

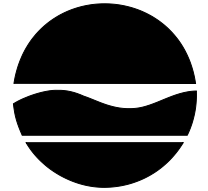
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PERMIT REQUIREMENTS FOR TAKE OF CANADA GEESE IN NEW YORK

Questions and Answers

This document provides some general information about federal and state permit requirements pertaining to “take” of Canada geese in New York. In this document, the term “take” refers to any disturbance or removal of adult or juvenile Canada geese or their nests or eggs.

It is the responsibility of any party who wishes to take Canada geese in New York to understand and comply with all applicable federal and state regulations and permit requirements, as referenced below.

1. When do I need a permit to take Canada geese?

Federal and State permits are generally required for any person to disturb or destroy nests or eggs of Canada geese, or to capture, handle or kill adult or juvenile Canada geese outside of established hunting seasons. There are some exceptions, however, as explained below.

2. When is a federal permit required to take Canada geese?

A federal permit is required unless you qualify for any of four depredation or control orders (“orders”) that have been adopted by the U.S. Fish and Wildlife Service (USFWS). These orders are special regulations that allow take of local-nesting or “resident” Canada geese, in certain situations, without having to obtain an individual federal permit. The four orders are: 1) Nest and Eggs; 2) Airports; 3) Agriculture; and 4) Public Health. All of these orders allow take only during specified periods of spring and summer, so take at other times of the year does require a federal permit. The four federal orders are described in more detail below.

A federal permit is also not required to scare or herd Canada geese by any means, as long as no birds are physically harmed. Also, licensed hunters may shoot geese during established hunting seasons, as long as hunters comply with all applicable hunting laws and regulations.

3. When is a State permit required to take Canada geese?

Any take of Canada geese (except by hunting) requires a State permit from DEC. However, DEC has established a “General Depredation Permit (GDP) for Take of Canada Geese” that eliminates the need for individual State permits (permits issued to a specific person or organization) in many situations. The GDP defines the conditions under which an individual permit from DEC is not required. There is no need to apply to DEC for permission to conduct activities covered by the GDP, but in some cases, DEC must be notified before any take occurs.

4. What activities are allowed by DEC's General Depredation Permit (GDP)?

The GDP allows any person to scare or herd Canada geese, take any number of nests and eggs, and take up to 25 adult or juvenile Canada geese, without an individual State permit, as long as that person is authorized by a federal order or permit. The GDP has specific conditions and reporting requirements that must be followed, and a copy of the GDP must be carried by any person conducting activities authorized by it.

5. What is the federal Nest and Egg Depredation Order?

This order authorizes any landowner, homeowners' association or local government (and their employees or agents) to take nests or eggs of Canada geese without a federal permit. However, all persons wishing to operate under authority of the Nest and Egg Depredation Order (including employees or agents working on behalf of a landowner, association or local government) **must register with USFWS** at: <https://epermits.fws.gov/eRCGR> before any nests or eggs are taken.

All persons acting under authority of this order should review all the requirements as they appear in federal regulations at 50 CFR § 21.50 ("Depredation Order for Resident Canada Geese Nests and Eggs") to ensure compliance. The web site listed above is also a good source of information about this order.

6. What is the federal Airport Control Order?

This order authorizes managers of commercial, public and private airports (or their employees or agents) and military air operation facilities (and their employees or agents) to take Canada geese, including nests or eggs, on or within 3 miles of the airport boundaries, without a federal permit. Nests and eggs may be taken between March 1 and June 30, and live birds may be taken only between April 1 and September 15. Take of geese outside of these dates (except for take in accordance with hunting regulations) requires a federal permit.

To be authorized to participate in this program, an airport must be part of the National Plan of Integrated Airport Systems and have received Federal grant-in-aid assistance, or be a military airfield, meaning an airfield or air station that is under the jurisdiction, custody, or control of the Secretary of a military department.

Airport managers acting under authority of the Airport Control Order do not need to register with USFWS in advance, but they must submit a report of activities (including the dates, numbers and county of birds, nests and eggs taken) to USFWS by December 31 annually. **Airport managers also need to notify DEC at least 24 hours before any geese (or nests or eggs) are taken** (contact the nearest regional DEC Wildlife office or call toll-free **1-877-457-5680** for authorization). Airport managers should review all the requirements of this order as they appear in federal regulations at 50 CFR § 21.49 ("Control Order for Resident Canada Geese at Airports and Military Airfields") to ensure compliance.

7. What is the federal Agriculture Depredation Order?

This order allows DEC to authorize agricultural producers (persons who generate income from farming, and their employees or agents) to take Canada geese, including nests or eggs, from lands that they personally control and where geese are committing damage to agricultural crops, without a federal permit. Nests and eggs may be taken only between March 1 and June

30, and live birds may be taken only between May 1 and August 31. Take of geese outside of these dates (except for take in accordance with hunting regulations) requires a federal permit.

