



# Taxidermists & Federal Law

## What you should know

This fact sheet provides an overview of the federal laws you should be aware of if you wish to perform taxidermy on wildlife. Most inquiries we receive relate to migratory game birds so the fact sheet primarily focuses on them.

Before you mount or otherwise perform taxidermy work on migratory birds or their parts, nests or eggs for any person other than yourself, you must first obtain a federal taxidermy permit issued by the U.S. Fish and Wildlife Service (Service). Information about protected species and applications are available on the Service permits website at: <http://www.fws.gov/permits/mbpermits/birdbasics.html>. You also may obtain an application by contacting the Regional Migratory Bird Permit Office servicing your state. The Permit Offices are listed on page two.

Most states also require a state permit. You should check with your local state conservation officer or wildlife department for state requirements. If a state requires a taxidermy permit, you must obtain such a permit before any federal permit is valid (50 CFR 21.24 (b)(3)).

This fact sheet refers to parts of the Code of Federal Regulations. These regulations can be found on our website at: <http://www.fws.gov/permits/ltr/ltr.shtml>. You will also receive copies of Title 50, Code of Federal Regulations (hereafter cited as 50 CFR), Parts 10, 13, 20, 21 and 22 when you receive an application from your Permit Office.

## Federal Wildlife Protection Laws

You should familiarize yourself with the following wildlife protection statutes. More information about each law is available on the Service permits website at <http://www.fws.gov/permits>.

The Migratory Bird Treaty Act (MBTA) protects all species of migratory birds found in the United States. A complete list of these protected species is found in 50 CFR 10. Sport hunting of certain migratory game birds is permitted under federal

hunting regulations that are issued annually. Resident game birds such as turkey, quail, grouse and ptarmigan are protected and managed by the individual states. Bald and golden eagles are also classified as migratory birds and are protected by the MBTA and the Bald and Golden Eagle Protection Act (BGEPA).

The Endangered Species Act (ESA) affords protection to certain plant and animal species worldwide that are federally listed as "threatened" or "endangered." See 50 CFR 17.11 and 17.12 for a current listing.

The Marine Mammal Protection Act (MMPA) regulates certain activities with regard to marine mammals, including walrus, polar bears, and Alaska sea otters. See 50 CFR 18.3 for a current listing. The Service shares jurisdiction for the MMPA with the National Marine Fisheries Service (NMFS). NMFS has jurisdiction over whales, porpoises, seals and sea lions. Registered agents and tanners facilitate the transfer of marine mammal specimens taken by Alaska Natives. Applications to become a registered agent or tanner are available on the Service permits website or by contacting the Division of Management Authority at 1-800-358-2104. For applications to become a registered agent or tanner for cetaceans and other pinnipeds, contact NMFS, Office of Law Enforcement in Silver Spring, MD at 301-427-2300 x 131.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international wildlife trade treaty. Permits are required to import and export CITES-listed species to/from the U.S. The regulations governing CITES permits are at 50 CFR 23. Species and permit information can be found on the Permits website under Species Lists.

The Lacey Act makes it unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish or wildlife taken, possessed, transported, or sold in violation of any state or foreign law.

## Frequently Asked Questions

### Does a federal taxidermy permit authorize me to mount all migratory birds?

You need a permit to mount all migratory birds that belong to others. In addition, there are different requirements for migratory game birds and migratory non-game birds, as described below. Migratory game birds are defined in 50 CFR 20.11. All other migratory birds listed in 50 CFR 10 are migratory non-game birds.

For you to receive and mount a migratory non-game bird, your customer must have a federal permit authorizing his lawful possession of such a bird.

You may receive and mount all migratory game birds taken and possessed in compliance with applicable federal and state hunting regulations. 50 CFR 20.81, 20.82 and 20.83 require you to have all migratory game birds properly "tagged," and to maintain certain records and allow inspection of those records at any reasonable hour by a Special Agent of the Service. Migratory game birds hunted by you may be mounted for personal use or display purposes only. They may not be mounted for sale. The sale, trade or barter of federally protected migratory birds is a felony, except for some captive-bred birds.

### Why do I need a permit to conduct taxidermy?

A federal taxidermy permit allows you to temporarily possess another's legally acquired bird. Without a permit, it would be illegal for you to possess migratory birds belonging to others.

### May I dispose of unclaimed mounted migratory birds at a charge sufficient only to recover the cost of labor and material?

No. This action would represent a sale of the bird, which is unlawful. You may retain unclaimed migratory game bird specimens for display or personal possession. You may also donate or give them away without reimbursement. A suggestion: to protect

yourself from any monetary loss, you could require the customer to deposit an amount equal to the cost of materials and labor at the time the wildlife is left for processing. This practice would provide just compensation if the wildlife is later unclaimed.

### **May I sell captive-bred mallard ducks?**

The sale of captive-bred, properly marked mallard ducks is permitted without use of the 3-186 form required for other captive-bred waterfowl. Mallards must be physically marked prior to reaching six weeks of age by one of the methods listed in 50 CFR 21.13.

