

**Torres Rojas, Genara**

FOI # 14613

**From:**  
**Sent:** Sunday, January 26, 2014 7:15 AM  
**To:** Duffy, Daniel  
**Cc:** Torres Rojas, Genara; Van Duyne, Sheree  
**Subject:** Freedom of Information Online Request Form

Information:

First Name: Erin  
Last Name: Tennant  
Company: Ninemsn  
Mailing Address 1:  
Mailing Address 2:  
City:  
State:  
Zip Code:  
Email Address:  
Phone:  
Required copies of the records: Yes

List of specific record(s):

I request access to a copy of the current list of birds and any other wildlife that authority workers or anyone else are permitted to shoot or otherwise kill at JFK and LGA airports. I also request copies of any amendments to that list that is, occasions where specific species were added or removed from the list since January 2010.

**THE PORT AUTHORITY OF NY & NJ**

*FOI Administrator*

February 18, 2014

Mr. Erin Tennant  
Ninemsn

Re: Freedom of Information Reference No. 14613

Dear Mr. Tennant:

This is in response to your January 26, 2014 request, which has been processed under the Port Authority's Freedom of Information Code (the "Code") for "a copy of the current list of birds and any other wildlife that authority workers or anyone else are permitted to shoot or otherwise kill at JFK and LGA Airports. I also request copies of any amendments to that list that is, occasions where specific species were added or removed from the list since January 2010."

Material responsive to your request and available under the Code can be found on the Port Authority's website at <http://www.panynj.gov/corporate-information/foi/14613-O.pdf>. Paper copies of the available records are available upon request.

Please refer to the above FOI reference number in any future correspondence relating to your request.

Very truly yours,



Daniel D. Duffy  
FOI Administrator

225 Park Avenue South, 17th Floor  
New York, NY 10003  
T: 212 435 3642  
F: 212 435 7555



DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE

### FEDERAL FISH AND WILDLIFE PERMIT

2. AUTHORITY-STATUTES  
16 USD 703-712

REGULATIONS  
50 CFR Part 13  
50 CFR 21.41

1. PERMITTEE

PORT AUTHORITY OF NY AND NJ  
J.F. KENNEDY INTERNATIONAL AIRPORT  
BUILDING 145 - 2ND FLOOR  
JAMAICA, NY 11430  
U.S.A.

3. NUMBER  
**MB816581-1** AMENDMENT

4. RENEWABLE  
 YES  
 NO

5. MAY COPY  
 YES  
 NO

6. EFFECTIVE  
03/19/2013

7. EXPIRES  
02/28/2014

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)  
LAURA FRANCOEUR  
WILDLIFE BIOLOGIST

9. TYPE OF PERMIT  
DEPREDAATION AT AIRPORTS

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

**ALL PROPERTY BELONGING TO J.F. KENNEDY INTERNATIONAL AIRPORT, JAMAICA, NY**

11. CONDITIONS AND AUTHORIZATIONS:

- A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.
- C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

**AMENDMENT 1 IN BOLD AND UNDERLINED**

D. You are authorized to take, temporarily possess, and transport the migratory birds specified below to relieve or prevent injurious situations impacting public safety. All take must be done as part of an integrated wildlife damage management program that emphasizes nonlethal management techniques. You may not use this authority for situations in which migratory birds are merely causing a nuisance.

- (1) The following may be lethally taken:
- (a) 5,500 Laughing gulls,
  - (b) 1,500 Herring gulls,
  - (c) 800 Atlantic brant
  - (d) 50 American black ducks,
  - (e) 400 Great black-backed gulls
  - (f) 600 Ring-billed gulls
  - (g) 300 Canada geese and Double-crested cormorants
  - (h) 20 American oystercatchers,
  - (i) 1000 Mourning doves,
  - (j) 100 Mallards
  - (k) 50 Killdeer
  - (l) 25 Barn Swallows
  - (m) 10 Tree Swallows
  - (n) 25 Snow Buntings**
  - (o) 5 Gadwall and Snow Geese**

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

**ANNUAL REPORT IS DUE WITH NEXT RENEWAL**  
REPORT FORMS CAN BE FOUND AT: <http://www.fws.gov/migratorybirds/mbpermits.html>

ISSUED BY

TITLE

CHIEF, MIGRATORY BIRD PERMIT OFFICE - REGION 5

DATE

03/19/2013

Lethal take is not to be the primary means of control. Active hazing, harassment or other non-lethal techniques must continue in conjunction with any lethal take of migratory birds.

(2) The following may be live-trapped and relocated: FIVE (5) American kestrels and TWENTY (20) OSPREY. Alternatively authorized to kill these birds, when capture or relocation is not possible.

(3) The following active nests (including eggs) may be destroyed: Up to 10 Killdeer nest, 75 Barn Swallow nests, 2 Gadwall nests, 300 Double-crested cormorant nests, and 25 American oystercatcher nests, and any eggs contained therein. Alternatively, authorized to freeze, shake, puncture, or oil (using Egg Oil, 100% food grade corn oil, ADC Tech Note-June 1996) and immediately replace the eggs in these nests for subsequent incubation. (NOTE: you can eliminate inactive (NO EGGS or CHICKS) Osprey nests without a depredation permit; therefore, you should not have active nests on airport property).

(4) Raptors used for hazing other migratory birds as part of the airport's integrated wildlife damage management program must be housed at the airport in appropriate facilities as follows: (a) raptors housed for less than thirty (30) days must be provided with an adequate perch and protected from extreme temperatures and excessive disturbance; and (b) raptors held for longer than thirty (30) days must be provided with facilities described in 50 CFR 21.29(g).

A copy of the Federal permit or Form 3-186A or similar record of acquisition, indicating lawful possession of the raptors used for hazing other migratory birds, must be prominently displayed at or near the mews or weathering area for each bird. Only captive-bred raptors may be used, and must be marked on the metatarsus with a seamless numbered band issued by the USFWS. Eagles may not be used for these purposes.

State restrictions: Peregrine falcons and other bird species are listed as endangered/threatened by New York State law and therefore may not be taken, unless otherwise authorized by the New York Department of Environmental Conservation.

E. You are authorized in emergency situations only to take, trap, or relocate any migratory birds, nests and eggs, including species that are not listed in Condition D (except bald eagles, golden eagles, or endangered or threatened species) when the migratory birds, nests, or eggs are posing a direct threat to human safety. A direct threat to human safety is one which involves a threat of serious bodily injury or a risk to human life.

You must report any emergency take activity to your migratory bird permit issuing office by **FAXING to 413-253-8424** within 72 hours after the emergency take action. Your report must include the species and number of birds taken, method, and a complete description of the circumstances warranting the emergency action.

F. You are authorized to salvage and temporarily possess migratory birds found dead or taken under this permit for (1) disposal, (2) transfer to the U.S. Department of Agriculture, (3) diagnostic purposes, (4) purposes of training airport personnel, (5) donation to a public scientific or educational institution as defined in 50 CFR 10.12, (6) donation to persons authorized by permit or regulation to possess them, or (7) donation of migratory game birds only to a public charity (those suitable for human consumption). Any dead bald eagles or golden eagles salvaged must be reported within 48 hours to the National Eagle Repository at (303) 287-2110 and to the migratory bird permit issuing office at **413-253-8424(fax)**. The Repository will provide directions for shipment of these specimens.

G. You may not salvage and must immediately report to U.S. Fish and Wildlife Service Office of Law Enforcement any dead or injured migratory birds that you encounter that appear to have been poisoned, shot, electrocuted, have collided with industrial power generation equipment, or were otherwise killed or injured as the result of potential criminal activity. See USFWS OLE contact information below.

H. You may use the following methods of take: (1) Shotguns (1a) other types of firearms by USDA only; (2) nets; (3) registered animal drugs (excluding nicarbazin), pesticides and repellents; (4) falconry abatement; and (5) legal lethal and live traps (excluding pole traps). Birds caught live may be euthanized or transported and relocated to another site approved by the appropriate State wildlife agency, if required. When using firearms, you may use rifles or air rifles to shoot any bird when you determine that the use of a shotgun is inadequate to resolve the injurious situation. You may use paint ball guns to haze birds or deter birds only when other methods of hazing are ineffective.

