



U.S. Fish & Wildlife Service

TAXIDERMISTS & FEDERAL LAW

**MIGRATORY BIRD PERMIT OFFICE
U.S. FISH AND WILDLIFE SERVICE
1011 E. TUDOR ROAD
ANCHORAGE, ALASKA 99503
E-MAIL: Karen_Laing@fws.gov or
Steve_Kendall@fws.gov
(907) 786-3693 or 786-3459**

TAXIDERMISTS AND FEDERAL LAW

Before you mount or otherwise perform taxidermy work on migratory birds or their parts, nests or eggs for any person other than yourself, you must first obtain a federal taxidermy permit issued by the U.S. Fish and Wildlife Service (Service). To receive an application, please contact the Migratory Bird Permit Office listed above.

This fact sheet refers to parts of the Code of Federal Regulations. The Code of Federal Regulations is available online at <http://www.access.gpo.gov>. You will also receive copies of Title 50, Code of Federal Regulations (hereafter cited as 50 CFR), Parts 10, 13, 20, 21 and 22 when you receive your application for a permit.

Most states also require a permit. You should check with your local state conservation officer or wildlife department for state requirements. If a state requires a taxidermy permit, you must obtain such a permit before any federal permit is valid (50 CFR 21.24 (b)(3)). In Alaska, contact the Alaska Department of Fish and Game for information on applicable state laws. They can be reached in Juneau, Alaska at (907) 465-2376. Their web site is: <http://www.state.ak.us/adfg/admin/license/license.htm>.

FEDERAL WILDLIFE PROTECTION LAWS

You should familiarize yourself with the following wildlife protection statutes:

1. The Migratory Bird Treaty Act (MBTA) protects all species of migratory birds found in the United States. A complete list of these protected species is found in 50 CFR 10. Sport hunting of certain migratory game birds is permitted under federal hunting regulations that are issued annually. Resident game birds such as grouse and ptarmigan are protected and managed by the individual states. Bald and golden eagles are also classified as migratory birds and are protected by the MBTA and the Bald and Golden Eagle Protection Act (BGEPA). Outside Alaska, the bald eagle is also protected by the Endangered Species Act (ESA).

2. The Endangered Species Act (ESA) affords protection to certain plant and animal species worldwide that are federally listed as "threatened" or "endangered." See 50 CFR 17.11 and 17.12 for a current listing. Species listed in Alaska are on the web site for the Alaska Region of the Service: <http://www.r7.fws.gov> under Endangered Species.

3. The Marine Mammal Protection Act (MMPA) regulates certain activities with regard to marine mammals, including walrus and polar bears. See 50 CFR 18.3 for a current listing. A list of currently registered agents and tanners can be found on the Alaska Region web site: <http://www.r7.fws.gov> under Marine Mammals/Marking, Tagging and Reporting Program. To become a registered agent or tanner, contact the Office of Management Authority at 1-800-358-2104.

4. The Lacey Act makes it unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish or wildlife taken, possessed, transported, or sold in violation of any state or foreign law.

FREQUENTLY ASKED QUESTIONS

1. Does a federal taxidermy permit authorize me to mount all migratory birds?

You need a permit to mount all migratory birds that belong to others. In addition, there are different requirements for migratory game birds and migratory non-game birds, as described below. Migratory game birds are defined in 50 CFR 20.11. All other migratory birds listed in 50 CFR 10 are migratory non-game birds.

For you to receive and mount a migratory non-game bird, your customer must have a federal permit authorizing his or her lawful possession of such a bird.

You may receive and mount all migratory game birds taken and possessed in compliance with applicable federal and state hunting regulations. 50 CFR 20.81, 20.82 and 20.83 require you to have all migratory game birds properly "tagged," and to maintain certain records and allow inspection of those records at any reasonable hour by a Special Agent of the Service. Migratory game birds hunted by you may be mounted for personal use or display purposes only. They may not be mounted for sale. The sale, trade or barter of federally protected migratory birds is a felony, except for some captive-bred birds, as described in Questions 5 and 6, below.

