



## Qs & As

# Non-Eagle Feather Repository Pilot Program

## USFWS Southwest Region

### **Can Native Americans collect their own feathers?**

No. As a result of years of habitat loss, poaching, and market hunting, populations of some migratory birds declined. In an effort to protect these birds, the United States Congress passed the Migratory Bird Treaty Act in 1918. This Act prohibits the take, possession, transport, sale, purchase, barter (or offer for sale, purchase, or barter), trade, import and export of any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations. For a list of migratory birds protected by the Act, go to: <http://www.fws.gov/migratorybirds/RegulationsPolicies/mbta/mbtintro.html>

### **Why are these non-eagle repositories necessary?**

U.S. Fish and Wildlife Service (FWS) permits are not typically issued for the take of migratory birds, excluding the hunting of migratory game birds, during times of depredation, or human safety. Native Americans are not exempt from the permitting process. However, the FWS acknowledges the legitimate needs of tribal members to lawfully acquire and possess various migratory birds, or the feathers and parts of such birds, for religious purposes. By providing tribal members with legal access to migratory birds, feathers and parts for religious and cultural use through the FWS Southwest Region's two non-eagle repositories, the FWS also aims to discourage and deter the illegal trade and take of birds from the wild.

### **How do the non-eagle repositories benefit wildlife?**

The salvage efforts of the repositories and FWS provide a legal means for Native Americans to acquire migratory birds, other than eagles, or their feathers or parts for religious purposes. Providing these items to Native Americans reduces the pressure to take birds from the wild, thereby protecting bird populations.

### **How do the non-eagle repositories get their birds, feathers, or parts?**

The repositories will serve as a collection point, primarily for the collection of naturally molted feathers from live birds that are held by FWS permitted sources, like zoos, bird rehabilitators and falconers. Should a bird die or be salvaged and come into the possession of the FWS, these birds may also be transferred to the repositories. Many of these birds have died as a result of power line electrocution, vehicle collisions, unlawful shooting and trapping, or from natural causes.

### **Will falconers and others with valid migratory bird permits be able to donate feathers to the repositories?**

In some states, falconry permits and other migratory bird permits already allow for such non-eagle feather donations. We anticipate that all falconry permits will soon provide for this opportunity. If you are a falconer wishing to donate non-eagle feathers to either of the

repositories but are concerned that doing so would violate your current permit, please contact the Migratory Bird Permits Office in your FWS Region.

### **How will shipments be tracked and monitored?**

All birds, feathers, or parts shipped to the repositories will be assigned a number for tracking and accountability purposes, and information about each item (i.e. birds, feathers, parts) is entered into a database. The condition of each shipped item is noted, and the species recorded. Each item is then properly stored until it is readied for distribution to a Native American tribal member. The repositories will assure that shipments of feathers, parts, or carcasses comply with all State and Federal legal requirements for acquisition and distribution of those materials.

### **Who can obtain a bird or their feathers or parts from the repository?**

Only enrolled members of a federally recognized Indian tribe (Federally Recognized Tribal List Act of 1994) can obtain a Federal permit from the non-eagle feather repositories authorizing them to receive and possess the carcass, feathers or parts of a migratory bird, other than eagles, from the repository for religious or cultural purposes.

### **I'm a federally enrolled tribal member. Can I obtain eagle feathers from the two repositories that are participating in this pilot program?**

No. These repositories are permitted to provide only non-eagle migratory bird feathers and parts. If you are interested in obtaining eagle feathers, contact the National Eagle Repository, Commerce City, Colorado at: [www.fws.gov/le/Natives/EagleRepository.htm](http://www.fws.gov/le/Natives/EagleRepository.htm), 303-287-2110.

### **How can I obtain a bird or its feathers or parts?**

Non-eagle migratory bird carcasses, feathers or parts for Indian religious and cultural use are currently available only from the two repositories enrolled in the FWS Southwest Region's pilot program. You can obtain a permit application from either repository, from the FWS Southwest Region Migratory Bird Permit Office, or from the FWS Southwest Region Native American Liaison (see contact information below). Each application must include certification of tribal enrollment from the Bureau of Indian Affairs or Tribal Enrollment Office. Bird carcasses, feathers and parts received from the repositories may subsequently be gifted (but not bartered, traded or sold) from one enrolled tribal member to another without the need of a permit authorizing the transfer. It is advisable to keep a written record verifying the transfer.

For applications, contact any of the following:

Bill Voelker, Director  
Sia Comanche Nation  
Sia Essential Species Repository  
580-464-2750  
[www.comancheeagle.org](http://www.comancheeagle.org)

Megan Mosby, Executive Director  
Liberty Wildlife Rehabilitation Foundation  
Liberty Repository  
480-998-5550  
[www.non-eaglefeathers.net](http://www.non-eaglefeathers.net)

Joseph Early  
USFWS Southwest Region  
Native American Liaison  
[Joe\\_Early@fws.gov](mailto:Joe_Early@fws.gov)  
505-248-6602  
[www.fws.gov/southwest/NAL/index.html](http://www.fws.gov/southwest/NAL/index.html)

Michele Gallagher  
USFWS Southwest Region  
Migratory Bird Permit Specialist  
[Michele\\_Gallagher@fws.gov](mailto:Michele_Gallagher@fws.gov)  
505-248-7882

On the application, you must specify which species of migratory bird you are requesting. You must also indicate whether you are requesting a whole bird, loose feathers, or parts. **ONLY REQUESTS FOR ONE BIRD OR FOR LOOSE FEATHERS AND/OR PARTS FROM ONE PARTICULAR SPECIES OF BIRD WILL BE FILLED PER APPLICATION.** Once your request is filled, you may reapply for another bird, feathers or parts.

