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Memorandum to All Banders, 27

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MEMORANDUM

MTAB-27

July 28, 1975

TO : All Banders

FROM : Chief, Bird Banding Laboratory
Office of Migratory Bird Management

- SUBJECT:
1. Endangered species banding
 2. Incidental banding of endangered species
 3. CFR Title 50, Part 21, dated January 4, 1974
 4. FCC Regulations concerning aerial use of radio transmitters
 5. Tabulation of 1973 banding totals and 1969 bandings and recovery results
 6. Annual Report
 7. BBL policy on permit revocation
 8. Size 9 rivet band
 9. Coordination of visits to raptor nests
 10. Permission to band on National Wildlife Refuges
 11. Retention of old banding records
 12. Subpermits
 13. Schedule submission
 14. Permit number on correspondence--again

1. Banders wishing to commence research on endangered species in the United States should apply directly to the Bird Banding Laboratory (BBL). The BBL will provide application forms and other information and will act as an intermediary between the bander and the Division of Law Enforcement in Washington, D. C. Endangered Species Permits will still be issued by the Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service. Banders who are so authorized will have their Master Federal Bird Marking and Salvage Permit amended to reflect their possession of the appropriate Endangered Species Permit. The Endangered Species Permit, or a copy, is required to be in the immediate possession of the permittee when capturing, possessing, marking and releasing endangered species.

2. MTAB-26 indicated that the incidental banding of any endangered species was prohibited. This policy has been reevaluated with the subsequent determination that any endangered species accidentally captured during a routine banding operation may be banded but must be released immediately at the site of capture. The act of trapping for an endangered species is still prohibited, unless an Endangered Species Permit has been obtained. If an individual of an endangered species is captured and is injured or subsequently dies, the nearest U. S. Fish and Wildlife Service District Law Enforcement Office must be notified within 48 hours. If you are unable to locate this office, contact the Bird Banding Laboratory immediately so that the information can be relayed within this time period. Disposition of injured or salvaged endangered birds will be as directed by the U.S. Fish and Wildlife Service Law Enforcement Office.

3. Enclosed with this MTAB is a copy of 50 CFR 21, dated January 4, 1974. Part 21 pertains to Migratory Bird Permits. Please read and comply with these specific permit provisions. In the future, permit applications (Master and Sub) must be requested from the Bird Banding Laboratory. Letters (para. 21.22.b) do not provide all the information needed to process these applications.

4. Under a new amendment to the Federal Communications Commission Rules and Regulations providing for the use of radio frequencies for tracking and telemetering wildlife, a permit is required, but there is no fee. The Federal Communications Commission, Washington, D.C. 20554, has two pertinent application forms--Form 440, Application for New or Modified Radio Station Construction Permit Under Part 5 of FCC Rules; and Form 441, Application for New or Modified Experimental Radio Station License Under Part 5 of FCC Rules.

The radio transmitters for wildlife tracking and telemetry are now limited to frequencies in the range 40.66-40.70 MHz and 216-220 MHz except that for airborne telemetry, the latter frequency will be limited to the 216.000-216.100 MHz portion of the band. Airborne telemetering operations will not be permitted in the band 216.100-220 MHz because of potential co-channel interference to Government stations. Power of telemetering transmitters is limited to 1 milliwatt.

Banders radio-telemetering migratory birds in the U.S. must still have authorization on their Bird Marking and Salvage Permits or on a Letter of Authorization from the Bird Banding Laboratory.

5. The enclosed tabulation of 1973 banding totals and 1969 bandings and recovery results are provided to banders as an aid for planning or estimating research needs and potential results. Since the Bird Banding Laboratory has not been routinely processing Station Returns (How Obtained Code 99) since 1958, these records are purposely excluded from the total encounters of the 1969 bandings processed during the past five years.

6. End-of-the-Year Reports for 1974 were received from 1,907 U.S. banders. Of these:

- 511 Had authorization to color mark
- 463 Had subpermittees
- 381 Banded waterfowl
- 336 Banded raptors
- 68 Banded eagles
- 59 Banded in foreign countries
(other than Canada)
- 41 Had authorization to band in Canada

Of these, 396 banders had articles published during 1974, and 119 who salvaged birds. Seven banders failed to report and their permits were revoked.

7. Bird banding is a privilege and not a right. The privilege can be denied or terminated at the discretion of the Director of the U.S. Fish and Wildlife Service or his representative. Banding permits are usually revoked for one of several reasons: 1) the bander's failure to furnish required reports to the Bird Banding Laboratory, 2) his violation of "wildlife resource" related laws, or, 3) his negligence in handling birds. In the latter case in the future, the bander's privileges will be suspended while a thorough investigation is underway. The bander will be advised of the charges and given the opportunity to reply. The permit will either be revoked or reinstated depending upon the outcome of the review. In all cases we must use our best judgment in treating the bander fairly while giving due consideration to the welfare of individual birds and the avian resource.

8. We now stock size 9 rivet bands for eagles. They are of the same gauge and material as standard butt-end bands. Rivets will be supplied by the Bird Banding Laboratory when the band orders are filled; however, a pop rivet tool or hand riveter capable of holding 1/8"-diameter rivets must be obtained by the bander.

