

lations. Truly, it would be a blame and a responsibility that could be placed nowhere but on us, if an epidemic among game or among humans as a result of disease of game, were to break out, due to existing faulty law. We have the duty to see to it that our laws are strengthened and brought to uniformity. If we do not succeed in this, then, gentlemen, we have failed in our trust—the protection of our wildlife and through it the protection of our citizens.

PERMITS

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With the passage of the Migratory Bird Treaty Act of 1918, the Federal Government became directly responsible for the management of migratory birds. The management of these birds includes, in addition to the setting of the seasons and bag limits on game species, the prescribing of special rules and regulations and the issuance of permits for holding birds in captivity for scientific studies or for depredation control.

Until the fall of 1957 the issuance of all Migratory Bird permits was handled by our Central Office in Washington, D. C. Applications were sent directly to Washington and unless there was some question as to the propriety of the permit, action was taken to issue the permit without referral to the field. These procedures created problems for our law enforcement officers and, in line with the delegation of authority and responsibility to the field, the Regional Offices were given the responsibility for the permit programs in their regions.

Before going further, I will review the various types of permits issued by the Bureau.

1. *Propagating.* This is a conditional permit to possess, buy, sell and transport waterfowl and their eggs.
2. *Scientific Collecting.* This is a conditional permit to take, possess, exchange and transport migratory birds and their nests and eggs for scientific purposes.
3. *Scientific Possession.* This allows the possession and transportation for scientific purposes of migratory birds, their nests and eggs lawfully taken.
4. *Taxidermist.* Allows for the possession, mounting and transportation of migratory birds, their nests and eggs lawfully taken.
5. *Banding.* This permit allows the capture of migratory birds for scientific banding purposes.
6. *Experimental Breeding.* This permit provides for possession, purchase, sell, exchange and transportation of migratory game birds (except waterfowl) for experimental breeding.
7. *Permit to Take Waterfowl and Their Eggs for Propagating Purposes.* This is used infrequently and for a limited species.
8. *Permit to Possess, Mount and Transport Migratory Birds.* Used for birds found dead.
9. *Exhibition Permit.* Provides for taking, possessing and transportation of birds for exhibition at public zoos and zoological parks.
10. *Permit to possess and care for sick and injured migratory birds.*
11. *Permit to buy or sell migratory bird specimens for scientific purposes.*
12. *Permit to kill bald eagles to protect property.*
13. *Permit to take, possess and transport bald eagles for exhibition purposes.*
14. *Depredation Killing Permit.* This permits the killing of birds doing damage.

A herding permit, issued by the local Game Management Agent, is required where protected migratory birds are rallied by use of guns. An individual may use firecrackers, carbide exploders, or other devices to frighten birds out of fields without a permit. If he uses a gun, however, he may be subject to arrest unless he holds a herding permit. This permit does not authorize the killing

of the birds but simply the use of guns to frighten the birds away from areas to be protected.

None of the above-mentioned permits are valid unless authorized by State law or covered by a valid State permit. Propagating permits are not issued in Kentucky without prior approval of that State. In Alabama, Louisiana, Maryland, North Carolina and Tennessee, propagating permits are not issued until the applicant furnishes evidence that he has a State permit in his possession. In Alabama, Tennessee and Virginia, the privilege of selling waterfowl for food purposes in propagating permits is deleted.

Scientific permits are not issued in Alabama, Louisiana, Maryland and Tennessee until we ascertain a State permit has been issued.

To give some idea of the magnitude of the permit operations, I will list the active permits as of December 31, 1958:

1. Propagation	792
2. Scientific Collecting	463
3. Scientific Possession	202
4. Taxidermy	27
5. Banding	836
6. Experimental Breeding	26
7. Depredation	167

Procedure for the issuance of most of the permits is as follows: Applications are received in the Central Office, Regional Office, or in the field. These applications are assembled at the Regional Office for review. Permit records are checked to determine if any other permit is held by the applicant. Our policy prohibits the holding of certain types of permits in combination, such as scientific collecting and taxidermy. When cleared by the Regional Office, the application then goes to the District Game Management Agent, who makes a field examination or has his Assistant District Agent make the check. State cooperation is often solicited for this field examination. On completion of the check the Agent submits his recommendations to the Regional Office. For propagating permits he completes a form which includes a map showing the general plan of the applicant's holdings with relation to water areas and hunting blinds. Permits may be refused if facilities appear inadequate or there is a definite indication that the proposed holding of birds will violate the regulations when the area is hunted.

Scientific collecting permits are somewhat of a problem. The Service is anxious to promote studies of value to science; however, it is apparent that many of the applicants for scientific collecting permits do not require those permits to effectively carry out their studies. Students often ask for permits to secure birds for making a study of skins. Practice work in preparing specimens can be done on non-protected species such as English sparrows, starlings or pigeons. Permits are not issued to anyone 16 years or younger and those between 16 and 18 years old must operate in conjunction with permit holders of mature age. The scientific collecting permit is limited insofar as possible to those directly connected with a bona fide institution of higher learning.

Banding permits are signed in the Regional Office; however, before any of these permits are issued a careful check is made by our Patuxent Research Station. Individuals must show that they are imminently qualified to identify birds before they are authorized to do any banding.

In this Region, forest nurseries and minnow ponds are the chief subjects of bird depredation and require the use of depredation killing permits. A few permits are issued to kill birds in the interest of safety around the airports. Scaring devices or repellents have not been developed that are completely effective without the removal of some birds doing damage. These permit holders are asked to limit the killing of birds insofar as possible to individuals actually causing damage.