Anyone who takes migratory birds under the authority of this permit must follow the American Veterinary Medical Association Guidelines on Euthanasia when euthanization of a bird is necessary ([http://www.avma.org/issues/animal\\_welfare/euthanasia.pdf](http://www.avma.org/issues/animal_welfare/euthanasia.pdf)).

I. You may temporarily possess and stabilize sick and injured migratory birds and immediately transport them to a federally licensed rehabilitator for care.

J. The following subpermittees are authorized: Employees of the Port Authority of NY & NJ; employees of Falcon Environmental Services and employees of USDA/APHIS/Wildlife Services. In addition, any other person who is (1) employed by or under contract to you for the activities specified in this permit, or (2) otherwise designated a subpermittee by you in writing, may exercise the authority of this permit.

K. You and any subpermittee(s) must comply with the attached Standard Conditions for Migratory Bird Depredation Permits. These standard conditions are a continuation of your permit conditions *and must remain with your permit*.

**For suspected illegal activity, immediately contact USFWS Law Enforcement at: Valley Stream, NY: 516-825-3950**



## Standard Conditions Migratory Bird Depredation Permits 50 CFR 21.41

All of the provisions and conditions of the governing regulations at 50 CFR part 13 and 50 CFR part 21.41 are conditions of your permit. Failure to comply with the conditions of your permit could be cause for suspension of the permit. The standard conditions below are a continuation of your permit conditions and must remain with your permit. If you have questions regarding these conditions, refer to the regulations or, if necessary, contact your migratory bird permit issuing office. For copies of the regulations and forms, or to obtain contact information for your issuing office, visit: <http://www.fws.gov/migratorybirds/mbpermits.html>.

1. To minimize the lethal take of migratory birds, you are required to continually apply non-lethal methods of harassment in conjunction with lethal control.  
*[Note: Explosive Pest Control Devices (EPCDs) are regulated by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). If you plan to use EPCDs, you require a Federal explosives permit, unless you are exempt under 27 CFR 555.141. Information and contacts may be found at <http://www.atf.gov/explosives/how-to/become-an-fel.htm>.]*

2. Shotguns used to take migratory birds can be no larger than 10-gauge and must be fired from the shoulder. You must use nontoxic shot listed in 50 CFR 20.21(j).
3. You may not use blinds, pits, or other means of concealment, decoys, duck calls, or other devices to lure or entice migratory birds into gun range.
4. You are not authorized to take, capture, harass, or disturb bald eagles or golden eagles, or species listed as threatened or endangered under the Endangered Species Act found in 50 CFR 17, without additional authorization.

For a list of threatened and endangered species in your state, visit the U.S. Fish and Wildlife Service's Threatened and Endangered Species System (TESS) at: <http://www.fws.gov/angered>.

5. If you encounter a migratory bird with a Federal band issued by the U.S. Geological Survey Bird Banding Laboratory, Laurel, MD, report the band number to 1-800-327-BAND or <http://www.reportband.gov>.
6. This permit does not authorize take or release of any migratory birds, nests, or eggs on Federal lands without additional prior written authorization from the applicable Federal agency, or on State lands or other public or private property without prior written permission or permits from the landowner or custodian.
7. Unless otherwise specified on the face of the permit, migratory birds, nests, or eggs taken under this permit must be:
  - (a) turned over to the U.S. Department of Agriculture for official purposes, or
  - (b) donated to a public educational or scientific institution as defined by 50 CFR 10, or
  - (c) completely destroyed by burial or incineration, or
  - (d) with prior approval from the permit issuing office, donated to persons authorized by permit or regulation to possess them.

8. A subpermittee is an individual to whom you have provided written authorization to conduct some or all of the permitted activities in your absence. Subpermittees must be at least 18 years of age. As the permittee, you are legally responsible for ensuring that your subpermittees are adequately trained and adhere to the terms of your permit. You are responsible for maintaining current records of who you have designated as a subpermittee, including copies of designation letters you have provided.
9. You and any subpermittees must carry a legible copy of this permit, *including these Standard Conditions*, and display it upon request whenever you are exercising its authority.
10. You must maintain records as required in 50 CFR 13.46 and 50 CFR 21.41. All records relating to the permitted activities must be kept at the location indicated in writing by you to the migratory bird permit issuing office.
11. Acceptance of this permit authorizes the U.S. Fish and Wildlife Service to inspect any wildlife held, and to audit or copy any permits, books, or records required to be kept by the permit and governing regulations.
12. You may not conduct the activities authorized by this permit if doing so would violate the laws of the applicable State, county, municipal or tribal government or any other applicable law.

(DPRD - 12/3/2011)



### FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

PORT AUTHORITY OF NY AND NJ  
J.F. KENNEDY INTERNATIONAL AIRPORT  
BUILDING 145 - 2ND FLOOR  
JAMAICA, NY 11430  
U.S.A.

2. AUTHORITY-STATUTES  
16 USD 703-712

REGULATIONS  
50 CFR Part 13  
50 CFR 21.41

3. NUMBER  
**MB816581-0**

4. RENEWABLE  
 YES  
 NO

5. MAY COPY  
 YES  
 NO

6. EFFECTIVE  
03/17/2009

7. EXPIRES  
02/28/2010

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)  
LAURA FRANCOEUR  
WILDLIFE BIOLOGIST

9. TYPE OF PERMIT  
DEPREDATION - AIRPORT

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED  
**ALL PROPERTY BELONGING TO J.F. KENNEDY INTERNATIONAL AIRPORT, JAMAICA, NY**  
TEL: 718-244-3773

11. CONDITIONS AND AUTHORIZATIONS:

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY OR RENEWAL OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

D. You are authorized to take, temporarily possess, and transport the migratory birds specified below to relieve or prevent injurious situations impacting public safety. All take must be done as part of an integrated wildlife damage management program that emphasizes nonlethal management techniques. You may not use this authority for situations in which migratory birds are merely causing a nuisance.

(1) The following may be lethally taken:

- (a) 8,100 Laughing gulls,
- (b) 1,500 Herring gulls,
- (c) 800 Atlantic brant
- (d) 50 American black ducks,
- (e) 400 Great black-backed gulls
- (f) 600 Ring-billed gulls
- (g) 300 Canada geese and Double-crested cormorants
- (h) 20 American oystercatchers,
- (i) 150 Tree swallows,
- (j) 200 Mourning doves,
- (k) 100 Mallards
- (l) 30 Killdeer

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

**ANNUAL REPORT FOR CALENDAR YEAR 2009 DUE WITH RENEWAL FORM: (A) SPECIES, NUMBERS, DATES, AND DISPOSITION OF BIRDS TAKEN; (B) REPORT ON THE PERMITTEE'S NON-LETHAL MANAGEMENT ACTIVITIES; AND (C) DESCRIPTION OF STAFF INVOLVED IN BIRD CONTROL ACTIVITIES.**

ISSUED BY

*for*  
*To Anne Dyer*

TITLE

ARD, MIGRATORY BIRDS & STATE PROGRAMS

DATE

03/17/2009

(2) The following may be live-trapped and relocated:

- (a) 5 American kestrels,
- (b) 10 Osprey

*Alternatively authorized to kill these birds, when capture or relocation is not possible.*

(3) The following active nests (including eggs) may be destroyed:

**300 Double-crested cormorant nests, and 25 American oystercatcher nests,** and any eggs contained therein. Alternatively, authorized to freeze, shake, puncture, or oil (using Egg Oil, 100% food grade corn oil, ADC Tech Note-June 1996) and immediately replace the eggs in these nests for subsequent incubation. (NOTE: you can eliminate inactive (NO EGGS or CHICKS) Osprey nests without a depredation permit; therefore, you should not have active nests on airport property).

(4) Raptors used for hazing other migratory birds as part of the airport's integrated wildlife damage management program must be housed at the airport in appropriate facilities as follows: (a) raptors housed for less than thirty (30) days must be provided with an adequate perch and protected from extreme temperatures and excessive disturbance; and (b) raptors held for longer than thirty (30) days must be provided with facilities described in 50 CFR 21.29(g).

