

Frequently Asked Questions

1. **Q: Do I have to report?**

A: Reporting bird mortalities and injuries is required if you have a [federal migratory bird Special Purpose Utility permit \(otherwise known as SPUT or salvage permit\)](#). Reporting may also be required by a court order or other formal agreement. Reporting may also be done voluntarily. Obtaining a permit is advisable, since a permit covers activities (e.g., nest removals in emergencies, ability to pick up/move dead birds) that companies may occasionally need to perform.

If you are uncertain about whether or not you need a permit, contact the Service [Migratory Bird Permit Office](#) in your region.

Please note that concealment of violations of Federal law may create additional liability for the individual and/or company who conceals them. Additionally, failure to report undermines the relationship between industry and the Service, and will affect our ability to cooperatively address the issue of unauthorized take of migratory birds.

2. **Q: Why should I report?**

A: Reporting bird injuries and mortalities to the Service serves several purposes:

- It provides the Service an opportunity to recover dead and injured birds. Reporting the location of an injured bird allows for the bird to be recovered and transferred to an appropriate facility for treatment. Dead birds may be salvaged for distribution to interested and qualified parties or other permitted uses, or for laboratory testing to help biologist learn more about nationwide impacts
- Dead eagles, parts, and feathers are evaluated, stored, and distributed to Native Americans who are enrolled members of federally recognized tribes throughout the United States, More information about the eagle repository may be found at <https://www.fws.gov/eaglerepository/>
- Collecting information about the locations and circumstances under which birds are killed or injured serves the primary purpose of determining how to prevent future bird interactions with certain types of infrastructure. The database is intended for use by companies to see which structures and equipment are hazardous to birds and under what conditions. Further, reporting whether and what type of retrofit measures were in place at the time of an incident (if applicable to your industry) will provide feedback about the effectiveness of existing retrofitting techniques and equipment. This will enhance the effectiveness of future retrofitting actions on existing equipment and improve the configuration design for new equipment.
- Preventing bird-infrastructure interactions is not just a conservation concern for the Service, it is also an economic and public relations concern. Diligent and transparent reporting to the Service will benefit both the Service and the reporting party (see Q4 below), and demonstrate a good faith effort by the reporting party in helping identify

and reduce impacts to the resource now and in the future.

3. **Q: Do I report all birds or just eagles?**

A: All birds (and bats), not just eagles, should be reported if they are injured or killed on facility grounds. While eagles are more sought after for salvage purposes, are illegal to possess, including its parts (feathers, feet, etc.), and consequently will be recovered by the Service whenever possible, virtually all birds, including waterfowl (except state game birds and introduced species, such as rock pigeons and starlings) are protected by the federal Migratory Bird Treaty Act. The list of protected migratory bird species can be found at 50 C.F.R. § 10.13. The mission of the Service includes protection of all migratory birds. Further, collecting information about bird mortalities and injuries into a centralized database will help increasingly facilitate the reduction of bird impacts at facilities.

4. **Q: If I voluntarily report, will I set myself up for prosecution?**

A: The Migratory Bird Treaty Act (16 U.S.C. §§ 703-712) prohibits the taking, killing, possession, sale, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. The Service’s Office of Law Enforcement carries out its mission to protect migratory birds through investigations and enforcement as well as through fostering relationships with individuals and industries who proactively seek to eliminate their impacts on migratory birds.

While it is not possible under the Act to absolve individuals or companies from liability if they follow approved conservation guidelines, enforcement will be focused, as it has been in the past, on those individuals or companies that take migratory birds with disregard for their actions and the law, and where no valid conservation measures have been properly applied. Therefore, voluntarily reporting bird and bat injuries and mortalities will not “set up” a company for prosecution. On the contrary, companies who consistently and accurately report bird and bat interactions with their equipment and take the appropriate action to address the hazardous equipment effectively reduce their exposure to legal sanctions. In short, if communication and willingness to cooperatively resolve issues is high, the likelihood of negative consequences resulting from the take will be low.

Obtaining a [federal migratory bird Special Purpose Utility permit](#) (which has required reporting) may be advisable, since the permit covers activities (e.g. nest removals in emergencies, ability to pick up/move dead birds) that companies may occasionally need to perform. If you are uncertain about whether or not you need a permit, contact the USFWS [Migratory Bird Permit Office](#) in your USFWS region.

5. **Q: What do I do with dead birds and bats?**

A: Dead eagles and threatened and endangered species should be reported within 24 hours or the next business day (if a weekend or holiday prevents reporting within 24 hours) to the Service.

