



# City of San Antonio

## Agenda Memorandum

**File Number:**  
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**Agenda Item Number:** 7

**Agenda Date:** April 23, 2024

**In Control:** Governance Committee Meeting

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**DEPARTMENT:** Parks & Recreation Department

**DEPARTMENT HEAD:** Homer Garcia III

**COUNCIL DISTRICTS IMPACTED:** Citywide

**SUBJECT:**

Briefing on a City Council Consideration Request (CCR) to consider a Bird Sanctuary designation for San Antonio and establishment of a city policy on the handling of wild peafowl. (Parks and Recreation & Animal Care Services Departments)

**SUMMARY:**

The Parks and Recreation Department and Animal Care Services will present a briefing on a City Council Consideration Request (CCR) submitted by Councilwoman Marina Alderete Gavito, District 7, requesting City Staff consider a Bird Sanctuary designation for the city of San Antonio and establishment of a city policy on the handling of wild peafowl. This CCR outlines actions associated with the handling of protected bird populations and a specified fine for violations. In addition, the CCR addresses the establishment of a new ordinance specific to wild peafowl. This briefing will allow an opportunity for input from Committee members.

## **BACKGROUND INFORMATION:**

The Texas Parks and Wildlife Department (TPWD) makes available a community focused certification, known as the Bird City Texas program, which focuses on the protection of native birds and their habitat. To achieve this certification, specific criteria must be met. Locally, the Bexar Audubon Society (BAS) and the San Antonio Bird City Texas Collaborative Body worked together to achieve this certification for San Antonio in 2021. The certification requires a commitment in three (3) different areas - Community Engagement, Habitat Enhancement and Protection, and Creation of Safer Spaces for Birds.

As part of San Antonio's community engagement efforts, programs highlighted include Bexar Audubon's collaboration with the San Antonio River Authority (SARA) on a binocular loan program and the opportunity for bird walks at Mitchell Lake Audubon Center. Plans to improve riparian habitat along the Headwaters at Incarnate Word and the completion of the Robert L.B. Tobin Land Bridge contribute toward habitat enhancement and protection. Prioritizing safer spaces for birds, the Bird City Texas Collaborative Body initiated a monitoring program in partnership with Cornell Lab of Ornithology to increase dark skies. The Parks and Recreation Department's Howard W. Peak Greenway Trails System is highlighted as a tremendous asset by making nature more accessible and interconnecting community and wildlife in a balanced approach. The City partners with the Texas Parks and Wildlife Department and United States Department of Agriculture on many wildlife issues. In place are federal and state laws regulating native bird species. The City adheres to these requirements in accordance with U.S. Fish & Wildlife guidelines and the Texas Parks and Wildlife Code.

As a non-native species, peafowl are considered "exotic fowl" by Texas Parks and Wildlife and are not subject to the Federal Migratory Bird Act. As such, there are limited regulations for peafowl and they are not afforded the same protections as native species. Since they are also considered wildlife, the Animal Care Services (ACS) Department does not address issues with peafowl unless it is a cruelty-related matter or if the peafowl is injured.

For many residents, peafowl are a valued part of their neighborhood and serve as an attraction for the area. For others, peafowl are disruptive and destructive, as they can cause excessive noise, as well as damage to roofs, cars, and gardens. Some cities have enacted ordinances restricting or allowing peafowl management efforts such as ordinances that prohibit feeding or enable trapping and relocation, but management of peafowl nuisance has been found to be best achieved through education on responsible behavior of neighborhood residents.

As it currently stands in San Antonio, it is unlawful to abuse or cruelly treat peafowl, use inhumane traps, sell peafowl in public places, or hunt wild peafowl in public spaces or on private property without the owner's permission. Although discouraged by ACS, it is allowable to feed wild peafowl, use humane trapping methods to remove peafowl from one's private property, hunt wild peafowl with the property owner's permission (although discharging a firearm or bow and arrow is illegal within City limits), and sell wild peafowl from private property with a seller's permit from the City.

**ISSUE:**

The City Council Consideration Request is intended not adversely impact operational practices on public property consistent with regulatory guidelines. Additionally, there is limited regulation of peafowl.

**FISCAL IMPACT:**

**This item is for briefing purposes only.**

**ALTERNATIVES:**

This item is for briefing purposes only.

**RECOMMENDATION:**

Staff recommends referring this item to the Public Safety Committee.