



FREQUENTLY ASKED QUESTIONS ABOUT A FEDERAL SPECIAL PURPOSE – ABATEMENT PERMIT

A Federal Special Purpose – Abatement permit (Federal Abatement permit) will authorize you to purchase, sell, possess, and use captive-bred raptors to abate situations where migratory birds are depredating or pose a risk to human health and safety. Abatement means the use of trained raptors to flush, haze, or take birds (or other wildlife where allowed) to mitigate depredation problems, including threats to human health and safety. An abatement permit does not authorize killing or injuring of birds or other wildlife. Any take of protected migratory birds by an abatement permit holder must be authorized by a Federal depredation order or depredation permit.

Raptors used for abatement must be captive bred and marked on the metatarsus with a seamless numbered band issued by the U.S. Fish and Wildlife Service (Service). You must hold a valid State Master Class falconry permit to apply. Only raptors that belong to you may be used under your abatement permit.

Falconers may conduct abatement-like activities in accordance with your State Falconry permit if they are carried out in the context of practicing falconry (hunting or training the raptor to hunt) and if no payment is received.

You should review Title 50 Parts 10, 13 and 21.27 and 21.29 of the Code of Federal Regulations (CFR) with your application. **You are responsible for reviewing and understanding these regulations before you request and accept a permit.** These regulations can be found on our website at: <https://www.fws.gov/birds/policies-and-regulations/permits/permit-policies-and-regulations.php>.

1. What is the purpose of a Federal Abatement permit?

The Federal Abatement permit authorizes a Master Falconer to use raptors protected under the Migratory Bird Treaty Act (MBTA) to abate problems caused by migratory birds or other wildlife. A General Falconer may conduct abatement activities only as a subpermittee under an active Federal Abatement permit. The permit provides the public with a management tool to mitigate depredation and nuisance problems, including human health and safety. You may only receive payment for providing abatement services if you have a Federal Abatement permit.

2. How do abatement and falconry differ?

Falconry is the art of training and using a raptor to hunt quarry for sport. Abatement is the act of using a raptor to pursue (and in some cases to take) depredating birds or other wildlife to mitigate damage. Falconry permits are issued by state wildlife agencies; however, Federal Abatement permits are issued by the Service.

3. What requirements must I meet to apply for a Federal Abatement permit?

To obtain a Federal Abatement permit, you must have a current, active State Falconry permit at the Master Falconer level. Because these permits are based on an individual certification of particular skills, Abatement permits are only issued to individuals and may not be issued to businesses. Applicants must apply using "Section A" of Form 3-200-79 but may specify a doing business as (DBA).

4. Which species can I use for abatement?

Your Federal Abatement permit will specify the species of raptors you are authorized to use for abatement. You may request any MBTA-protected raptor species that may be used for falconry except for Golden Eagles. The use of Bald Eagles or Golden Eagles for abatement is prohibited by the Bald and Golden Eagle Protection Act. All raptors used for abatement must be captive-bred and banded with a seamless metal band issued by the Service. The MBTA list can be found at:

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

5. What are the requirements for housing and transporting raptors under a Federal Abatement permit?

All raptors held under a Federal Abatement permit must be maintained under humane and healthful conditions as required in 50 CFR 13.41. Your facilities and equipment must meet falconry standards described in 50 CFR 21.29, as well as your state falconry regulations. You should also contact your State wildlife agency for information about any additional requirements they may have for housing raptors in captivity.

6. How many raptors can I possess under a Federal Abatement permit?

There is no limit on the number of raptors you may possess under a Federal Abatement permit provided that you have adequate facilities for the number of birds in your possession, and you are able to properly care for each raptor and each raptor is used for abatement activities.

7. Can persons who are not Master Falconers be involved with abatement?

Yes. A General Falconer may conduct abatement activities under your Federal Abatement permit using your Abatement birds if they are identified as a subpermittee. Other individuals may provide care for your raptors up to 45 consecutive calendar days, but they may not fly these raptors for any reason. Each of your subpermittees as well as any person caring for your birds must have: (a) a copy of your Federal Abatement permit, (b) a dated letter from you identifying him or her as your subpermittee or caretaker, and (c) a

copy of the 3-186A form identifying the raptor used for abatement is authorized under your Abatement permit. The only raptors that can be used under a Federal Abatement permit are those that belong to the abatement permittee.