A copy of the Federal permit or Form 3-186A or similar record of acquisition, indicating lawful possession of the raptors used for hazing other migratory birds, must be prominently displayed at or near the mews or weathering area for each bird. Only captive-bred raptors may be used, and must be marked on the metatarsus with a seamless numbered band issued by the USFWS. Eagles may not be used for these purposes.

**State restrictions:** Peregrine falcons and other bird species are listed as endangered/threatened by New York State law and therefore may not be taken, unless otherwise authorized by the New York Department of Environmental Conservation.

E. You are authorized in emergency situations only to take, trap, or relocate any migratory birds, nests and eggs, including species that are not listed in Condition D (except bald eagles, golden eagles, or endangered or threatened species) when the migratory birds, nests, or eggs are posing a direct threat to human safety. A direct threat to human safety is one which involves a threat of serious bodily injury or a risk to human life.

You must report any emergency take activity to your migratory bird permit issuing office, Hadley, MA, 413-253-8642, within 72 hours after the emergency take action. Your report must include the species and number of birds taken, method, and a complete description of the circumstances warranting the emergency action.

F. You are authorized to salvage and temporarily possess migratory birds found dead or taken under this permit for (1) disposal, (2) transfer to the U.S. Department of Agriculture, (3) diagnostic purposes, (4) purposes of training airport personnel, (5) donation to a public charity (those suitable for human consumption), or (6) donation to a public scientific or educational institution as defined in 50 CFR 10.12. Any dead bald eagles or golden eagles salvaged must be reported within 48 hours to the National Eagle Repository at (303) 287-2110 and to the migratory bird permit issuing office at 413-253-8642. The Repository will provide directions for shipment of these specimens.

G. You may not salvage and must immediately report to U.S. Fish and Wildlife Service Law Enforcement any migratory birds that appear to have been poisoned, shot, electrocuted, have collided with industrial power generation equipment, or were otherwise injured as the result of potential criminal activity.

H. You may use the following methods of take: (1) firearms; (2) nets; (3) registered animal drugs (excluding nicarbazin), pesticides and repellents; (4) falconry abatement; and (5) legal lethal and live traps (excluding pole traps). Birds caught live may be euthanized or transported and relocated to another site approved by the appropriate State wildlife agency, if required. When using firearms, you may use rifles or air rifles to shoot any bird when you determine that the use of a shotgun is inadequate to resolve the injurious situation. The use of any of the above techniques is at your discretion for each situation.

I. You may temporarily possess and stabilize sick and injured migratory birds and immediately transport them to a federally licensed rehabilitator for care.

J. The following subpermittees are authorized: Employees of the Port Authority of New York and New Jersey; employees of USDA/APHIS/Wildlife Services and employees of Falcon Environmental Services

In addition, any other person who is (1) employed by or under contract to you for the activities specified in this permit, or (2) otherwise designated a subpermittee by you in writing, may exercise the authority of this permit.

K. You and any subpermittee(s) must comply with the attached Standard Conditions for Migratory Bird Depredation Permits

**For suspected illegal activity, immediately contact USFWS Law Enforcement at: 516-825-3950**



## Standard Conditions Migratory Bird Depredation Permits 50 CFR 21.41

All of the provisions and conditions of the governing regulations at 50 CFR part 13 and 50 CFR part 21.41 are conditions of your permit. The standard conditions below are additional provisions and conditions of your permit. Failure to comply with the conditions of your permit could be cause for suspension of the permit. If you have questions regarding these conditions, refer to the regulations or, if necessary, contact your migratory bird permit issuing office. For copies of the regulations and forms, or to obtain contact information for your issuing office, visit: [www.fws.gov/permits/mbpermits/birdbasics.html](http://www.fws.gov/permits/mbpermits/birdbasics.html).

1. To minimize the lethal take of migratory birds, you are required to continually apply non-lethal methods of harassment in conjunction with lethal control.
2. Shotguns used to take migratory birds can be no larger than 10-gauge and must be fired from the shoulder. You must use nontoxic shot listed in 50 CFR 20.21(j).
3. You may not use blinds, pits, or other means of concealment, decoys, duck calls, or other devices to lure or entice migratory birds into gun range.
4. You are not authorized to take, capture, harass, or disturb bald eagles or golden eagles, or species listed as threatened or endangered under the Endangered Species Act found in 50 CFR 17, without additional authorization.

For a list of threatened and endangered species in your state, visit the U.S. Fish and Wildlife Service's Threatened and Endangered Species System (TESS) at: [www.fws.gov/endangered](http://www.fws.gov/endangered).

5. If you encounter a migratory bird with a Federal band issued by the U.S. Geological Survey Bird Banding Laboratory, Laurel, MD, report the band number to 1-800-327-BAND or [www.reportband.gov](http://www.reportband.gov).
6. This permit does not authorize take or release of any migratory birds, nests, or eggs on Federal lands without additional prior written authorization from the applicable Federal agency.
7. This permit does not authorize take or release of any migratory birds, nests, or eggs on State lands or other public or private property without prior written permission or permits from the landowner or custodian.
8. Unless otherwise specified on the face of the permit, migratory birds, nests, or eggs taken under this permit must be:
  - (a) turned over to the U.S. Department of Agriculture for official purposes,
  - (b) donated to a public educational or scientific institution as defined by 50 CFR 10, or
  - (c) completely destroyed by burial or incineration.
9. Subpermittees must be at least 18 years of age. As the permittee, you are legally responsible for ensuring that your subpermittees are adequately trained and adhere to the terms of your permit. You are responsible for maintaining current records of who you have designated as a subpermittee, including copies of letters you have provided.
10. You and any subpermittees must carry a legible copy of this permit and display it upon request whenever you are exercising its authority.



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JAMAICA, NY 11430  
U.S.A.

2. AUTHORITY-STATUTES  
16 USD 703-712

REGULATIONS  
50 CFR Part 13  
50 CFR 21.41

3. NUMBER  
MB816581-0

4. RENEWABLE  
 YES  
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5. MAY COPY  
 YES  
 NO

6. EFFECTIVE  
03/01/2011

7. EXPIRES  
02/29/2012

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)  
LAURA FRANCOEUR  
WILDLIFE BIOLOGIST

9. TYPE OF PERMIT  
DEPREDEATION AT AIRPORTS

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED  
ALL PROPERTY BELONGING TO J.F. KENNEDY INTERNATIONAL AIRPORT, JAMAICA, NY  
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D. You are authorized to take, temporarily possess, and transport the migratory birds specified below to relieve or prevent injurious situations impacting public safety. All take must be done as part of an integrated wildlife damage management program that emphasizes nonlethal management techniques. You may not use this authority for situations in which migratory birds are merely causing a nuisance.

(1) The following may be lethally taken:

- (a) 5,500 Laughing gulls,
- (b) 1,500 Herring gulls,
- (c) 800 Atlantic brant
- (d) 50 American black ducks,
- (e) 400 Great black-backed gulls
- (f) 600 Ring-billed gulls
- (g) 300 Canada geese and Double-crested cormorants
- (h) 20 American oystercatchers,
- (i) 200 Mourning doves,
- (j) 100 Mallards
- (k) 30 Killdeer

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ANNUAL REPORT FOR CALENDAR YEAR 2010 DUE WITH RENEWAL FORM: (A) SPECIES, NUMBERS, DATES, AND DISPOSITION OF BIRDS TAKEN; (B) REPORT ON THE PERMITTEE'S NON-LETHAL MANAGEMENT ACTIVITIES; AND (C) DESCRIPTION OF STAFF INVOLVED IN BIRD CONTROL ACTIVITIES.

