



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

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MBPM-8

Date:

### MIGRATORY BIRD PERMIT MEMORANDUM

**SUBJECT:** Intentional release of captive-raised migratory birds to the wild.

**PURPOSE:** This memorandum serves to clarify that federal authorization is required for the intentional release of captive-raised migratory birds to the wild.

**POLICY:** The U.S. Fish and Wildlife Service (Service) considers the intentional release of captive-raised migratory birds to the wild as a form of disposition or “disposal” and thus requires federal authorization under the Migratory Bird Treaty Act (16 U.S.C. §§ 703-712) and pursuant regulations, 50 CFR Part 21. “Captive-raised” includes both captive-bred birds (eggs and chicks hatched in captivity from parents that mated or otherwise transferred gametes in captivity) and wild-bred birds raised in captivity (eggs or chicks brought into captivity from the wild prior to fledging). “Migratory bird” means any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in 50 CFR 10.13, or which is a mutation or a hybrid of any such species (50 CFR 10.12).

This policy does not endorse nor encourage intentional release of captive-raised birds to the wild. The Service will require agency-level support prior to authorizing the intentional release of migratory birds to the wild, such as (a) a federal, state, or tribal agency plan, (b) a state or tribal permit, or (c) other state or tribal authorization in place supporting a planned reintroduction of birds. Additional state, tribal, or local authorization may be required for the release of captive-raised migratory birds and/or landowner permission for release. When multiple authorizations exist, the most restrictive requirements affecting the activity apply.

If an entity wishes to release captive-raised migratory birds to the wild, a permit must be obtained and the permit conditions must authorize release to the wild, including the species, number, date(s), and location(s) of the release. When permitting, the Service will use existing permit types: Raptor Propagation (50 CFR 21.30), Waterfowl Sale and Disposal (50 CFR 21.25), and Special Purpose Game Bird (50 CFR 21.27). If a regulation does not exist for the species being requested (e.g., non-game birds), a Special Purpose Miscellaneous permit (50 CFR 21.27) may be issued if all issuance criteria are met. The use of these permit types is described in more detail below.

### *Raptor Propagation*

Raptor propagation (50 CFR 21.30) authorizes the acquisition, possession, propagation, and disposal of “native” raptors (accipitiformes, falconiformes, and strigiformes listed in 50 CFR 10.13, excluding bald eagles and golden eagles). In accordance with regulations, captive-raised raptors may be released to the wild if authorized by the state or territory of release (50 CFR 21.30(m)). If an entity wishes to release a captive-raised raptor species authorized under Part 21.30 to the wild, a Raptor Propagation permit must be obtained. Permit offices may modify permit conditions as necessary and allowable by regulation.

### *Waterfowl Sale & Disposal*

A Waterfowl Sale and Disposal permit (50 CFR 21.25) is required to dispose of captive-reared waterfowl, including intentional release to the wild (see exception for Mallards below). Waterfowl are defined as members of the family Anatidae (ducks, geese [including brant] and swans). Permit offices may modify permit conditions as necessary and allowable by regulation.

The acquisition, possession, and propagation of captive-raised waterfowl may be conducted without a permit as authorized by regulation (50 CFR 21.13 and 21.14). Waterfowl may be acquired from another person with a Waterfowl Sale and Disposal permit (50 CFR 21.25(b)(2)). Waterfowl may not be taken from the wild under a Waterfowl Sale and Disposal permit (50 CFR 21.25(b)(1)). However, if take from the wild is authorized elsewhere in Subpart B (i.e., 50 CFR Part 10 - Part 24), waterfowl may be transferred to a Waterfowl Sale and Disposal permit. The same permittee must hold both the Waterfowl Sale and Disposal permit and the permit authorizing take from the wild. The wild take authorization must meet the purpose of that permit type without conflict of interest. Possible permit types include, scientific collecting (50 CFR 21.25), depredation (50 CFR 21.41), special purpose (50 CFR 21.27), or rehabilitation (50 CFR 21.31(e)(4)(v)) permits. Wild waterfowl cannot be transferred to a Waterfowl Sale and Disposal permit if the permittee is different (50 CFR 21.25(b)(2)). The Service will consider and document any decision to authorize a wild-take permit that would allow transfer from wild to Waterfowl Sale and Disposal. Reasonable situations allowing take from the wild include when it is in the best interest of an individual bird and as part of a wildlife agency species conservation plan that requires collection from the wild for genetic or other conservation reasons.

