



# Migratory Bird Permitting Handbook

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## Purpose of the Handbook

The U.S. Fish and Wildlife Service (Service) Division of Bird Conservation, Permits, and Regulations designed this handbook, which is established by [724 FW 1](#), to supplement [724 FW 2](#) (Migratory Bird Permits) and [724 FW 3](#) (Eagle Permits). This handbook provides detailed procedures and other operational information to implement the Service Manual chapters in Part 724 (Migratory Bird Permits) and more generally Part 720 (Migratory Bird Management).

This handbook is organized in three parts: Part 1 – Quick Reference Tables, Part 2 – General Permit Administration, and Part 3 – Specific Permit Administration. The Quick Reference Tables in Part 1 provide an at-a-glance look at the permit types and regulatory authorizations in migratory bird permitting. The General Permit Administration information in Part 2 describes permit administration that applies to all permit types with any exceptions noted. Part 3 includes policy for administering specific permit types. This part is grouped by each permit type’s dedicated policy; however, not every permit type has specific policy. If a permit type has additional policy, we indicate that in the Quick Reference Tables.

## Part 1 – Quick Reference Tables

Table 1.1 List of Regulatory Authorizations

Table 1.2 List of Migratory Bird Permit Types

Table 1.3 List of Eagle Permit Types

**Table 1.1 List of Regulatory Authorizations to Conduct Activities Without a Permit**

Regulation	50 CFR	Summary
Law Enforcement Exception	21.12(a)	<ul style="list-style-type: none"> <li>• <b>Who:</b> Department of the Interior Law Enforcement</li> <li>• <b>What:</b> Authorizes officers to conduct law enforcement activities</li> <li>• <b>Species:</b> Migratory birds, including bald eagles and golden eagles</li> <li>• <b>Geographic Restrictions:</b> None</li> </ul>
Education Exception	21.12(b)(1)	<ul style="list-style-type: none"> <li>• <b>Who:</b> Listed public and private institutions</li> <li>• <b>What:</b> Use of migratory birds for educational purposes</li> <li>• <b>Species:</b> Migratory birds, except bald eagles and golden eagles</li> <li>• <b>Geographic Restrictions:</b> None</li> </ul>
Disease Monitoring	21.12(b)(2)	<ul style="list-style-type: none"> <li>• <b>Who:</b> Wildlife or health agencies</li> <li>• <b>What:</b> Collection of sick or dead migratory birds for monitoring infectious disease and/or natural toxin, such as Avian Influenza. Does not apply to uninjured or healthy birds.</li> <li>• <b>Species:</b> Migratory birds, except bald eagles and golden eagles</li> <li>• <b>Geographic Restrictions:</b> None</li> </ul>

<b>Regulation</b>	<b>50 CFR</b>	<b>Summary</b>
Licensed Veterinarians	21.12(c)	<ul style="list-style-type: none"> <li>• <b>Who:</b> Licensed veterinarians</li> <li>• <b>What:</b> Temporary possession of sick and injured migratory birds for stabilization. Must transfer birds to a federally permitted rehabilitator within 24 hours of stabilization, unless euthanized.</li> <li>• <b>Species:</b> Migratory birds, including bald eagles and golden eagles</li> <li>• <b>Geographic Restrictions:</b> None</li> </ul>
Birds in Buildings	21.12(d)	<ul style="list-style-type: none"> <li>• <b>Who:</b> Any person</li> <li>• <b>What:</b> Any person may remove a migratory bird from the interior of a building or structure, restrictions and conditions apply.</li> <li>• <b>Species:</b> Migratory birds, except bald eagles and golden eagles</li> <li>• <b>Geographic Restrictions:</b> None</li> </ul>
Captive-reared Mallards	21.45	<ul style="list-style-type: none"> <li>• <b>Who:</b> Any person</li> <li>• <b>What:</b> Possession, sale, and disposal of captive-reared and properly marked mallard ducks. Excludes wild mallards. Hunting regulations apply.</li> <li>• <b>Species:</b> Mallard</li> <li>• <b>Geographic Restrictions:</b> None</li> </ul>
Captive-bred Waterfowl	21.48	<ul style="list-style-type: none"> <li>• <b>Who:</b> Any person</li> <li>• <b>What:</b> Acquisition and possession of captive-bred waterfowl. Permit is required for disposal, including sale or intentional release to the wild (21.88). Does not apply to mallard (see 21.45). Additional restrictions apply to Muscovy.</li> <li>• <b>Species:</b> Waterfowl (Anatidae family), excluding mallard</li> <li>• <b>Geographic Restrictions:</b> None</li> </ul>
Military Readiness Authorization	21.42	<ul style="list-style-type: none"> <li>• <b>Who:</b> The Armed Forces</li> <li>• <b>What:</b> Take migratory birds incidental to military readiness activities. Conservation measures to minimize or mitigate adverse effects may apply.</li> <li>• <b>Species:</b> Migratory birds, except bald eagles and golden eagles</li> <li>• <b>Geographic Restrictions:</b> None</li> </ul>
Import/Export	21.67	<ul style="list-style-type: none"> <li>• <b>Who:</b> Any person</li> <li>• <b>What:</b> A number of exceptions apply to import and/or export activities. See Import/Export Regulations 50 CFR 21.67, Hunting Regulations 50 CFR Part 20, Form 3-200-6 Frequently Asked Questions, and the Standard Operating Procedures.</li> <li>• <b>Species:</b> Migratory birds, except bald eagles and golden eagles</li> <li>• <b>Geographic Restrictions:</b> None</li> </ul>
Good Samaritan	21.76(a)	<ul style="list-style-type: none"> <li>• <b>Who:</b> Any person</li> </ul>

Regulation	50 CFR	Summary
		<ul style="list-style-type: none"> <li>• <b>What:</b> Any person who finds a sick, injured, or orphaned migratory bird may, without a permit, take possession of the bird in order to immediately transport it to a permitted rehabilitator (Rehabilitation Regulation).</li> <li>• <b>Species:</b> Migratory birds, including bald eagles and golden eagles</li> <li>• <b>Geographic Restrictions:</b> None</li> </ul>
Blackbird Depredation Order	21.150	<ul style="list-style-type: none"> <li>• <b>Who:</b> Any person</li> <li>• <b>What:</b> Take when birds are causing serious injuries to agricultural or horticultural crops or to livestock feed; a health hazard or structural property damage; or protection of Federal or State threatened, endangered, or species of special concern.</li> <li>• <b>Species:</b> Some species of blackbirds, crows, cowbirds, grackles, and magpies (see 21.150(a))</li> <li>• <b>Geographic Restrictions:</b> None</li> <li>• <b>Guidance:</b> <a href="#">MBPM-9 (2021)</a></li> </ul>
California Depredation Order	21.153	<ul style="list-style-type: none"> <li>• <b>Who:</b> Growers</li> <li>• <b>What:</b> Protection of agricultural or horticultural crops between November 1 and April 30 under supervision of county agriculture commissioner.</li> <li>• <b>Species:</b> Horned lark, house finch, white-crowned sparrow</li> <li>• <b>Geographic Restrictions:</b> Certain counties in California</li> </ul>
Jay Depredation Order	21.156	<ul style="list-style-type: none"> <li>• <b>Who:</b> Growers</li> <li>• <b>What:</b> Protection of public safety through establishing and implementing a control and management program.</li> <li>• <b>Species:</b> California scrub jay, Steller's jay</li> <li>• <b>Geographic Restrictions:</b> Certain counties in Oregon and Washington</li> </ul>
Airfield Canada Geese Control Order	21.159	<ul style="list-style-type: none"> <li>• <b>Who:</b> Military airfields and certain airports (21.159(c))</li> <li>• <b>What:</b> Protection of public safety through establishing and implementing a control and management program.</li> <li>• <b>Species:</b> Canada goose</li> <li>• <b>Geographic Restrictions:</b> Lower 48 States and District of Columbia</li> </ul>
Resident Canada Geese Nest & Egg Depredation Order	21.162	<ul style="list-style-type: none"> <li>• <b>Who:</b> Landowners, homeowners' associations, and local governments</li> <li>• <b>What:</b> To resolve or prevent injury to people, property, agricultural crops, or other interests by take of nests and eggs on property. See registration website (<a href="https://epermits.fws.gov/eRCGR/">https://epermits.fws.gov/eRCGR/</a>).</li> <li>• <b>Species:</b> Canada goose</li> <li>• <b>Geographic Restrictions:</b> Participating States in the lower 48 States and District of Columbia</li> </ul>
Resident Canada Geese	21.165	<ul style="list-style-type: none"> <li>• <b>Who:</b> State and Tribal wildlife agencies</li> </ul>

