



United States Department of the Interior
FISH AND WILDLIFE SERVICE
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MBPM-7-02

Date: February 6, 2026

MIGRATORY BIRD PERMIT MEMORANDUM

SUBJECT: Black Vulture Livestock Protection Permitting Framework

PURPOSE: This memorandum provides guidance to U.S. Fish and Wildlife Service (Service) personnel on issuing Depredation Permits (50 CFR 21.100) to public entities for subpermitting take of Black Vultures for livestock protection.

BACKGROUND: The Service is the Federal agency delegated with the primary responsibility for managing migratory birds. The Service's authority derives from the MBTA (16 U.S.C. 703-712), which implements migratory bird conventions with Canada, Mexico, Japan, and Russia. The MBTA prohibits the take of migratory birds (listed in 50 CFR 10.13), except as permitted by regulation (50 CFR Part 21).

Depredation permits (50 CFR 21.100) authorize the capture or take of migratory birds that cause damage or pose threats to agricultural interests, property, human health and safety (including hazards at airports), or protected wildlife. Depredation permits are typically issued to the individual or entity experiencing the damage. However, the Service has discretion in certain circumstances to issue a state or other jurisdiction-wide (henceforth statewide) permit to an entity, which authorizes that entity to further subpermit individuals or other entities experiencing depredation. The Service typically identifies the need and creates procedures to issue statewide permits according to the following conditions: (1) the permit is issued with standardized permit conditions, including standardized non-lethal methods and take authorizations; (2) there are appropriate entities, most commonly public entities, to hold the permit; and (3) issuance is in the best interest of the public and the migratory bird resource. This framework enables timely conflict resolution while upholding regulatory safeguards. Under a statewide permit, the primary permittee remains fully responsible for ensuring compliance with all permit conditions, including: ensuring subpermittees are under their direct control (50 CFR 13.25(d)), managing required data, communicating approved methods of capture or take, and reporting take to the Service.

In 2017, the Service launched a pilot program in Kentucky and Tennessee authorizing the Farm Bureau to hold a statewide depredation permit and subpermit individual producers to protect livestock from black vulture depredation. In 2021 the Service expanded the pilot program

nationwide (MBPM-7-01, *Black Vulture Livestock Protection Pilot Program*). MBPM-7-01 stated the Service would adopt or reevaluate the pilot by February 1, 2026.

POLICY: This MBPM formalizes the pilot program and authorizes issuance of a statewide depredation permit (50 CFR 21.100) to a designated public entity for the protection of commercial agricultural livestock from black vulture predation. Only one public entity per state may hold the statewide permit. Territories or Tribes may also apply for a jurisdiction-wide permit. A public entity must be either operated as a governmental service (i.e. government agency) or privately endowed and organized but not operated for profit (i.e. non-profit organization). We may require documentation to confirm the applicant qualifies as a public entity under this MBPM, such as a letter signed by the head of the applicable unit of government or proof of status under section 501(c)(3) of the Internal Revenue Code. Those entities that do not meet the definition of public entity, such as private, for-profit entities, do not qualify for the statewide permit.

This policy does not preclude any individual or entity from applying for and holding a depredation permit for black vultures in their own name.

Revisions:

02 – Formalization of the pilot into an official procedure.

/s/ Jerome Ford, 02/06/2026

Assistant Director – Migratory Bird Program