ISSUED BY

TITLE

CHIEF, MIGRATORY BIRD PERMIT OFFICE - REGION 5

DATE

04/05/2011

**(2) The following may be live-trapped and relocated:**

- (a) 5 American kestrels,
- (b) 10 Osprey

*Alternatively authorized to kill these birds, when capture or relocation is not possible.*

**(3) The following active nests (including eggs) may be destroyed:**

**300 Double-crested cormorant nests, and 25 American oystercatcher nests**, and any eggs contained therein. Alternatively, authorized to freeze, shake, puncture, or oil (using Egg Oil, 100% food grade corn oil, ADC Tech Note-June 1996) and immediately replace the eggs in these nests for subsequent incubation. **(NOTE: you can eliminate inactive (NO EGGS or CHICKS) Osprey nests without a depredation permit; therefore, you should not have active nests on airport property).**

(4) Raptors used for hazing other migratory birds as part of the airport's integrated wildlife damage management program must be housed at the airport in appropriate facilities as follows: (a) raptors housed for less than thirty (30) days must be provided with an adequate perch and protected from extreme temperatures and excessive disturbance; and (b) raptors held for longer than thirty (30) days must be provided with facilities described in 50 CFR 21.29(g).

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**State restrictions:** Peregrine falcons and other bird species are listed as endangered/threatened by New York State law and therefore may not be taken, unless otherwise authorized by the New York Department of Environmental Conservation.

E. You are authorized in emergency situations only to take, trap, or relocate any migratory birds, nests and eggs, including species that are not listed in Condition D (except bald eagles, golden eagles, or endangered or threatened species) when the migratory birds, nests, or eggs are posing a direct threat to human safety. A direct threat to human safety is one which involves a threat of serious bodily injury or a risk to human life.

You must report any emergency take activity to your migratory bird permit issuing office by **FAXING to 413-253-8424** within 72 hours after the emergency take action. Your report must include the species and number of birds taken, method, and a complete description of the circumstances warranting the emergency action.

F. You are authorized to salvage and temporarily possess migratory birds found dead or taken under this permit for (1) disposal, (2) transfer to the U.S. Department of Agriculture, (3) diagnostic purposes, (4) purposes of training airport personnel, (5) donation to a public scientific or educational institution as defined in 50 CFR 10.12, (6) donation to persons authorized by permit or regulation to possess them, or (7) donation of migratory game birds only to a public charity (those suitable for human consumption). Any dead bald eagles or golden eagles salvaged must be reported within 48 hours to the National Eagle Repository at (303) 287-2110 and to the migratory bird permit issuing office at 413-253-8643. The Repository will provide directions for shipment of these specimens.

G. You may not salvage and must immediately report to U.S. Fish and Wildlife Service Office of Law Enforcement any dead or injured migratory birds that you encounter that appear to have been poisoned, shot, electrocuted, have collided with industrial power generation equipment, or were otherwise killed or injured as the result of potential criminal activity. See USFWS OLE contact information below.

H. You may use the following methods of take: (1) firearms; (2) nets; (3) registered animal drugs (excluding nicarbazin), pesticides and repellents; (4) falconry abatement; and (5) legal lethal and live traps (excluding pole traps). Birds caught live may be euthanized or transported and relocated to another site approved by the appropriate State wildlife agency, if required. When using firearms, you may use rifles or air rifles to shoot any bird when you determine that the use of a shotgun is inadequate to resolve the injurious situation. You may use paint ball guns to haze birds or deter birds only when other methods of hazing are ineffective.

Anyone who takes migratory birds under the authority of this permit must follow the American Veterinary Medical Association

Guidelines on Euthanasia when euthanization of a bird is necessary  
([http://www.avma.org/issues/animal\\_welfare/euthanasia.pdf](http://www.avma.org/issues/animal_welfare/euthanasia.pdf)).

I. You may temporarily possess and stabilize sick and injured migratory birds and immediately transport them to a federally licensed rehabilitator for care.

J. The following subpermittees are authorized: **Employees of the Port Authority of NY & NJ; employees of Falcon Environmental Services and employees of USDA/APHIS/Wildlife Services**

In addition, any other person who is (1) employed by or under contract to you for the activities specified in this permit, or (2) otherwise designated a subpermittee by you in writing, may exercise the authority of this permit.

K. You and any subpermittee(s) must comply with the attached Standard Conditions for Migratory Bird Depredation Permits. **These standard conditions are a continuation of your permit conditions and must remain with your permit.**

**For suspected illegal activity, immediately contact USFWS Law Enforcement at: Valley Stream, NY: 516-825-3950**



## Standard Conditions Migratory Bird Depredation Permits 50 CFR 21.41

All of the provisions and conditions of the governing regulations at 50 CFR part 13 and 50 CFR part 21.41 are conditions of your permit. Failure to comply with the conditions of your permit could be cause for suspension of the permit. The standard conditions below are a continuation of your permit conditions and must remain with your permit. If you have questions regarding these conditions, refer to the regulations or, if necessary, contact your migratory bird permit issuing office. For copies of the regulations and forms, or to obtain contact information for your issuing office, visit: <http://www.fws.gov/migratorybirds/mbpermits.html>.

1. To minimize the lethal take of migratory birds, you are required to continually apply non-lethal methods of harassment in conjunction with lethal control.
2. Shotguns used to take migratory birds can be no larger than 10-gauge and must be fired from the shoulder. You must use nontoxic shot listed in 50 CFR 20.21(j).
3. You may not use blinds, pits, or other means of concealment, decoys, duck calls, or other devices to lure or entice migratory birds into gun range.
4. You are not authorized to take, capture, harass, or disturb bald eagles or golden eagles, or species listed as threatened or endangered under the Endangered Species Act found in 50 CFR 17, without additional authorization.  
  
For a list of threatened and endangered species in your state, visit the U.S. Fish and Wildlife Service's Threatened and Endangered Species System (TESS) at: <http://www.fws.gov/endangered>.
5. If you encounter a migratory bird with a Federal band issued by the U.S. Geological Survey Bird Banding Laboratory, Laurel, MD, report the band number to 1-800-327-BAND or <http://www.reportband.gov>.
6. This permit does not authorize take or release of any migratory birds, nests, or eggs on Federal lands without additional prior written authorization from the applicable Federal agency.
7. This permit does not authorize take or release of any migratory birds, nests, or eggs on State lands or other public or private property without prior written permission or permits from the landowner or custodian.
8. Unless otherwise specified on the face of the permit, migratory birds, nests, or eggs taken under this permit must be:
  - (a) turned over to the U.S. Department of Agriculture for official purposes, or
  - (b) donated to a public educational or scientific institution as defined by 50 CFR 10, or
  - (c) completely destroyed by burial or incineration, or
  - (d) with prior approval from the permit issuing office, donated to persons authorized by permit or regulation to possess them.
9. Subpermittees must be at least 18 years of age. As the permittee, you are legally responsible for ensuring that your subpermittees are adequately trained and adhere to the terms of your permit. You are responsible for maintaining current records of who you have designated as a subpermittee, including copies of letters you have provided.
10. You and any subpermittees must carry a legible copy of this permit and display it upon request whenever you are exercising its authority.

(page 1 of 2)

11. You must maintain records as required in 50 CFR 13.46 and 50 CFR 21.41. All records relating to the permitted activities must be kept at the location indicated in writing by you to the migratory bird permit issuing office.
12. Acceptance of this permit authorizes the U.S. Fish and Wildlife Service to inspect any wildlife held, and to audit or copy any permits, books, or records required to be kept by the permit and governing regulations.
13. You may not conduct the activities authorized by this permit if doing so would violate the laws of the applicable State, county, municipal or tribal government or any other applicable law.

(DPRD - 1/1/2011)

(page 2 of 2)



DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

PORT AUTHORITY OF NY AND NJ  
J.F. KENNEDY INTERNATIONAL AIRPORT  
BUILDING 145 - 2ND FLOOR  
JAMAICA, NY 11430  
U.S.A.

