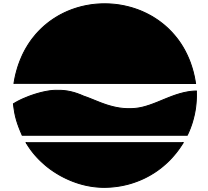


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Alexander B. Grannis  
Commissioner

## ***Summary of Federal Canada Goose Depredation and Control Orders as Implemented in New York State***

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The U.S. Fish and Wildlife Service (USFWS) adopted special federal regulations (called “depredation orders” and “control orders”) in 2006 authorizing take of Canada geese without a federal permit in certain situations. The New York State Department of Environmental Conservation (DEC) prepared this summary of some key elements of the federal depredation and control orders, as they apply to take of Canada geese in New York State.

Any person interested in conducting management of Canada geese by disturbing or removing live birds, nests or eggs, is responsible for reviewing and complying with all applicable federal regulations in their entirety. The full text of these regulations appears in Title 50, Code of Federal Regulations, Part 21, Subpart D (50 CFR 21D: Control of Depredating Birds), as referenced below. Any actions taken must also be in compliance with DEC permit conditions as specified in the New York State General Depredation Permit or an individual permit issued to a person or organization. See DEC’s “*Permit Requirements for Take of Canada Geese in New York - Questions and Answers*” for details.

### **Nest and Egg Depredation Order (50 CFR § 21.50)**

Any landowner, homeowners’ association or local government (and their employees or agents) may take nests or eggs of Canada geese between March 1 and June 30 without a federal permit, under authority of 50 CFR § 21.50 (“Depredation Order for Resident Canada Geese Nests and Eggs”). All persons wishing to operate under the Nest and Egg Depredation Order (including all employees or agents working on behalf of a landowner, association or local government) **must register on-line with USFWS** at: <https://epermits.fws.gov/eRCGR> before any management actions are taken. Participants also must report to USFWS (via the same website) all take that occurs by October 31 annually.

### **Airport Control Order (50 CFR § 21.49)**

Managers of commercial, public and private airports (or their employees or agents) and military air operation facilities (and their employees or agents) acting under authority of 50 CFR § 21.49 (“Control Order for Resident Canada Geese at Airports and Military Airfields”) may take Canada geese (including nests and eggs) from on or within 3 miles of the airport or airfield boundaries, 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 April 1 and September 15. Any take of geese or nests outside of these dates (except for take in accordance with hunting regulations) by airport managers requires a federal permit. Airport managers acting under authority of this depredation order must submit a report of activities (including the dates, numbers and county of birds, nests and eggs taken) to USFWS by December 31 annually. To be designated as an airport 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.

***Special note for New York State:*** *Airport managers acting under authority of the Airport Control Order must notify DEC at least 24 hours before taking any adult or juvenile geese from properties they do not own or manage. See DEC's "Permit Requirements for Take of Canada Geese in New York - Questions and Answers" for details.*

**Agriculture Depredation Order (50 CFR § 21.51)**

Agricultural producers (or their employees or agents) acting under authority of 50 CFR § 21.51 ("Depredation Order for Resident Canada Geese at Agricultural Facilities") may take Canada geese (including nests and 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. Any take of geese or nests outside of these dates (except for take in accordance with hunting regulations) requires a federal permit.

***Special note for New York State:*** *Agricultural producers (defined by DEC as persons who generate income from farming) acting under authority of the Agriculture Depredation Order must notify and receive authorization from DEC at least 24 hours before any take of geese (including nests and eggs) occurs, and report to DEC the dates, numbers and county of birds, nests and eggs taken annually. See DEC's "Permit Requirements for Take of Canada Geese in New York - Questions and Answers" for details.*

**Public Health Control Order (50 CFR § 21.52)**

50 CFR § 21.52 ("Public Health Control Order for Resident Canada Geese") 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. 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. Any take of geese or nests outside of these dates (except for take in accordance with hunting regulations) requires a federal permit.

***Special note for New York State:*** *DEC has determined that only managers (or their employees or agents) of drinking water supplies or swimming areas subject to regular testing for bacteria by federal, State or local health agencies are authorized to conduct activities under the Public Health Control Order. Persons acting under authority of the Public Health Control Order must notify and receive authorization from DEC at least 24 hours before any take of geese (including nests and eggs) occurs, and report to DEC the dates, numbers and county of birds, nests and eggs taken annually. See DEC's "Permit Requirements for Take of Canada Geese in New York - Questions and Answers" for details.*

**Depredation Permits (50 CFR § 21.41)**

For any take of Canada geese (including nests or eggs) that is not covered by one of the federal orders described above, a federal permit issued pursuant to 50 CFR § 21.41 ("Depredation Permits") is required.

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For more information about federal regulations or reporting requirements, see their 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 State permits or reporting requirements, contact NYSDEC Wildlife Services Section, 625 Broadway, Albany, NY 12233-4754, phone (518) 402-8883.