The Service will make every reasonable effort to salvage dead eagles. If it is not practical for a Service employee to recover a dead eagle, as with electrocutions in remote locations, the Service may request the dead eagle be recovered and turned over to the nearest Service

office (and that disposition be noted on the mortality report). However, do not move or disturb an eagle carcass until you receive direction from the Service. Other dead birds usually do not need to be salvaged, unless requested by the Service.

Utility employees who recover dead birds and promptly turn them over to the Service will NOT be prosecuted for unlawful possession of migratory birds. However, if you need to regularly handle and dispose of dead migratory birds, especially if the disposition is not always directly to a Service employee or other permitted entity it is recommended you apply for a [federal migratory bird Special Purpose Utility permit](#) with your regional [Migratory Bird Permit Office](#). A salvage permit does come with conditions, including an annual reporting requirement.

For detailed instructions on what to do when discovering dead and injured birds refer to the guidance documents provided in the IMR interface for “*What to Do if You Discover a Bird that is not an Eagle or a Threatened or Endangered Species*” and “*What to Do if You Discover and Eagle or a Threatened or Endangered Species*”.

6. **Q: What do I do when encountering injured birds?**

A: If you encounter an injured bird you must immediately contact a federally permitted migratory bird rehabilitator or a licensed veterinarian for instructions. If no rehabilitator or veterinarian is available, you should contact the nearest Service Office for assistance in locating one. If you possess a [federal migratory bird Special Purpose Utility permit](#), you will need to report the bird injury to the Service, and indicate in the disposition field to who the bird was transferred.

If an injured bird is encountered by a utility employee and it is not practical to have a bird rehabilitator or a Service employee recover the bird, the Service requests the bird be recovered and transferred promptly for treatment. Again, utility employees will NOT be prosecuted for unlawful possession of a migratory bird if they pick up an injured bird and transfer it to a permitted rehabilitator or Service employee or office (disposition needs to be noted in the reporting record). Verbal authorization from a Service employee can be obtained but is not required prior to recovering an injured bird.

For detailed instructions on what to do when discovering dead and injured birds refer to the guidance documents provided in the IMR interface for “*What to Do if You Discover a Bird that is not an Eagle or a Threatened or Endangered Species*” and “*What to Do if You Discover and Eagle or a Threatened or Endangered Species*”.

7. **Q: Are there diseases I can catch from handling dead birds and bats?**

A: Though the chance of catching an avian-borne disease is extremely rare, the chance does exist. Birds and bats should ALWAYS be handled with rubber gloves. Dead birds recovered for the Service should be frozen as soon as possible and remain frozen until transferred.

8. **Q: If I am an electric utility company and a bird is electrocuted, do we have to retrofit the pole?**

A: Not all bird electrocutions or collisions require retrofits to power poles or lines. Conversely, retrofitting only the pole that caused the electrocution may not always be

	<p>sufficient, because similarly configured poles in the same area may be just as hazardous and attractive to birds as the pole that caused the death or injury. The best approach is to implement a regular maintenance and appropriate retrofitting schedule in accordance with a comprehensive Avian Protection Plan.</p>
<p>9.</p>	<p>Q: If I can't tell what the cause of death or injury was of a bird I find on my facility grounds, will the Service perform a necropsy to determine the cause of death? A: No. The Service will only perform a necropsy if the bird death is associated with a criminal investigation.</p> <p>The couple exceptions to this are as follows:</p> <ul style="list-style-type: none"> (1) For eagle fatalities where the eagle is newly dead (intact, eyes are not sunken in, and no smell) and the Service Law Enforcement does not want the bird, Service personnel may decide to pay for shipping of the bird to the National Wildlife Health Center (NWHC) laboratory in Madison, Wisconsin for lab testing (2) For any bird fatality in Alaska (eagles or otherwise), the SeaLife Center in Seward is willing to receive frozen birds and perform a necropsy for a fee. The fee is the responsibility of the company.
<p>10.</p>	<p>Q: Who will have access to this information? What will the Fish and Wildlife Service do with this information? A: The information on bird injuries and mortalities will be used primarily by the Service to work with industry, state agencies, and other federal agencies to avoid and minimize bird interactions with infrastructure. It is intended to facilitate a collaborative, cooperative approach to address identified problems. The data may periodically be made available for use, as appropriate, by parties outside the Service for biological research, management, and other scientific purposes. However, any release of information outside of the Service will be closely monitored and subject to a stringent approval protocol. All users and recipients of the data, including Service employees, will be made aware of proper data handling procedures and any data limitations. As with most information collected by a government agency, the information is also available to the public under the Freedom of Information Act (FOIA). However, any data release for these purposes will also undergo extensive review, including Service legal review to determine what details can and cannot be released under FOIA laws. Exemption 4, governing privileged or confidential commercial and financial information and trade secrets, is the most common reason information can be withheld from release in response to a FOIA request.</p>