2. AUTHORITY-STATUTES  
16 USD 703-712

REGULATIONS  
50 CFR Part 1.3  
50 CFR 21.41

3. NUMBER  
**MB816581-1**

AMENDMENT

4. RENEWABLE

YES  
 NO

5. MAY COPY

YES  
 NO

6. EFFECTIVE  
03/19/2013

7. EXPIRES  
02/28/2014

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)

LAURA FRANCOEUR  
WILDLIFE BIOLOGIST

9. TYPE OF PERMIT

DEPREDAATION AT AIRPORTS

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

ALL PROPERTY BELONGING TO J.F. KENNEDY INTERNATIONAL AIRPORT, JAMAICA, NY

11. CONDITIONS AND AUTHORIZATIONS:

- A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.
- C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

**AMENDMENT 1 IN BOLD AND UNDERLINED**

D. You are authorized to take, temporarily possess, and transport the migratory birds specified below to relieve or prevent injurious situations impacting public safety. All take must be done as part of an integrated wildlife damage management program that emphasizes nonlethal management techniques. You may not use this authority for situations in which migratory birds are merely causing a nuisance.

(1) The following may be lethally taken:

- (a) 5,500 Laughing gulls,
- (b) 1,500 Herring gulls,
- (c) 800 Atlantic brant
- (d) 50 American black ducks,
- (e) 400 Great black-backed gulls
- (f) 600 Ring-billed gulls
- (g) 300 Canada geese and Double-crested cormorants
- (h) 20 American oystercatchers,
- (i) 1000 Mourning doves,
- (j) 100 Mallards
- (k) 50 Killdeer
- (l) 25 Barn Swallows
- (m) 10 Tree Swallows
- (n) 25 Snow Buntings**
- (o) 5 Gadwall and Snow Geese**

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ANNUAL REPORT IS DUE WITH NEXT RENEWAL

REPORT FORMS CAN BE FOUND AT: <http://www.fws.gov/migratorybirds/mbpermits.html>

ISSUED BY

*[Handwritten Signature]*

TITLE

CHIEF, MIGRATORY BIRD PERMIT OFFICE - REGION 5

DATE

03/19/2013

Lethal take is not to be the primary means of control. Active hazing, harassment or other non-lethal techniques must continue in conjunction with any lethal take of migratory birds.

(2) The following may be live-trapped and relocated: FIVE (5) American kestrels and TWENTY (20) OSPREY. Alternatively authorized to kill these birds, when capture or relocation is not possible.

(3) The following active nests (including eggs) may be destroyed: Up to 10 Killdeer nest, 75 Barn Swallow nests, 2 Gadwall nests, 300 Double-crested cormorant nests, and 25 American oystercatcher nests, and any eggs contained therein. Alternatively, authorized to freeze, shake, puncture, or oil (using Egg Oil, 100% food grade corn oil, ADC Tech Note-June 1996) and immediately replace the eggs in these nests for subsequent incubation. (NOTE: you can eliminate inactive (NO EGGS or CHICKS) Osprey nests without a depredation permit; therefore, you should not have active nests on airport property).

(4) Raptors used for hazing other migratory birds as part of the airport's integrated wildlife damage management program must be housed at the airport in appropriate facilities as follows: (a) raptors housed for less than thirty (30) days must be provided with an adequate perch and protected from extreme temperatures and excessive disturbance; and (b) raptors held for longer than thirty (30) days must be provided with facilities described in 50 CFR 21.29(g).

A copy of the Federal permit or Form 3-186A or similar record of acquisition, indicating lawful possession of the raptors used for hazing other migratory birds, must be prominently displayed at or near the mews or weathering area for each bird. Only captive-bred raptors may be used, and must be marked on the metatarsus with a seamless numbered band issued by the USFWS. Eagles may not be used for these purposes.

State restrictions: Peregrine falcons and other bird species are listed as endangered/threatened by New York State law and therefore may not be taken, unless otherwise authorized by the New York Department of Environmental Conservation.

E. You are authorized in emergency situations only to take, trap, or relocate any migratory birds, nests and eggs, including species that are not listed in Condition D (except bald eagles, golden eagles, or endangered or threatened species) when the migratory birds, nests, or eggs are posing a direct threat to human safety. A direct threat to human safety is one which involves a threat of serious bodily injury or a risk to human life.

You must report any emergency take activity to your migratory bird permit issuing office by **FAXING to 413-253-8424** within 72 hours after the emergency take action. Your report must include the species and number of birds taken, method, and a complete description of the circumstances warranting the emergency action.

F. You are authorized to salvage and temporarily possess migratory birds found dead or taken under this permit for (1) disposal, (2) transfer to the U.S. Department of Agriculture, (3) diagnostic purposes, (4) purposes of training airport personnel, (5) donation to a public scientific or educational institution as defined in 50 CFR 10.12, (6) donation to persons authorized by permit or regulation to possess them, or (7) donation of migratory game birds only to a public charity (those suitable for human consumption). Any dead bald eagles or golden eagles salvaged must be reported within 48 hours to the National Eagle Repository at (303) 287-2110 and to the migratory bird permit issuing office at **413-253-8424(fax)**. The Repository will provide directions for shipment of these specimens.

G. You may not salvage and must immediately report to U.S. Fish and Wildlife Service Office of Law Enforcement any dead or injured migratory birds that you encounter that appear to have been poisoned, shot, electrocuted, have collided with industrial power generation equipment, or were otherwise killed or injured as the result of potential criminal activity. See USFWS OLE contact information below.

H You may use the following methods of take: (1) Shotguns (1a) other types of firearms by USDA only; (2) nets; (3) registered animal drugs (excluding nicarbazin), pesticides and repellents; (4) falconry abatement; and (5) legal lethal and live traps (excluding pole traps). Birds caught live may be euthanized or transported and relocated to another site approved by the appropriate State wildlife agency, if required. When using firearms, you may use rifles or air rifles to shoot any bird when you determine that the use of a shotgun is inadequate to resolve the injurious situation. You may use paint ball guns to haze birds or deter birds only when other methods of hazing are ineffective.

Anyone who takes migratory birds under the authority of this permit must follow the American Veterinary Medical Association Guidelines on Euthanasia when euthanization of a bird is necessary ([http://www.avma.org/issues/animal\\_welfare/euthanasia.pdf](http://www.avma.org/issues/animal_welfare/euthanasia.pdf)).

I. You may temporarily possess and stabilize sick and injured migratory birds and immediately transport them to a federally licensed rehabilitator for care.

J. The following subpermittees are authorized: Employees of the Port Authority of NY & NJ; employees of Falcon Environmental Services and employees of USDA/APHIS/Wildlife Services. In addition, any other person who is (1) employed by or under contract to you for the activities specified in this permit, or (2) otherwise designated a subpermittee by you in writing, may exercise the authority of this permit.

K. You and any subpermittee(s) must comply with the attached Standard Conditions for Migratory Bird Depredation Permits. **These standard conditions are a continuation of your permit conditions and must remain with your permit.**

**For suspected illegal activity, immediately contact USFWS Law Enforcement at: Valley Stream, NY: 516-825-3950**



## Standard Conditions Migratory Bird Depredation Permits 50 CFR 21.41

All of the provisions and conditions of the governing regulations at 50 CFR part 13 and 50 CFR part 21.41 are conditions of your permit. Failure to comply with the conditions of your permit could be cause for suspension of the permit. The standard conditions below are a continuation of your permit conditions and must remain with your permit. If you have questions regarding these conditions, refer to the regulations or, if necessary, contact your migratory bird permit issuing office. For copies of the regulations and forms, or to obtain contact information for your issuing office, visit: <http://www.fws.gov/migratorybirds/mbpermits.html>.

1. To minimize the lethal take of migratory birds, you are required to continually apply non-lethal methods of harassment in conjunction with lethal control.  
*[Note: Explosive Pest Control Devices (EPCDs) are regulated by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). If you plan to use EPCDs, you require a Federal explosives permit, unless you are exempt under 27 CFR 555.141. Information and contacts may be found at <http://www.atf.gov/explosives/how-to/become-an-fel.htm>.]*
2. Shotguns used to take migratory birds can be no larger than 10-gauge and must be fired from the shoulder. You must use nontoxic shot listed in 50 CFR 20.21(j).
3. You may not use blinds, pits, or other means of concealment, decoys, duck calls, or other devices to lure or entice migratory birds into gun range.
4. You are not authorized to take, capture, harass, or disturb bald eagles or golden eagles, or species listed as threatened or endangered under the Endangered Species Act found in 50 CFR 17, without additional authorization.

