPLIES**

Supplies that will normally be stocked at the airport include:

- 15 mm pyrotechnic pistol launchers (Bird bombs/bangers, screamers, and whistlers)
- 12 gauge break action shotgun and nontoxic bird shot ammunition
- Cleaning kits for all firearms
- Field guide for local bird identification
- Mylar tape
- Binoculars
- Pellet rifle and pellets
- Latex gloves
- Garbage bags
- Gallon-size re-sealable sandwich bags
- Prevention and Control of Wildlife Damage - Reference Manual
- Freezer to preserve bird carcasses found on runways
- Starling/Sparrow trap

If needed, the following supplies will be obtained from USDA:

- Snare/catch pole
- Cage trap for dogs
- Cage trap for cats/possums/raccoons
- Rat/mouse traps snap traps

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### **AIRPORT OPERATIONS VEHICLES**

Select Airport operations vehicles will be stocked with the supplies listed below to facilitate an immediate response to wildlife hazards. They will be responsible for responding to emergency calls from the tower to disperse birds or animals from the runways. They should maintain radio communications with the tower if there is a situation within the AOA, and the patrols must operate within the movement areas according to FAA guidelines. At a minimum, supplies to be maintained in their vehicles should include:

- 15 mm pyrotechnic pistol launchers
- An adequate supply of 15 mm pyrotechnics (bangers, whistlers, etc.)
- Latex gloves
- Garbage bags
- Several daily wildlife control log sheets

### **USDA-WILDLIFE SERVICES ASSISTANCE**

Supplies such as vertebrate pesticides and chemical capturing agents are available through Wildlife Services for conducting specific control operations. The use of some control methods, such as alpha chloralose for waterfowl is restricted to certified Wildlife Services personnel only, or DRC-1339 for starlings, is restricted to USDA personnel trained in bird control only. The Wilkes-Barre/Scranton International Airport currently has a Cooperative Service Agreement with Wildlife Services to provide technical assistance and formal training as necessary.

AVP currently has a Cooperative Service Agreement, with USDA Wildlife Services. USDA has provided an updated WHA for AVP, and provided assistance in the preparation of AVP's WHMP.

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**I. WILDLIFE CONTROL PROCEDURES**

*FAR 139.337(f)(5) Procedures to be followed during air carrier operations that at a minimum includes:*

**OVERVIEW**

Even after habitat alterations have been made to deter hazardous wildlife species to the maximum extent possible, some bird activity likely will persist. Wildlife should then be controlled using accepted direct control techniques.

*FAR 139.337(f)(5)(i) Designation of personnel responsible for implementing the procedures*

Airport Operations/Maintenance, in consultation with USDA-WS as necessary, is responsible for determining and responding to wildlife hazards within the AOA. Airport Operations/Maintenance is available on a 24 hour basis to promptly disperse or remove wildlife reported within the AOA when reported by the FAA Air Traffic Control Tower, or a pilot, or when observed during a routine airfield inspection. USDA-WS is available on a 24 hour basis to provide technical expertise to Airport Operations personnel or to respond to the airport when assistance is required.

Airport Operations/Maintenance will take immediate action to alleviate wildlife hazards whenever they are detected. Airport Operations shall notify FAA ATCT of observed changes to field conditions, to include wildlife hazards, or if any portion of runways or taxiways normally available, has become unsafe.

During unusually heavy periods of wildlife activity, or if large mammals such as deer, bear, or loose dogs are observed on the AOA, Airport Operations will immediately advise FAA ATCT of this condition and the actions that are being taken to alleviate the wildlife hazard. The actions taken will include closure of a taxiway and/or runway if necessary until the wildlife hazard is alleviated. USDA-WS may be contacted by Airport Operations to assist in alleviating the wildlife hazard.