You must provide a current telephone number so the repository staff can contact you when your request is ready to ship. Any changes in your address and/or telephone number must be submitted by you to the repository. During the two-year pilot program, there will be no charge for shipping.

### **How long is the wait to obtain a bird or its feathers and/or parts?**

Requests for migratory birds or feathers and/or parts will be filled on a first-come, first-served basis. Birds, their feathers and parts will typically be kept at the repositories just long enough to allow personnel to contact the next applicant on the waiting list. Because of the large expected demand and the limited supply, applicants should expect to wait an extended period of time before their request is filled. In short, it may become a matter of supply vs. demand.

### **I already have an application for non-eagle birds, feathers or parts on file with one of the FWS Migratory Bird Permits offices. Will my application be given consideration before new applicant requests?**

Because the application form that you originally submitted has been revised, you will need to re-submit your application in the new format. The new application form is available from either of the two pilot repositories, or from the FWS. Your request will be given priority, depending on the availability of the feathers you are requesting.

### **May I request more than one bird, feathers and/or parts on my application?**

Generally, each applicant can apply for only one whole bird or for the loose feathers and/or parts of one species of migratory bird at a time. Once your request has been filled, you may reapply to receive another non-eagle migratory bird, or its feathers and/or parts. However, the repositories may consider special requests for more than one bird or one species of bird for a specific Native American religious use on a case-by-case basis.

### **May I sell, trade, or barter objects made from the migratory bird items I receive from the repository?**

No. Like feathers or parts of bald or golden eagles, all regulated and protected migratory birds may NOT be sold, purchased, bartered, or traded. However, bird carcasses, or the loose feathers and/or parts received from the repository may be handed down to family members, from generation to generation, or from one Native American to another for religious or cultural purposes. Tribal members with a permit to possess migratory birds, feathers and/or parts may gift or otherwise transfer those items to another federally-recognized tribal member. A permit is not required for the recipient to accept and possess the gifted or transferred migratory bird items.

**Can bird feathers and parts be imported or exported, to and from the United States?**

Yes. Like Title 50 Code of Federal Regulations, part 22, which allows for the import/export of eagle feathers for religious and cultural purposes, the carcass, loose feathers and/or parts of migratory birds other than eagles may be imported/exported into, or out of the U.S. Typically, the same permit that is issued to allow for the import/export of eagle feathers, can also include other bird feathers and regulated wildlife parts that are covered under the Migratory Bird Treaty Act , as well as the Convention on the International Trade in Endangered Species (CITES). For more information, please contact the nearest FWS Wildlife Inspector at: [http://www.fws.gov/le/ImpExp/Contact\\_Info\\_Ports.htm](http://www.fws.gov/le/ImpExp/Contact_Info_Ports.htm), or the FWS Division of Management Authority at 1-800-358-2104

**Who is legally able to contribute and transfer birds, feathers, and/or parts to the non-eagle feather repositories?**

Any FWS-permitted source currently allowed to possess migratory birds, other than bald and golden eagles, will be eligible to transfer birds, feathers, and/or parts to the two repositories in the pilot program if the permitted source is allowed to dispose of these items through their permit.

**Can bald or golden eagles, their feathers and/or parts be transferred to the FWS Southwest Region's two non-eagle repositories participating in this pilot program?**

No, all dead eagles, their feathers and/or parts must be transferred to the FWS's National Eagle Repository in Commerce City, Colorado.

**Can I submit applications to both repositories at the same time?**

No. In order to be fair and honest with the distribution process, applications and requests will be monitored and tracked through a database. Applications will be processed on a first come, first served basis and applicants will not be allowed to reapply for a new request until their prior request has been filled. You may choose which repository to apply to, and once your request has been filled you may reapply to the other repository if you choose. However, only one request (i.e., application) is allowed at a time.

**What type of feathers will be available?**

Any available non-eagle feather used for religious or cultural purposes will be distributed. However, applicants should recognize that not all species are available and the repositories in the

FWS Southwest Region's pilot program will be limited to what they have on hand at the time an application is received.

**Do we anticipate the FWS permitting other non-eagle feather repositories in the future?**

No additional non-eagle feather repositories in the FWS Southwest Region are planned during the two-year pilot period. The FWS will monitor this two-year pilot program. At the end of the pilot period we will evaluate the success of the program and determine our future direction.

**Will the repositories be working with other Federal agencies to have them provide dead birds when they come into contact with them?**

The two repositories will consult with other federal agencies regarding their participation in supplying protected migratory birds, feathers and/or parts for distribution and will collaborate with those agencies on agreements or permits that would facilitate their contribution to this pilot program.

**Who can I contact for more information?**

For more information, contact any of the following:

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