Regulation	50 CFR	Summary
Agriculture Depredation Order		<ul style="list-style-type: none"> <li>• <b>What:</b> To resolve or prevent injury to agricultural crops or other agricultural interests, authorization for commercial agriculture to conduct direct damage management actions.</li> <li>• <b>Species:</b> Canada goose</li> <li>• <b>Geographic Restrictions:</b> Atlantic, Central, and Mississippi Flyway portions of AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MN, MS, MO, MT, NE, NH, NM, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, WY</li> </ul>
Resident Canada Geese Public Health Control Order	21.168	<ul style="list-style-type: none"> <li>• <b>Who:</b> State and Tribal wildlife agencies</li> <li>• <b>What:</b> Control and management activities when resident Canada geese are posing a direct threat to human health.</li> <li>• <b>Species:</b> Canada goose</li> <li>• <b>Geographic Restrictions:</b> Lower 48 States and District of Columbia</li> </ul>
Purple Swamphen Control Order	21.171	<ul style="list-style-type: none"> <li>• <b>Who:</b> Federal, State, Tribal, and local wildlife management agencies</li> <li>• <b>What:</b> Remove or destroy purple swamphens (<i>Porphyrio porphyrio</i>) or their nests or eggs at any time when they find them.</li> <li>• <b>Species:</b> Purple swamphen</li> <li>• <b>Geographic Restrictions:</b> All States, Puerto Rico, U.S. Virgin Islands</li> </ul>
Muscovy Duck	21.174	<ul style="list-style-type: none"> <li>• <b>Who:</b> Landowners and wildlife management agencies</li> <li>• <b>What:</b> Remove or destroy Muscovy ducks (<i>Cairina moschata</i>) (including hybrids), or their nests, or eggs at any time when found.</li> <li>• <b>Species:</b> Muscovy duck</li> <li>• <b>Geographic Restrictions:</b> Anywhere in the United States except Texas Counties: Hidalgo, Starr, and Zapata</li> </ul>
Hawaii Invasives Control Order	21.177	<ul style="list-style-type: none"> <li>• <b>Who:</b> Authorized agencies (21.177(b))</li> <li>• <b>What:</b> Using the methods authorized, remove at any time.</li> <li>• <b>Species:</b> Cattle egret, barn owl</li> <li>• <b>Geographic Restrictions:</b> Hawaii, Northwestern Hawaiian Islands, Midway Atoll</li> </ul>
Light Geese Conservation Order	21.180	<ul style="list-style-type: none"> <li>• <b>Who:</b> Participating State and Tribal governments</li> <li>• <b>What:</b> Allows new methods of taking light geese, allows shooting hours for light geese to end one-half hour after sunset, and imposes no daily bag limits for light geese inside or outside the migratory bird hunting season frameworks as described in this section.</li> <li>• <b>Species:</b> Greater snow (<i>Chen caerulescens atlantica</i>), lesser snow (<i>C. c. caerulescens</i>), and Ross's (<i>C. rossii</i>) goose</li> <li>• <b>Geographic Restrictions:</b> See 21.180(c) – Portions of certain States based on flyway</li> </ul>

Regulation	50 CFR	Summary
Resident Canada Geese Conservation Order	21.165	<ul style="list-style-type: none"> <li>• <b>Who:</b> State and Tribal wildlife agencies</li> <li>• <b>What:</b> Reduce and stabilize resident Canada goose populations when traditional and otherwise authorized management measures are unsuccessful, not feasible for dealing with, or applicable, in preventing injury to property, agricultural crops, public health, and other interests from resident Canada geese.</li> <li>• <b>Species:</b> Resident Canada goose (defined in 21.3)</li> <li>• <b>Geographic Restrictions:</b> Approved States in the Atlantic, Central, and Mississippi Flyway (See 21.183(c))</li> </ul>
Note	21.45, 21.47, and 21.48	<ul style="list-style-type: none"> <li>• Reserved. No current regulation</li> </ul>

### Table 1.2 List of Migratory Bird Permit Types

In this table “(SP)” means “special purpose” and is a permit type that has its own procedures and conditions but does not have its own regulation and is issued under the Special Purpose (21.95) regulation. See Part 3 – Special Purpose Permits for more information.

Permit Type	50 CFR	Summary
Abatement (SP)	21.95	<ul style="list-style-type: none"> <li>• <b>What:</b> The use of trained, captive-bred raptors to flush, haze, or take birds (or other wildlife where allowed) to mitigate depredation problems, including threats to human health and safety.</li> <li>• <b>Tenure:</b> 3 years</li> <li>• <b>Application Form:</b> 3-200-79</li> <li>• <b>Report Form:</b> 3-186A; No annual report requirement</li> <li>• <b>Permit Type Abbreviation(s):</b> SPA</li> <li>• <b>Guidance:</b> <a href="#">MBPM-5 (2007)</a></li> </ul>
Depredation	21.100	<ul style="list-style-type: none"> <li>• <b>What:</b> The take of birds to reduce damage or loss caused by birds, including agricultural damage, private property damage, threats to human health and safety, and threats to recovery of protected wildlife. Subtypes include Airport Depredation and Wildlife Services Statewide permits.</li> <li>• <b>Tenure:</b> 1 year</li> <li>• <b>Application Form:</b> 3-200-13</li> <li>• <b>Report Form:</b> 3-202-9</li> <li>• <b>Permit Type Abbreviation(s):</b> DPRD, DPRDAP, DPRDWS</li> <li>• <b>Guidance:</b> Justifications SOP (2018); DPRDAP SOP (2021); <a href="#">MBPM-4 (2005)</a>; <a href="#">MBPM-7 (2021)</a></li> </ul>
Educational Use (SP)	21.95	<ul style="list-style-type: none"> <li>• <b>What:</b> The possession of live and/or dead birds, parts, nests, and nonviable eggs for educational purposes. Authorization to salvage may be included in this permit type. Regulatory exceptions may apply.</li> <li>• <b>Tenure:</b> 3 years</li> </ul>

