University of Nebraska - Lincoln
DigitalCommons@University of Nebraska - Lincoln

2011 Bird Strike North America Conference, Niagara Falls | Bird Strike Committee Proceedings

9-2011

Private Sector Involvement in Airport Wildlife Work

Jay Tischendorf
American Ecological Research Institute

Follow this and additional works at: https://digitalcommons.unl.edu/birdstrike2011

Tischendorf, Jay, "Private Sector Involvement in Airport Wildlife Work" (2011). *2011 Bird Strike North America Conference, Niagara Falls*. 26.
https://digitalcommons.unl.edu/birdstrike2011/26

This Article is brought to you for free and open access by the Bird Strike Committee Proceedings at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in 2011 Bird Strike North America Conference, Niagara Falls by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

Private Sector Involvement in Airport Wildlife Work

An Update

Jay Tischendorf DVM
American Ecological Research Institute
(--AERIE)
Great Falls, Montana USA

Discussion

- FAA Guidance on WHAs
- FAA and USDA Relationship
- USDA Competition vs Private Sector
- Airport Wildlife - Canada vs USA
- Case Histories: Inconsistencies in WHA Contracting
- Questions and Comments

Thesis Statement

- USDA has long enjoyed a **sole-source monopoly** with the FAA for airport wildlife work, including WHAs and Control
- Despite guidelines ostensibly created to enhance opportunity for Private Sector,

  this USDA monopoly largely persists
- **USDA WS functions as private enterprise and illegally competes for federal contract dollars**

The FAA requires airfields handling commercial aircraft to address wildlife hazards if a real or potential wildlife problem is present (FAR Part 139).

AC 150/5200-36

The Guiding Light of Airport Wildlife Work

- Authored by Ed Cleary, career USDA (1974-78, 84-95), joined FAA (1995-2006) then retired. Private Sector consultant today.
- Issued 2006, Revised as 36A July 2011
- AC = *Apparent Conundrum*
- **Allows for one to conduct WHA only if prior WHA experience OR if working under "mentor" who has that experience**

Mentorship and Training

- Opportunity for ex-USDA to have hand in the WHA pie even if not primary contractor
- **Adds $15-25,000 to budget for a non-QAWB**
- **More oversight and scrutiny with 36A**
- Is this now a negative from airport perspective???
- **More reqs for training airport personnel**

-- Advantage to USDA

AC 150/5200-36A

- In 2006 when issued **ONLY USDA (+ mil)** personnel had requisite WHA experience
- Clearly favors USDA or former USDA
- **Test: Is there similar AC-level guidance for other safe airfield operations professionals and/or staff?**
- **NO! Just for Bird Counters that might infringe upon USDA's $$ Monopoly**

Professional Standards

- Airport Engineers?
- Airport Architects?
- Airport Directors?
- Airport Operations Managers?

Are they under the same microscope as Bird Counting Biologists?

NO!

USDA Position

"USDA, Wildlife Services provides federal expertise in managing human/wildlife conflicts through direct control, technical assistance, and research and development

A long-standing MOU between FAA and USDA establishes a cooperative relationship for resolving wildlife hazards to civil aviation to benefit human safety"

What Exactly is WS?

- Secretive, quasi-private government agency
- Established via 1931 Animal Damage Control Act
- Satisfies outdated need for federal control of predators & pests
- 2009 – 4 million animals killed (underestimate?)
- $120 million taxpayer dollars spent to directly fund WS trapping, shooting, poisoning, etc...
- Defacto natural resources research branch of the FAA (are runway surface studies done for FAA by NASA or any other govt agency?)
- **Illegal competitor for Airport Wildlife work**

