



FREQUENTLY ASKED QUESTIONS ABOUT A FEDERAL MIGRATORY BIRD REHABILITATION PERMIT

A Federal Migratory Bird Rehabilitation permit will authorize you to take, transport and temporarily possess sick, injured, and orphaned migratory birds protected under the Migratory Bird Treaty Act (MBTA) for rehabilitation purposes. You should review Title 50 parts 10, 13 & 21.31 of the Code of Federal Regulations (CFR). These regulations can be found on our website at:

<https://www.fws.gov/birds/policies-and-regulations/permits/permit-policies-and-regulations.php>

You are responsible for reviewing and understanding these regulations before you request and accept a permit.

Below is a review of several sections pertinent to a Federal Migratory Bird Rehabilitation permit. The list of migratory birds (50 CFR 10.13) can be found at

<https://www.fws.gov/birds/management/managed-species/migratory-bird-treaty-act-protected-species.php>.

1. What are the age and experience requirements necessary to qualify for a rehabilitation permit?

You must be at least 18 years of age with a minimum of 100 hours of hands-on experience, gained over the course of at least 1 whole year, rehabilitating each type of migratory bird you intend to rehabilitate (e.g., waterbirds, songbirds, raptors). Up to 20 hours of the 100-hour time requirement may be fulfilled by participation in migratory bird rehabilitation seminars and courses.

2. What are the caging requirements?

Facilities must be adequate for each species you plan to rehabilitate. You will be required to submit photographs and diagrams of your enclosures with your application. Criteria used for evaluating and/or inspecting your facilities will be based on the National Wildlife Rehabilitators Association (NWRA) and International Wildlife Rehabilitation Council's (IWRC) Minimum Standards for Rehabilitation (2000). You may obtain a copy of this publication by calling NWRA at 320-230-9920 or IWRC at 866-871-1869. You can also visit their web sites at: <https://www.nwrawildlife.org/> or <https://thewirc.org/>.

3. May I share rehabilitation facilities with someone else?

No. We will issue only one permit per address. The permitted individual or principal officer is legally responsible for the activities and all the birds at the facility and anyone who is a subpermittee named in writing to the Regional Migratory Bird Permit Office.

4. Can I rehabilitate migratory birds at more than one location?

Yes. If permitted activities will take place at additional locations other than your primary facility, the facilities at that location must be listed on the permit.

5. Who are the personnel identified on my permit and what are they authorized to do?

- (a) **Principal Officer.** For permits issued to organizations, a Principal Officer is identified on the permit. The Principal Officer is the person in charge of the organization and is responsible for the application and any permitted activities.
- (b) **Primary Contact.** The Primary Contact is the person in the organization who is available to answer questions about the application or permitted activities. This person may be the same or different than the Principal Officer. The Primary Contact is not listed on the permit unless the individual is also listed as a subpermittee.

- (c) **Primary Caretaker.** A Primary Caretaker can be identified for an organization if the principal officer does not meet the experience requirements for this permit. This individual is listed on the permit. The Primary Caretaker or subpermittee must be present when authorized activities are conducted.
- (d) **Subpermittee.** A subpermittee is an individual authorized to conduct some or all of the permitted activities without the permittee present. You must identify any subpermittees in your application. Your subpermittees must have either a copy of your permit that identifies them as a subpermittee, or a copy of your permit and a letter from the Permittee (Principal Officer) describing the activities (including location and duration) they are authorized to conduct. The permittee is responsible for ensuring subpermittees are trained and adhere to the conditions of your permit. If subpermittees maintain birds or records off-site, their physical location must be listed on your permit. Subpermittees must be at least 18 years of age. Individuals younger than 18 must have a permittee or subpermittee present when conducting activities.

6. Do individuals transporting birds to rehabilitation need a permit?

The Good Samaritan provision (50 CFR 21.31(a)) allows any person who finds a sick, injured, or orphaned migratory bird to take possession of the bird in order to immediately transport it to a permitted rehabilitator. However, any individual(s) regularly transporting birds directly to your facility or from your facility directly to another facility must either be listed under your permit as a subpermittee or possess their own rehabilitation permit.

7. Do I need to report suspected criminal activity involving a migratory bird that I receive for rehabilitation?

Yes. You must notify your U.S. Fish and Wildlife Service's Office of Law Enforcement if you receive a live or dead migratory bird whose injuries appear to be caused by poisoning, gunshot, electrocution or other criminal activity. Contact information for Office of Law Enforcement is at the end of your permit or can be obtained at <https://www.fws.gov/le/regional-law-enforcement-offices.html> or by calling your Regional Migratory Bird Permit Office.

8. How long can I keep a migratory bird in captivity for rehabilitation?

Birds may not be held for more than 180 days unless approved by the Regional Migratory Bird Permit Office. If a bird needs greater than 180-days for care or placement, you may request an extension from the Regional Migratory Bird Permit Office at least 30-days prior to the end of the 180-day period. You must release all releasable recuperated birds to the wild in appropriate habitat as soon as seasonal conditions allow. You must place non-releasable birds as soon as possible. Repeat extensions may not be provided for placement reasons.

