

ELECTRONIC CODE OF FEDERAL REGULATIONS

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Title 50: Wildlife and Fisheries

PART 21—MIGRATORY BIRD PERMITS

Subpart D—Control of Depredating and Otherwise Injurious Birds

§ 21.43 Depredation order for blackbirds, cowbirds, grackles, crows, and magpies.

You do not need a Federal permit to control the species listed in the table below if they are committing or about to commit depredations on ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner that they are a health hazard or other nuisance:

| Blackbirds | Cowbirds | Grackles | Crows | Magpies |
|--|--|--|---|---|
| Brewer's (<i>Euphagus cyanocephalus</i>) | Bronzed (<i>Molothrus aeneus</i>) | Boat-tailed (<i>Quiscalus major</i>) | American (<i>Corvus brachyrhynchos</i>) | Black-billed (<i>Pica hudsonia</i>). |
| Red-winged (<i>Agelaius phoeniceus</i>) | Brown-headed (<i>Molothrus ater</i>) | Common (<i>Quiscalus quiscula</i>) | Fish (<i>Corvus ossifragus</i>) | Yellow-billed (<i>Pica nuttalli</i>). |
| Yellow-headed (<i>Xanthocephalus xanthocephalus</i>) | Shiny (<i>Molothrus bonariensis</i>) | Great-tailed (<i>Quiscalus mexicanus</i>) | Northwestern (<i>Corvus caurinus</i>) | |
| | | Greater Antillean (<i>Quiscalus niger</i>) | | |

(a) You must attempt to control depredation by species listed under this depredation order using non-lethal methods before you may use lethal control.

(b) In most cases, if you use a firearm to kill migratory birds under the provisions of this section, you must use nontoxic shot or nontoxic bullets to do so. See § 20.21(j) of this chapter for a listing of approved nontoxic shot types. However, this prohibition does not apply if you use an air rifle, an air pistol, or a 22 caliber rimfire firearm for control of depredating birds under this order.

(c) If you exercise any of the privileges granted by this section, you must allow any Federal, State, tribal, or territorial wildlife law enforcement officer unrestricted access at all reasonable times (including during actual operations) over the premises on which you are conducting the control. You must furnish the officer whatever information he or she may require about your control operations.

(d) You may kill birds under this order only in a way that complies with all State, tribal, or territorial laws or regulations. You must have any State, tribal, or territorial permit required to conduct the activity.

(e) You may not sell, or offer to sell, any bird, or any part thereof, killed under this section, but you may possess, transport, and otherwise dispose of the bird or its parts.

(f) Any person or agency acting under this depredation order must provide to the appropriate Regional Migratory Bird Permit Office an annual report for each species taken. You can find the

addresses for the Regional Migratory Bird Permit Offices in § 2.2 of subchapter A of this chapter. You must submit your report by January 31st of the following year, and you must include the following information:

- (1) Your name, address, phone number, and e-mail address;
- (2) The species and number of birds taken;
- (3) The months in which the birds were taken;
- (4) The State(s) and county(ies) in which the birds were taken; and
- (5) The general purpose for which the birds were taken (such as for protection of agriculture, human health and safety, property, or natural resources).

(g) The Office of Management and Budget has approved the information collection requirements associated with this depredation order and assigned OMB Control No. 1018-0146. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. You may send comments on the information collection requirements to the Service's Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222-ARLSQ, 1849 C Street, NW., Washington, DC 20240.

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