For a list of threatened and endangered species in your state, visit the U.S. Fish and Wildlife Service's Threatened and Endangered Species System (TESS) at: <http://www.fws.gov/endangered>.

5. If you encounter a migratory bird with a Federal band issued by the U.S. Geological Survey Bird Banding Laboratory, Laurel, MD, report the band number to 1-800-327-BAND or <http://www.reportband.gov>.
6. This permit does not authorize take or release of any migratory birds, nests, or eggs on Federal lands without additional prior written authorization from the applicable Federal agency, or on State lands or other public or private property without prior written permission or permits from the landowner or custodian.
7. Unless otherwise specified on the face of the permit, migratory birds, nests, or eggs taken under this permit must be:
  - (a) turned over to the U.S. Department of Agriculture for official purposes, or
  - (b) donated to a public educational or scientific institution as defined by 50 CFR 10, or
  - (c) completely destroyed by burial or incineration, or
  - (d) with prior approval from the permit issuing office, donated to persons authorized by permit or regulation to possess them.

8. A subpermittee is an individual to whom you have provided written authorization to conduct some or all of the permitted activities in your absence. Subpermittees must be at least 18 years of age. As the permittee, you are legally responsible for ensuring that your subpermittees are adequately trained and adhere to the terms of your permit. You are responsible for maintaining current records of who you have designated as a subpermittee, including copies of designation letters you have provided.
9. You and any subpermittees must carry a legible copy of this permit, *including these Standard Conditions*, and display it upon request whenever you are exercising its authority.
10. You must maintain records as required in 50 CFR 13.46 and 50 CFR 21.41. All records relating to the permitted activities must be kept at the location indicated in writing by you to the migratory bird permit issuing office.
11. Acceptance of this permit authorizes the U.S. Fish and Wildlife Service to inspect any wildlife held, and to audit or copy any permits, books, or records required to be kept by the permit and governing regulations.
12. You may not conduct the activities authorized by this permit if doing so would violate the laws of the applicable State, county, municipal or tribal government or any other applicable law.

(DPRD - 12/3/2011)



DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE

3-201  
(1/97)

### FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

PORT AUTHORITY OF NY AND NJ  
J.F. KENNEDY INTERNATIONAL AIRPORT  
BUILDING 145 - 2ND FLOOR  
JAMAICA, NY 11430  
U.S.A.

2. AUTHORITY-STATUTES  
16 USD 703-712

REGULATIONS  
50 CFR Part 13  
50 CFR 21.41

3. NUMBER  
MB816681-0

4. RENEWABLE  
 YES  
 NO

5. MAY COPY  
 YES  
 NO

6. EFFECTIVE  
03/01/2010

7. EXPIRES  
02/28/2011

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)  
LAURA FRANCOEUR  
WILDLIFE BIOLOGIST

9. TYPE OF PERMIT  
DEPREDAATION AT AIRPORTS

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED  
ALL PROPERTY BELONGING TO J.F. KENNEDY INTERNATIONAL AIRPORT, JAMAICA, NY  
TEL: 718-244-3773

11. CONDITIONS AND AUTHORIZATIONS:

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY OR RENEWAL OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

D. You are authorized to take, temporarily possess, and transport the migratory birds specified below to relieve or prevent injurious situations impacting public safety. All take must be done as part of an integrated wildlife damage management program that emphasizes nonlethal management techniques. You may not use this authority for situations in which migratory birds are merely causing a nuisance.

(1) The following may be lethally taken:

- (a) 8,100 Laughing gulls,
- (b) 1,500 Herring gulls,
- (c) 800 Atlantic brant
- (d) 50 American black ducks,
- (e) 400 Great black-backed gulls
- (f) 600 Ring-billed gulls
- (g) 300 Canada geese and Double-crested cormorants
- (h) 20 American oystercatchers,
- (i) 150 Tree swallows,
- (j) 200 Mourning doves,
- (k) 100 Mallards
- (l) 30 Killdeer

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS:

ANNUAL REPORT FOR CALENDAR YEAR 2010 DUE WITH RENEWAL FORM: (A) SPECIES, NUMBERS, DATES, AND DISPOSITION OF BIRDS TAKEN; (B) REPORT ON THE PERMITTEE'S NON-LETHAL MANAGEMENT ACTIVITIES; AND (C) DESCRIPTION OF STAFF INVOLVED IN BIRD CONTROL ACTIVITIES.

ISSUED BY

TITLE

ARD, MIGRATORY BIRDS & STATE PROGRAMS

DATE

02/17/2010

(2) The following may be live-trapped and relocated:

- (a) 5 American kestrels,
- (b) 10 Osprey

*Alternatively authorized to kill these birds, when capture or relocation is not possible.*

(3) The following active nests (including eggs) may be destroyed:

300 Double-crested cormorant nests, and 25 American oystercatcher nests, and any eggs contained therein. Alternatively, authorized to freeze, shake, puncture, or oil (using Egg Oil, 100% food grade corn oil, ADC Tech Note-June 1996) and immediately replace the eggs in these nests for subsequent incubation. (NOTE: you can eliminate inactive (NO EGGS or CHICKS) Osprey nests without a depredation permit; therefore, you should not have active nests on airport property).

(4) Raptors used for hazing other migratory birds as part of the airport's integrated wildlife damage management program must be housed at the airport in appropriate facilities as follows: (a) raptors housed for less than thirty (30) days must be provided with an adequate perch and protected from extreme temperatures and excessive disturbance; and (b) raptors held for longer than thirty (30) days must be provided with facilities described in 50 CFR 21.29(g).

A copy of the Federal permit or Form 3-186A or similar record of acquisition, indicating lawful possession of the raptors used for hazing other migratory birds, must be prominently displayed at or near the mews or weathering area for each bird. Only captive-bred raptors may be used, and must be marked on the metatarsus with a seamless numbered band issued by the USFWS. Eagles may not be used for these purposes.

**State restrictions:** Peregrine falcons and other bird species are listed as endangered/threatened by New York State law and therefore may not be taken, unless otherwise authorized by the New York Department of Environmental Conservation.

E. You are authorized in emergency situations only to take, trap, or relocate any migratory birds, nests and eggs, including species that are not listed in Condition D (except bald eagles, golden eagles, or endangered or threatened species) when the migratory birds, nests, or eggs are posing a direct threat to human safety. A direct threat to human safety is one which involves a threat of serious bodily injury or a risk to human life.

You must report any emergency take activity to your migratory bird permit issuing office, Hadley, MA, by faxing 413-253-8424, within 72 hours after the emergency take action. Your report must include the species and number of birds taken, method, and a complete description of the circumstances warranting the emergency action.

F. You are authorized to salvage and temporarily possess migratory birds found dead or taken under this permit for (1) disposal, (2) transfer to the U.S. Department of Agriculture, (3) diagnostic purposes, (4) purposes of training airport personnel, (5) donation to a public charity (those suitable for human consumption), or (6) donation to a public scientific or educational institution as defined in 50 CFR 10.12. Any dead bald eagles or golden eagles salvaged must be reported within 48 hours to the National Eagle Repository at (303) 287-2110 and to the migratory bird permit issuing office at 413-253-8643. The Repository will provide directions for shipment of these specimens.

G. You may not salvage and must immediately report to U.S. Fish and Wildlife Service Law Enforcement any migratory birds that appear to have been poisoned, shot, electrocuted, have collided with industrial power generation equipment, or were otherwise injured as the result of potential criminal activity.

H. You may use the following methods of take: (1) firearms; (2) nets; (3) registered animal drugs (excluding nicarbazin), pesticides and repellents; (4) falconry abatement; and (5) legal lethal and live traps (excluding pole traps). Birds caught live may be euthanized or transported and relocated to another site approved by the appropriate State wildlife agency, if required. When using firearms, you may use rifles or air rifles to shoot any bird when you determine that the use of a shotgun is inadequate to resolve the injurious situation. The use of any of the above techniques is at your discretion for each situation.

I. You may temporarily possess and stabilize sick and injured migratory birds and immediately transport them to a federally licensed rehabilitator for care.

J. The following subpermittees are authorized: Employees of the Port Authority of New York and New Jersey; employees of USDA/APHIS/Wildlife Services and employees of Falcon Environmental Services.