Annual reports are required from all holders of depredation permits and our records reveal a total of 2,306 birds killed under these permits last fiscal year. Reports often include birds that are not protected by the Federal Government, although some of these species may be protected by the States.

<i>No. of Permits Issued</i>	<i>To Protect:</i>	<i>Species</i>	<i>No. of Birds Killed</i>	<i>Subtotal</i>
15	Life and Property	Gull	79	79
1	Powerline Poles	Woodpecker	21	21
30	Fish	Kingfisher	55	
		Grebe	22	
		Osprey	32	
		Blue Heron	265	
		Green Heron	34	
		White Heron	22	
		Egret	743	
		Bittern	32	
		Cormorants	7	
		Mergansers	2	
		Gull	2	1,216
121	Agricultural Crops	Brown Thrasher	2	
		Blackbird	100	
		Bluebird	19	
		Redbird	7	
		Meadowlark	186	
		Quail	30	
		Rice Bird	55	
		Dove	402	
		Other	189	990
<u>167</u>		GRAND TOTAL		<u>2,306</u>

You will note that kingfisher, osprey, cormorant and quail are listed in the reports and these birds are not protected by Federal law. The blackbird, while on the protected list, may be killed without a permit when doing or about to do damage.

Our most difficult problem is presently with the propagating permits. Many hunters have picked up crippled waterfowl in the past and held them until they recovered. Rather than turn them loose, they kept them and gradually built up a captive flock. Permits were not always acquired and the birds were looked upon more or less as pets. Some species of ducks, such as mallards and blacks, become domesticated, and it has been administratively determined when two generations or more removed from the wild they are no longer considered as wild birds. All other ducks and geese are considered wild, regardless of the number of generations raised in captivity. Technically, a person without a permit holding more than the legal possession limit of wild migratory waterfowl would be in violation of the law unless the birds were acquired prior to effective date of the regulation.

I might point out that the laws were changed in 1958, and it is no longer permissible to pick up live waterfowl as cripples during the hunting season and keep them alive without a permit. Any person now taking birds under this provision may possess at any one time only the number of wild ducks or geese permitted to be in possession under hunting regulations dead or alive. A long established policy of issuing permits to those who had acquired birds via cripples has influenced our actions in enforcement of the law on those having old established flocks of birds not under permit. We are presently endeavoring to get all of the old flocks under permit and are strictly enforcing the regulations relative to the picking up of cripples during the hunting season. We also hope to secure the cooperation of the courts in prosecuting those who persist in keeping migratory birds without the proper permits. We are moving into this enforcement problem as rapidly as possible and we plan within the next few years to have all captive migratory waterfowl under permit. The permit system will then be much more effective than it is at present.

I have a few suggestions which may be considered by this organization.

1. Develop a uniform policy with the States for the investigation and issuance of migratory bird propagating permits. Perhaps the initial investigation could be made jointly with the State personnel and the Game Management Agent and the same form used by both agencies.
2. Issue no permits to authorize the possession of migratory birds that have been acquired illegally such as birds that have been purchased from an individual not having a proper permit, or crippled birds picked up during hunting seasons since 1958.
3. Use the same administrative regulations for determining whether a permit should be issued.

STATE CONFORMANCE AND ENFORCEMENT OF THE NEW FEDERAL MOTOR BOAT LAW (PUBLIC LAW 85-911) ON COASTAL WATERS

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My speaking to you on this subject is somewhat like a man describing to a group of his friends the sex, physical characteristics, and personality traits of his yet unborn child. My home State of Georgia, like some of your States, has not yet enacted legislation to conform with the Federal Boating Act of 1958. However, we expect the passage of a Georgia Boating Act to be accomplished at our next legislative session which will convene in January. We realize, of course, that the mere enactment of a law is not an end in itself and that the desired effect can only be accomplished through its efficient application and intelligent enforcement. In order that we will be prepared to meet our responsibilities in this regard, we are endeavoring to anticipate some of the enforcement problems which we will be confronted with.

Congress' enactment of the Federal Boating Act of 1958 presented both an opportunity and a challenge to the individual States. This Act offers the States, for the first time in many years, an opportunity to take in hand a program which had previously been under the jurisdiction of the Federal government. To the State which chooses to avail itself of this opportunity, the Act hands down a challenge to accept not only the responsibility of establishing a comprehensive system of identifying its boats under a uniform system of numbering, but also the very important moral responsibility of providing itself with a framework of enforceable laws designed to further the public's interest, welfare and safety by providing for the protection and promotion of safety in the operation of boats on its public waters.

Numerous reports to the contrary, the effective date of the Federal Boating Act remains as originally established, April 1, 1960. The Congress passed an amendment which would have postponed the deadline date to April 1, 1961, but the President saw fit to veto their measure. This means that those States which have not yet enacted legislation to establish a State system of numbering vessels (and I believe that only four of us twelve Southeastern States have accomplished this to date), will have to not only enact such legislation prior to April 1, 1960, but must obtain Federal approval of their numbering systems no later than this date in order to assume control before the Coast Guard is required to enforce the Federal system.

A State's system for numbering vessels must meet the following standards in order to receive approval of the Secretary of the Treasury:

- (1) The system of numbering shall be in accordance with the overall system of numbering established by the Secretary.
- (2) The certificate of number and the number awarded shall be valid for a period not exceeding three years, unless canceled or surrendered, and may be renewed for additional periods.