8. *When is a Federal Migratory Bird Depredation permit necessary to conduct abatement?*

If you intend to take (kill, capture, or injure) migratory birds with your raptor to reinforce non-lethal management techniques, the take must be authorized either by a Federal Migratory Bird Depredation permit or a Federal Depredation Order. A Migratory Bird Depredation permit must be obtained by the landowner or public land manager of the property where the depredation problem is occurring and you must be identified as a subpermittee to conduct abatement activities.

Take using raptors also can be conducted in accordance with the provisions of the depredation orders for blackbirds, cowbirds, grackles, crows and magpies (see 50 CFR 21.43) and designated species in California (see 50 CFR 21.44).

If you are not getting paid for your services, you do not need a Federal Migratory Bird Abatement permit to scare, herd, flush, or haze depredating migratory birds other than threatened or endangered species or Bald Eagles or Golden Eagles. You also do not need a Federal Migratory Bird Depredation permit to kill birds that are not protected by the MBTA, such as starlings, rock doves (pigeons), and house sparrows.

You must also comply with State regulations when conducting depredation/abatement activities.

9. *Can I charge a fee to provide abatement services?*

Yes, if you have a Federal Abatement permit, you may receive payment.

10. *Can falconry birds be used for abatement?*

Yes. If your State Falconry permit allows falconry birds to be used for abatement activities, falconry birds that are captive-bred and have seamless bands may be used under your Federal Abatement permit. You, and only you, may use your falconry birds for abatement without transferring the raptor to your Federal Abatement permit. Abatement subpermittees may not use your falconry birds or their falconry birds under your Federal Abatement permit.

A raptor possessed under your Federal Abatement permit may only be used for falconry if it is transferred from this abatement permit to a falconry permit.

11. *Can I use abatement birds for Raptor Propagation, and vice versa?*

No. Raptors authorized under your Federal Abatement permit may not be used for propagation unless transferred to your Raptor Propagation permit. Likewise, raptors authorized under your Raptor Propagation permit must be transferred to your Federal Abatement permit before being flown for abatement purposes. Raptors can be transferred by submitting a 3-186A form.

12. *Do I need a State permit to possess migratory birds?*

You may not conduct the activities authorized by this permit if doing so would violate the laws of the applicable State, county, municipal or tribal government or any other applicable law. It is your responsibility to make sure you comply with State permit requirements.

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

Yes. You must maintain accurate records, legibly written or reproducible in English, of operations on a calendar-year basis. Your records should include copies of the completed 3-186A forms for each raptor you acquired or disposed of under your Federal Abatement permit and records of the abatement activities for which each bird is used (dates and locations of services).

14. *Are there reporting requirements associated with a Federal Abatement permit?*

Yes. The following reporting requirements apply:

- a. You must report the acquisition and disposition of all raptors held under your Federal Abatement permit by completing Service form 3-186A and submitting it to your Regional Migratory Bird Permit Office. This form is available on our website at: <http://www.fws.gov/forms/3-186A.pdf>
- b. If you are a subpermittee to a depredation permit, you must report the take of any MBTA-protected species by a raptor possessed under your Federal Abatement permit to the depredation permit holder or, if the take was authorized under a depredation order, to the landowner, if applicable.
- c. If you accidentally take an MBTA protected species, you must report your name, permit number, the date, location, species, number of birds and type of take via email to your Regional Migratory Bird Permit Office within 2 business days. Contact information can be found at <https://www.fws.gov/birds/policies-and-regulations/permits/regional-permit-contacts.php>

15. Will anyone inspect my records or birds held for abatement purposes?

By accepting a Federal Abatement permit, you authorize an agent of the U.S. Fish and Wildlife Service to enter your premises at any reasonable hour to inspect the raptors in your care, your books or records. (50 CFR 13.47)

16. 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 permit, if one is required. 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 not able to process your request before the expiration date, your permit will expire and you will no longer be authorized to conduct your activity. If you allow your permit to expire before requesting renewal, you may be required to submit a new application. (See 50 CFR 13.11(c) and 13.22)