Cozy FAA-USDA Relations

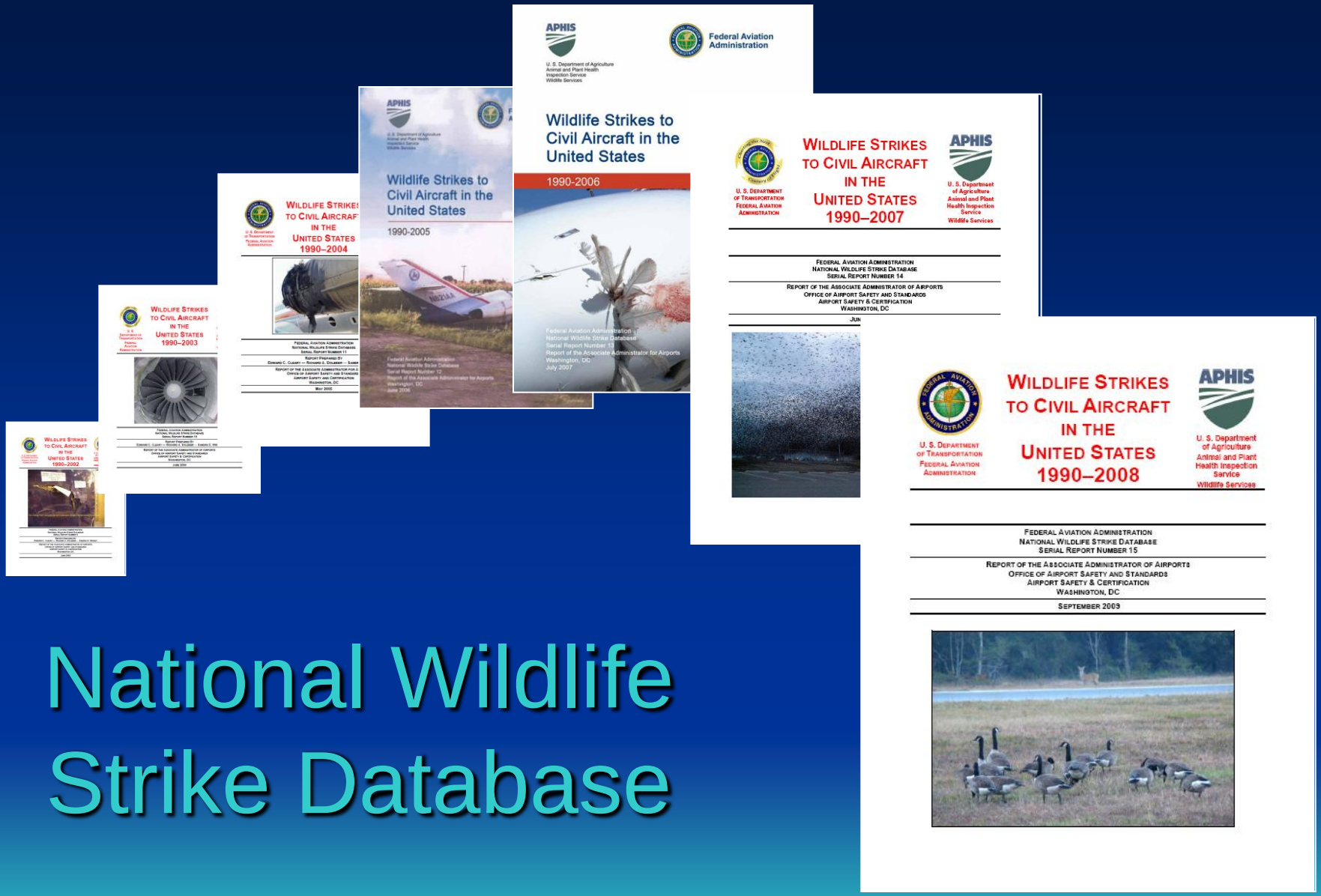
Wildlife Hazards at Airports
Regulations and Guidance

Presented to: Great Lakes Regional Conference

By: John R Weller – FAA National Wildlife Biologist

Michael J. Begier – USDA/ APHIS/ WS National Coordinator for Airport Wildlife Hazards Program