Permit Type	50 CFR	Summary
		<ul style="list-style-type: none"> <li>• <b>Application Form:</b> 3-200-10c</li> <li>• <b>Report Form:</b> 3-202-5; 3-202-12</li> <li>• <b>Permit Type Abbreviation(s):</b> SPPSD, SPPSDS, SPPSL, SPPSLD, SPDAVE</li> </ul>
Falconry	21.82	<ul style="list-style-type: none"> <li>• <b>What:</b> There is no Federal falconry permit. This permit type is administered by the States under Federal regulation 21.82.</li> <li>• <b>Application Form:</b> NA</li> <li>• <b>Report Form:</b> 3-186A database</li> <li>• <b>Permit Type Abbreviation(s):</b> FALC</li> </ul>
Falconry School (SP)	21.95	<ul style="list-style-type: none"> <li>• <b>What:</b> Use of raptors to teach the sport of falconry. Modified Educational Use permit procedures are used.</li> <li>• <b>Tenure:</b> 3 years</li> <li>• <b>Application Form:</b> 3-200-10c</li> <li>• <b>Report Form:</b> 3-202-5; 3-202-12</li> <li>• <b>Permit Type Abbreviation(s):</b> FALCSCSCL</li> <li>• <b>Guidance:</b> FALCSCSCL SOP (2019); <a href="#">MBPM-3 (2004)</a></li> </ul>
Game Bird (SP)	21.95	<ul style="list-style-type: none"> <li>• <b>What:</b> The purchase, propagation, and sale of captive-reared game birds, including eggs. Limited to families: Scolopacidae, Columbidae, Gruidae, and Rallidae. Excludes waterfowl.</li> <li>• <b>Tenure:</b> 3 years</li> <li>• <b>Application Form:</b> 3-200-10e</li> <li>• <b>Report Form:</b> 3-202-6; 3-186A</li> <li>• <b>Permit Type Abbreviation(s):</b> SPGB</li> <li>• <b>Guidance:</b> <a href="#">MBPM-8 (2021)</a></li> </ul>
Migratory Bird Import/Export	21.67	<ul style="list-style-type: none"> <li>• <b>What:</b> International import and/or export of migratory birds (live birds, specimens, or parts). Import and/or export authorization may be added to other permit types. Regulatory exceptions exist. No Federal permit is required for interstate transport; however, State permits may be required.</li> <li>• <b>Tenure:</b> 5 years</li> <li>• <b>Application Form:</b> 3-200-6</li> <li>• <b>Report Form:</b> None</li> <li>• <b>Permit Type Abbreviation(s):</b> MBIE</li> <li>• <b>Guidance:</b> MBIE SOP (2019); <a href="#">MBPM-10 (2021)</a></li> </ul>
Migratory Bird Remains	21.95	<ul style="list-style-type: none"> <li>• <b>What:</b> Authorizes a federally recognized Tribe to acquire, possess, and distribute to Tribal members whole migratory bird remains found by a Tribal member or employee found anywhere.</li> <li>• <b>Tenure:</b> 3 years</li> <li>• <b>Application Form:</b> 3-200-10f; Must apply as Tribe (Section B)</li> <li>• <b>Report Form:</b> 3-202-7</li> <li>• <b>Permit Type Abbreviation(s):</b> MBRM</li> </ul>
Miscellaneous (SP)	21.95	<ul style="list-style-type: none"> <li>• <b>What:</b> Miscellaneous is used to authorize activities that are not covered by other existing permit types. Ensure no other type of migratory bird permit applies before using this permit type. To qualify for a permit, applicants must demonstrate that activities</li> </ul>



Permit Type	50 CFR	Summary
		<p>(a) benefit the migratory bird resource, (b) address important research, (c) address human concerns for individual birds, or (d) show other compelling justification.</p> <ul style="list-style-type: none"> <li>• <b>Tenure:</b> 3 years</li> <li>• <b>Application Form:</b> 3-200-10f</li> <li>• <b>Report Form:</b> 3-202-7</li> <li>• <b>Permit Type Abbreviation(s):</b> SPMS, SPMSIE, SPRE</li> </ul>
Raptor Propagation	21.85	<ul style="list-style-type: none"> <li>• <b>What:</b> The purchase, propagation, and sale of captive-bred raptors. Covers all “native” raptors (Accipitriformes, Falconiformes, and Strigiformes).</li> <li>• <b>Tenure:</b> 5 years</li> <li>• <b>Application Form:</b> 3-200-12</li> <li>• <b>Report Form:</b> 3-202-8; 3-186A</li> <li>• <b>Permit Type Abbreviation(s):</b> FALP</li> <li>• <b>Guidance:</b> <a href="#">MBPM-8 (2021)</a></li> </ul>
Regional Director (SP); State (SP)	21.95	<ul style="list-style-type: none"> <li>• <b>What:</b> Authorizes Service or State wildlife agency employees to (a) salvage; (b) possess for educational use; (c) transport sick, injured, and orphaned birds; and (d) trap and relocate birds at risk.</li> <li>• <b>Tenure:</b> 3 years</li> <li>• <b>Application Form:</b> 3-200-10f</li> <li>• <b>Report Form:</b> 3-202-7</li> <li>• <b>Permit Type Abbreviation(s):</b> SPRD, SPRDIE, SPSTATE, SPSTATEIE</li> </ul>
Rehabilitation	21.76	<ul style="list-style-type: none"> <li>• <b>What:</b> Take, transport, and temporarily possess sick, injured, and orphaned birds for rehabilitation purposes.</li> <li>• <b>Tenure:</b> 5 years</li> <li>• <b>Application Form:</b> 3-200-10b</li> <li>• <b>Report Form:</b> 3-202-4; 3-202-12</li> <li>• <b>Permit Type Abbreviation(s):</b> REHAB</li> <li>• <b>Guidance:</b> <a href="#">MBPM-6 (2013)</a></li> </ul>
Salvage (SP)	21.95	<ul style="list-style-type: none"> <li>• <b>What:</b> Collection of whole and partial bird remains, naturally-molted feathers, nests not in use, and nonviable eggs from the wild for donation purposes, most commonly education or science.</li> <li>• <b>Tenure:</b> 3 years</li> <li>• <b>Application Form:</b> 3-200-10a</li> <li>• <b>Report Form:</b> 3-202-3</li> <li>• <b>Permit Type Abbreviation(s):</b> SPSL, SPSLIE</li> </ul>
Scientific Collecting	21.73	<ul style="list-style-type: none"> <li>• <b>What:</b> Collection and/or possession of birds, their parts, nests, or eggs for scientific research. Banding and marking permits (21.70) administered by USGS Bird Banding Lab.</li> <li>• <b>Tenure:</b> 3 years</li> <li>• <b>Application Form:</b> 3-200-7</li> <li>• <b>Report Form:</b> 3-202-1</li> <li>• <b>Permit Type Abbreviation(s):</b> SCCL, SCCLIE, SCCLM</li> </ul>

