



## FREQUENTLY ASKED QUESTIONS ABOUT A FEDERAL MIGRATORY BIRD WATERFOWL SALE AND DISPOSAL PERMIT

A Federal Migratory Bird Waterfowl Sale and Disposal permit will authorize you to sell, donate, or otherwise dispose of to another person, properly marked, captive-reared migratory waterfowl and their eggs. Waterfowl are defined as members of the family Anatidae (ducks, geese [including brant] and swans). A permit is not required to sell or dispose of properly marked, captive-reared mallards. You should review Title 50 Parts 10, 13, and 21.25 of the Code of Federal Regulations (CFR). **You are responsible for reviewing and understanding these regulations before you request and accept a permit.** These regulations can be found on our website at: <https://www.fws.gov/birds/policies-and-regulations/permits/need-a-permit.php>. Below is a review of several sections pertinent to a Federal Migratory Bird Waterfowl Sale and Disposal permit.

### **1. Do I need a permit to possess captive-reared migratory waterfowl?**

No. Any person may, without a permit, lawfully acquire properly marked, captive-reared migratory waterfowl of any species, alive or dead, or their eggs, and possess and transport such birds or eggs and any progeny or eggs solely for his own use, subject to the following conditions:

- (a) Such birds, alive or dead, or their eggs may be lawfully acquired from holders of valid Waterfowl Sale and Disposal permits.
- (b) All progeny of such birds or eggs hatched, reared, and retained in captivity must be physically marked as defined in 50 CFR 21.13(b). (Also see question 3 below.)
- (c) No birds or eggs or progeny may be disposed of by any means, alive or dead, to any other person unless you have a valid Waterfowl Sale and Disposal permit.
- (d) Lawfully possessed and properly marked waterfowl may be killed, in any number, at any time or place, by any means except shooting. Except for Muscovy ducks, such birds may be killed by shooting only in accordance with all applicable hunting regulations.
- (e) When you acquire any waterfowl, alive or dead, from a Waterfowl Sale and Disposal permittee, the permittee must give you the original of the completed Form 3-186, Notice of Waterfowl Transfer or Sale, providing all information required by the form and method or methods by which individual birds are marked.

Other regulations governing the possession of waterfowl can be found in 50 CFR 21.14.

### **2. Can I take waterfowl from the wild?**

No. You may not take migratory waterfowl or their eggs from the wild and you may not acquire wild waterfowl from another person. Anyone who transfers waterfowl to you must have a valid Waterfowl Sale and Disposal permit.

### **3. Do I need to mark waterfowl that I propagate?**

Yes. All live migratory waterfowl (including progeny) possessed in captivity under authority of a valid Waterfowl Sale and Disposal permit must, prior to 6 weeks of age, be physically marked using one of the following methods:

- (a) Removal of the hind toe from the right foot.
- (b) Pinioning of a wing by removing the metacarpal bones of one wing or a portion of the metacarpal bones thereby rendering the bird permanently incapable of flight.
- (c) Banding of one metatarsus with a seamless metal band.
- (d) Tattooing a readily discernible number or letter or combination thereof on the web of one foot.

### **4. What documentation is required when I transfer waterfowl to another person?**

Each time you transfer waterfowl to another person, you will be required to complete a Form 3-186, Notice of Waterfowl Transfer or Sale. This form will be supplied by the Service with your permit for you to photocopy as needed and is also available on our website at: <http://www.fws.gov/forms/3-186.pdf>. You must furnish the original of the form to the person acquiring the birds or eggs; retain one copy in your files as a record of your transaction and mail two copies of each form completed to your Regional Migratory Permit Office on or before the last day of each month.

**5. Do I need a migratory bird permit to raise and sell Muscovy ducks?**

No. You do not need a waterfowl sale and disposal permit or other Federal permit to raise and sell Muscovy ducks. Muscovy ducks are now protected under the MBTA due to natural range expansion from Mexico into the United States. Although we amended the regulations at 50 CFR 21.14 and 21.25 to restrict possession and sale of Muscovy ducks, we intend to revise those regulations. Therefore, we are not issuing permits or restricting sale, purchase, or possession of Muscovy ducks at this time. Release of Muscovy ducks to the wild is prohibited. More information is available at <https://www.fws.gov/birds/policies-and-regulations/permits/permit-policies-and-regulations.php> (click on 50 CFR 21 Migratory bird permits and scroll to 50 CFR 21.54 Muscovy Duck).

**6. Do I need a State permit in addition to a Federal permit to sell migratory waterfowl?**

Your permit is not valid unless you also are in compliance with State requirements. This means that if your State requires you to have a permit to propagate, sell or transfer migratory waterfowl, you must hold a valid State permit in order for your Federal permit to be valid. It is your responsibility to make sure you comply with State permit requirements.

**7. Will anyone inspect my records or my waterfowl?**

By accepting a Federal Waterfowl and Disposal permit, you authorize an agent of the Service to enter your premises at any reasonable hour to inspect the wildlife you hold, your books and records. (See 50 CFR 13.47)

**8. What is required to transfer my permit to a new location?**

Any address change or other circumstances that affect your permit must be reported to your Regional Migratory Bird Permit Office in writing within 10 days so your permit can be amended. (See 50 CFR 13.23)

**9. Will I be required to keep records of my activities?**

Yes. You must maintain accurate records legibly written or reproducible in English of operations on a calendar-year basis. Your records should reflect the species of waterfowl, total number at the start of the year, method of marking, number raised, sold or traded, and the total number at the end of each year.

**10. Will I be required to submit an annual report of activities?**

Yes. The report form can be found on our website at: <http://www.fws.gov/forms/3-202-2.pdf>. This report must be completed and submitted to your issuing office by January 31 of each year.

**11. How do I renew my permit?**

If you wish to renew your permit, you must submit a renewal application to your Regional Migratory Bird Permit Office at least 30 days prior to the expiration of your permit and include a copy of your current State permit, if one is required. If we receive your renewal request at least 30 days prior to the expiration of your permit, your permit will remain valid beyond the expiration date for the activity authorized on your permit until a decision on your renewal is made. If we receive your renewal request fewer than 30 days prior to expiration of your permit and we are not able to process your request before the expiration date, your permit will expire and you will no longer be authorized to conduct your activity. If you allow your permit to expire before requesting renewal, you may be required to submit a new application. (See 50 CFR 13.11(c) and 13.22)