Date: November 5, 2009
USDA/ APHIS/ WS



National Wildlife Strike Database

Managing Wildlife at Micronesian Airports

Daniel Vice

USDA, APHIS, Wildlife Services

Long Arm of USDA WS

- FAA-funded WHA contract for USDA

  = "Foot in the Door"

  Wildlife Hazard Assessement **>>>**

  Wildlife Hazard Mgt Plan **>>>**

  Wildlife Control and mandated Wildlife Training for operations personnel **>>>** $$$

- **In short, once USDA WS arrives on scene it rarely leaves!**
- **Airports, they ain't makin' 'em any more...**

Long Arm of USDA WS

- 42 airports in 1990
- 636 in 2004 !
- 674 in 2005 !! (AC-36 issued)
- 900 + in 2010 !!!
- "...Assistance was provided at approximately 379 (69%) of the 572 passenger service airports..."
- $1,000 per airport = $900,000 for WS
- $5000 per airport = $4,500,000 for WS!

FAA PGL 09-01

- Program Guidance Letter - July 2009
- Memorandum to clarify existing guidance

- WS may be used for WHA **only** if airport determines that a qualified private sector airport wildlife biologist is not available

- **Airport must certify to FAA that that no qualified private biologists were available**

FAA PIM #3

- Program Information Memo - Sept 2009
- "Use of USDA WS for WHA Studies"

- Addresses questions re: PGL 09-01
- WS as a government entity is **NOT** a firm and **may NOT be considered in the selection process**

FAA PIM #3

- "WS may provide cost, schedule, and other info to airport ***separate from and outside*** the selection process"

- Sensible advisory role for USDA or **intentionally nebulous** wording that allows WS to remain "in play" and ***to compete for and win*** WHA contracts instead of the Private Sector?

WS Advantages
The stacked deck…

- No taxes
- No lawsuits
- No insurance
- Taxpayer paid training
- Does not answer to the FAA
- 30 year relationship with the FAA
- Several key FAA employees were USDA
- 500+ employees knocking on airport doors
- Contracts require no fees or “dotting the i’s” for “mentorship”, training or oversight

WS Advantages
Continued

- Taxpayer paid employee benefits
- Taxpayer paid quipment – including $$$ radar
- Contract often includes office space at airports
- Biologists may have ZERO airport experience and may not have ever even completed WS' own in-house training program on Airport Wildlife work
- WS is not required to prove its biologists' quals
- Contracts easy and may span 5 year periods!
- Word play: "Work Agreements" not "Contracts"

WS Advantages
Continued

Anything else???

YES!

A Taxpayer-Paid trip to this

Bird Strike Committee Meeting

Wildlife Services

Working the System…

"A government of the People,

for the People,

by the People…"

REALLY?

Why is a government agency competing with me for government contracts?

Why is one govt agency subsidizing another?

Where else within the govt does this sort of competition with the Private Sector occur?

Canadian Model

- Bruce MacKinnon – Transport Canada
- 18 month WHA Blitzkrieg on airports using civilian contracts

ALL WORK PERFORMED BY PRIVATE SECTOR

- **NO** Government agency allowed to conduct Assessments or Control

(NO POISONING ALLOWED)

Airport Case Histories

Twistin' the system

- **Inconsistencies with COST**
- Great Falls, Montana
- Chadron, Nebraska
- **Exclusions due to EXPERIENCE / GEOG**
- Hays, Kansas
- Wolf Point, Montana
- **BLANKET CONTRACTS Exclude Private Sector**
- Grand Island, Nebraska, etc...
- Alaska

Summary – Golden Goose

- Between 1990 – 2005 airport wildlife work was dominated by USDA WS
- MOU June 2005 between FAA + USDA perpetuates this relationship
- AC 150/5200-36 did little to change this except provide a convenient private sector avenue for its former employees---***trained under taxpayer dollars***---to compete for WHAs at roughly **$100,000** per contract, or to serve as mentors at **$10-20K** per contract

Summary - Continued

- The FAA guidance is clear:
- Airports needing WHAs must provide first opportunity to Private Sector

