



WHAT YOU SHOULD KNOW ABOUT A FEDERAL MIGRATORY BIRD SPECIAL PURPOSE – ABATEMENT PERMIT

A Federal Migratory Bird Special Purpose – Abatement permit (Federal Abatement permit) will authorize you to purchase, sell, possess, and use captive-bred raptors to abate situations where migratory birds are depredating or pose a risk to human health and safety. You should review Title 50 Parts 10, 13 and 21.27 of the Code of Federal Regulations (CFR) with your application. **You are responsible for reviewing and understanding these regulations before you request and accept a permit.** These regulations can be found on our website at: <http://www.fws.gov/permits/ltr/ltr.html>.

1. What is the purpose of a Federal Abatement permit?

The Federal Abatement permit authorizes the use of trained raptors protected under the Migratory Bird Treaty Act (MBTA) to abate problems caused by migratory birds or other wildlife. The permit provides the public with a new management tool to mitigate depredation and nuisance problems, including human health and safety. Before the creation of this permit it was unlawful to use native raptors for commercial abatement activities except to protect public safety at airports.

2. How do abatement and falconry differ?

Falconry is the art of training and using a raptor to hunt quarry for sport. Abatement is the act of using a raptor to pursue (and in some cases to take) depredating birds or other wildlife to mitigate damage.

3. What requirements must I meet to apply for a Federal Abatement permit?

To obtain a Federal Abatement permit you must be a Master Falconer in good standing under the Federal Falconry regulations.

4. Which species can I possess under a Federal Abatement permit?

This permit applies to any MBTA-protected raptor species that may be used for falconry except for Golden Eagles. The use of Bald Eagles or Golden Eagles for abatement is prohibited by the Bald and Golden Eagle Protection Act. All raptors used for abatement must be captive-bred and banded with a seamless band issued by the U.S. Fish and Wildlife Service. Your Federal Abatement permit will specify the species of raptors you are authorized to use. Barbary falcons (*Falco pelegrinoides*) are no longer protected under the MBTA.

5. What are the requirements for housing and transporting raptors under a Federal Abatement permit?

All raptors held under a Federal Abatement permit must be maintained under humane and healthful conditions as required in 50 CFR 13.41. Your facilities and equipment must meet standards described in 50 CFR 21.29. You should also contact your State wildlife agency for information about any additional requirements they may have for maintaining raptors.

6. How many raptors can I hold under a Federal Abatement permit?

There is no limit on the number of raptors you may hold under a Federal Abatement permit provided that you properly care for each raptor and use it for abatement activities.

7. Can persons who are not Master Falconers be involved with abatement?

Yes. A General or Apprentice Falconer may conduct abatement activities under your Federal Abatement permit using your birds if you identify them as a subpermittee. An Apprentice Falconer operating under your permit may fly any species of raptor you hold under your permit when conducting abatement activities. Other individuals may provide care for raptors held under your Federal Abatement permit (and must be identified as subpermittees if they will be doing so) but they may not fly the raptors. Each of your subpermittees must have a copy of your Federal abatement permit and a dated letter from you identifying him or her as your subpermittee.

8. Can a subpermittee use his or her own falconry birds for abatement activities under my Federal Abatement permit?

No. The only raptors that can be used under a Federal Abatement permit are those that belong to the abatement permittee.

9. When is a Migratory Bird Depredation permit necessary to conduct abatement?

If you intend to take (kill, capture, or injure) migratory birds with your raptor to reinforce nonlethal management techniques, the take must be authorized either by a Federal Migratory Bird Depredation permit or a Federal Depredation Order. A Migratory Bird Depredation permit must be obtained by the landowner or public land manager of the property where the depredation problem is occurring and you must be identified as a subpermittee under that permit.

Take using raptors also can be conducted in accordance with the provisions of the depredation orders for blackbirds, cowbirds, grackles, crows and magpies (see 50 CFR 21.43) and designated species in California (see 50 CFR 21.44).

You do not need a Federal Migratory Bird permit to scare, herd, flush, or haze depredating migratory birds other than threatened or endangered species or Bald Eagles or Golden Eagles. You also do not need a Federal Migratory Bird Depredation permit to kill birds that are not protected by the MBTA, such as starlings, rock doves (pigeons), and house sparrows.

10. Can I charge a fee to provide abatement services?

Yes, the Federal Abatement permit authorizes you to charge for providing abatement services.

