



724 FW 6

Depredating Birds at Fish Culture Facilities

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6.1 What is the purpose of this chapter? This chapter describes when we can issue depredation permits for fish-eating birds at fish culture facilities.

6.2 What is the Service's policy for issuing depredation permits for fish-eating birds at fish culture facilities?

Officials in our migratory bird permit offices can issue depredation permits for fish-eating birds preying on fish at aquaculture and hatchery facilities when:

- A.** Employees from the Department of Agriculture Animal and Plant Health Inspection Service (APHIS) Wildlife Services are unable to kill the fish-eating birds themselves, and that all other deterrence methods, as listed on the application and certified by the Wildlife Services official, have failed.
- B.** The responsible Wildlife Services official signs the application certifying the information is correct. The application must list, by species, the recommended numbers to kill. The application must also include a statement of the degree of economic loss anticipated if the birds remain.
- C.** There are no outstanding circumstances that would prohibit us from issuing a permit, such as endangered/threatened species concerns, significant risk to the bird population(s) in question, or significant objections from State or tribal governments.

6.3 What is the objective of this policy? We developed this policy to provide immediate, short-term relief to aquaculture producers from economic and resource losses caused by fish-eating birds lured to aquaculture facilities by an abundant and available food supply.

6.4 What are the authorities for this policy?

- A.** Migratory Bird Treaty Act, as amended ([16 U.S.C. 703-712](#)).
- B.** [50 CFR 21.47 – 21.48](#), Depredation Order for Double-Crested Cormorants.

6.5 What species are not included under this policy? This policy does not include:

- A.** Endangered, threatened, or other migratory birds listed as sensitive or of special concern by Regional Directors, or
- B.** Birds listed as Migratory Birds of Conservation Concern on the Service's Migratory Bird Status and Conservation website, or
- C.** Migratory game birds, other than mergansers.

6.6 Are there exceptions to this policy? There are two exceptions that apply to taking double-crested cormorants only:

- A.** As described in [50 CFR 21.47](#), in certain States depredating cormorants at commercial freshwater aquaculture facilities and State and Federal hatcheries may be killed without a depredation permit. The States are: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Minnesota, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

B. As described in [50 CFR 21.48](#), in certain States depredating cormorants at Federal, State, and tribal hatcheries may be killed without a depredation permit. The States are: Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Vermont, West Virginia, and Wisconsin.

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