9. When must I euthanize a migratory bird?

You must euthanize any bird that has sustained injuries requiring amputation of a leg, a foot, or a wing at the elbow (humero-ulnar joint) or above, and/or is completely blind. You must not sustain the life of any migratory bird that cannot after medical management feed itself, perch upright, or ambulate without inflicting additional injuries to itself. You must obtain permission before euthanizing any Bald Eagle, Golden Eagle or Threatened or Endangered species unless Service personnel are not available and humane considerations warrant prompt euthanasia.

10. Can I accept migratory birds that are injured in the process of being removed from inside buildings?

Yes. The public does not require a Federal permit to humanely remove a trapped bird from the interior of a residence or a commercial or government building if the bird poses a health threat, is attacking people, threatens commercial interests such as damage to merchandise, or may injure itself. The property owner must transfer any bird that is injured or orphaned during the removal to a federally permitted rehabilitator. If an active nest with eggs or nestlings is present, the property owner must seek the assistance of a federally permitted rehabilitator in removing the eggs or nestlings and caring for them. A request for a contribution to help cover the cost of care incurred by you is encouraged. (See 50 CFR 21.12(d))

11. Can I allow the public to view migratory birds undergoing rehabilitation?

Yes, under certain conditions only. Birds may be viewed via photographs, by using video equipment or barriers (i.e. one-way viewing glass) that prevent the birds from both hearing and seeing the public. If at any time a device that allows the public to view birds causes stress or harm, or impedes the rehabilitation of any bird, it must be discontinued immediately. You may use photographs and/or videos to highlight your rehabilitation activities (i.e. social media and print materials).

12. Can I keep a migratory bird to use for educational purposes?

No. This permit does not authorize you to possess birds for educational purposes. You must release all recuperated birds to suitable habitat following the recovery of the bird as soon as seasonable conditions allow. However, any bird that, after rehabilitation, cannot be released to the wild may be, with prior authorization of your Regional Migratory Bird Permit Office, transferred to a Migratory Bird Special Purpose Possession permit if the bird is suitable for use in educational programs, or may be transferred to another type of permit or exempt facility under 50 CFR 21.12(b) as deemed appropriate.

13. Can I keep imprinted migratory birds for educational purposes?

No. Under no circumstances will anyone be permitted to keep a bird that has been imprinted while under their care. Orphaned migratory birds should be raised in a manner in which they are imprinted upon their own species. Every precaution must be taken to avoid imprinting birds to humans. Except as required to feed, water, and exercise animals, indoor and outdoor facilities, cages, pens, enclosures or other areas must be sufficiently separate and protected from pets and from human living or work space to prevent human contact with animals. You will be required to transfer any birds that are imprinted to humans while in your care or a subpermittee's care as directed by your Regional Migratory Bird Permit Office. If a bird is imprinted prior to being received by you, you may request authorization to keep it as an education bird provided you can demonstrate that the bird was imprinted prior to your care.

14. Can I transfer migratory birds, other than eagles, to other permit holders?

Yes. Dead and non-releasable live birds that are suitable for use in educational programs or research projects can be placed with a qualified educational or scientific institution as defined in 50 CFR 10.12. Live birds require permission from your Regional Migratory Bird Permit Office prior to transferring. Prior to the transfer of any birds, rehabilitators must follow instructions on page 2 of Form 3-202-12 Migratory Bird and Eagle Acquisition and Transfer form and submit the form and required attachments to the appropriate Regional Migratory Bird Permit Office. The form can be found on our website at: <http://www.fws.gov/forms/3-202-12.pdf>. **Additional transfer requirements apply for Bald Eagles, Golden Eagles, and species listed as federally threatened or endangered.**

15. Are there additional requirements if I admit a Bald Eagle or Golden Eagle or species listed as federally threatened or endangered for rehabilitation?

Yes. You must report within 24 hours the acquisition of any (dead or live) eagle or species listed as federally threatened or endangered (t/e) to your Regional Migratory Bird Permit Office. The permit office will determine the disposition of all eagles and t/e species, including their transfer to another federally permitted rehabilitator approved to rehabilitate eagles or t/e species.

16. How do I 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) In addition, you must provide pictures and diagrams (including a description of materials used) of your cages if your physical address has changed.

17. Do I need a State permit to rehabilitate migratory birds?

Your permit is not valid unless you are also in compliance with State requirements, which may be more restrictive. This means that if your State requires you to have a permit to possess migratory birds for rehabilitation purposes, 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.

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

Yes. You must maintain accurate records of operations on a calendar-year basis. Your records should reflect each bird that you possessed and its disposition, including whether the birds were released, euthanized, died, are still undergoing rehabilitation in your care, or were transferred (including the name of the person(s) or institution and permit number if applicable to whom birds were transferred).

19. Will anyone inspect my records or migratory birds in my care?

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

20. 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/3-202-4.pdf> or you may request one from your Regional Migratory Bird Permit Office. This report must be completed and submitted to your Regional Migratory Bird Permit Office by January 31 of each year.

21. 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 license, if one is required along with updated facility information (i.e. photos of rehab enclosures with materials descriptions and LxWxH dimensions) are also required if they have not been submitted within the past 5 years.

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 unable to process your request before the expiration date, your permit will expire and you will no longer be covered for your activity. If you allow your permit to expire before requesting renewal, you may be required to submit a new application. (See 50 CFR 13.22 and 13.11(c))