11. Are there reporting requirements associated with a Federal Abatement permit?

Yes. You must complete Service form 3-186A and submit it to your Regional Migratory Bird Permit Issuing Office to document the acquisition and disposition of all raptors held under your Federal Abatement permit. Also, you must report the take of any MBTA-protected species by a raptor held under your Federal Abatement permit to the appropriate depredation permit holder or, if the take was authorized under a depredation order, to the landowner, if applicable. This form is available on our website at: <http://www.fws.gov/forms/3-186A.pdf>

12. Can I use falconry birds for abatement, and vice versa?

You may use captive-bred raptors authorized by your Migratory Bird Falconry permit for abatement activities without transferring them to your abatement permit, provided your State falconry permitting authority allows this. Only you as the Federal Abatement permittee may use your falconry birds for abatement activities; however, the falconry bird used must be an authorized species per the conditions of your Federal Abatement permit. Subpermittees may not use your falconry birds, or their falconry birds for abatement under your permit. You may not use raptors held under your Federal Abatement permit for falconry unless you transfer them to your Federal Migratory Bird Falconry permit. You may not use wild-caught raptors for abatement.

If carried out in the context of practicing falconry (hunting or training the raptor to hunt) and if no payment is received, falconers may conduct abatement-like activities without a Federal Abatement permit because we consider such activities part of the practice of falconry.

13. Do I need a State permit to possess migratory birds?

Your Federal Abatement permit is only valid if you also are in compliance with your State requirements. This means that if your State requires a permit to possess raptors for abatement purposes, you must hold a valid State permit in order for your Federal permit to be valid. It is your responsibility to make sure you comply with State permit requirements.

14. Will I be required to keep records of my activities?

Yes. You must maintain accurate records of operations on a calendar-year basis. Your records should include copies of the completed 3-186A forms for each raptor you acquired or disposed of under your Federal Abatement permit and records of the abatement activities for which each bird is used (dates and locations of services).

15. Will anyone inspect my records or birds held for abatement purposes?

By accepting a Federal Abatement permit, you authorize an agent of the U.S. Fish and Wildlife Service to enter your premises at any reasonable hour to inspect the raptors in your care, your books or records. (50 CFR 13.47)

16. How do I renew my permit?

We will send you a renewal letter or form at least 60 days prior to the expiration of your permit. If you want to renew your permit, you must return the completed renewal to your Regional Migratory Bird Permit Office at least 30 days prior to the expiration of your permit and include a copy of your current State permit, if one is required. If we receive your renewal request at least 30 days prior to the expiration of your permit, your permit will remain valid beyond the expiration date for the activity authorized on your expired permit until a decision on your renewal is made. If we receive your renewal request fewer than 30 days prior to expiration of your permit and we are unable to process your request before the expiration date, your permit will expire and you will no longer be covered for your activity. If you allow your permit to expire before you request renewal, you may be required to submit a new application. (50 CFR 13.22 and 13.11(c))

(3-200-79) 2/20/2014



Federal Fish and Wildlife Permit Application Form

Return to: U.S. Fish and Wildlife Service (USFWS)

Type of Activity: **Special Purpose – Abatement Using Raptors**

- New Application
- Requesting Renewal or Amendment of Permit # _____

Complete Sections A or B, and C, D, and E of this application. U.S. address may be required in Section C, see instructions for details.
See attached instruction pages for information on how to make your application complete and help avoid unnecessary delays.

A. Complete if applying as an individual			
1.a. Last name	1.b. First name	1.c. Middle name or initial	1.d. Suffix
2. Date of birth (mm/dd/yyyy)	3. Social Security No.	4. Occupation	5. Affiliation/ Doing business as (see instructions)
6.a. Telephone number	6.b. Alternate telephone number	6.c. Fax number	6.d. E-mail address

B. Complete if applying on behalf of a business, corporation, public agency, Tribe, or institution			
1.a. Name of business, agency, Tribe, or institution		1.b. Doing business as (dba)	
2. Tax identification no.		3. Description of business, agency, or institution	
4.a. Principal officer Last name	4.b. Principal officer First name	4.c. Principal officer Middle name/ initial	4.d. Suffix
5. Principal officer title		6. Primary contact name	
7.a. Business telephone number	7.b. Alternate telephone number	7.c. Business fax number	7.d. Business e-mail address

C. All applicants complete address information				
1.a. Physical address (Street address; Apartment #, Suite #, or Room #; no P.O. Boxes)				
1.b. City	1.c. State	1.d. Zip code/Postal code:	1.e. County/Province	1.f. Country
2.a. Mailing Address (include if different than physical address; include name of contact person if applicable)				
2.b. City	2.c. State	2.d. Zip code/Postal code:	2.e. County/Province	2.f. Country