In addition, any other person who is (1) employed by or under contract to you for the activities specified in this permit, or (2) otherwise designated a subpermittee by you in writing, may exercise the authority of this permit.

K. You and any subpermittee(s) **MUST** comply with the attached Standard Conditions for Migratory Bird Depredation Permits

For suspected illegal activity, immediately contact USFWS Law Enforcement at: Valley Stream, NY: 516-825-3950



## Standard Conditions Migratory Bird Depredation Permits 50 CFR 21.41

All of the provisions and conditions of the governing regulations at 50 CFR part 13 and 50 CFR part 21.41 are conditions of your permit. The standard conditions below are additional provisions and conditions of your permit. Failure to comply with the conditions of your permit could be cause for suspension of the permit. If you have questions regarding these conditions, refer to the regulations or, if necessary, contact your migratory bird permit issuing office. For copies of the regulations and forms, or to obtain contact information for your issuing office, visit: [www.fws.gov/permits/mbpermits/birdbasics.html](http://www.fws.gov/permits/mbpermits/birdbasics.html).

1. To minimize the lethal take of migratory birds, you are required to continually apply non-lethal methods of harassment in conjunction with lethal control.
2. Shotguns used to take migratory birds can be no larger than 10-gauge and must be fired from the shoulder. You must use nontoxic shot listed in 50 CFR 20.21(j).
3. You may not use blinds, pits, or other means of concealment, decoys, duck calls, or other devices to lure or entice migratory birds into gun range.
4. You are not authorized to take, capture, harass, or disturb bald eagles or golden eagles, or species listed as threatened or endangered under the Endangered Species Act found in 50 CFR 17, without additional authorization.  
  
For a list of threatened and endangered species in your state, visit the U.S. Fish and Wildlife Service's Threatened and Endangered Species System (TESS) at: [www.fws.gov/endangered](http://www.fws.gov/endangered).
5. If you encounter a migratory bird with a Federal band issued by the U.S. Geological Survey Bird Banding Laboratory, Laurel, MD, report the band number to 1-800-327-BAND or [www.reportband.gov](http://www.reportband.gov).
6. This permit does not authorize take or release of any migratory birds, nests, or eggs on Federal lands without additional prior written authorization from the applicable Federal agency.
7. This permit does not authorize take or release of any migratory birds, nests, or eggs on State lands or other public or private property without prior written permission or permits from the landowner or custodian.
8. Unless otherwise specified on the face of the permit, migratory birds, nests, or eggs taken under this permit must be:
  - (a) turned over to the U.S. Department of Agriculture for official purposes,
  - (b) donated to a public educational or scientific institution as defined by 50 CFR 10, or
  - (c) completely destroyed by burial or incineration.
9. Subpermittees must be at least 18 years of age. As the permittee, you are legally responsible for ensuring that your subpermittees are adequately trained and adhere to the terms of your permit. You are responsible for maintaining current records of who you have designated as a subpermittee, including copies of letters you have provided.
10. You and any subpermittees must carry a legible copy of this permit and display it upon request whenever you are exercising its authority.

11. You must maintain records as required in 50 CFR 13.46 and 50 CFR 21.41. All records relating to the permitted activities must be kept at the location indicated in writing by you to the migratory bird permit issuing office.
12. Acceptance of this permit authorizes the U.S. Fish and Wildlife Service to inspect any wildlife held, and to audit or copy any permits, books, or records required to be kept by the permit and governing regulations.
13. You may not conduct the activities authorized by this permit if doing so would violate the laws of the applicable State, county, municipal or tribal government or any other applicable law.

(DPRD-4/7/2008)



DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE

**FEDERAL FISH AND WILDLIFE PERMIT**

2. AUTHORITY-STATUTES  
16 USD 703-712

REGULATIONS  
50 CFR Part 13  
50 CFR 21.41

1. PERMITTEE

PORT AUTHORITY OF NY AND NJ  
J.F. KENNEDY INTERNATIONAL AIRPORT  
BUILDING 145 - 2ND FLOOR  
JAMAICA, NY 11430  
U.S.A.

3. NUMBER  
**MB816581-0**

4. RENEWABLE  
 YES  
 NO

5. MAY COPY  
 YES  
 NO

6. EFFECTIVE  
03/01/2012

7. EXPIRES  
02/28/2013

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)

LAURA FRANCOEUR  
WILDLIFE BIOLOGIST

9. TYPE OF PERMIT

DEPREDAATION AT AIRPORTS

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

**ALL PROPERTY BELONGING TO J.F. KENNEDY INTERNATIONAL AIRPORT, JAMAICA, NY**

11. CONDITIONS AND AUTHORIZATIONS:

- A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.
- C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

D. You are authorized to take, temporarily possess, and transport the migratory birds specified below to relieve or prevent injurious situations impacting public safety. All take must be done as part of an integrated wildlife damage management program that emphasizes nonlethal management techniques. You may not use this authority for situations in which migratory birds are merely causing a nuisance.

**(1) The following may be lethally taken:**

- (a) 5,500 Laughing gulls,
- (b) 1,500 Herring gulls,
- (c) 800 Atlantic brant
- (d) 50 American black ducks,
- (e) 400 Great black-backed gulls
- (f) 600 Ring-billed gulls
- (g) 300 Canada geese and Double-crested cormorants
- (h) 20 American oystercatchers,
- (i) 500 Mourning doves,
- (j) 100 Mallards
- (k) 30 Killdeer
- (l) 25 Barn Swallows
- (m) 10 Tree Swallows

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

**ANNUAL REPORT IS DUE WITH NEXT RENEWAL**  
REPORT FORMS CAN BE FOUND AT: <http://www.fws.gov/migratorybirds/mbpermits.html>

ISSUED BY

TITLE

CHIEF, MIGRATORY BIRD PERMIT OFFICE - REGION 5

DATE

03/21/2012

- (n) 25 Snow Buntings
- (o) 5 Gadwall

Lethal take is not to be the primary means of control. Active hazing, harassment or other non-lethal techniques must continue in conjunction with any lethal take of migratory birds.

**(2) The following may be live-trapped and relocated:** 5 American kestrels and 10 Osprey. **Alternatively authorized to kill these birds, when capture or relocation is not possible.**

**(3) The following active nests (including eggs) may be destroyed:** Up to 10 Killdeer nest, 10 Barn Swallow nests, 2 Gadwall nests, 300 Double-crested cormorant nests, and 25 American oystercatcher nests, and any eggs contained therein. Alternatively, authorized to freeze, shake, puncture, or oil (using Egg Oil, 100% food grade corn oil, ADC Tech Note-June 1996) and immediately replace the eggs in these nests for subsequent incubation. **(NOTE: you can eliminate inactive (NO EGGS or CHICKS) Osprey nests without a depredation permit; therefore, you should not have active nests on airport property).**

(4) Raptors used for hazing other migratory birds as part of the airport's integrated wildlife damage management program must be housed at the airport in appropriate facilities as follows: (a) raptors housed for less than thirty (30) days must be provided with an adequate perch and protected from extreme temperatures and excessive disturbance; and (b) raptors held for longer than thirty (30) days must be provided with facilities described in 50 CFR 21.29(g).

A copy of the Federal permit or Form 3-186A or similar record of acquisition, indicating lawful possession of the raptors used for hazing other migratory birds, must be prominently displayed at or near the mews or weathering area for each bird. Only captive-bred raptors may be used, and must be marked on the metatarsus with a seamless numbered band issued by the USFWS. Eagles may not be used for these purposes.

**State restrictions:** Peregrine falcons and other bird species are listed as endangered/threatened by New York State law and therefore may not be taken, unless otherwise authorized by the New York Department of Environmental Conservation.

E. You are authorized in emergency situations only to take, trap, or relocate any migratory birds, nests and eggs, including species that are not listed in Condition D (except bald eagles, golden eagles, or endangered or threatened species) when the migratory birds, nests, or eggs are posing a direct threat to human safety. A direct threat to human safety is one which involves a threat of serious bodily injury or a risk to human life.