*FAR 139.337(f)(5)(ii) Provisions to conduct physical inspections of the aircraft movement areas and other areas critical to successfully manage known wildlife hazards before air carrier operations begin*

Airport Operations personnel will frequently conduct physical inspections of movement areas and other areas critical to wildlife hazard management as part

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of the daily protocol. Airport Operations will document all observed wildlife and record the data on a Wildlife Observation & Activity Log, maintained in the Airport Superintendent's Office (Appendix B). In cases where no animals are seen, a record indicating that an inspection was conducted and that no animals were observed should be made. During periods of exceptionally heavy wildlife activity (e.g., migratory periods, outbreaks of insects, specific weather conditions conducive to wildlife activity, etc.), Airport Operations will issue a Notice to Airmen (NOTAM) advising pilots of wildlife in the vicinity of the airport.

## **WILDLIFE PATROL**

Wilkes-Barre/Scranton International Airport's wildlife patrol crew consists of the Wildlife Coordinator, Superintendent, Assistant Superintendent, firemen, and the operations/maintenance staff. The patrol will monitor and respond to wildlife hazards on the airfield and coordinate their activities through the Wildlife Coordinator. The crew has been trained in wildlife identification, proper control techniques, and safe operations as outlined in Section K. The crew will have a radio-equipped vehicle and adequate wildlife control supplies (refer to Section H). The patrol will maintain clear communications with the control tower, in accordance with FAA radio protocols. The crew will also report all observations of wildlife activity on the Wildlife Observation & Activity Log (Appendix B). Completed forms should be forwarded to Wildlife Coordinator for review. Routine runway sweeps are conducted at least once per shift, and the presence of any dead animals found from strikes or suspected strikes should be recorded on Form 5200-7 (Appendix A), as well as POS Form 98-667 (Wildlife Incident Report). Other wildlife-related activities (e.g., notable hazards, animals killed or dispersed, unusual wildlife behavior, etc.) should be documented on the Wildlife Observation & Activity Log. As recommended in Advisory Circular 150/5200-32A, all dead birds or mammals found within 200 feet of a runway centerline will be considered the result of a strike unless the death was obviously due to some other cause. Any bird or mammal remains that are found should be bagged, labeled (e.g., time and date found, location on runway, person who found remains, etc.), and placed in a freezer for later inspection and identification. Wildlife Services or the Smithsonian Institute can assist in identifying bird remains. Wildlife strikes may be submitted electronically to the FAA at <http://www.faa.gov/arp/hazard.htm>. A printout of the strike report must also be immediately submitted to the Wildlife Coordinator so that the situation can be assessed.

*FAR 139.337(f)(5)(iii) Wildlife hazard control measures*

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## **GENERAL WILDLIFE CONTROL**

Each wildlife hazard that develops will be analyzed by wildlife control personnel to determine a practical solution. The initial response for most species will be to haze

them with frightening devices, followed by population control methods when necessary. A primary key to successful wildlife control is persistence, innovation, and a clear understanding of the risks associated with certain species, that either by their location, size, behavior and /or number create a hazardous situation. Techniques should be applied based on safety, effectiveness, practicality and environmental and/or social considerations. Most control techniques retain their effectiveness when used judiciously and in conjunction with other methods. Some methods such as pesticides or leg-hold traps are only effective and legal for certain species and situations. Therefore, the methods chosen will depend largely on the situation and the species involved. Finally, personnel involved in direct control should be aware of the potential diseases (rabies, lyme disease, etc.) that wildlife can carry and should take appropriate precautions.

## **BIRD CONTROL**

Several species of birds are present at AVP and represent the most significant potential for causing damaging strikes. Although waterfowl, starlings, blackbirds, gulls, raptors, and doves are of primary concern at AVP, other flocking or large species of migratory birds are risks at times. Juvenile birds may also constitute an unusual wildlife hazard because of their general unfamiliarity with the airport environment.