Agricultural producers acting under authority of this order do not need to register with USFWS, but they **must notify DEC at least 24 hours before any geese (or nests or eggs) are taken** (contact the nearest regional DEC Wildlife office or call toll-free **1-877-457-5680** for authorization). They also must submit a report of activities to DEC by October 31 annually (see #13 below). Agricultural producers should review all requirements of this order as they appear in federal regulations at 50 CFR § 21.51 (“Depredation Order for Resident Canada Geese at Agricultural Facilities”) to ensure compliance.

8. What is the federal Public Health Control Order?

This order allows DEC to authorize take of Canada geese, including nests or eggs, without a federal permit, wherever a federal, State or local public health agency has determined that Canada geese pose a specific, immediate human health threat by creating conditions conducive to the transmission of human or zoonotic pathogens. DEC has determined that only managers (or their employees or agents) of drinking water supplies or swimming areas that are subject to regular testing for bacteria by a federal, State or local health agency, will be authorized to conduct activities under this order. Nests and eggs may be taken only between March 1 and June 30, and live birds may be taken only between April 1 and August 31. Take of geese outside of these dates (except for take in accordance with hunting regulations) requires a federal permit.

Persons acting under authority of this order do not need to register with USFWS, but they **must notify DEC at least 24 hours before any geese (or nests or eggs) are taken** (contact the nearest regional DEC Wildlife office or call toll-free **1-877-457-5680** for authorization). They also must submit a report of activities to DEC by October 31 annually (see #13 below). Persons operating under authority of this order should review all the requirements as they appear in federal regulations at 50 CFR § 21.52 (“Public Health Control Order for Resident Canada Geese”) to ensure compliance.

9. What if I qualify for more than one of the federal depredation or control orders?

Persons who wish to conduct activities covered by more than one federal order (for example, take of nests and eggs only by an airport manager), can choose which order to operate under, as long as all conditions and requirements of that one are met. One consideration may be the notification and reporting requirements, which differ for each of the federal orders.

10. What activities are not authorized by any of the federal orders?

Two situations where take of Canada geese would not be covered by any of the federal orders are: 1) where there is a need to take adult or juvenile geese to alleviate a general nuisance problem (excessive fecal matter on lawns or walkways, for example), rather than a specific airport, agriculture, or public health problem; and 2) where there is a need to take geese outside of the time periods specified, such as during fall or winter months.

If you don't qualify to take geese under any of the federal orders, you will need to apply for a federal depredation permit. To apply, see the regulations at <http://www.fws.gov/permits/> or contact: Permit Office, U.S. Fish and Wildlife Service, P.O. Box 779, Hadley, MA 01035-0779, phone (413) 253-8642.

11. What if I don't qualify for the State General Depredation Permit?

If you are authorized by a federal order to take Canada geese, but your activities are not fully covered by the GDP, then you must apply directly to DEC for a State Depredation License. For information and application materials, contact DEC's Special Licenses Unit, 625 Broadway, Albany, NY 12233-4752, phone (518) 402-8985.

If you are authorized to take geese by an individual federal permit, USFWS will send your application materials directly to DEC for review. If your activities are not fully authorized by the GDP, DEC will issue an individual permit to you.

12. What are some activities not authorized by the State General Depredation Permit?

The most likely situations where take of Canada geese would not be covered by the GDP would be where there is a need to take more than 25 geese in a calendar year, or to shoot more than 5 geese per day, from any single property or location. In these or other situations, an individual permit from DEC would be needed.

13. What are the reporting requirements for federal permits and orders?

All federal permits (and individual state permits) require an annual report of activities from permittees. The federal Nest and Egg Depredation Order requires all registered participants to report their activities at: <https://epermits.fws.gov/eRCGR> by October 31 annually. The federal Airport Control Order requires all participating airports to submit a report of their activities to USFWS by December 31 annually. For these two orders, no report to DEC is necessary.

The federal Agriculture Depredation Order and Public Health Control Order both require DEC to submit a report to USFWS of all authorized activities. Consequently, all participants are required to notify DEC at least 24 hours before any take of geese occurs and report all activities to DEC by October 31 annually. Reports must include the dates, numbers, town and county of birds, nests and eggs taken each year. Additional information on reporting requirements will be provided to persons authorized by these two orders when they notify DEC of their plans.

14. Where can I get more information on permit requirements for take of Canada geese?

For more information about federal orders, permits, or reporting requirements, see the regulations at <http://www.fws.gov/permits/> or contact: Permit Office, U.S. Fish and Wildlife Service, P.O. Box 779, Hadley, MA 01035-0779, phone (413) 253-8642.

For more information about the New York State General Depredation Permit or individual permits, contact NYSDEC Wildlife Services Section, 625 Broadway, Albany, NY 12233-4754, phone (518) 402-8883.