Permit Type	50 CFR	Summary
		<ul style="list-style-type: none"> <li>• <b>Guidance:</b> SCCL SOP (2022)</li> </ul>
Special Canada Goose	21.120	<ul style="list-style-type: none"> <li>• <b>What:</b> Issued to a State wildlife agency to authorize certain resident Canada goose management and control activities that are normally prohibited.</li> <li>• <b>Tenure:</b> 5 years</li> <li>• <b>Application Form:</b> 3-200-67</li> <li>• <b>Report Form:</b> 3-202-10</li> <li>• <b>Permit Type Abbreviation(s):</b> SPCG</li> </ul>
Special Double-crested Cormorant	21.123	<ul style="list-style-type: none"> <li>• <b>What:</b> Issued to a State or Tribal wildlife agency to authorize certain double-crested cormorant management and control activities.</li> <li>• <b>Tenure:</b> 1 year</li> <li>• <b>Application Form:</b> 3-200-90</li> <li>• <b>Report Form:</b> 3-202-56</li> <li>• <b>Permit Type Abbreviation(s):</b> SDCCO</li> </ul>
Taxidermy	21.63	<ul style="list-style-type: none"> <li>• <b>What:</b> Authorization to mount or otherwise perform taxidermy work on birds, their parts, nests, or eggs, belonging to someone else and receive compensation for the service. Taxidermy birds may not be sold except as authorized in 21.63(c).</li> <li>• <b>Tenure:</b> 5 years</li> <li>• <b>Application Form:</b> 3-200-8; Must apply as individual (Section A)</li> <li>• <b>Report Form:</b> None</li> <li>• <b>Permit Type Abbreviation(s):</b> TAXI</li> </ul>
Utility (SP)	21.95	<ul style="list-style-type: none"> <li>• <b>What:</b> Collect, transport, and temporarily possess migratory birds found dead on utility property, structures, and rights-of-way for avian mortality monitoring or disposal purposes. Utility is broadly defined, including electricity generation and transmission, towers, and mining.</li> <li>• <b>Tenure:</b> 3 years</li> <li>• <b>Application Form:</b> 3-200-81</li> <li>• <b>Report Form:</b> 3-202-17</li> <li>• <b>Permit Type Abbreviation(s):</b> SPUT</li> </ul>
Waterfowl Sale and Disposal	21.88	<ul style="list-style-type: none"> <li>• <b>What:</b> Sale and disposal of captive-reared waterfowl and their eggs. Waterfowl are defined as members of the family Anatidae (ducks, geese [including brant] and swans). Regulatory exceptions may apply.</li> <li>• <b>Tenure:</b> 5 years</li> <li>• <b>Application Form:</b> 3-200-9</li> <li>• <b>Report Form:</b> 3-202-2; 3-186</li> <li>• <b>Permit Type Abbreviation(s):</b> WASD</li> <li>• <b>Guidance:</b> <a href="#">MBPM-8 (2021)</a></li> </ul>

**Table 1.3 List of Eagle Permit Types**

<b>Permit Type</b>	<b>50 CFR</b>	<b>Summary</b>
Eagle Scientific Collecting	22.50	<ul style="list-style-type: none"> <li>• <b>What:</b> Collection and/or possession of eagles, their parts, nests, or eggs for scientific research. Banding and marking permits (21.70) administered by USGS Bird Banding Lab.</li> <li>• <b>Tenure:</b> 3 years</li> <li>• <b>Application Form:</b> 3-200-7; Must apply as organization (Section B)</li> <li>• <b>Report Form:</b> 3-202-1</li> <li>• <b>Permit Type Abbreviation(s):</b> EASC</li> </ul>
Eagle Exhibition	22.50	<ul style="list-style-type: none"> <li>• <b>What:</b> The possession of live and/or dead eagles, parts, nests, and nonviable eggs for conservation education purposes. Unlike migratory birds, there are no regulatory exceptions to a permit for eagles.</li> <li>• <b>Tenure:</b> 3 years</li> <li>• <b>Application Form:</b> 3-200-14; Must apply as organization (Section B)</li> <li>• <b>Report Form:</b> 3-202-13; 3-202-12</li> <li>• <b>Permit Type Abbreviation(s):</b> EAEXD, EAEXL, EAEXLD</li> <li>• <b>Guidance:</b> <a href="#">MBPM-6 (2013)</a></li> </ul>
Eagle Transport (Science & Exhibition)	22.50	<ul style="list-style-type: none"> <li>• <b>What:</b> International transport of eagle parts into the United States for scientific or exhibition purposes. The Eagle Act prohibits permanent import or export. The Migratory Bird Permit Office (MBPO) administers permits if the item originates outside of the United States (i.e., import and re-export). The Division of Management Authority (DMA) administers if the item originates in the United States (i.e., export and re-import) as CITES authorization is also required for export (see Form 3-200-69).</li> <li>• <b>Tenure:</b> 3 years</li> <li>• <b>Application Form:</b> 3-200-82; Must apply as organization (Section B)</li> <li>• <b>Report Form:</b> None</li> <li>• <b>Permit Type Abbreviation(s):</b> EATX</li> </ul>
Eagle Transport (Indian Religious)	22.60	<ul style="list-style-type: none"> <li>• <b>What:</b> Administered by DMA. International transport of eagle parts into the United States for Indian religious purposes. The Eagle Act prohibits permanent import or export, see Form 3-200-69.</li> <li>• <b>Application Form:</b> 3-200-70</li> </ul>
Eagle Remains	22.60	<ul style="list-style-type: none"> <li>• <b>What:</b> Authorizes a federally recognized Tribe to acquire, possess, and distribute to Tribal members whole eagle remains found by a Tribal member or employee found within a Tribe's Indian Country.</li> <li>• <b>Tenure:</b> Indefinite (lifetime)</li> <li>• <b>Application Form:</b> 3-1552; Must apply as Tribe (Section B)</li> <li>• <b>Report Form:</b> 3-1591</li> <li>• <b>Permit Type Abbreviation(s):</b> EARM</li> </ul>