The AVP operations/maintenance staff and firemen responsible for implementation of wildlife control activities are trained in a number of methods that may be used to haze or exclude birds from the airport. For example, the wildlife patrol will attempt to herd birds away from active runways and away from the airport, and if possible be positioned between the flock(s) and the active surface, and preferably upwind. Each flock of birds can and will react differently to harassment. For example, migratory Canada geese typically have less interaction with humans and respond well to harassment. Non-migratory Canada geese in many cases have become accustomed to human interaction and will become habituated to being in contact with humans. As such a more aggressive control approach is necessary when non-migratory geese are present. Since the response to control actions will vary from species to species, and at times within a species, a tiered approach (Appendix D) is utilized where more and more aggressive control actions are taken until the threat is eliminated. Species-specific dispersal techniques are covered during annual wildlife hazard

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management training. As previously stated, an integration of multiple methods and diligent effort will be employed for maximum effectiveness.

## **MAMMAL CONTROL**

Potential hazards from the majority of mammal species at Wilkes-Barre/Scranton International Airport have been reduced through habitat modifications and the construction of fencing and other exclusionary devices. Although the existing fence is sufficient to deter large mammals from entering the AOA, smaller mammals still exist on the airfield in low to moderate densities and can provide an attraction to larger predators and raptors. These rodent and rabbit populations will be monitored by Airport Operations and WS. Also, many of the control/dispersal techniques for mammalian species differ from traditional bird hazard control techniques and may require restricted-use equipment, special training, and permits only available to USDA WS. Furthermore, harassment of mammals many times is not appropriate. For example, harassing large mammals (e.g, deer or canids) may cause the animal to panic and run in an unpredictable, possibly hazardous direction.

## **DECISION MODEL FOR IMPLEMENTING CONTROL METHODS**

To facilitate AVP's effort in assessing and responding to hazards, a 2-stage decision model (Appendix D) was developed, which utilizes a tiered approach for assessing the wildlife hazard and implementing control methods. Under this tiered approach, methods will become increasingly more aggressive if the hazards increase or the wildlife exhibits a non-respondent behavior. Given the extremely variable and complex nature of wildlife hazards at airports, it is essential to adopt a flexible, innovative, and adaptive approach to managing hazards.

The 2-stage decision model outlines general types of control methods, but more detailed description of the species-specific methods that would be used at AVP and surrounding sites are described in Section I of this plan. In the first stage of the model, the reviewer determines a categorical hazard rating based on results from the monitoring program. If it is determined in Stage 1 of the model that an actual wildlife hazard exists due to one or more of the risk factors (location, number, or behavior), then the reviewer proceeds to Stage 2 of the model. The second stage of the model outlines a hierarchical approach for implementing control methods based on a categorical ranking of the hazard (high, medium, and low). If the hazard is low, less invasive scare tactics such as effigies, pyrotechnics, and distress calls may be applied, depending on the species. This hazard rating may be adjusted up to a medium hazard in the event the animals

do not respond in a favorable manner, which may also include more aggressive direct control methods such as non-lethal shooting with paintballs, lethal control, or humane trapping. In extreme cases where the animals are completely non-

respondent, or in such numbers as to create a persistent hazard to aircraft, all available methods, including habitat alteration, may be employed alone or in combination.

A tiered approach would also be used when implementing habitat alteration, starting first with selective thinning of vegetation, and increasing the intensity of the modifications as needed. In the most extreme scenario, water level may have to be reduced or eliminated, or the wildlife-attracting vegetation removed and replaced with another type. The model provides a systematic and incremental approach for determining whether this scenario is necessary to ensure air traffic safety. Prior to altering hydrology at any site, AVP will consult with the appropriate regulatory agency.

### **CONTINUOUS MONITORING**

AVP utilizes a variety of sources to continuously monitor its airfield for wildlife hazards, including; Operations staff, Air Traffic Control, and pilots. Airport Operations/maintenance staff and firemen routinely conduct daily wildlife inspections of the airfield looking for hazardous wildlife or any conditions that may promote their presence (i.e. a hole under a fence, area of temporary standing water, etc). In addition to the wildlife patrols Operations staff on the airfield for non-wildlife duties will constantly be on the lookout for hazardous wildlife. Airport Operations monitor ATC communications for reports of hazardous wildlife by a controller or a pilot. In the event a hazardous wildlife situation is identified by observation, or reported via ATC communications, wildlife control measures will be implemented in accordance with the 2-stage decision model.