D. All applicants MUST complete	
1.	Attach check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount of \$150.00 nonrefundable processing fee . Federal, Tribal, State, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee – <i>attach documentation of fee exempt status as outlined in instructions.</i> (50 CFR 13.11(d))
2.	Do you currently have or have you ever had any Federal Fish and Wildlife permits? Yes <input type="checkbox"/> If yes, list the number of the most current permit you have held or that you are applying to renew/re-issue: _____ No <input type="checkbox"/>
3.	Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50 , and I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.
Signature (in blue ink) of applicant/person responsible for permit (No photocopied or stamped signatures) _____ Date of signature (mm/dd/yyyy) _____	

Please continue to next page

SECTION E. SPECIAL PURPOSE – ABATEMENT USING RAPTORS
(Migratory Bird Treaty Act; 50 CFR 21.27)

Note: A Federal Special Purpose – Abatement Using Raptors permit is required to possess and use raptors for abatement activities. You must apply as an individual (complete section A, not section B, on page 1 of this application) and be at least 18 years old.

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. An abatement permit does not authorize killing or injuring of birds or other wildlife. Any take of protected migratory birds by an abatement permit holder must be authorized by a Federal depredation order or depredation permit.

Raptors used for abatement must be captive bred and marked on the metatarsus with a seamless numbered band issued by the U.S. Fish and Wildlife Service. You must hold a valid State Master Class falconry permit to apply. Only raptors that belong to you may be used under your abatement permit. Please read “What You Should Know About a Special Purpose –Abatement Permit.

Please provide the information below. You should be as thorough and specific as possible in your responses. Incomplete applications will be returned, delayed or abandoned.

1. Attach a copy of your State Master Class falconry permit.
2. Provide a detailed description of the depredation problems you intend to manage. Include the species involved, approximate seasons when the problems occur, and the general areas where the abatement activities will be conducted.
3. List the species of raptors you intend to acquire for your abatement activities.
4. (a) Describe your permanent facilities and traveling facilities.
(b) Include photographs and diagrams of your enclosures. Diagrams must include dimensions (L x W x H) and a description of interior and exterior construction materials, such as flooring and netting materials.
5. Is the physical address you provided in Section C on page 1 of this application the primary address where your raptors will be based? Yes No If “no,” provide the primary physical address:

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6. You must retain records relating to the activities conducted under your permit for at least 5 years after the date of expiration of your permit. Is the physical address you provided in Section C on page 1 of this application the address where your records will be kept? Yes No If “no,” provide the physical address.

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7. **Any permit issued as a result of this application is not valid unless you also have any required State or Tribal permits or approvals associated with the activity.** Have you obtained all required State or Tribal permits or approvals to conduct this activity?

Yes If “yes”, attach a copy of the approval(s). Have applied (**Send copy when issued**) None required

6. **Disqualification factor.** A conviction, or entry of a plea of guilty or nolo contendere, for a felony violation of the Lacey Act, the Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act disqualifies any such person from receiving or exercising the privileges of a permit, unless such disqualification has been expressly waived by the Service Director in response to a written petition. (50 CFR 13.21(c)) Have you or any of the owners of the business, if applying as a business, been convicted, or entered a plea of guilty or nolo contendere, forfeited collateral, or are currently under charges for any violations of the laws mentioned above?

Yes No If you answered “Yes” provide: a) the individual’s name, b) date of charge, c) charge(s), d) location of incident, e) court, and f) action taken for each violation

PERMIT APPLICATION FORM INSTRUCTIONS

The following instructions pertain to an application for a U.S. Fish and Wildlife Service or CITES permit. The General Permit Procedures in 50 CFR 13 address the permitting process. For simplicity, all licenses, permits, registrations, and certificates are referred to as a permit.

GENERAL INSTRUCTIONS:

- Complete all blocks/lines/questions in Sections A or B, and C, D, and E.
- **An incomplete application may cause delays in processing or may be returned to the applicant. Be sure you are filling in the appropriate application form for the proposed activity.**
- Print clearly or type in the information. Illegible applications may cause delays.
- Sign the application in [blue](#) ink. Faxes or copies of the original signature will not be accepted.
- Mail the original application to the address at the top of page one of the application or if applicable on the attached address list.
- **Keep a copy of your completed application.**
- **Please plan ahead. Allow at least 60 days for your application to be processed. Some applications may take longer than 90 days to process. (50 CFR 13.11)**
- Applications are processed in the order they are received.
- Additional forms and instructions are available from <http://permits.fws.gov>.