Permit Type	50 CFR	Summary
		<ul style="list-style-type: none"> <li>• <b>Guidance:</b> <a href="#">720 FW 6</a>; EARM SOP (2019); <a href="#">DOJ Policy (2012)</a></li> </ul>
Indian Religious Use – Parts	22.60	<ul style="list-style-type: none"> <li>• <b>What:</b> Administered by the National Eagle Repository (NER). Authorizes Native Americans to obtain eagle parts and feathers from the National Eagle Repository for religious and cultural purposes.</li> <li>• <b>Tenure:</b> Indefinite (lifetime)</li> <li>• <b>Application Form:</b> 3-200-15a; Must apply as individual</li> <li>• <b>Report Form:</b> None</li> <li>• <b>Permit Type Abbreviation(s):</b> EAIR, EAIR2</li> <li>• <b>Guidance:</b> <a href="#">DOJ Policy (2012)</a></li> </ul>
Indian Religious Use – Aviary	22.60	<ul style="list-style-type: none"> <li>• <b>What:</b> Possess live, non-releasable eagles for Native American religious use, primarily collection of molted feathers for distribution to Tribal members.</li> <li>• <b>Tenure:</b> Up to 30 years; 5 years recommended</li> <li>• <b>Application Form:</b> 3-200-78; Must apply as Tribe (Section B)</li> <li>• <b>Report Form:</b> 3-202-14, 3-202-12</li> <li>• <b>Permit Type Abbreviation(s):</b> EAIRL</li> <li>• <b>Guidance:</b> Aviary SOP (2018); <a href="#">MBPM-6 (2013)</a></li> </ul>
Indian Religious Use – Take	22.60	<ul style="list-style-type: none"> <li>• <b>What:</b> Take from the wild for Native American religious purposes. Intended only for Tribes conducting a demonstrable historic religious ceremony that requires take of live eagles from the wild.</li> <li>• <b>Tenure:</b> 1 year</li> <li>• <b>Application Form:</b> 3-200-77; Must apply as Tribe (Section B)</li> <li>• <b>Report Form:</b> No Form</li> <li>• <b>Permit Type Abbreviation(s):</b> EAIRT</li> </ul>
Eagle Depredation	22.100	<ul style="list-style-type: none"> <li>• <b>What:</b> Protection of wildlife, agriculture (primarily livestock), or other interests or reducing risk to human or eagle health and safety.</li> <li>• <b>Tenure:</b> 5 years; trapping 90-day term</li> <li>• <b>Application Form:</b> 3-200-16</li> <li>• <b>Report Form:</b> 3-202-11</li> <li>• <b>Permit Type Abbreviation(s):</b> EADP</li> <li>• <b>Guidance:</b> <a href="#">MBPM-4 (2005)</a></li> </ul>
Eagle Falconry	22.70	<ul style="list-style-type: none"> <li>• <b>What:</b> There is no Federal eagle falconry permit. This permit type is administered by the States under Federal regulation 21.82.</li> <li>• <b>Application Form:</b> NA</li> <li>• <b>Report Form:</b> 3-186A database</li> <li>• <b>Permit Type Abbreviation(s):</b> FALCE</li> </ul>
Golden Eagle Nest Take	22.75	<ul style="list-style-type: none"> <li>• <b>What:</b> Authorizes take of “alternate” (defined 22.6) golden eagle nests for resource development or recovery operation. Eagle Nest Take (22.85) should be used for most circumstances. Only use this authorization if clearly within scope.</li> <li>• <b>Tenure:</b> 2 years</li> </ul>

Permit Type	50 CFR	Summary
		<ul style="list-style-type: none"> <li>• <b>Application Form:</b> 3-200-18</li> <li>• <b>Report Form:</b> None</li> <li>• <b>Permit Type Abbreviation(s):</b> EATN</li> </ul>
Eagle Incidental Take	22.80	<ul style="list-style-type: none"> <li>• <b>What:</b> Non-purposeful take of eagles when take is associated with, but not the purpose of, the activity. May be eagle disturbance (e.g., construction activity) as well as killing or injuring eagles (e.g., energy generation and transmission).</li> <li>• <b>Tenure:</b> Short-term up to 5 years; long-term 5-30 years</li> <li>• <b>Application Form:</b> 3-200-71</li> <li>• <b>Report Form:</b> 3-202-15</li> <li>• <b>Permit Type Abbreviation(s):</b> EAITS, EAITL</li> </ul>
Eagle Nest Take	22.85	<ul style="list-style-type: none"> <li>• <b>What:</b> Removal or relocation of eagle nests. See 22.85(a)(1) for list of purposes. May be combined with Eagle Depredation or Eagle Incidental Take.</li> <li>• <b>Tenure:</b> 5 years</li> <li>• <b>Application Form:</b> 3-200-72</li> <li>• <b>Report Form:</b> 3-202-16</li> <li>• <b>Permit Type Abbreviation(s):</b> EANESTALT, EANESTMUL, EANESTUSE</li> </ul>
Exempt ESA	22.90	<ul style="list-style-type: none"> <li>• <b>What:</b> Take of bald eagles in compliance with the terms and conditions of a Section 7 incidental take statement under the Endangered Species Act (ESA) issued prior to the effective date of 50 CFR 22.80.</li> <li>• <b>Tenure:</b> Duration of ESA incidental take statement</li> <li>• <b>Application Form:</b> None</li> <li>• <b>Report Form:</b> None</li> <li>• <b>Permit Type Abbreviation(s):</b> EAESA</li> </ul>

## Part 2 – General Permit Administration

This part describes permit administration that applies to all permit types, both migratory bird permits and eagle permits, with any exceptions noted. Permits are administered by the Regional Migratory Bird Permit Office (MBPO). The governing regulations and agency guidance can be found in Service Manual chapter [724 FW 1](#).

### 2.1 What is considered a permit action?

A permit action includes requests for a new permit as well as requests for the renewal, reinstatement, or amendment to an existing permit.

- A. New (NEW) is a request for a permit that has not previously been held by an applicant or a request to reinstate a permit that has been expired for more than 5 years.
- B. Renewal (REN) is re-authorization of an existing permit (with or without changes to the conditions) that is effective the day after the existing permit expires (e.g., expiration date 3/31; renewal effective date 4/1).

- C. Reinstatement (RIS) is a re-authorization of an existing permit (with or without changes to the conditions) that is effective after expiration (any period of time from 1 day up to 5 years, which is the record retention limitation). Permittees with permits that have been expired more than 5 years must submit a new permit request.
- D. Amendment (AMD) is a modification to the contact information or permit conditions to a current permit prior to expiration. An amendment may be substantive or non-substantive (see 50 CFR 13.11(d)(5)). Substantive amendments are those that pertain to the purpose and conditions of the permit and are not purely administrative. Administrative changes, such as updating name and address information, are considered non-substantive.
- E. Discontinuance (DIS) is a type of amendment that modifies the expiration of the permit at the permittee's request to discontinue a valid permit. Discontinuance is considered a non-substantive amendment.

## 2.2 What is the process for requesting a permit action?

Applicants apply for permits using standard application forms. These forms can be found online and generally use the number convention 3-200-##. Application forms have a standard first page (Sections A-D) for name and contact information. Section E includes questions that are specific to the permit type being requested. The entire application form is required for new permits and reinstatements. A subset of Section E information is required for renewals and amendments; however, a permit office may always request completion of all of Section E if all of the information is necessary and relevant to reviewing a particular renewal or amendment request.

## 2.3 Who is the permit holder?

The permit holder is the individual or organization who is (a) conducting the activity, (b) responsible for compliance with the permit, and (c) has the authority to implement the requirements of the permit. The permits may not be issued to contractors or consultants acting on behalf of another individual or organization. For additional guidance on Federal agencies, see *Guidance for Issuing Permits to Federal Agencies*. Note that abatement and taxidermy permits may only be issued to individuals (not organizations).

## 2.4 What are the terms for authorized personnel?

The following terms are used to describe the roles and authorizations under a permit:

**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 from 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 may be identified on permits that authorize live birds in captivity and have experience requirements. For an organization, a Primary Caretaker may be named if the Principal Officer does not meet the experience requirements for the 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. Subpermittees must be identified in the permit conditions or have a subpermittee designation letter and copy of the permit. A subpermittee designation letter must state the name and contact information of the individual as well as the date(s), location(s), and activities the individual is authorized to conduct. The Principal Officer is responsible for ensuring subpermittees are trained and adhere to the conditions of the permit. If subpermittees conduct activities off-site, their physical location must be listed in the permit conditions. Subpermittees must be at least 18 years of age.