### **USDA WILDLIFE SERVICES ASSISTANCE**

Wildlife Services does not have an onsite Wildlife Biologist or Wildlife Technician to assist Wilkes-Barre/Scranton International Airport with wildlife monitoring, control activities, and technical assistance, but can be contacted at anytime to provide technical assistance with any wildlife issue. If Wilkes-Barre/Scranton International Airport should require assistance with a specific on-site issue, Wildlife Services can be requested to assist at anytime.

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139.337(f)(5)(iv)

*Ways to communicate effectively between personnel conducting wildlife control or observing wildlife hazards and the air traffic control tower;*

All Airport Operations personnel have vehicles equipped with radios and have proper training to contact the FAA ATCT. If Airport Operations or USDA-WS personnel need

runway access, they will follow the procedures contained in the Movement Area Driver Training Manual. In addition, Airport Operations shall notify FAA ATCT of observed wildlife hazards, including when a portion of runways or taxiways normally available, has become unsafe and needs to be temporarily closed to alleviate the hazard. Any NOTAM required will be issued by Airport Operations in accordance with section 339 of the Airport Certification Manual.

If a pilot reports a wildlife strike within the AOA, Airport operations/maintenance/firemen will respond to the runway and/or taxiway to complete an inspection for wildlife remains. Any wildlife remains found will be removed and given to USDA-WS for proper identification and disposal. If the aircraft is available for inspection, with the approval of the owner, USDA-WS or Airport operations/maintenance/firemen will attempt to collect any remains for identification purposes and to ensure completeness of the wildlife strike report.

*The Airport entered into a Letter of Agreement (LOA) with the FAA ATCT approved on July 1, 2011, regarding Bird/Wildlife/Domestic Animal Activity. The procedures state that the ATC must promptly relay to the airport operator, the presence of birds, wildlife, or domestic animals which may present a hazard to airport users for the purpose of NOTAM issuance or actions deemed necessary by the airport operator, and to promptly relay bird strike reports and trends toward an increase in bird activity on or around the airport. In response, the airport operator must communicate to ATC, the need to access or close movement areas for the purpose of bird, wildlife, or domestic animal dispersal or management and issue NOTAMs as necessary. Any wildlife remains found will be removed and given to USDA-WS for proper identification and disposal, as needed. If the aircraft is available for inspection, with the approval of the owner, USDA-WE or Airport Operations/Maintenance will attempt to collect any remains for identification purposes and to ensure completeness of the wildlife strike report.*

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## **J. EVALUATION**

*FAR 139.337(f)(6) Procedures to review and evaluate the wildlife hazard management plan every 12 consecutive months or following an event described in paragraphs (b)(1), (b)(2), and (b)(3) of this section, including*

*FAR 139.337(f)(6)(i) The plan's effectiveness in dealing with known wildlife hazards on and in the airport's vicinity and*

*FAR 139.337(f)(6)(ii) Aspects of the wildlife hazards described in the wildlife hazard assessment that should be reevaluated*

### **OVERVIEW**

The WHMP will be evaluated at least annually. The Wildlife Hazard Group will determine the effectiveness of the WHMP at reducing wildlife strikes at AVP and monitor the status of hazard reduction projects, including their completion dates.

### **MEETINGS**

The Wildlife Hazard Working Group will meet at least once per year, but the group may convene more regularly if situations warrant, as determined by the Wildlife Coordinator.

### **MONITORING PROVISIONS**

As a wildlife population near the airfield increases in size, so does likelihood that individual members of the population will enter critical airspace used by arriving and departing aircraft. However, wildlife abundance is not the sole indicator for assessing the strike hazards, rather the entire dynamic of the animals' abundance, body size, and behavioral attributes must be evaluated in combination. Notable attributes of wildlife behavior that should be examined to properly assess the risk to aircraft include direction and altitude of wildlife movements in relation to aircraft, flocking characteristics, frequency of visits to a given site, duration of visit, and activity while on site (e.g., nesting, loafing, feeding, soaring, etc.), to name a few. A properly formulated wildlife management plan should be based upon a comprehensive biological evaluation of the situation at an airport over time. It is impossible to accurately predict exactly how wildlife dynamics will be affected by modifications to habitat on site and also on surrounding properties within AVP's Critical Zone, some changes should be anticipated and ongoing monitoring will be necessary to ensure that a hazardous situation does not develop.

