

Permit Requirements for Take of Canada Geese in New York



Department of
Environmental
Conservation

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.

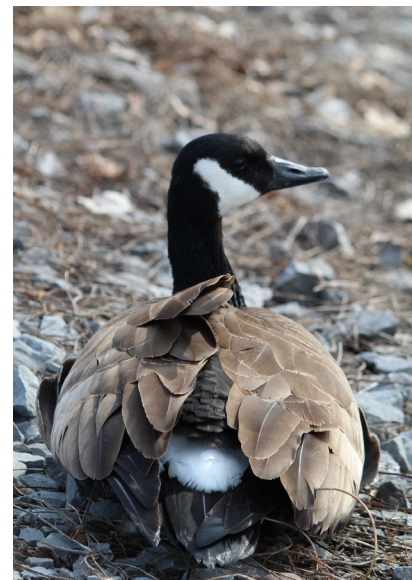
It is the responsibility of any party who wishes to take Canada geese in New York to understand and comply with all applicable federal and state regulations and permit requirements, as referenced below.

1. Why are Canada geese a protected species?

Canada geese are protected under the Migratory Bird Treaty Act (MBTA), a federal law that protects native birds, their nests, and their eggs, in the United States. As summarized by the US Fish and Wildlife Service (USFWS), the Act “...prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service.”

2. Why are Canada geese a problem?

Canada geese are native to the United States, but the resident (non-migratory) population of these birds has dramatically expanded in the last few decades. Geese like many of the same things that people do- mowed lawns, open views of water bodies, and areas free of predators like foxes and coyotes. This means that breeding pairs and large flocks can become established in inconvenient places, like municipal parks, office complexes, golf courses, and public school grounds. They can also grow in number and damage crops on farms or pose a hazard at airports.



3. When do I need a permit to take Canada geese?

A permit is generally required for any person to disturb or destroy nests or eggs of Canada geese, or to capture, handle or kill Canada geese outside of established hunting seasons. A permit is not needed to scare or harass Canada geese, as long as no birds are physically harmed. Licensed hunters may shoot Canada geese during established hunting seasons, as long as hunters comply with all applicable laws and regulations.

As a protected bird species, Canada geese in New York are managed by both the US Fish and Wildlife Service and NYSDEC. There are a few specific situations where only a State permit is required, or where only a registration with USFWS is needed.

4. 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 USFWS. 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.

5. When is a State permit required to take Canada geese?

A State permit is required for take under three of the four federal control orders: the Federal Airport Control Order, the Federal Agriculture Depredation Order, and the Federal Public Health Control Order. Even though Federal permits are not required under these orders, regulators still need to know how many birds, eggs, and nests are taken each year, and where work is being done under these orders. State permitting maintains these records and ensures federal requirements are being followed.

6. Can I remove Canada goose nests and eggs?

Removing unhatched eggs and nests can help to gradually reduce the number of Canada geese in an area, and encourages aggressive nesting pairs to move out of the area where they are causing problems. The Federal Nest and Egg Depredation 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 or State permit. People or entities removing eggs or nests under this order **must still register with USFWS** at <https://www.fws.gov/eRCGR/geSI.aspx> before any eggs or nests are taken. All persons acting under the authority of this order should review all the requirements and conditions to ensure compliance.

7. What is the Federal Airport Control Order?

This federal 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 § 21.159 ("Control Order for Resident Canada Geese at Airports and Military Airfields") to ensure compliance. Link to order text: <https://www.law.cornell.edu/cfr/text/50/21.159>.

8. 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 own or lease 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 April 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 receive a permit** from their regional DEC Wildlife Office and sign it before any geese, nests, or eggs are taken. They also must submit a report of activities to DEC by September 15 annually (see #12 below). Agricultural producers should review all requirements of this order as they appear in federal regulations at 50 CFR § 21.165 ("Depredation Order for Resident Canada Geese at Agricultural Facilities") to ensure compliance. Link to order text: <https://www.law.cornell.edu/cfr/text/50/21.165>.

9. 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 managers (or their employees or agents) of drinking water supplies or swimming areas may be authorized to conduct activities under this order. A permit may also be issued to owners of designated publicly accessible picnic or dining areas, playgrounds, outdoor dining facilities, and health care facilities such as nursing homes and hospitals. 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 receive a permit** from their regional DEC Wildlife Office and sign it before any geese (or nests or eggs) are taken. They also must submit a report of activities to DEC by September 15 annually (see #12 below). Persons operating under authority of this order should review all the requirements as they appear in federal regulations at 50 CFR § 21.168 (“Public Health Control Order for Resident Canada Geese”) to ensure compliance. Link to order text: <https://www.law.cornell.edu/cfr/text/50/21.168>.

10. 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.

11. What if my goose problems are not covered by one of these orders?

Take of adult or juvenile Canada geese would not be covered by a federal order to alleviate a general nuisance problem, such as excessive fecal matter on lawns or walkways.

There may be a need to take geese outside of the time periods specified in the order, such as damage occurring to agricultural crops during the 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. Applications for this permit type are first evaluated by USDA APHIS Wildlife Services, available here: <https://www.aphis.usda.gov/operational-wildlife-activities/migratory-bird-depredation-permit-process>. For Canada goose concerns, USDA APHIS Wildlife Services in New York can be reached at ny.form37@usda.gov or 518-477-4837.

Further information on federal depredation permits and associated regulations can be found here: <https://fwsepermits.servicenowservices.com/fwse> or contact: USFWS Migratory Bird Permit Office, 300 Westgate Center Dr, Hadley, MA 01035-0779, PermitsR5MB@fws.gov or 413-253-8642.

NYSDEC encourages landowners and managers experiencing problems to allow recreational hunting of Canada geese where it is possible to do so. This can accomplish the tasks of reducing local populations, hazing birds out of an area where they are a problem, providing recreational opportunity, and allowing for harvest of meat.

12. 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://www.fws.gov/eRCGR/geSI.aspx> 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, participants are required report all activities to DEC by September 15 annually. Reports must include the dates, locations, and numbers of birds, nests, and eggs taken each year. A report must be submitted even if no nests or eggs were destroyed, or if no geese were taken. Failure to report (even if no geese, nests, or eggs were taken) will disqualify applicants from receiving a permit the following year.

13. I believe my situation is covered by a State permit. How to I apply?

NYSDEC has developed an online application system for nuisance goose reports and permit applications. Please visit the application available [here](#) and follow the instructions to report nuisance goose problems and request a permit.

14. Where can I get more information on permit requirements for take of Canada Geese?

For more information about New York State permits, contact your regional DEC Bureau of Wildlife office. This contact information can be found at <https://dec.ny.gov/about/contact-us/statewide-office-information>. You may also contact NYSDEC Game Management Section, 625 Broadway, Albany, NY 12233-4754, or email wildlife@dec.ny.gov.

Further information on federal migratory bird regulations, depredation permits, and reporting requirements can be found here: <https://fwsepermits.servicenowservices.com/fwse> or contact: USFWS Migratory Bird Permit Office, 300 Westgate Center Dr, Hadley, MA 01035-0779, PermitsR5MB@fws.gov or 413-253-8642.