

Regulatory Coordination and Cooperation with the United States Fish and Wildlife Service at the State Level

TIM JULIEN, *National Wildlife Control Operators Association, Indianapolis, IN, USA*

ERIC ARNOLD, *National Wildlife Control Operators Association, Sharon Center, OH, USA*

ABSTRACT We use Canada geese (*Branta canadensis*) as an example of the new federal permitting process to legally control the nests of these birds. The U.S. Fish and Wildlife Service has regulatory authority to enforce the provisions of the Migratory Bird Treaty Act (MBTA). Under MBTA, depredation permits are needed to destroy nuisance nests of resident Canada geese. We outline the new permitting process and its welcomed benefits.

KEY WORDS *Branta canadensis*, Canada goose, federal permitting, wildlife control

We use Canada geese (*Branta canadensis*) as an example of the new federal permitting process to legally control the nests of these birds. Depredation permits are needed to destroy the nests of resident Canada geese. This authority is covered and described within the Migratory Bird Treaty Act (MBTA), which protects the bird, along with the nest and eggs of most North American bird species. The U.S. Fish and Wildlife Service (USFWS) has regulatory authority to enforce the provisions of this act.

The MBTA protects the bird, the nest and the eggs equally, however very differently. For this discussion we will address the destruction of the nest. Although related, the capture of birds for relocation or lethal removal requires a completely different process and the understanding of a set of rules.

The MBTA protects nests from "possession, sale, barter, transport, import/export, and take." Authority may be granted to take the nest, eggs and birds under depredation permits issued by the USFWS. Previously, depredation permits were being issued individually or under a broader program. The federal permit program also granted states the authority to issue sub-permits to specific sites. The authority is granted to a specific site and allows a nest to

be destroyed, and have eggs removed or treated. This authority does not allow birds to be captured or harmed in the process of treating the nest.

Between the specific nest site and the MBTA is a great deal of red tape, personalities, local governments and agencies as well as the complexities of private control industries. After many years of soliciting input, coordinating and processing a mountain of permits and understanding the complexities of the current system, the USFWS began a new way of controlling goose nest permits.

To oversimplify the changes, we can just say the permit system has been improved with a simple web-based registration system. As far as the USFWS and MBTA are concerned, the requirements are met by registering the specific property online. It is stated under the new process that a person or persons will be conducting the control. The online registration is so simple it is hard to believe that the federal government is leading the effort and there are no strings attached or coordination needed between the USFWS and the property owner of the specific site. It took many years from conception to implementation of this new registration system and it has had a varying degree of acceptance from state agencies, private

operators, property owners and others affected.

The benefits are many with the greatest being the reduction in the administrative requirements for some state agencies. The cooperation and coordination with and between federal and state agencies had a greater effect on end users. Both the general public experiencing nuisance goose issues and private wildlife control operators have been affected by these changes.

On the surface the changes seem great. No more bureaucratic process, no more time delay. Consider a nesting goose at your door step. The change makes it possible to be attacked at your door step, go in to your computer, register at the website and go back out in less than a half-hour to destroy the nest. This is indeed a quick solution to a common problem.

One of the less noticeable complications of this new system is with the coordination and cooperation between the state agencies and their own requirements. State rules and regulations were not as quick to coordinate with the federal regulatory changes. The new federal changes did not change state requirements, which often had equal or greater requirements. Some states were able to quickly adjust to provide benefits to their residents as quickly as the federal website was ready to process the registrations. Indiana was one of these states that adjusted their permitting process to a simple program that required compliance with the new federal changes. The negative to this simple compliance approach is that the state no longer has the ability to collect timely data on number of nests destroyed or permits issued.

Two other scenarios were found as the new federal program was implemented. One

of which was not to implement the new program. In Ohio, for example, the state nest permit is issued as if the federal program does not exist. Residents must still file a request with the state agency to resolve the nest at the back door scenario. On the federal registration site a few states are not listed and the site will not allow residents in those states to register their nest locations for control.

We found one state that has not changed their program and the current state regulations have caused a particularly strange situation between USDA, APHIS, Wildlife Services (WS) and private industry. Everyone in CT must comply with the new federal registration program to address the nest at the back door scenario, EXCEPT private operators. To assist a resident the private operator must also apply for and receive a state permit.

New Mexico, District of Columbia, and Texas were requiring both the federal registration and a state permit to control the nests of Canada geese.

Using Canada geese regulations as an example, it is clear that good regulation at the federal level also requires a great deal of coordination and cooperation at the local level to allow for public benefit. These changes can have an extreme effect on private nuisance operators when implementing new regulations into marketing and business strategies. Businesses are generally flexible enough to adjust to these changes within a few months, albeit with high initial costs. Minor federal changes may have big effects. In summary the changes made by the USFWS were very much welcomed and needed by the general public.