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## **Wildlife Strike Log**

The Wildlife Coordinator will maintain a log (Wildlife Observation & Activity Log) of wildlife strikes and wildlife observations on the airfield and surrounding areas. Information from this log will be used to identify trends and to monitor any increases in wildlife hazards on the airfield. If unacceptable increases in wildlife populations are observed, the cause will be investigated and the WHMP modified as warranted. The records will be entered daily into the Daily Wildlife Activity Report by Airport Operations.

## **Wildlife Surveys**

### **Incidental Observations**

The Wildlife Coordinator and Airport Operations currently record incidental observations of wildlife on airport property and in the surrounding area. Many unique hazards may be observed outside of the relatively brief formal survey periods, and these incidental observations may provide valuable information about wildlife behavior and occurrence. In these situations, immediate action will be taken to reduce any potential hazard and the outcome will be documented.

Data collected from the Wildlife Observation & Activity Log, surveys, and incidental observations will be analyzed and used to identify short-term and long-term dynamics in hazardous wildlife populations on or near AVP. In the event wildlife is observed that poses a threat to air safety, appropriate control methods will be immediately implemented, although it might bias the survey data. This approach helps ensure passenger safety and yet still provides valuable data, because the behavioral response exhibited by each species to a given control method will be recorded.

## **AIRPORT EXPANSION**

Airport expansion plans will be reviewed by the Wildlife Coordinator & Airport Engineer to ensure that new developments will not inadvertently result in increased wildlife hazards to aircraft operations. If appropriate, they will coordinate designs with the FAA and Wildlife Services.

## **COORDINATION ON OFF-SITE HAZARDOUS WILDLIFE ATTRACTANTS**

AVP will coordinate and work with local organizations to establish mechanisms to identify land uses, and prevent the creation of new land uses, that would attract hazardous wildlife to the airport or across its approaches or departures. This will be accomplished by conducting outreach to local organizations involved with

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natural resource management and planning and zoning organizations. Also AVP will coordinate with nearby land owners and managers to cooperatively develop procedures to monitor and manage existing hazardous wildlife attractants. This goal will be accomplished through conducting standardized monitoring surveys, conducting a Wildlife Hazard Site Visit by a qualified wildlife biologist, and various other procedures recommended by the FAA. In addition, the airport will develop a log of wildlife attractants and will track all contacts from landowners, permitting agencies, other pertinent entities concerning land uses near AVP. The log will be reviewed on an annual basis to assess progress or need for change in procedures.

Local landfills currently have little to no effect on bird activity at AVP. However, the Airport will monitor bird activity on the Airport and in the vicinity of the Airport, and if an increase in bird activity is attributable to a local landfill, the landfill operator will be contacted in order to devise mitigation solutions and enter into a letter of agreement to have the landfill operator notify the Airport during times of increased bird activity.

### **FAA INVOLVEMENT**

FAA Regional Certification Inspectors and personnel from the Local/ Regional Airports District Office (ADO) should be invited to make comments on the WHMP and to attend annual meetings on plan modifications.

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## K. TRAINING

*FAR 139.337(f)(7) A training program conducted by a qualified wildlife damage management biologist to provide airport personnel with the knowledge and skills needed to successfully carry out the wildlife hazard management plan required by paragraph (d) of this section.*

### OVERVIEW

Training is essential for personnel involved in the WHMP. The Wildlife Coordinator will ensure that all personnel that might be working in a wildlife deterrence capacity are trained in the proper selection and application of control methods as well as wildlife species identification.