## **2.5 Is there an application fee?**

For most permit actions, there is a nonrefundable processing fee to offset the costs of processing the application (50 CFR 13.11(d)(4)). New, renewed, and reinstated permits are charged a “permit application fee.” The “amendment fee” is charged for substantive amendments, which are defined in 50 CFR 13.11(d)(5) as amendments that pertain to the purpose and conditions of the permit and are not purely administrative. For the Migratory Bird Permit Program, purely administrative amendments are those that change information provided in Section A-D of the application, except (a) If the permit type has an experience requirement for the Principal Officer, a Principal Officer change is a substantive amendment, and (b) If a mailing or physical address change alters the location an activity is conducted, a location change is a substantive amendment.

## **2.6 Are there exceptions to the fee?**

Most applicants are required to pay the nonrefundable processing fee. There are three exceptions: (1) Federal, Tribal, State, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee (50 CFR 13.11(d)(3)(i)). You may ask that entities not readily apparent as government agencies and those acting on behalf of such agencies provide documentation. (2) If permit types are combined into a single permit, the single, highest fee will be charged (50 CFR 13.11(d)(2)). (3) In extraordinary extenuating circumstances, a fee may be waived by a Regional or Assistant Director (50 CFR 13.11(d)(3)(iii)). The circumstances warranting fee waiver must be documented in the permit file.

## **2.7 What is the typical timeline for reviewing a permit action?**

Applications for new permits, substantive amendments, or reinstatements should be submitted at least 60 days before the date the permit is needed (50 CFR 13.11(c)). Processing times may take 90 or more days depending on the complexity of the request and procedural requirements (e.g., National Environmental Policy Act (NEPA) preparation, consultation within the Service or other agencies, etc.).

Applications for renewals should be submitted at least 30 days prior to the expiration of the permit. Permittees whose renewal requests are submitted at least 30 days prior to expiration may continue permitted activities until their requests are acted upon (50 CFR 13.22). If the renewal was submitted at least 30 days prior to expiration, the permit will be renewed with an effective date to have no lapse in the permit (e.g., if the permit expires 3/31, the effective date is 4/1).

Permittees may continue activities assuming the existing authorization will be re-authorized; however, permittees should not assume that any requested changes to permit conditions will be authorized. For example, if a permit authorizes take of 10 house finches per year and the permit expires 3/31, the permittee may continue activities under an authorization of 10 house finches per year effective 4/1 until notice is received from the Service. However, the permittee may not assume changes will be authorized (e.g., increase to 20 house finches or addition of 10 purple finches).

## **2.8 How are applications reviewed?**

The MBPO reviews permit actions. The appropriate Region is determined by the State(s) where the activity (or majority of the activity) involving migratory birds is occurring. The information provided, primarily Section E responses, is used to determine whether a requested activity falls within the scope of activities that can be permitted and if the individual qualifies to perform the activity. Based on the information the applicant provides, it must be reasonable to conclude that the issuance criteria of 50 CFR 13.21 and the governing regulation in 50 CFR Part 21 or Part 22 are met. Two criteria are the applicant providing a valid justification and showing of responsibility (50 CFR 13.21(b)(3)) and the Service determining there is no threat to a wildlife or plant population (50 CFR 13.21(b)(4)), including migratory bird populations.

## **2.9 When to coordinate with other Regions or programs?**

If an application includes requests for activities in more than one Region, MBPO staff must obtain concurrence from the other Region(s) prior to issuing permits, except where standard operating procedures state that concurrence is not required. In general, the issuing MBPO is the Region where the majority of the take is occurring. If an application includes request for species on the List of Endangered and Threatened Wildlife (50 CFR 17.11) or is a CITES-listed species, concurrence must be obtained from the appropriate Ecological Services (ES) or International Affairs (IA) issuing office. In general, take of threatened or endangered species is administered



by the ES/IA issuing office with MBPO concurrence; however, possession of threatened or endangered species is often administered by the MBPO with ES/IA issuing office concurrence.

## **2.10 What constitutes a valid justification and showing of responsibility?**

- A.** Applications require a case-specific justification for the applicant's proposed activity. Justification may be straightforward or more complex depending on the activity. More detailed justifications are expected for activities resulting in take from the wild and for why the applicant cannot avoid or minimize take.
- B.** Applicants must list their qualifications and provide justification to obtain a migratory bird permit. Qualification requirements vary depending on the type of permit. Requirements may include practical knowledge of species; handling, collecting, and rearing techniques; and/or facility and enclosure requirements. The MBPO determines an applicant's qualifications on a case-by-case basis, and the burden of proof is on the applicant to demonstrate those qualifications.
- C.** Upon reviewing an application for a migratory bird permit, we may require additional information from the applicant consistent with the information required to make a determination on the application.

## **2.11 How are threats to wildlife or plant populations determined?**

In general, the Service has determined that issuance of migratory bird permits that do not involve take from the wild (i.e., permits that only authorize possession of bird specimens or parts, of captive-bred birds, or of non-releasable birds) do not constitute a threat to wildlife or plant populations and further documentation is not required. For permits that involve take from the wild (i.e., for depredation, scientific collecting, some special purpose permits), the MBPO may conduct a biological review and/or NEPA review to analyze threats to wildlife or plant populations. This includes threats to migratory bird populations. The MBPO should document any reviews in the permit file.

## **2.12 When are experts consulted?**

MBPO staff may consult internal or external experts, including Migratory Bird staff biologists; other Service staff (Ecological Services, Native American Liaison, Office of Law Enforcement, etc.); experts at other Federal, State, or Tribal agencies; and/or subject matter experts, such as experts from universities, leading nonprofit organizations (e.g., NWRA (National Wildlife Rehabilitators Association), IWRC (International Wildlife Rehabilitation Council), APLIC (Avian Powerline Interaction Committee)), or other individuals identified as experts in their field.

## **2.13 What are the permit conditions?**

Permit conditions are based on regulations governing the type of activity being permitted (50 CFR 21 or 22). Template permit conditions exist for most permit types. Portions of the permit conditions are then customized based on the request and qualifications of the individual permittee as well as the outcome of biological review, NEPA review, and/or expert consultation.

## **2.14 What is the tenure of the permit?**

The maximum permit tenure, or duration the permit is valid, is set by the governing regulations. If the regulation does not specify a tenure, policy or procedure establishes the maximum permit tenure. Permits may not be issued for longer than the maximum permit tenure specified in regulation. Permits should not be issued for longer than the maximum permit tenure in policy or procedure without documentation, including a justification and supervisory approval. Permit tenure is contiguous from the day of issuance and may not be split into multiple, non-contiguous durations. Any individual permit may be issued for less than the maximum permit tenure if it more appropriately reflects the duration of the activity. Permits issued for less than the maximum tenure may be amended in length up to the maximum tenure from the initial effective date, at which point they must be renewed.

## **2.15 Who makes the decision on a permit application?**

In general, MBPO staff review permit actions. The deciding official and signatory for a permit action depends on Regional structure. It most commonly rests with the reviewing permit staff or permit chief, but may be the Migratory Bird Chief or even Regional Director for certain permits (see [720 FW 1](#)).

