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## RECENT CHANGES IN FEDERAL BIRD CONTROL

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Probably the most significant changes in U. S. Fish and Wildlife Service legislation that might have an effect on those engaged in animal control work would have to do with the Migratory Bird Treaty Act, the Fish and Wildlife Act of 1956 recently amended, and one piece of proposed legislation which I'll mention at closing.

In March 1972, an amendment to our treaty with Mexico became effective. And more recent, the Fish and Wildlife Act of 1956 had a section added to it having to do with airborne hunting.

About two years ago, the amendment to the Mexican treaty added 32 families of birds not previously covered under that document. Because some of these new families were previously covered under the treaty with Great Britain for Canada, the new amendment really only added 11 families not previously classed as Migratory Birds by the Federal Government. Now, almost all birds found in North America are classed as Migratory Birds. The most common exceptions are the English sparrow, starlings, psittacines and the families of birds covering grouse, pheasants, turkeys, quail, etc.

Your thinking on these new additions should now have changed to consider most birds as Migratory Birds. Some of you may not be aware that all hawks, falcons, eagles, vultures and owls are Migratory Birds. And, so are crows, ravens, jays and magpies. Before this recent amendment, both the white and brown pelican were protected only under State laws. Now they, too, are Migratory Birds under Treaty protection.

On August 15, 1973, the most current list of birds given protection as Migratory Birds was published in the Federal Register. Those of you doing bird control should obtain a copy of that list, Federal Register, Volume 38, Number 157 (50 CFR 10.13).

The Service is currently recodifying our Title 50 Code of Federal Regulations so if you have an old one you will find it way out-of-date, section numbers changed and many new additions would be missing.

However, the bird permit requirements are virtually the same. Briefly, no permit is needed for the control of yellow-headed, bicolored or tricolored redwing blackbirds or for Brewers blackbirds, cowbirds, grackles, crows and magpies. Here crows and magpies have been added (50 CFR 21.43).

The special coverage in California in regards to County Agriculture Commissioners says no permit is necessary to kill meadowlarks, horned larks, golden crowned, white crowned or other crowned sparrows, goldfinches, house finches, acorn woodpeckers, Lewis woodpecker and flickers if to safeguard any agricultural or horticultural crop (50 CFR 21.44).

The code is the same for the special section applying to purple gallinules in Louisiana. If they are committing serious depredations to growing rice between May 1 and August 15, a permit is not necessary for those listed people to take them (50 CFR 21.45).

The General Permit section states a depredation permit "...is required before any person may scare, herd, or kill migratory birds for depredation control purposes..." (50 CFR 21.41). So, really, things haven't changed that much. You will have to remember that an additional number of birds are protected by Federal law and that if those birds are doing damage, permits are required before control work can begin, with certain exceptions as stated before.

A new section even takes care of the crow hunter. This is necessary since crows are now Migratory Birds. Under our hunting regulations, 50 CFR 20.133 says "...Crows may be taken, possessed, transported, exported, or imported, only in accordance with such laws or regulations as may be prescribed by a State pursuant to this section..."

Some exceptions are there, too. In Hawaii, the season on crows is closed. Other States may prescribe a season. Crows cannot be hunted by aircraft, the season cannot exceed 124 days per calendar year, hunting will not be permitted during the peak nesting period in that State and they can be taken only by firearms, bow and arrow and by falconry.

A new section was amended to the old Fish and Wildlife Act of 1956. The law prohibits the shooting or harassing of wildlife from any aircraft even while on the ground. It applies "...to all persons within the territorial jurisdiction of the United States, to all United States citizens whether within the territorial jurisdiction of the United States or on the high seas or on board aircraft in flight over the high seas and to all persons on board aircraft belonging in whole or part to any United States citizen, firm, or partnership, or corporation created by or under the laws of the United States or any State..." (50 CFR 19.2).

The regulation does provide for those people acting within the scope of their official duties "...as an employee or authorized agent of a State or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life or crops or is acting within the limitations of a permit..." (50 CFR 19.12).

I suggest if you use aircraft for control work that you become familiar with this new law.

If you are interested in obtaining copies of these new regulations, be sure you get the current ones. The latest 50 Code of Federal Regulations published is October 1, 1973. It does not have several of these new additions published in December and January.

Last December 20, 1973, there was presented in the Federal Register a new concept in handling of so-called INJURIOUS WILDLIFE. This proposed regulation identified those species and genera of live wildlife which the Secretary of the Interior has determined pose a low risk of injury to human beings, to the interest of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States.

All other species of wildlife are deemed to be injurious to those interests. The regulations exempt psittacine birds and those listed in the regulation (50 CFR 16).

Currently under this section are listed those live species that cannot be imported, transported, or acquired; i.e., fruit bat, mongoose, multimammate rat, pink starling, Java sparrow, walking catfish, etc.

The present proposal lists only 4 birds, 5 mammals, 2 amphibians, 3 crustaceans, 2 mollusks and a good number of fish. All others would be prohibited except by permit. There is considerable opposition to this by the pet industry. Only time will tell what changes will be made involving pest control.

#### LITERATURE CITED

Title 50, Code of Federal Regulations (50 CFR), October 1, 1973, and more recent amendments in December 1973 and January 1974.