COMPLETE EITHER SECTION A OR SECTION B:

Section A. Complete if applying as an individual:

- Enter the complete name of the responsible individual who will be the permittee if a permit is issued. Enter personal information that identifies the applicant. ***Fax and e-mail are not required if not available.***
- If you are applying on behalf of a client, the personal information must pertain to the client, and a document evidencing power of attorney must be included with the application.
- **Affiliation/ Doing business as (dba):** business, agency, organizational, or institutional affiliation *directly* related to the activity requested in the application (e.g., a taxidermist is an individual whose business can *directly* relate to the requested activity). The Division of Management Authority (DMA) will **not** accept *doing business as* affiliations for individuals.

Section B. Complete if applying as a business, corporation, public agency, Tribe, or institution:

- Enter the complete name of the business, agency, Tribe, or institution that will be the permittee if a permit is issued. Give a brief description of the type of business the applicant is engaged in. Provide contact phone number(s) of the business.
- **Principal Officer** is the person in charge of the listed business, corporation, public agency, Tribe, or institution. The principal officer is the person responsible for the application and any permitted activities. Often the principal officer is a Director or President. **Primary Contact** is the person at the business, corporation, public agency, Tribe, or institution who will be available to answer questions about the application or permitted activities. Often this is the preparer of the application.

ALL APPLICANTS COMPLETE SECTION C:

- For all applications submitted to the Division of Management Authority (DMA) a physical U.S. address is **required**. Province and Country blocks are provided for those USFWS programs which use foreign addresses and are not required by DMA.
- **Mailing address** is address where communications from USFWS should be mailed if different than applicant's physical address.

ALL APPLICANTS COMPLETE SECTION D:

Section D.1 Application processing fee:

- An application processing fee is required at the time of application; unless exempted under 50 CFR 13.11(d)(3). The application processing fee is assessed to partially cover the cost of processing a request. **The fee does not guarantee the issuance of a permit. Fees will not be refunded for applications that are approved, abandoned, or denied.** We may return fees for withdrawn applications prior to any significant processing occurring.
- **Documentation of fee exempt status is not required for Federal, Tribal, State, or local government agencies; but must be supplied by those applicants acting on behalf of such agencies.** Those applicants acting on behalf of such agencies must submit a letter on agency letterhead and signed by the head of the unit of government for which the applicant is acting on behalf, confirming that the applicant will be carrying out the permitted activity for the agency.

Section D.2 Federal Fish and Wildlife permits:

- List the number(s) of your most current FWS or CITES permit or the number of the most recent permit if none are currently valid. If applying for re-issuance of a CITES permit, the original permit must be returned with this application.

Section D.3 CERTIFICATION:

- **The individual identified in Section A, the principal officer named in Section B, or person with a valid power of attorney (documentation must be included in the application) must sign and date the application in blue ink.** This signature binds the applicant to the statement of certification. This means that you certify that you have read and understand the regulations that apply to the permit. You also certify that everything included in the application is true to the best of your knowledge. Be sure to read the statement and re-read the application and your answers before signing.

ALL APPLICANTS COMPLETE SECTION E.

Please continue to next page

APPLICATION FOR A FEDERAL FISH AND WILDLIFE PERMIT
Paperwork Reduction Act, Privacy Act, and Freedom of Information Act – Notices

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and the Privacy Act of 1974 (5 U.S.C. 552a), please be advised:

1. The gathering of information on fish and wildlife is authorized by:
(Authorizing statutes can be found at: <http://www.gpoaccess.gov/cfr/index.html> and <http://www.fws.gov/permits/ltr/ltr.html>.)
 - a. Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22;
 - b. Endangered Species Act of 1973 (16 U.S.C. 1531-1544), 50CFR 17;
 - c. Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21;
 - d. Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, *et. seq.*), 50 CFR 18;
 - e. Wild Bird Conservation Act (16 U.S.C. 4901-4916), 50 CFR 15;
 - f. Lacey Act: Injurious Wildlife (18 U.S.C. 42), 50 CFR 16;
 - g. Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249), <http://www.cites.org/>, 50 CFR 23;
 - h. General Provisions, 50 CFR 10;
 - i. General Permit Procedures, 50 CFR 13; and
 - j. Wildlife Provisions (Import/export/transport), 50 CFR 14.
2. Information requested in this form is purely voluntary. However, submission of requested information is required in order to process applications for permits authorized under the above laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny the request. 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.
3. Certain applications for permits authorized under the Endangered Species Act of 1973 (16 U.S.C. 1539) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374) will be published in the **Federal Register** as required by the two laws.
4. Disclosures outside the Department of the Interior may be made without the consent of an individual under the routine uses listed below, if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003)
 - a. Routine disclosure to subject matter experts, and Federal, Tribal, State, local, and foreign agencies, for the purpose of obtaining advice relevant to making a decision on an application for a permit or when necessary to accomplish an FWS function related to this system of records.
 - b. Routine disclosure to the public as a result of publishing **Federal Register** notices announcing the receipt of permit applications for public comment or notice of the decision on a permit application.
 - c. Routine disclosure to Federal, Tribal, State, local, or foreign wildlife and plant agencies for the exchange of information on permits granted or denied to assure compliance with all applicable permitting requirements.
 - d. Routine disclosure to Captive-bred Wildlife registrants under the Endangered Species Act for the exchange of authorized species, and to share information on the captive breeding of these species.
 - e. Routine disclosure to Federal, Tribal, State, and local authorities who need to know who is permitted to receive and rehabilitate sick, orphaned, and injured birds under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act; federally permitted rehabilitators; individuals seeking a permitted rehabilitator with whom to place a bird in need of care; and licensed veterinarians who receive, treat, or diagnose sick, orphaned, and injured birds.
 - f. Routine disclosure to the Department of Justice, or a court, adjudicative, or other administrative body or to a party in litigation before a court or adjudicative or administrative body, under certain circumstances.
 - g. Routine disclosure to the appropriate Federal, Tribal, State, local, or foreign governmental agency responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, or licenses, when we become aware of a violation or potential violation of such statutes, rules, or licenses, or when we need to monitor activities associated with a permit or regulated use.
 - h. Routine disclosure to a congressional office in response to an inquiry to the office by the individual to whom the record pertains.
 - i. Routine disclosure to the Government Accountability Office or Congress when the information is required for the evaluation of the permit programs.
 - j. Routine disclosure to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor or to consumer reporting agencies to prepare a commercial credit report for use by the FWS.
5. For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.
6. The public reporting burden on the applicant for information collection varies depending on the activity for which a permit is requested. The relevant burden for a Special Purpose – Abatement Activities Using Raptors application is 2 hours to complete the application. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop BPHC, 1849 C Street, NW, Washington D.C. 20240.

Freedom of Information Act – Notice

For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.26 – 2.33].



U.S. Fish & Wildlife Service

Migratory Bird Regional Permit Offices

FWS REGION	AREA OF RESPONSIBILITY	MAILING ADDRESS	CONTACT INFORMATION
Region 1	Hawaii, Idaho, Oregon, Washington	911 N.E. 11th Avenue Portland, OR 97232-4181	Tel. (503) 872-2715 Fax (503) 231-2019 Email permitsR1MB@fws.gov
Region 2	Arizona, New Mexico, Oklahoma, Texas	P.O. Box 709 Albuquerque, NM 87103	Tel. (505) 248-7882 Fax (505) 248-7885 Email permitsR2MB@fws.gov
Region 3	Iowa, Illinois, Indiana, Minnesota, Missouri, Michigan, Ohio, Wisconsin	5600 American Blvd. West Suite 990 Bloomington, MN 55437-1458 (Effective 5/31/2011)	Tel. (612) 713-5436 Fax (612) 713-5393 Email permitsR3MB@fws.gov
Region 4	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virgin Islands, Puerto Rico	P.O. Box 49208 Atlanta, GA 30359	Tel. (404) 679-7070 Fax (404) 679-4180 Email permitsR4MB@fws.gov
Region 5	Connecticut, District of Columbia, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia	P.O. Box 779 Hadley, MA 01035-0779	Tel. (413) 253-8643 Fax (413) 253-8424 Email permitsR5MB@fws.gov
Region 6	Colorado, Kansas, Montana, North Dakota, Nebraska, South Dakota, Utah, Wyoming	P.O. Box 25486 DFC(60154) Denver, CO 80225-0486	Tel. (303) 236-8171 Fax (303) 236-8017 Email permitsR6MB@fws.gov
Region 7	Alaska	1011 E. Tudor Road (MS-201) Anchorage, AK 99503	Tel. (907) 786-3693 Fax (907) 786-3641 Email permitsR7MB@fws.gov
Region 8	California, Nevada	2800 Cottage Way Room W-2606 Sacramento, CA 95825	Tel. (916) 978-6183 Fax (916) 414-6486 Email permitsR8MB@fws.gov