

Regulations Related to Bird Traps



Draft Rule
February 21, 2019



Florida Fish and Wildlife Conservation Commission

Division: Habitat and Species Conservation

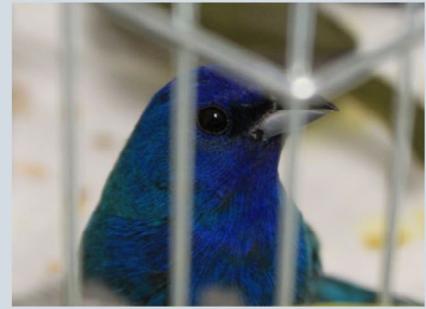
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All photos in presentation courtesy of David Pharo, US Fish and Wildlife Service
Photo: Trap seized during enforcement actions, containing a blue jay, female painted bunting, and cardinals.

Background

- Federal law & state rule prohibit capture, possession, sale, purchase & transportation of native birds
- Illegal trapping of birds has long been a concern in Florida
- Painted & indigo buntings commonly targeted
- Over 20 species in a 2018 indictment



The Federal Migratory Bird Treaty Act and associated state rule prohibit the capture, possession, sale, purchase, and transportation of native birds in Florida. Despite these protections, illegal trapping of native birds has long been a concern in the state, particularly in south Florida, where trapping is thought to be widespread. For example, a law enforcement operation led to the indictment of six individuals in April 2018 for trafficking over 400 protected birds. Some of the cases involved severe animal cruelty, and some captured birds were dead or injured. A similar law enforcement operation in the early-2000s led to the indictment of six individuals and three pet stores for selling and possessing protected birds. Commonly targeted species include painted buntings and indigo buntings, but the 2018 indictment included more than 20 species.

Photos, clockwise from top: male indigo bunting, female painted bunting, male painted bunting

Types of Traps

- Wide variety of trap types used



Illegal trappers use a wide variety of traps, such as those pictured, which can be baited with food, other birds, or recordings of bird vocalizations as attractants. Trappers also use nets that entangle birds and adhesives to capture birds. Most traps are able to capture multiple birds at one time, and they may be left unattended for long stretches, leading to death and injury of birds within the traps.

Photos: Examples of traps seized during enforcement actions

The Problem

- Although rules protect birds, there are no state regulations for traps
- Untended traps found in the wild are not a violation, but contribute to the loss of native birds
 - More than 100 traps with birds have been confiscated by FWC law enforcement during the last 2 years
- Law Enforcement must witness a bird in the trap or in possession to make a case



Although it is illegal to capture, possess, or sell native birds under existing state rule, there currently are no regulations on the use, placement, possession, or transport of bird traps. In the last 2 years, FWC's Law Enforcement officers have had more than 200 violations – instances where birds were found in traps – and have confiscated at least 100 of those traps. Many traps are also found without birds, which is not a violation, and these traps are not confiscated. Traps left in the wild may capture and continue to contribute to the loss of native birds, since officers are unable to make a case unless they witness birds in the trap or persons with a bird in their possession.

Photo: Bird trap with male painted bunting

Proposed Solution

- Staff recommend creating a new rule - 68A-16.006, F.A.C. - to regulate the use, placement, possession, and transport of bird traps
- Includes exceptions for:
 - Federal permit-holders
 - Captive-reared game birds
 - Falconry permittees
 - Nuisance wildlife
 - Airport safety
 - Poultry and domesticated pigeons



To prevent the continued loss of native birds, staff recommend creating a new rule within Chapter 68A-16, F.A.C. (Rules Relating to Birds) to include regulations for bird traps. The proposed rule includes regulations regarding the use, placement, possession, and transport of bird traps. Proposed language includes exceptions for individuals that use traps for lawful purposes, such as trapping under a federal permit or falconry permit, trapping captive-reared game birds, trapping nuisance wildlife, and trapping for airport safety. This rule would provide an additional tool to law enforcement officers in achieving conservation of native birds.

Photo: Traps found in natural habitat, baited for capturing birds

Stakeholder & Partner Engagement

- Rule language developed in coordination with U.S. Fish & Wildlife Service
- Targeted outreach to potentially-affected stakeholder groups:
 - Researchers
 - Nuisance wildlife trappers
 - Falconers
- Exceptions included in the rule incorporate stakeholder and partner input



The draft rule language was developed in coordination with the U.S. Fish and Wildlife Service Law Enforcement, who work closely with FWC Law Enforcement on this issue. The proposed rule has the potential to affect a relatively narrow set of stakeholders. Therefore, FWC staff conducted targeted outreach to potentially-affected groups rather than broad-scale outreach. Stakeholder groups included researchers, nuisance wildlife trappers, and falconers. Feedback from these groups provided important information for drafting the exceptions incorporated into the rule. If approved to advertise, additional feedback will be sought from a larger group of stakeholders.

Photo: Bird trap with male indigo bunting

Staff Recommendation

Staff requests Commission approval to advertise the draft rule 68A-16.006, F.A.C.



Staff are seeking approval to advertise rule 68A-16.006, F.A.C.

Photo: Male cardinal in bird trap