

SALEM COUNTY IMPROVEMENT AUTHORITY

RESOLUTION 2021-111

December 9, 2021

**RESOLUTION OF THE SALEM COUNTY IMPROVEMENT AUTHORITY
APPROVING AND ADOPTING A BIRD DEPREDATION POLICY AND RELEASE,
INDEMNIFICATION AND HOLD HARMLESS AGREEMENT**

WHEREAS, to maintain the landfill facility in compliance with the New Jersey Department of Environmental Protection ("NJDEP") standards sought and obtained a permit from the NJDEP (Permit Number MBPER0021626 hereinafter referred to as the "Permit") to allow for Bird Depredation activities on Salem County Improvement Authority's property; and

WHEREAS, in furtherance of insuring compliance with the aforesaid Permit and to insure the safe conduct of the Bird Depredation activities on SCIA's property, SCIA has developed a Bird Depredation Policy ("Policy"), a copy of which is attached hereto and made a part of this resolution as Exhibit A; and

WHEREAS, it is required by SCIA that all individuals participating in the Bird Depredation activities on SCIA must execute a Release, Indemnification and Hold Harmless Agreement in the form attached hereto and made a part of this resolution as Exhibit B, hereafter referred to as the "Release" prior to engaging in Bird Depredation activities; and

WHEREAS, the implementation of the Policy and Release will assist SCIA in maintaining compliance with the requirements of the Permit and will assist in the orderly and safe conduct of Bird Depredation activities on SCIA property.

NOW, THEREFORE, BE IT RESOLVED that the Salem County Improvement Authority hereby approves and adopts the form and substance of the attached Policy and Release.

BE IT FURTHER RESOLVED, that the attached Policy and Release be and the same are hereby made a part of the Salem County Improvement Authority Policy and Procedures Manual.

ATTEST:



Steven DiMatteo, Alt. Secretary/Treasurer



Cordy Taylor, Chairman

CERTIFICATION

I hereby certify the above to be a true copy of a resolution adopted by the Salem County Improvement Authority Board at their regular meeting held December 9, 2021.



Steven DiMatteo, Alt. Secretary/Treasurer

Salem County Improvement Authority

Bird Depredation Policy

Salem County Improvement Authority "SCIA" recognizes that the depredation of certain birds "Bird Depredation" is necessary to maintain a facility that is in compliance with the New Jersey Department of Environmental Protection "NJDEP" and the US Fish and Wildlife Service standards. The following rules and regulations will be strictly applied and enforced at all times regarding Bird Depredation activities taking place on SCIA property:

- All individuals participating in the Bird Depredation activities shall read and familiarize themselves with Federal Permit Number MBPER0021626 ("Federal Permit"), NJDEP Permit Number DC2021066 ("NJDEP Permit") and any subsequent permits issued by the Federal Government and/or NJDEP regarding Bird Depredation activities on SCIA property. The provisions of the Federal Permit and the NJDEP Permit are incorporated into this Bird Depredation Policy by way of reference.
- All Bird Depredation activities shall be in full compliance with the terms and conditions of the Federal Permit and NJDEP Permit and any subsequent permits issued by the Federal Government and/or NJDEP. A true and legible copy of the Federal Permit and the NJDEP Permit shall be in the possession of all individuals participating in the Bird Depredation activities.
- Bird Depredation is only authorized when valid permits have been obtained by SCIA from the NJDEP Division of Fish and Wildlife and the US Fish and Wildlife Service and in accordance with the terms and conditions of said permits.
- Only individuals, authorized and approved, in advance and in writing, by SCIA ("Subpermittees"), will be granted permission to engage in Bird Depredation activities.
- Subpermittees are required to review the Federal Permit and the NJDEP Permit for the purpose of determining the number and type of birds that may be harvested during Bird Depredation activities. Subpermittees are required to study, investigate and familiarize themselves with the types of birds listed in the Federal Permit and NJDEP Permit.