## **2.16 What is the process if an applicant disagrees with a full or partial denial?**

If a permittee disagrees with a full or partial denial, they may request reconsideration of that decision. See 2.18 below.

## **2.17 Can a permit be suspended or revoked?**

Prior to expiration, any current permit may be suspended or revoked. We may suspend or revoke a migratory bird permit for a violation of the terms and conditions of the permit or the regulations under which the permit was issued, or for any reason in 50 CFR 13.27 (permit suspension) and 50 CFR 13.28 (permit revocation). Generally, we suspend permits when there is potential for compliance issues with permit conditions (50 CFR 13.27(a)). We revoke permits if a permit has been previously suspended and compliance issues persist and/or willful violation of laws or regulations occurs (50 CFR 13.28(a)). The validity of any permit is conditioned on observance of all applicable foreign, State, local, or other Federal laws. The migratory birds, nests, eggs, and any portions of them remain in the stewardship of the Service and may be recalled at any time. To suspend or revoke a permit, staff must follow the procedures in 50 CFR 13.27 or 13.28 respectively. A permittee may request reconsideration of a suspension or revocation – see 2.18 below.

## **2.18 What are reconsideration procedures?**

**Step 1** – Reconsideration Request. A permittee may request reconsideration of a denial, partial denial, suspension, or revocation (see 50 CFR 13.29(a)). The permittee must submit a written request for reconsideration with the required information in 50 CFR 13.29(b) within 45 days of the permit decision.

**Step 2 – Reconsideration Decision.** The issuing officer (i.e., permit signatory) who made the original decision to deny, suspend, or revoke the permit reviews the request and informs the permittee of the decision within 45 days (50 CFR 13.29(d)).

**Step 3 – Appeal Request.** The permittee may appeal the decision of the reconsideration by submitting a written request to the Regional Director (see 50 CFR 13.29(e)) within 45 days of the reconsideration decision.

**Step 4 – Appeal Decision.** The Regional Director may choose to review an appeal or delegate appeal review. If delegated, the appeal review must be conducted at least one level above the permit signatory (i.e., Migratory Bird Chief or permit chief). The appeal must be reviewed and the permittee informed of the decision within 45 days (50 CFR 13.29(f)).

## **2.19 Who is liable for activities under the permit?**

The permittee assumes all liability and responsibility for the conduct of the activities authorized by the permit. The permittee is responsible for ensuring that subpermittees are properly trained and adhere to the terms of their permit.

## **2.20 Can migratory birds be purchased or sold?**

The MBTA (16 U.S.C. 703(a)) states that the sale, barter, purchase, or offer thereof is prohibited unless authorized by permit or regulation. This applies to live birds as well as bird remains, parts, feathers, eggs, and nests. Regulations limit the purchase and sale of migratory birds to captive-bred birds.

**Wild Birds.** Wild birds may not be purchased, sold, bartered, or traded. This includes wild-bred, captive-raised birds.

**Captive-Bred Birds.** Several regulations authorize the sale of captive-bred birds, primarily waterfowl, game birds, and raptors. Purchasers do not retain full private ownership of the bird, even when captive-bred. This applies in all areas subject to MBTA jurisdiction. Any rights purchasers have are rights that have been authorized through Service regulations and often depend on the species.

- A. Waterfowl:** Live, captive-bred waterfowl may be purchased and sold in accordance with the permit exceptions for captive-reared mallard ducks (50 CFR 21.45), permit exceptions for captive-bred migratory waterfowl (50 CFR 21.48), and waterfowl sale and disposal permits (50 CFR 21.88). Additionally, taxidermists may sell properly marked, captive-reared waterfowl that are lawfully acquired and mounted (50 CFR 21.63(c)).
- B. Game birds:** Live, captive-bred game birds may be purchased and sold consistent with a Special Purpose game bird permit (50 CFR 21.95).

- C. Raptors:** Live, captive-bred raptors may be purchased and sold consistent with raptor propagation permits (50 CFR 21.85) and purchased for falconry (50 CFR 21.82) and abatement purposes (50 CFR 21.95).
- D. Other species:** Live, captive-bred birds of other species may be purchased or sold if authorized by permit or regulation to do so, such as by public zoos and aquariums (50 CFR 21.12(b)(1)) or under a Special Purpose Miscellaneous permit (50 CFR 21.95).

## Part 3 – Specific Permit Administration

This part describes permit administration for specific permit types, both migratory bird permits and eagle permits.

### 3.1 Special Purpose Permits (21.95) - Justifications.

If a regulation does not exist for a specific activity, the Service may issue a Special Purpose permit under 50 CFR 21.95. There are twelve permit types that the Service issues under the Special Purpose regulation. Special Purpose permit types are permits that have enough individuals or organizations conducting similar activities to warrant developing procedures, application forms, and report forms to ensure national consistency while the Service determines if development of a separate regulation is appropriate and, if so, works to finalize that regulation. Every Special Purpose permit must meet at least one of the following criteria: (1) makes a sufficient showing of benefit to the migratory bird resource, (2) is important for research reasons, (3) is important for reasons of human concern for individual birds, or (4) has another compelling justification. Below is the justification for each of the Special Purpose permit types.

- A. Abatement** permits are a benefit to the migratory bird resource. By allowing the use of falconry-trained raptors to harass migratory birds, fewer migratory birds need to be lethally taken for depredation purposes. The Service requires that practicable, non-lethal methods be used prior to the use of lethal take. Abatement authorization provides another non-lethal method with no effect for the wild raptor population as all abatement birds must be captive bred. See [MBPM-5 \(2007\)](#).
- B. Educational Use** permits are justified as human concern for individual birds. Education birds are predominately non-releasable birds that have healed from rehabilitative care but are unable to survive on their own in the wild. Humans are willing to provide care for these individual birds. There is also a benefit to the migratory bird resource through conservation education programs conducted with live as well as dead migratory birds and parts. There is no effect on the wild population, as specimens used are dead and the live birds are non-releasable wild birds or captive-bred birds.

- C. Falconry School** permits are justified as a benefit to the migratory bird resource. The use of raptors for falconry has been practiced for centuries. Practicing falconry today encourages the conservation of migratory birds and their habitats by generating a personal connection with birds. Falconry School permits authorize the use of captive-bred raptors to teach about the sport of falconry. There is no effect on the wild population as only captive-bred birds may be used. See [MBPM-3 \(2004\)](#).
- D. Game Bird** permits are justified as a benefit to the migratory bird resource. The propagation of game bird species encourages conservation of migratory birds and their habitats through personal connections with birds and hunting. Game Bird permits authorize the propagation of captive-bred birds only. There is no effect on wild populations. Captive-bred game birds may be released to the wild in certain circumstances that are consistent with agency-supported reintroduction programs or similar wildlife management. See [MBPM-8 \(2021\)](#).
- E. Regional Director / State Wildlife Agency** permits authorize salvage, educational use, transportation to rehabilitation, and relocation of birds at risk. The permits authorize salvage and donation for scientific or educational use, which meets the criterion of important research reason (see Salvage below). The educational use activities fall under benefit to the migratory bird resource (see Educational Use above). The permits additionally authorize the rescue and transport of birds at risk as well as sick, injured, or orphaned birds, which meets the criterion of human concern for individual birds.
- F. Relocate** permits authorize the relocation of specific bird species and typically their nests as well. These permits are justified as human concern for individual birds. These birds are otherwise in harm's way if not relocated.
- G. Salvage** permits authorize collection of whole and partial bird remains, feathers, nests not in use, and nonviable eggs from the wild. These items are donated for scientific and educational use. The authorization of these permits is justified as an important research reason. The collection of these materials has no effect on the wild population as they are already dead, nests are not in use, or eggs are nonviable. The items are of important research value, either for immediate research or curation at educational facilities for future research.
- H. Utility** permits are authorized as a benefit to the migratory bird resource. Permits authorize the salvage of dead birds, primarily to remove them from the environment and reduce potential attractive nuisances. In addition, the permits authorize activities involving in-use nests in emergency circumstances. These circumstances typically pose a risk to the nest (e.g., fire hazard, imminent collapse). Nests may be relocated if appropriate, or nests may be destroyed.