9. Raptor banders should become familiar with other banders in their area and coordinate their visits to raptor nests. We have reports of bander competition at raptor nests. This cannot be tolerated. As first priority we must consider the welfare of the birds.

10. Just a reminder--banders must have the appropriate permission to band on National Wildlife Refuges. Please contact the Refuge Manager well before any planned banding to obtain further information on necessary clearances.

In addition, the U.S. Forest Service, while not having a formal permission system, is interested in having the Forest Supervisor of the Forest involved review and approve requests to band on National Forest land.

11. During the past year unknowing relatives of a recently deceased bander destroyed all of the latter's notebooks, bands, tools, and incidental banding records. A considerable amount of data extending over 30 years were lost. Each Master permittee should have an understanding with another bander or close relative concerning the disposition of his banding records in case of incapacitating injury or death. Upon becoming inactive the bander should make arrangements for the preservation of his records. Original banding records should be retained for at least 10 years; weights, measurements, retraps, and similar data should be preserved indefinitely. Unfortunately, the Bird Banding Laboratory does not have the storage space to act as a repository for old records, but some museums, universities or colleges will accept them.

12. Holders of some Master-Personal (and some Master-Station) permits are confused about subpermits--particularly, when they are needed. Legally, there must be someone present at a trap site who is in possession of a Federal Bird Marking and Salvage Permit. If the Master permittee cannot be present when Federally protected birds are being caught, the assistant who assumes responsibility for the capture, possession, and marking of migratory birds must have a subpermit. Assistants (such as spouse or students) cannot operate capturing devices unless someone present has a Master permit or subpermit. For further information on subpermits, see paragraphs 7-10, Part 2, Bird Banding Manual.

13. All banders are reminded that they need not wait until January 31 to submit nongame banding schedules. (See Part 4, Bird Banding Manual for game bird submission schedule.) When a string of 100 bands is completed, we strongly urge you to submit that schedule by the end of the next month. This procedure reduces the heavy influx of schedules received every January as well as reduces the end of the year workload of the Master permittee. Banding data for colonial birds (herons, gulls, terns, etc.) should be routinely submitted September 30 to facilitate processing of recoveries and further reduce the January influx of schedules.

14. Banders are again reminded to indicate their permit numbers on ALL correspondence to the Bird Banding Laboratory. This includes recovery reports (Form 3-1807) as well as letters (see MTAB-21).

George M. Jonkel
George M. Jonkel

Enclosures:

CFR Title 50, Part 21, dated 01/04/74
1973 and 1969 banding totals

PART 21 -- MIGRATORY BIRD PERMITS
Subpart C -- Specific Permit Provisions

§ 21.22 Banding or marking permits.

(a) Permit requirements. A banding or marking permit is required before any person may capture migratory birds for banding or marking purposes or use official bands issued by the Bureau for banding or marking any migratory bird. *

(b) Application procedures. Applications for banding or marking permits shall be submitted by letter of application addressed to the Bird Banding Laboratory, Office of Migratory Bird Management, Bureau of Sport Fisheries and Wildlife, Laurel, Maryland 20810. Each such application shall contain the general information and certification set forth by § 13.12(a) of this subchapter plus the following additional information: *

- (1) Species and numbers proposed to be banded or marked;
- (2) Purpose of banding or marking;
- (3) State or States in which authorization is requested; and,
- (4) Name and address of the public, scientific, or educational institution to which any specimens will be donated that are salvaged pursuant to paragraphs (c)(3) and (4) of this section.

(c) Additional permit conditions. In addition to the general conditions set forth in Part 13 of this Subchapter B, banding or marking permits shall be subject to the following conditions:

- (1) The banding of migratory birds shall only be by official numbered leg bands issued by the Bureau. The use of any other band, clip, dye, or other method of marking is prohibited unless specifically authorized in the permit. *
- (2) All traps or nets used to capture migratory birds for banding or marking purposes shall have attached thereto a tag or label clearly showing the name and address of the permittee and his permit number, or the area in which such traps or nets are located must be posted with notice of banding operations posters (form 3-1155, available upon request from the Bird Banding Laboratory, Office of Migratory Bird Management, Bureau of Sport Fisheries and Wildlife, Laurel, MD 20810) which shall bear the name and address of the permittee and the number of his permit. *
- (3) The holder of a banding or marking permit may salvage, for the purpose of donating to a public scientific or educational institution, birds killed or found dead as a result of the permittee's normal banding operations, and casualties from

other causes. All dead birds salvaged under authority of a migratory bird banding or marking permit must be donated and transferred to a public scientific or educational institution at least every 6 months or within 60 days of the time such permit expires or is revoked, unless the permittee has been issued a special permit authorizing possession for a longer period of time.

- (4) Permittees must keep accurate records of their operations and file reports as set forth in the North American Bird Banding Manual, or supplements thereto, in accordance with instructions contained therein.

(d) Tenure of permits.--Banding or marking permits are valid for a period of 2 years from the date of issue, unless otherwise stated on the face of the permit.

- * The Bureau of Sport Fisheries and Wildlife is now known as the U. S. Fish and Wildlife Service and the ZIP Code is now 20811.

Federal Register dated January 4, 1974