



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 removal of adult or juvenile Canada geese or any disturbance or removal of 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?

A State permit is not required for the take of Canada geese authorized by a federal permit or order. A state 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.

4. 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.

5. 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 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.

6. 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 contact a DEC Wildlife Office during normal business hours and receive written authorization before any geese (or nests or eggs) are taken**, (visit www.dec.ny.gov/about/558.html to find the office closest to you). They also must submit a report of activities to DEC by September 15 annually (see #10 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.

7. 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 contact a DEC Wildlife Office during normal business hours and receive written authorization before any geese (or nests or eggs) are taken**, (visit www.dec.ny.gov/about/558.html to find the office closest to you). They also must submit a report of activities to DEC by September 15 annually (see #10 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.

8. 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.

9. 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, telephone (413) 253-8642.

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

All federal 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 receive written authorization from DEC before any take of geese occurs and report all activities to DEC by September 15 annually. Reports must include the dates, numbers, County of birds, and nests and eggs taken each year. A report is still required to be completed, even if no nests or eggs were destroyed, or geese were taken. Additional information on reporting requirements will be provided to persons authorized by these two orders when they notify DEC of their plans.

11. 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, telephone (413) 253-8642.

For more information about New York State permit requirements, DEC authorization for the federal depredation or control orders, or reporting requirements, contact NYSDEC Game Management Section, 625 Broadway, Albany, NY 12233-4754, telephone (518) 402-8883.