A state permit may also be required to mount migratory birds. In Alaska, a state license is required to mount any wildlife for monetary gain. See web site for the Alaska Department of Fish and Game, above.

2. Why do I need a permit to conduct taxidermy?

A Federal taxidermy permit allows you to temporarily possess another's legally acquired bird. Without a permit, it would be illegal for you to possess migratory birds belonging to others.

3. May I dispose of unclaimed mounted migratory birds at a charge sufficient only to recover the cost of labor and material?

No. This action would represent a sale of the bird, which is unlawful. You may retain unclaimed migratory game bird specimens for display or personal possession. You may also donate or give them away without reimbursement. A suggestion: to protect yourself from any monetary loss, you could require the customer to deposit an amount equal to the cost of materials and labor at the time the wildlife is left for processing. This practice would provide just compensation if the wildlife is later unclaimed.

4. May I sell captive-bred mallard ducks?

The sale of captive-bred, properly marked mallard ducks is permitted without use of the 3-186 form required for other captive-bred waterfowl (see Question 6). Mallards must be physically marked prior to reaching six weeks of age by one of the methods listed in 50 CFR 21.13.

5. May I sell or place on consignment for sale captive-bred waterfowl (other than mallard ducks) which I lawfully acquired and mounted?

50 CFR 21.24(c)(2) authorizes you to sell captive-bred, properly marked waterfowl, other than mallard ducks, which you lawfully acquired and mounted. Such mounted birds may be placed on consignment for sale and may be possessed by the consignee for the purpose of sale. You must maintain files of the original completed form "Notice of Waterfowl Sale or Transfer" (Form 3-186) confirming your acquisition of captive-reared, properly marked migratory waterfowl from the holder of a current waterfowl sale and disposal permit.

6. Do I need a permit or license to import or export wildlife?

Yes. Under regulations governing the importation, exportation and transportation of wildlife (50 CFR 14), certain individuals who import or export wildlife for gain or profit must obtain a license. You are required to be licensed if you are the consignee or consignor of wildlife shipments received from or sent to a foreign country for any commercial purpose. You are subject to additional requirements including the filing of requested reports as explained in Section 14.93 of the regulations. To import or export migratory birds, whether for commercial or personal use, you may need an import/export permit under 50 CFR 21.21. Check with the Migratory Bird Permit Office for details.

These regulations also require that all wildlife importations and exportations enter or exit the United States through one of thirteen designated ports, or a customs port of entry authorized by a valid non-designated port exception permit. See 50 CFR 14, subparts B and C. All wildlife shipments, including parts or products, must be properly marked and the importer must file a "Declaration of Importation or Exportation of Fish or Wildlife" (Form 3-177) at the time of importation or exportation.

7. Are permits required to mount mammals and non-migratory birds (i.e. birds that are not listed in 50 CFR 10)?

Although a federal permit is not required to mount lawfully taken and acquired mammals and non-migratory birds, taxidermists should make every effort to determine if customers have proper hunting tags, permits and/or other documentation to substantiate the legality of their trophies. The possession, transportation, shipment or receipt in interstate or foreign commerce of any wildlife taken, transported or sold in violation of any state, foreign or federal law is unlawful. Possession of illegally taken endangered species, marine mammals or eagles is also a violation. See 50 CFR 17.11, 18.3 and 22.

8. What are the penalties for violating Federal wildlife laws?

Violations of federal wildlife laws carry different penalties. MBTA violations involving the taking, possession, transportation or other unlawful utilization of migratory birds including permit regulations are misdemeanors, punishable by a fine of up to \$15,000 and/or up to six months imprisonment, and revocation of permits (if applicable). The sale or barter of migratory birds is a felony punishable by a fine of up to \$250,000 (500,000 per organization) and/or up to two years in prison. Violations of the ESA or MMPA may incur a fine of up to \$100,000 (\$200,000 per organization) and/or one year in prison. Violations of the BGEPA can incur a fine up to \$100,000 (\$200,000 per organization) and/or one year in prison. Second or subsequent convictions of this Act can incur a fine up to \$250,000 (\$500,000 per organization) and/or two years in prison.

**MBM/R7
1/27/2000**