Situations involving protected wildlife that may require additional permits

There are about an additional dozen protected wildlife species that may come into conflict with people in the Northeast, including Canada geese, gulls, crows, woodpeckers, wild turkey, white-tailed deer, black bears, beaver, and muskrat. Dogs and cats, which aren't even classified as wildlife, often cause problems.

As a NWCO, chances are you can't just pack your truck and hit the road when a customer calls with a complaint about one of these species because they are either managed by a state agency or are federally protected. (You may also receive calls about waterfowl, cormorants, and songbirds such as robins. They are also federally protected migratory birds).

You may need to secure permits—perhaps at both the federal and state levels—before using certain control techniques. The focus of this appendix is on those protected species that more routinely cause conflicts with people in the Northeast. The species are grouped by the level of protection they receive, to help you understand which agencies you'd call if you choose control activities that require permits.

Federally protected wildlife

Endangered species (on the national list), threatened species (national list), and migratory birds are all federally protected wildlife.

In New York, except for extremely unusual circumstances, NWCOs cannot handle an endangered or threatened species. No way, no how. Doesn't matter if the animal is included only on the state lists or is also a nationally listed species. (In rare cases, you might receive a special DEC permit that would allow specific nonlethal controls for a state threatened or endangered species. Your chances of securing a permit for a species on the federal list are even slimmer.)

You must take special care to make sure that activities intended to control other species do not accidentally harm an endangered or threatened species. So here's what to do. First, review the lists of endangered and threatened species to see if any are found in the areas where you work as a NWCO. If so, learn how to identify those species. Then take special precautions, especially if applying pesticides or setting traps.

Migratory birds that most commonly cause conflicts with people include the American crow, Canada geese, gulls, double-crested cormorants, and woodpeckers. The Migratory Bird Treaty Act protects the birds, their feathers, nests, and eggs. You may not take, possess, or transport a migratory bird without permits from the U.S. Fish and Wildlife Service (50 CFR Depredation Permit) and the NYS DEC (state depredation permit).

Bird control methods that require state and federal permits include:
- any attempt to capture, relocate, injure, or kill migratory birds (except for those waterfowl species which may be taken during the hunting season by those with a state hunting license, a federal waterfowl hunting stamp, and HIP registration).
- any attempt to destroy bird eggs.
- any attempt to destroy bird nests that currently have eggs or young within them.

On April 15, 2003, the US Fish and Wildlife Service changed its policy regarding the nests of migratory birds to allow for the destruction of nests that lack eggs or young—as long as those nests are not protected by other laws, which is true for bald eagles, golden eagles, and other endangered and threatened migratory birds. You can read the memo that describes this policy change, MBPM-2, at: http://policy.fws.gov/library/m0208.pdf.

Although this policy change now makes it possible (in some cases) to destroy an unoccupied nest, make sure you do not violate the Migratory Bird Treaty Act by accidentally taking eggs or birds. For example, with a ground-nesting or cavity-nesting species, such as a bank swallow, it can be difficult to tell if there are eggs in the nest.

Legal controls that do not require state or federal depredation permits include harassment, exclusion, habitat modification, and the use of repellents, unless you're dealing with a bird that's currently nesting or has dependent young. Then you'd need a permit, even for harassment or exclusion activities. If you have any questions, contact the DEC and speak to a staff member who's part of the Bureau of Wildlife. They can offer advice about management strategies and information about permits.

A combination of exclusion and habitat modification techniques will likely result in the best and most long-

lasting control. Expect only short-term benefits from harassment. Use harassment techniques in varying combinations, preferably integrating both visual scare devices and frightening noises to increase your success. This approach works best when the population is small to mid-sized. It's a labor-intensive approach that requires skillful use.

Markets. In this appendix, we'll address some of the issues surrounding feral cats and dogs.

In this appendix, you'll find accounts for these federally protected migratory birds:

- American crow (also a state game species)
- Canada goose (also a state game species)
- Gulls
- Woodpeckers

Additional permits would also be needed for these species, which occasionally cause problems

Federal and state permits required:
Any migratory bird species, such as songbirds, hawks, owls, cormorants, waterfowl

State permits required:
- Bobcat
- Fisher
- Marten
- Mink
- Moose
- Otter

Game species

These wildlife species can be hunted or trapped during their seasons, as spelled out by the hunting and trapping laws. Each year, some aspects of these regulations may be modified to help the DEC achieve its management goals for that species. For example, the number of permits issued for the taking of anterless deer will vary from year to year, based on the population's numbers.

In this appendix, you'll find accounts for these game species managed by the NYS DEC:

- Black bear
- Beaver
- White-tailed deer
- Muskrat
- Wild turkey

Domestic dogs and cats

are not wildlife, so they do not fall under the jurisdiction of the NYS DEC. They are under the authority of the NYS Department of Agriculture and