### STANDARD TRAINING

Wildlife control personnel will receive training in mitigating wildlife hazards at airports, including an overview of laws associated with wildlife control, techniques used for prey-base reductions, effective use of pyrotechnics (including hands-on training), and wildlife identification and dispersal techniques. Airport communications and driving training will also be provided to all employees involved in wildlife control operations that may require them to operate on the AOA.

In addition, wildlife identification guides and handbooks will be available for use by wildlife control personnel at AVP.

### USDA - WILDLIFE SERVICES TRAINING

Wildlife Services currently provides training courses for wildlife patrol personnel at least once every 12 consecutive calendar months by a qualified wildlife damage management biologist in accordance with AC 150/5200-36 (current edition). The purpose of these courses is to familiarize personnel involved with airport operations in basic wildlife identification and dispersal techniques. The course also involves hands-on training using pyrotechnics, and other deterrent equipment, with an emphasis on safety and effectiveness. This training will be taken by all personnel who have responsibility in dispersing wildlife at Wilkes-Barre/Scranton International Airport. The training could be customized to fit the needs of individual recipients and situations. Airport Operations staff completed a National Rifle Association basic shotgun course during April of 2011 and April 2018.

**WILKES-BARRE/SCRANTON INTERNATIONAL AIRPORT (AVP)  
AIRPORT CERTIFICATION MANUAL**

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The Airport certifies that the training curriculum and instructor provided as parts of the wildlife control training program meet the requirements of advisory circular 150/5200-36, Appendix C and all applicable paragraphs of FAR Part 139.303. Participation in the airport's wildlife training program, training for species identification, firearms usage and safety, and all other wildlife training requirements indicated in FAR Part 139.327 is documented on each employee's individual training log, which is kept in the Superintendent's office.

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**L. AGENCY DIRECTORY**

**REGULATORY AND ENFORCEMENT**

**U.S. Fish and Wildlife Service**

Migratory Bird Permit Office  
PO Box 779  
Hadley, MA 01035-0779  
Phone: (413) 253-8643

**U.S. Fish and Wildlife Service (T&E Species)**

Chief, Division of Endangered Species  
300 Westgate Center Drive  
Hadley, MA 01035

**PA Game Commission Headquarters**

Bureau of Law Enforcement  
2001 Elmerton Avenue  
Harrisburg, PA 17110-9797  
Phone: (717) 787-4250

**PA Game Commission Northeast Regional Office**

P.O. Box 220  
Dallas, PA 18612-0220  
Phone: (570) 675-1143

**PA Department of Environmental Protection Northeast Regional Office**

2 Public Square  
Wilkes-Barre, PA 18701-1915  
Phone: (570) 826-2511

**Federal Aviation Administration (FAA)**

**Safety and Standards Branch**

1 Aviation Plaza  
Jamaica, NY 11434-4809

Dennis O'Donnell (Team Leader)

Phone: (718) 553-3343

**WILKES-BARRE/SCRANTON INTERNATIONAL AIRPORT (AVP)  
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John Green (Inspector)  
Phone: (718) 553-3342

Frank Loprano (Inspector)  
Phone: (718) 553-2543

**FAA Airports District Office (ADO)**  
3905 Hartzdale Drive  
Camp Hill, PA 17011

Phone: (717) 730-2836 (Engineering)  
Phone: (717) 730-2833 (Environmental)

**TECHNICAL ASSISTANCE**

**U.S. Department of Agriculture, Wildlife Services**  
PO Box 60827  
Harrisburg, PA 17106-0827  
Phone: (717) 236-9451

**Penn State University Cooperative Extension Service, Department of Agricultural  
and Biological Engineering**  
Penn State University  
246 Agricultural Engineering Building  
University Park, PA 16802  
Phone: (814) 856-7685

**PA Department of Agriculture  
Division of Health and Safety-Pesticides**  
2301 Cameron Street  
Harrisburg, PA 17110-9408  
Phone: (717) 772-5231

**The Poison Control Center**  
3600 Sciences center, Suite 220  
Philadelphia, PA 19104-2641  
Phone: (215) 386-2066  
Emergency: (215) 386-2100