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U.S. Fish and Wildlife Service

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U.S. Fish and Wildlife Migratory Bird Permits and Airports

Marlys J. Bulander

The Migratory Bird Treaty Act (MBTA) protects over 800 species of migratory birds, their nests and eggs. The U.S. Fish and Wildlife Service (Service) has been mandated by this Act to provide this protection and to facilitate exceptions to the prohibitions of the Act by issuing permits for specific and justifiable activities involving migratory birds. Regulations covering permits can be found in the Code of Federal Regulations (CFR), Part 50. 50 CFR 10 will provide you with definitions and a list of all birds protected under the Act, 50 CFR 13 provides information on applying, renewing, amending, etc., and 50 CFR 21 provides specific permit information and qualifying factors on a variety of authorized and permitted activities.

Migratory Bird Permit Offices are located in each of the seven U.S. Fish and Wildlife Services Regional Offices in Portland, OR, Albuquerque, NM, Ft. Snelling, MN, Atlanta, GA, Hadley, MA, Denver, CO, and Anchorage, AK.

Because bureaucrats will always be bureaucrats, regulations; applications; and permit procedures can be somewhat complicated and confusing. It is my hope that through my talk and the questions that may follow that I can take some of the mystery out of the permit world.

Permits are issued to possess, kill, rehabilitate, collect, relocate, propagate, possess, import, export, hunt with falconry birds, band, sell and stuff migratory birds. We issue, amend, renew, modify, correct, revoke and reinstate permits. Species that are not protected under federal law include English sparrows, starlings, feral pigeons, mute swans and upland gamebirds.

In partnership with the U.S. Department of Agriculture, Wildlife Services, we provide qualifying airports the ability to apply for and be granted depredation permits which allow the destruction of nests and eggs, and provide the authority to trap, relocate and/or kill migratory birds that are likely to interfere with the safe operation of the airport. Keep in mind that there are no “quick fixes” and unless you provide consistent non-lethal control in the form of harassment and facility modification, the bird problems that exist today will come back again and again. Non-lethal activities are also a requirement for the continuation of any depredation permit. The use of falconry birds is also a tool that is currently being used. I believe this practice began in Canada a number of years ago. However, like all other forms of harassment, frequency and consistency are essential and are usually only part of the total depredation program that is put together to control birds.

Importing and exporting birds, nests, parts, and eggs into and/or out of the United States requires additional permits from the U.S. Fish and Wildlife Service. The Migratory Bird Import/Export Permit was established in 1989 and impacts only those birds listed as protected by the MBTA in 50 CFR 10. If you are interested in importing/exporting birds that are not protected, other laws and permits such as Wild Bird Conservation Act that are issued from the Office of Management Authority in Arlington, VA may apply. The Service also has Ports of Entry, such as Chicago, that allow the importation of wildlife into the United States provided you have a completed Form 3-177, Declaration For Importation or Exportation of Fish or Wildlife and are in compliance with regulations found in 50 CFR 14. Designated Port Exceptions allows importation/exportation through a number of ports such as St. Paul, Minnesota and Detroit Michigan, however it does require, along with a completed Form 3-177, an addition permit issued from the Regional Law Enforcement Office..

The U.S. Fish and Wildlife Service recognizes that birds can be a significant hazard to safe aircraft operation. We are ready and willing to help airport managers in minimizing bird/aircraft problems. But, airport managers must take the lead in dealing effectively and legally with birds. We can help you comply with the laws and regulations, and assist you with getting the permits you need. Wildlife Services has tremendous expertise with bird management, and I would urge you to contact them for technical assistance. Through open communication, working together, and understanding the roles and responsibilities each of us has, both the flying public and the birds will benefit.