### **May I sell or place on consignment for sale captive-bred waterfowl (other than mallard ducks) which I lawfully acquired and mounted?**

50 CFR 21.24(c)(2) authorizes you to sell captive-bred, properly marked waterfowl, other than mallard ducks, which you lawfully acquired and mounted. Such mounted birds may be placed on consignment for sale and may be possessed by the consignee for the purpose of sale. You must maintain files of the original completed form "Notice of Waterfowl Sale or Transfer" (Form 3-186) confirming your acquisition of captive-reared, properly marked migratory waterfowl from the holder of a current waterfowl sale and disposal permit.

### **Do I need a permit or license to import or export wildlife?**

Yes. Under regulations governing the importation, exportation and transportation of wildlife (50 CFR 14), certain individuals who import or export wildlife for gain or profit must obtain a license. You are required to be licensed if you are the consignee or consignor of wildlife shipments received from or sent to a foreign country for any commercial purpose. You are subject to additional requirements including the filing of requested reports as explained in Section 14.93 of the regulations. To import or export migratory birds, whether for commercial or personal use, you may need an import/export permit under 50 CFR 21.21. Check with the Migratory Bird Permit Office for details.

These regulations also require that all wildlife importations and exportations enter or exit the United States through one of eighteen designated ports, or a customs port of entry authorized by a valid non-designated port exception permit. See 50 CFR 14, subparts B and C. All wildlife

shipments, including parts or products, must be properly marked and the importer must file a "Declaration of Importation or Exportation of Fish or Wildlife" (Form 3-177) at the time of importation or exportation.

The import/export license requirement is separate from any specimen-specific import or export permit you may need under the MBTA or CITES for a particular shipment, depending on whether the species being shipped is protected under those laws.

### **Are permits required to mount mammals and non-migratory birds (i.e. birds that are not listed in 50 CFR 10)?**

Although a federal permit is not required to mount lawfully taken and acquired mammals and non-migratory birds, taxidermists should make every effort to determine if customers have proper hunting tags, permits and/or other documentation to substantiate the legality of their trophies. The possession, transportation, shipment or receipt in interstate or foreign commerce of any wildlife taken, transported or sold in violation of any state, foreign or federal law is unlawful. Possession of illegally taken endangered species, marine mammals or eagles is also a violation. See 50 CFR 17.11, 18.3 and 22.

### **What are the penalties for violating Federal wildlife laws?**

Violations of federal wildlife laws carry different penalties. MBTA violations involving the taking, possession, transportation or other unlawful utilization of migratory birds including permit regulations are misdemeanors, punishable by a fine of up to \$15,000 and/or up to six months imprisonment, and revocation of permits (if applicable). The sale or barter of migratory birds is a felony punishable by a fine of up to \$250,000 (500,000 per organization) and/or up to two years in prison. Violations of the ESA or MMPA may incur a fine of up to \$100,000 (\$200,000 per organization) and/or one year in prison. Violations of the BGEPA can incur a fine up to \$100,000 (\$200,000 per organization) and/or one year in prison. Second or subsequent convictions of the BGEPA can incur a fine up to \$250,000 (\$500,000 per organization) and/or two years in prison.

### **Regional Migratory Bird Permit Offices**

Migratory bird permit policy is developed by the Division of Migratory Bird Management and the permits themselves are issued by the Regional Migratory Bird Permit Offices.

#### **Region 1 (CA, HI, ID, NV, OR, WA)**

U.S. Fish and Wildlife Service  
Migratory Bird Permit Office  
911 N.E. 11<sup>th</sup> Avenue  
Portland, OR 97232-4181  
Tel. (503) 872-2715

#### **Region 2 (AZ, NM, OK, TX)**

U.S. Fish and Wildlife Service  
Migratory Bird Permit Office  
P.O. Box 709  
Albuquerque, NM 87103  
Tel. (505) 248-7882

#### **Region 3 (IA, IL, IN, MN, MO, MI, OH, WI)**

U.S. Fish and Wildlife Service  
Migratory Bird Permit Office  
One Federal Drive  
Fort Snelling, MN 55111  
Tel. (612) 713-5436

#### **Region 4 (AL, AR, FL, GA, KY, LA, MS, NC, PR, SC, TN, VI)**

U.S. Fish and Wildlife Service  
Migratory Bird Permit Office  
P.O. Box 49208  
Atlanta, GA 30359  
Tel. (404) 679-7070

#### **Region 5 (CT, DC, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VA, VT, WV)**

U.S. Fish and Wildlife Service  
Migratory Bird Permit Office  
P.O. Box 779  
Hadley, MA 01035-0779  
Tel. (413) 253-8643

#### **Region 6 (CO, KS, MT, ND, NE, SD, UT, WY)**

U.S. Fish and Wildlife Service  
Migratory Bird Permit Office  
P.O. Box 25486  
DFC(60154)  
Denver, CO 80225-0486  
Tel. (303) 236-8171

#### **Region 7 (AK)**

U.S. Fish and Wildlife Service  
Migratory Bird Permit Office  
1011 E. Tudor Road  
Anchorage, AK 99503  
Tel. (907) 786-3693

### **For More Information:**

**U.S. Fish and Wildlife Service  
Division of Migratory Bird Management  
4401 N. Fairfax Drive, Arlington, VA 22203  
703 358 1714  
<http://permits.fws.gov>**

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