- I. **Miscellaneous, Relocate, or any other** activity under 21.95 is justified on a case-by-case basis. This justification should be documented in the permit decision document, especially if the authorization involves take from the wild.

### **3.2 Depredation Permits - Justifications.**

Depredation is physical damage or physical loss caused by birds. Depredation permits (50 CFR 21.100) may be authorized for depredation control purposes and are intended to provide short-term relief and/or reinforcement of non-lethal measures while the applicant progresses towards implementing a long-term, non-lethal solution to eliminate or significantly reduce the problem. Depredation permits may not be issued for population control. Depredation is categorized into four broad areas: (a) commercial agricultural damage, (b) private or public property damage, (c) threats to human health and safety, and (d) threats to recovery of protected wildlife. We expand on each of these categories below.

The depredation regulation (50 CFR 21.100) does not specify issuance criteria. However, the Migratory Bird Permit Program has drawn upon the relevant treaties, statutes, regulations, and policy as well as the professional expertise of the U.S. Department of Agriculture's Wildlife Services program to establish a consistent practice for reviewing depredation permit applications. We also use the general permit procedures in 50 CFR 13.21. Under part 13.21(b), we must receive a properly executed application prior to issuance of a permit. For depredation, this includes (a) the description of the damage to people, property, or wildlife; (b) the non-lethal methods that have been implemented; (c) the species, number, method, and location of take proposed; (d) the long-term, non-lethal solution proposed; and (e) the recommendation provided by Wildlife Services ("Form 37"). It is possible for an application to be complete but fail to demonstrate a valid justification, for example, failure to implement reasonable non-lethal methods or the proposed solution is not likely to reduce the depredation problem. Under the MBTA, we must also determine that take is compatible with the preservation of the species. These criteria must be met prior to issuance.

**A. Commercial agricultural damage** is damage or loss to commercial agriculture, including crop damage, livestock protection, aquaculture, and other plants or animals raised for commercial purposes. To meet issuance criteria, the applicant must demonstrate that the interest protected meets the definition of commercial agriculture. The Service uses the USDA definition of "farm or ranch" when considering whether something constitutes commercial agriculture. A farm or ranch is defined as "any place from which \$1,000 or more of agricultural products were raised and sold or would have been raised and sold during the previous year, but for an event beyond the control of the farmer or rancher" (7 CFR 4284.902, Definitions). If an entity does not meet the USDA definition of farm or ranch, their application is evaluated under the category of private property damage (see below).

**B. Property damage** is damage or loss to private or public property. If all reasonable non-lethal methods have been implemented, permits may be considered to protect property,

including building or infrastructure damage, vehicle or equipment damage, vegetation (e.g., ornamental plants, golf course turf, etc.), and exhibit animals in captivity. Permits are not available for animals that are loose, free-range, or otherwise released to the wild (e.g., pets, hobby animals, stocked wild animals, etc.).

- C. Human health and safety** are issues relating to human or bird safety, in both emergency and non-emergency situations. Non-lethal requirements may vary based on the degree of emergency. Justifications include airport and air base safety (permit type code DPRDAP), human or bird safety emergency (e.g., blocking navigational aids, impeding 911 capability, fire hazard, etc.), and public health and safety (e.g., landfills, fecal matter, bird attacks, etc.). For public health and safety issues, supporting documentation from the State or county health department may be required, particularly for fecal matter concerns.
- D. Threat to the recovery of protected fish and wildlife** is the take of migratory birds to assist in the recovery of native protected fish and wildlife species. Protected wildlife must be species federally or State-listed as threatened, endangered, or of conservation concern. If not listed, the applicant must justify why the species (or population) requires protection. Protected wildlife may be enclosed or free-roaming. Species must be native to the location and the population must be important to recovering or maintaining a sustainable population of that species. A sustainable population is a population that can maintain a long-term stable or positive trend with numbers above a level that would not result in a major decline or cause a species to become threatened or endangered. Permits may not be issued under this justification for abundant or non-native species, nor to protect resources for recreational purposes (i.e., stocking recreational fisheries). Take must be to address a depredation problem and not for population control of the depredating species.
- E. No physical damage or physical loss** is not considered depredation. Depredation permits are intended to resolve physical damage, physical loss, or threats to safety or wildlife. Economic loss can be used as information to illustrate the scope and scale of physical loss. However, a depredation permit cannot be issued to cover solely economic loss, such as delays in construction timelines. Other permits, such as Special Purpose permits, may be appropriate if issuance criteria are met.

### **3.3 Non-releasable eagles – Placement Prioritization.**

An eagle that has undergone care with a federally permitted rehabilitator and that cannot be released to the wild (non-releasable), and which is suitable for placement, must be made available in the following order.

1. Tribal Eagle Aviaries before other qualified facilities (See [MBPM-6 \(2013\)](#))
2. Eagle Exhibition
3. Eagle Scientific Collecting
4. Eagle Falconry

A live, non-releasable eagle held under an Eagle Exhibition permit may be transferred to another Eagle Exhibition permit without re-offering to Aviaries. If the eagle is no longer suitable for exhibition purposes, the eagle may be euthanized, retired (if unsuitable due to age) and held as retired under an Eagle Exhibition permit, or placed consistent with the above order. The placement must be in the best interest of the eagle, including considering the reason for non-releasable status, training, and temperament of the individual eagle. If placement in an Aviary would be suitable, eagles must first be made available to Aviaries ([MBPM-6 \(2013\)](#)) before an eagle may be placed for research purposes or falconry purposes.

### **3.4 Indian Religious Permits (50 CFR 22.60) – Issuance to Tribes**

The Indian Religious Purposes “how to apply” section of the regulations outlines five pieces of information required to apply for an eagle permit (50 CFR 22.60(a)). The Service no longer requires “(4) Name of Tribal religious ceremony(ies) for which required” for individual or Tribal applicants.

For permits issued to a federally recognized Tribal entity under 50 CFR 22.60, the Service no longer requires “(5) ... a certification of enrollment in an Indian Tribe.” The application requires the Tribal Chairman, President, or other leader of the Tribal governing body be identified as the Principal Officer. Because the Tribe itself is federally recognized and there is no requirement regarding the enrollment status of a Tribal leader, the Service waives the regulatory requirement for a certification of enrollment when permits issued under this section are issued to a Tribe.