- Subpermittees must be validly licensed in the State of NJ to possess a firearm and provide (and maintain) a copy of their current firearm license to SCIA to be kept on file. If at any time, a Subpermittee no longer possesses a valid firearms license, they must notify SCIA immediately and they will be removed from the permit as a Subpermittee.
- Subpermittees must sign SCIA's Hold Harmless Agreement before being permitted to engage in Bird Depredation activities.
- Personal Protection Equipment, as approved by SCIA, "PPE" must be worn during all Bird Depredation activities. PPE includes eye protection, hearing protection, and high visibility apparel.
- All state, county, municipal and federal rules, regulations, statutes, ordinances, permits and/or laws must be followed at all times during Bird Depredation activities.
- All New Jersey state firearm laws must be followed at all times during Bird Depredation activities.
- Bird Depredation shall only take place Monday through Friday (not including holidays) during the hours of 7:00-7:30am and 3:45-4:15pm.
- Bird Depredation activities shall only take place on clear, dry days when visibility is best.
- Bird Depredation activities shall be scheduled in advance with the Landfill Manager. The Landfill Manager, Executive Director or Safety Coordinator must be present during all Bird Depredation activities.
- Bird Depredation activities shall only take place at areas designated or approved by the Landfill Manager.
- No more than two (2) Subpermittees may participate in Bird Depredation activities at any one time.
- Only one Subpermittee shall be permitted to discharge a firearm at a time.
- Discharge of firearms shall only take place in the direction where an earthen berm will absorb any projectiles.
- No firearm discharges shall take place in the direction of the EGC.
- All metal objects, such as, but not limited to, heavy equipment, dumpsters, and litter containment netting are to be removed from the area prior to any firearm discharges.
- No hunting for sport or hobby is permitted.

- Only firearms and ammunition approved by SCIA may be used in Bird Depredation activities. Firearms and ammunition shall comply with the requirements of the Federal Permit and the NJDEP Permit.
- A written record shall be provided to SCIA by all Subpermittees of the number and type of birds that are taken within 24 hours of all Bird Depredation activities.
- At any time, permission of a Subpermittee to participate in Bird Depredation activities may be revoked, with or without cause, by the Executive Director, Landfill Manager or the Safety Coordinator.

**SALEM COUNTY IMPROVEMENT AUTHORITY
RELEASE, INDEMNIFICATION
AND HOLD HARMLESS AGREEMENT
RE: BIRD SHOOTING AT THE SALEM COUNTY LANDFILL**

Between: the **Salem County Improvement Authority ("SCIA")**; and

(Name & Address): _____

I, _____, have volunteered and/or otherwise agreed to participate in bird shooting at the Salem County Landfill in accordance with the established policy and procedures of the SCIA and the permits issued by the New Jersey Department of Environmental Protection ("NJDEP") and the US Fish and Wildlife Service ("Bird Shooting"). I understand that this activity, which involves the use of firearms and live ammunition, has inherent risks of injury and/or death to myself and others. I agree at all times during my participation in the Bird Shooting to obey and adhere to the policy and procedures set forth by SCIA and the requirements of any Federal Permit and any NJDEP Permit. I further agree to obey and adhere to all federal, state, county and municipal rules and regulations regarding the use of firearms and the shooting of wildlife.

WITNESSETH:

I _____, and my executors, administrators, assignees and heirs, **RELEASE, DEFEND, PROTECT, INDEMNIFY AND HOLD HARMLESS the SCIA, its officers, directors, board members, agents and employees**, from and against any CLAIMS, CAUSES OF ACTION, INJURIES, LOSSES, DAMAGES AND/OR LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES AND EXPENSES, that I may have or which may arise out of or be related to my participation in Bird Shooting at the Salem County Landfill pursuant to SCIA policy and procedures and NJDEP permit MBPER0021626. I expressly assume the risk of my participation in the Bird Shooting.

I UNDERSTAND THAT BY SIGNING THIS AGREEMENT I AM AGREEING TO RELEASE, INDEMNIFY AND HOLD HARMLESS THE SCIA FROM ALL CLAIMS THAT MAY BE ASSERTED IN CONNECTION WITH MY PARTICIPATION IN THE BIRD SHOOTING. I FULLY UNDERSTAND THE CONSEQUENCES OF THIS AGREEMENT AND HAVE KNOWINGLY AND VOLUNTARILY ENTERED INTO THIS AGREEMENT.

Dated: _____

Print name: _____

State of New Jersey :

: ss

County of _____ :

Sworn and subscribed before me
this _____ day of _____ 20__.

Notary