### *Mallards*

A federal migratory bird permit is not required for the intentional release of properly marked captive-reared mallard ducks (50 CFR 21.25(a)). Additionally, Barnyard Mallards, those that are readily distinguishable from wild Mallard ducks (50 CFR 14.4), are considered not protected under the Migratory Bird Treaty Act and exempt from all permitting and marking requirements under 50 CFR Part 21.

### *Muscovy Duck*

Captive-raised muscovy duck may not be released to the wild or transferred for release to the wild in any circumstance (50 CFR 21.14(g) and 21.25(b)(8)(i)).

### *Special Purpose Game Bird*

Game bird species protected on the List of Migratory Birds (50 CFR 10.13) include Columbidae (doves and pigeons), Gruidae (cranes), Rallidae (rails, coots and gallinules), and Scolopacidae

(woodcock and snipe). If an entity wishes to release game bird species to the wild, a Special Purpose Game Bird permit must be obtained. Special Purpose Game Bird permits are required to acquire, possess, transfer, and dispose of game bird species. These permits are authorized under the Special Purpose regulation (50 CFR 21.27). A permit is required to acquire, possess, propagate, and dispose of migratory game birds, including disposal by intentional release to the wild. All live, captive-raised, migratory game birds must be physically marked (50 CFR 21.27(c)(3)) and a Form 3-186A (Migratory Bird Acquisition/Disposition Report) must be submitted. Permit offices may modify permit conditions as necessary and allowable by regulation.

#### *Species Other than Raptors, Waterfowl, and Gamebirds*

The Migratory Bird Permit Office will review any request to release other captive-raised migratory bird species. If the intent is to study methods of raising in captivity or similar research, a Scientific Collecting permit (50 CFR 21.25) is most appropriate. A Scientific Collecting permit can authorize the release of captive-raised offspring to the wild, if appropriate and as allowable by regulation (i.e. has a scientific purpose). In all other cases, a Special Purpose Miscellaneous (50 CFR 21.27) permit may be considered, if appropriate and allowable by regulation. The propagation of bald eagles and golden eagles is prohibited under the Bald and Golden Eagle Protection Act and thus not permissible under 50 CFR Part 21 or Part 22.

#### *Release of Unintentionally Captive-bred Offspring Under Other Permits*

Other permit types authorize migratory birds in captivity but prohibit propagation, such as Migratory Bird Educational Use (50 CFR 21.27) and Eagle Exhibition (50 CFR 22.21). If unintentional breeding occurs and the permit does not authorize propagation, the Service will determine the disposition of the offspring and work with the permittee to prevent future unintentional breeding. The Service may approve release of offspring from unintentional breeding if there is agency-level support, as described in paragraph 2 of this policy. The Service will provide a one-time Letter of Authorization to allow acquisition, temporary possession, and disposition by release to the wild of unintentionally captive-bred offspring.

#### *Situations where this policy does not apply*

This policy does not apply to birds that escape from captivity or other unintentional release to the wild. For intentional release to the wild of migratory birds authorized in regulatory exceptions, such as for sport hunts, follow the regulatory requirements (e.g., 50 CFR 21.13, 21.14). For intentional release of captive-raised raptors held under a state or tribal falconry permit, follow the regulatory requirements in 50 CFR 21.29(e)(9). For intentional release of sick, injured, or orphaned birds rehabilitated for release, follow the regulatory requirements in 50 CFR 21.31(e)(4). For migratory bird species on the List of Endangered and Threatened Wildlife (50 CFR 17.11), additional migratory bird permitting is not required if release to the wild is authorized under a valid Endangered Species Act permit.