

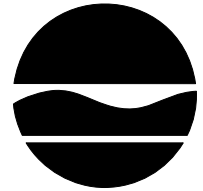
New York State Department of Environmental Conservation

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Alexander B. Grannis
Commissioner

NEW YORK STATE GENERAL DEPREDATION PERMIT (GDP) FOR TAKE OF RING-BILLED, HERRING AND GREAT BLACK-BACKED GULLS

(Effective June 13, 2007)

Authorized Persons: This General Depredation Permit (GDP) authorizes any person who has a valid Federal depredation permit to take up to specified numbers of 3 gull species without an individual depredation permit from the New York State Department of Environmental Conservation (DEC), subject to the conditions specified below. In this document, the term “take” refers to any disturbance, or removal, of adult or juvenile gulls, or their nests or eggs. **A copy of this GDP shall be carried by anyone conducting activities authorized herein.**

Statutory Authority: Federal regulations authorizing take of depredating migratory birds appear in Title 50, Code of Federal Regulations, Part 21, Subpart D (50 CFR 21D: Control of Depredating Birds). The U.S. Fish and Wildlife Service (USFWS) is the Federal agency authorized to implement these regulations.

Section 11-0521 of the New York State Environmental Conservation Law (ECL) authorizes DEC to “... issue a permit to any person, to take any wildlife at anytime whenever it becomes a nuisance, destructive to public or private property or a threat to public health or welfare...”. Section 11-0505 states that “...no person shall rob or willfully destroy a nest of any protected birds unless a permit shall first be obtained from the department.” This general permit satisfies the requirements of both statutes.

Conditions: Any person may take any of the gull species listed below, including nests and eggs, in New York State, without an individual State permit, subject to the following conditions:

- A. Federal compliance: **Any person acting under authority of this GDP shall possess an applicable Federal depredation permit issued pursuant to 50 CFR 21.41, and they shall comply with all applicable Federal regulations and permit conditions.**
- B. Gull species included: Only the following species may be taken pursuant to this general permit: **Ring-billed Gull** (*Larus delawarensis*), **Herring Gull** (*L. argentatus*), and **Great Black-backed Gull** (*L. marinus*). In this permit, the term “gulls” refers only to these three species.
- C. Scaring/herding: Any person may scare or harass gulls by any means, including pyrotechnics, lasers or dogs, as long as no birds are physically harmed. Additional permits may be required and local ordinances may apply.
- D. Nests and eggs: Any person may take any number of **nests or eggs of gulls found on rooftops, other man-made structures or along public walkways**. The take of gull

nests or eggs in all other situation requires an individual State depredation permit. Nests or eggs of these species may be disturbed, destroyed, or treated by puncturing, shaking, freezing, or coating with 100% corn oil to prevent hatching. Any person wishing to take nests or eggs under authority of this GDP shall first obtain a Federal depredation permit or be acting under authority of an applicable Federal depredation or control order (50 CFR 21).

- E. Limits on take of gulls: Taking of gulls is authorized **at landfills only** and the following limits apply to the total take of each species by all persons from any single landfill. No more than **250 Ring-billed Gulls, 250 Herring Gulls or 50 Great Black-backed Gulls per calendar year** may be taken by shooting, live-trapping and euthanasia, or hand capture and euthanasia, without an individual permit from DEC. No more than **15 of any species may be taken per day**. Any person wishing to take adult or juvenile gulls under authority of the GDP shall first obtain a federal depredation permit or be acting under the authority of an applicable Federal depredation or control order (50 CFR 21).
- F. Possession and disposal: Gulls caught live shall be euthanized and shall not be transported and released to the wild at any other location. Persons acting under authority of this GDP may possess, transport and dispose of birds, nests or eggs by: 1) donating to public museums or public institutions for scientific or educational purposes; or 2) burial, composting, or incineration. Barter, sale, or personal use by the permittee of any birds, nests or eggs taken is prohibited.
- G. Reporting requirements: Information on birds carrying metal leg bands shall be submitted to the Federal Bird Banding Laboratory by calling 1-800-327-2263 (toll free) or on-line at: <http://www.reportband.gov/>.
- H. Other Laws and Regulations: All persons acting under authority of this GDP shall comply with all State and local laws and regulations. The GDP does not authorize any take of gulls without landowner permission.
- I. Proof of Authorization: **A copy of this General Depredation Permit shall be carried by any person conducting activities authorized herein, except for scaring/herding of gulls.**
- J. Other Activities: Activities not covered by this general permit may be allowed pursuant to an individual permit from DEC, after the corresponding Federal permit or authorization is obtained.

Additional Information: For more information about the NYS General Depredation Permit, reporting requirements, or individual State permits, contact NYSDEC, Bureau of Wildlife, 625 Broadway, Albany, NY 12233-4754, phone (518) 402-8919.

For more information about Federal migratory bird depredation permits, or reporting requirements, go to <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.