



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

MBPM-5

Date: **AUG 22 2007**

MIGRATORY BIRD PERMIT MEMORANDUM

SUBJECT: Abatement Activities Using Raptors

PURPOSE: This memorandum serves as guidance for issuance of Special Purpose-Abatement (SPA) permits, under authority of 50 CFR 21.27, to authorize the acquisition, possession, and use of Migratory Bird Treaty Act (MBTA)-protected raptors to abate depredation problems, including human health and safety conflicts.

POLICY/PROCEDURE: For purposes of this memorandum, "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.

SPA permit holders may be paid for providing abatement services. The fee for the SPA permit is \$100.

Raptors used for abatement must be captive-bred and banded with a seamless band issued by the Service. They must be housed and maintained in accordance with the federal falconry regulations.

To obtain an SPA permit the applicant must be a Master Class Falconer (in good standing) under the federal falconry regulations.

Master, General, or Apprentice Class Falconers may be subpermittees on an SPA permit and may conduct all abatement activities. All other individuals may provide care for raptors held under the SPA permit (and must be identified as a subpermittee if they will be doing so) but they may not fly the raptors. For individuals who held a special purpose permit for abatement at the time this memorandum is finalized, we will consider exceptions to the requirement that subpermittees hold a falconry permit in order to fly birds.

Any take of MBTA-protected depredating birds by an SPA permit holder must be authorized by: (A) a federal depredation order, or (B) a federal depredation permit that identifies the SPA permit holder as a subpermittee. No federal permit is required to flush or haze depredating birds, with the exception of endangered or threatened species or bald and golden eagles and no federal permit is required to take species that are not protected under the MBTA or any other applicable federal law.

Any raptor species that may be used for falconry can be used for abatement, with the exception of Bald and Golden Eagles. The use of eagles for abatement is prohibited by the Bald and Golden Eagle Protection Act. Hybrid raptors can only be used if they are fitted with two radio transmitters so they can be tracked and recovered if they are lost.

We will authorize for possession and use under the SPA permit the species of raptors the applicant states he or she will use to perform abatement work.

Falconry and abatement are fundamentally different activities. Falconry is the act of using a trained raptor to hunt quarry for sport. Abatement is the act of using a trained raptor to flush, haze, or take depredating birds to mitigate the depredation (including human health and safety) problem caused by those birds. If carried out in the context of practicing falconry (e.g., hunting or training the raptor to hunt) and if no payment is received, falconers may conduct abatement-like activities without an SPA permit (because such activities are considered the practice of falconry and not abatement for the purposes of this memorandum.)

If a practicing falconer obtains an SPA permit, he or she may use birds possessed under his/her falconry permit for abatement without transferring them to the SPA permit. However, raptors held under an SPA permit may not be used for falconry (i.e., hunting quarry for sport) without the SPA permit holder first transferring the birds to a falconry permit. Wild-caught raptors used for falconry may not be used for abatement.

Acquisition and disposition of a raptor under an SPA permit must be reported by submitting Service form 3-186A (Migratory Bird Acquisition and Disposition Report) that is completed in accordance with the instructions on the form and filed by the sender and the recipient.

The individual holding the SPA permit must report the take of any MBTA-protected species to the depredation permit holder.



DIRECTOR