- **Is this enforced by FAA? NO!**

- If you see that USDA WS has had any involvement before or during the RFQ or RFP process, notify **FTC** and **OIG** at **FAA** and **USDA**

Problems

FAA is condoning:

- Airports not seeking qualified firms
- Airports not openly advertising contracts
- Variable FAA guidance / oversight at regional level

- **Dr. Dolbeer's paper made it clear that there are substantially less rules governing reporting of actual Wildlife Strikes than there are on surveying for hazards and mitigating against them**

Recommendations

- FAA must enforce its own regulations
- Terminate Memorandum of Understanding
- Totally exclude USDA from WHAs, WHMPs, and formalized control contracts
- Limit USDA to Advisory Role for Private Sector and FAA. Also limit research and involve a more diverse consortium of universities
- USFWS or even State agency involvement

  -- decentralize the govt
- Unbiased scientific evaluation of WHA contract ing

"If you cannot measure it,

you cannot manage it" – Dr. Dolbeer

Show Me the Data

- Friendly Challenge to the FAA…
- **How many WHAs have been completed by Private Sector versus Wildlife Services 1990-2005? 2006-present?**
- **How many Control Contracts are held WS vs PS?**
- **How many federal tax dollars does this represent?**
- **Would a neutral and objective 3rd party say the system and process is fair?**

AC 150/5200-36
Show me the data…

- Open Challenge to the FAA, continued:

1. What % of **QAWBs** are current or former WS?
2. What % of WHAs **2006-present** have been completed by those other than USDA WS or its former employees?

- **IF THE PLAYING FIELD IS TRULY FAIR,**

THIS SIMPLE DATA WILL REFLECT THAT

If you can't measure it,

you can't manage it – R. Dolbeer

Conclusion

FAA needs to make final determination

***All* USDA or *No* USDA**

USDA cannot both Advise *and* Compete

- Government needs to reorganize USDA WS

Either fund it appropriately or dissolve it

But WS cannot continue to act as Private Company

If You Give Up on WHAs….

Some other great opportunities

- Government Contract Mercenary
- Airport Director
- Airport De-Icing Technician
- Pilot
- FAA Biologist

Advice

Then and now…

"The budget should be balanced, the Treasury should be refilled, public debt should be reduced, the arrogance of officialdom should be tempered and controlled, and the assistance to foreign lands should be curtailed lest we become bankrupt. People must again learn to work instead of living on public assistance."

Cicero 55 BC (2065 yrs ago)

Advice

Every great oak
got its start
from a little nut who held his ground

Kahil C. Mulla

More Friendly Advice

illegitimi non carborundum

Contact Information

Jay Tischendorf DVM

Director

American Ecological Research Institute (--AERIE)

Post Office Box 1826

Great Falls, Montana 59403 USA

WildlifeVetUSA@gmail.com

Cellular: 303-328-8414

Wildlife Experience 1984-Present

- Ohio Univ Field Sparrow Study
- Hawk Mtn Sanctuary, PA
- USFWS Gray Wolf Study, MN
- USFS Bald Eagle Study, AZ
- Peregrine Fund Hacking, YNP
- Nature Conservancy Hawk Migration Count, NY
- USNPS Mtn Lion Study, YNP
- USBLM Snake River Birds of Prey Study, ID
- Audubon Society Hawk Ridge Raptor Migration Project, MN
- USFWS Red Wolf Recovery, NC
- USFWS Alligator Survey, NC
- Craighead Raptor Census, WY
- Hornocker WRI Mtn Lion Study, YNP
- 4 Summers Wildland Fire -- Helitack & Hotshot (NPS, FS)
- USFWS Black-Footed Ferret Restoration Project, WY
- USBLM/USFS Mexican Spotted Owl Study, CO
- Penn Game Commission Bobcat Survival Study, PA
- Ferruginous Hawk and Golden Eagle Banding, MT
- --AERIE Mtn Lion Tracking Workshops, MT