



MUSCOCVY DUCK AND THE MIGRATORY BIRD TREATY ACT QUESTIONS AND ANSWERS

The U.S. Fish and Wildlife Service published a final rule adding the muscovy duck (*Cairina moschata*) to the List of Migratory Birds protected under the Migratory Bird Treaty Act (MBTA). In addition, a final rule was published restricting certain activities with muscovy ducks and establishing a Control Order to manage feral populations. The final rules were published in the *Federal Register* on March 1, 2010 (*Federal Register* Volume 75, pages 9282-9322). The questions and answers below summarize how the regulatory changes affect activities with muscovy ducks. For more information, refer to the final rules at www.fws.gov/migratorybirds/index.html.

- 1. Why was the muscovy duck added to the List of Migratory Bird List?** The muscovy duck is native to Mexico, Central and South America. However, it has recently expanded its range from Mexico to Hidalgo, Starr, and Zapata counties in south Texas. As a result of this natural expansion into the United States, the species is now considered native and has been added to the list of species protected under the MBTA ([50 CFR 10.13](#)).
- 2. The muscovy duck occurs in many areas outside of south Texas. Is it protected in these areas?** Yes. The muscovy duck has been introduced through human intervention to many parts of the United States where it is an exotic species. Even though these feral muscovy ducks bear little physical resemblance to the muscovy duck in its native range, biologically they are still *Cairina moschata* and thus are accorded the protection of the MBTA.
- 3. Muscovy ducks are widely raised for food and maintained as pets and show ducks. Are these muscovies now protected?** Yes, muscovy ducks are now subject to regulation wherever found in the United States and its territories, whether in the wild or in captivity.
- 4. What activities are now restricted?** Simultaneous to the addition of the muscovy duck to the list of migratory birds, we revised regulations at 50 CFR 21.14 (permit exceptions for captive-bred migratory waterfowl other than mallard ducks) to restrict the possession, sale and release of captive-bred muscovy ducks. We also revised 50 CFR 21.25 (waterfowl sale and disposal permits) to prohibit propagation and sale of muscovies except for food and require anyone propagating and selling muscovy ducks for food to obtain a Waterfowl Sale and Disposal permit.

However, as a result of information received since publication of the final rules, the Service has decided to amend the regulations restricting possession, propagation and sale of muscovy ducks. Therefore, we will not restrict possession or issue permits for propagation and sale of muscovies at this time. However, to reduce their spread, the revision to 50 CFR 21.14(g) prohibiting release of captive-bred muscovy ducks to the wild, including for hunting, will be implemented.

- 5. Will the new Control Order be implemented?** Yes. Simultaneous to the listing, we published a Control Order at 50 CFR 21.54 that allows landowners, State, Federal and Tribal agencies, and others to remove or destroy muscovy ducks, their nests, and eggs, anywhere outside their natural range, without a federal migratory bird permit. Any muscovy duck removed

live under this order must be placed with a facility where it will be maintained under conditions that will prevent escape to the wild, or it must be euthanized.

6. Do federally licensed migratory bird rehabilitators have to euthanize sick, injured or orphaned feral muscovy ducks brought to their facility? We discourage the return of feral muscovies back to the wild. We encourage rehabilitators to euthanize them, place them with a facility that will prevent their escape to the wild, or return them to the rescuer with advice that muscovy ducks are an invasive species and should not be returned to the wild.

7. Why was the public not given an opportunity to comment on these regulations? The Service published a proposed rule in the *Federal Register* to add the muscovy duck to the list of migratory birds on August 24, 2006 (71 FR 50194) and proposed the Control Order and other regulatory changes specifically for muscovy duck on August 22, 2009 (73 FR 49626). Both proposals invited public comment, were featured on our website, and State wildlife agencies were advised. However, although any member of the public could have commented, we were unaware of the extent to which muscovies are maintained in captivity and did not know of any organization to inform about the proposed changes. Therefore, many muscovy duck owners likely were not aware of the proposal.

8. When do the new regulations go into effect? The new regulations are effective March 31, 2010. However, regulations restricting possession and sale of muscovy ducks will not be administered and permits will not be available because we plan to amend those regulations in the near future.

9. Who can I contact if I have questions about the List or Control Orders? Contact your Regional Migratory Bird Permit Office. Addresses and phone numbers are located at www.fws.gov/migratorybirds/mbpermits/Addresses.html.

(3/30/2010)