You must report any emergency take activity to your migratory bird permit issuing office by **FAXING to 413-253-8424** within 72 hours after the emergency take action. Your report must include the species and number of birds taken, method, and a complete description of the circumstances warranting the emergency action.

F. You are authorized to salvage and temporarily possess migratory birds found dead or taken under this permit for (1) disposal, (2) transfer to the U.S. Department of Agriculture, (3) diagnostic purposes, (4) purposes of training airport personnel, (5) donation to a public scientific or educational institution as defined in 50 CFR 10.12, (6) donation to persons authorized by permit or regulation to possess them, or (7) donation of migratory game birds only to a public charity (those suitable for human consumption). Any dead bald eagles or golden eagles salvaged must be reported within 48 hours to the National Eagle Repository at (303) 287-2110 and to the migratory bird permit issuing office at **413-253-8424(fax)**. The Repository will provide directions for shipment of these specimens.

G. You may not salvage and must immediately report to U.S. Fish and Wildlife Service Office of Law Enforcement any dead or injured migratory birds that you encounter that appear to have been poisoned, shot, electrocuted, have collided with industrial power generation equipment, or were otherwise killed or injured as the result of potential criminal activity. See USFWS OLE contact information below.

H. You may use the following methods of take: (1) Shotguns (1a) other types of firearms by USDA only; (2) nets; (3) registered animal drugs (excluding nicarbazin), pesticides and repellents; (4) falconry abatement; and (5) legal lethal and live traps (excluding pole traps). Birds caught live may be euthanized or transported and relocated to another site approved by the appropriate State wildlife agency, if required. When using firearms, you may use rifles or air rifles to shoot any bird when you determine that the use of a shotgun is inadequate to resolve the injurious situation. You may use paint ball guns to haze birds or deter birds only when other methods of hazing are ineffective.

Anyone who takes migratory birds under the authority of this permit must follow the American Veterinary Medical Association Guidelines on Euthanasia when euthanization of a bird is necessary ([http://www.avma.org/issues/animal\\_welfare/euthanasia.pdf](http://www.avma.org/issues/animal_welfare/euthanasia.pdf)).

I. You may temporarily possess and stabilize sick and injured migratory birds and immediately transport them to a federally

licensed rehabilitator for care.

J. The following subpermittees are authorized: **Employees of the Port Authority of NY & NJ; employees of Falcon Environmental Services and employees of USDA/APHIS/Wildlife Services.** In addition, any other person who is (1) employed by or under contract to you for the activities specified in this permit, or (2) otherwise designated a subpermittee by you in writing, may exercise the authority of this permit.

K. You and any subpermittee(s) must comply with the attached Standard Conditions for Migratory Bird Depredation Permits. **These standard conditions are a continuation of your permit conditions and must remain with your permit.**

**For suspected illegal activity, immediately contact USFWS Law Enforcement at: Valley Stream, NY: 516-825-3950**



## Standard Conditions Migratory Bird Depredation Permits 50 CFR 21.41

All of the provisions and conditions of the governing regulations at 50 CFR part 13 and 50 CFR part 21.41 are conditions of your permit. Failure to comply with the conditions of your permit could be cause for suspension of the permit. The standard conditions below are a continuation of your permit conditions and must remain with your permit. If you have questions regarding these conditions, refer to the regulations or, if necessary, contact your migratory bird permit issuing office. For copies of the regulations and forms, or to obtain contact information for your issuing office, visit: <http://www.fws.gov/migratorybirds/mbpermits.html>.

1. To minimize the lethal take of migratory birds, you are required to continually apply non-lethal methods of harassment in conjunction with lethal control.  
*[Note: Explosive Pest Control Devices (EPCDs) are regulated by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). If you plan to use EPCDs, you require a Federal explosives permit, unless you are exempt under 27 CFR 555.141. Information and contacts may be found at <http://www.atf.gov/explosives/how-to/become-an-fel.htm>.]*

2. Shotguns used to take migratory birds can be no larger than 10-gauge and must be fired from the shoulder. You must use nontoxic shot listed in 50 CFR 20.21(j).
3. You may not use blinds, pits, or other means of concealment, decoys, duck calls, or other devices to lure or entice migratory birds into gun range.
4. You are not authorized to take, capture, harass, or disturb bald eagles or golden eagles, or species listed as threatened or endangered under the Endangered Species Act found in 50 CFR 17, without additional authorization.

For a list of threatened and endangered species in your state, visit the U.S. Fish and Wildlife Service's Threatened and Endangered Species System (TESS) at: <http://www.fws.gov/endangered>.

5. If you encounter a migratory bird with a Federal band issued by the U.S. Geological Survey Bird Banding Laboratory, Laurel, MD, report the band number to 1-800-327-BAND or <http://www.reportband.gov>.
6. This permit does not authorize take or release of any migratory birds, nests, or eggs on Federal lands without additional prior written authorization from the applicable Federal agency, or on State lands or other public or private property without prior written permission or permits from the landowner or custodian.
7. Unless otherwise specified on the face of the permit, migratory birds, nests, or eggs taken under this permit must be:
  - (a) turned over to the U.S. Department of Agriculture for official purposes, or
  - (b) donated to a public educational or scientific institution as defined by 50 CFR 10, or
  - (c) completely destroyed by burial or incineration, or
  - (d) with prior approval from the permit issuing office, donated to persons authorized by permit or regulation to possess them.

8. A subpermittee is an individual to whom you have provided written authorization to conduct some or all of the permitted activities in your absence. Subpermittees must be at least 18 years of age. As the permittee, you are legally responsible for ensuring that your subpermittees are adequately trained and adhere to the terms of your permit. You are responsible for maintaining current records of who you have designated as a subpermittee, including copies of designation letters you have provided.
9. You and any subpermittees must carry a legible copy of this permit, *including these Standard Conditions*, and display it upon request whenever you are exercising its authority.
10. You must maintain records as required in 50 CFR 13.46 and 50 CFR 21.41. All records relating to the permitted activities must be kept at the location indicated in writing by you to the migratory bird permit issuing office.
11. Acceptance of this permit authorizes the U.S. Fish and Wildlife Service to inspect any wildlife held, and to audit or copy any permits, books, or records required to be kept by the permit and governing regulations.
12. You may not conduct the activities authorized by this permit if doing so would violate the laws of the applicable State, county, municipal or tribal government or any other applicable law.

(DPRD - 12/3/2011)



**LICENSE**  
**Under the Environmental Conservation Law (ECL)**

**Licensee and Facility Information**

**License Issued To:**

LAURA C FRANCOEUR  
THE PORT AUTHORITY OF NY AND NJ  
JFK INTERNATIONAL AIRPORT BLDG 145  
2ND FLR  
JAMAICA, NY 11430

**Facility:**

JFK INTERNATIONAL AIRPORT  
JOHN F KENNEDY EXPRY  
JAMAICA, NY 11430

(718) 244-3773  
COUNTY: QUEENS

**DEC Contact Information**

DIVISION OF FISH, WILDLIFE AND MARINE RESOURCES  
SPECIAL LICENSES UNIT  
625 BROADWAY, ALBANY, NEW YORK 12233-4752  
PHONE: (518) 402-8985 FAX: (518) 402-8925  
WEBSITE: [www.dec.state.ny.us](http://www.dec.state.ny.us)

**License Authorizations**

**Depredation Licenses - Airport**  
License # 42

New License

Effective Date: 4/1/2012

Expiration Date: 3/31/2013

**NYSDEC Approval**

**By acceptance of this license, the licensee agrees that the license is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this license.**

**License Regulations**

6 NYCRR Part 182  
ECL 11-0535



Depredation Licenses - Airport # 42

6 NYCRR Part 175  
ECL 11-0521  
ECL 11-0505 (5)

**DEPREDATION LICENSES - AIRPORT - LICENSE CONDITIONS**

**1. DEPA – Authorization for Non-lethal Control Methods** The licensee is authorized to use department approved non-lethal control methods on migratory birds, including state listed endangered or threatened species or species of special concern (6 NYCRR Part 182), that are creating or will create a hazard to human health or safety at JFK International Airport, Queens County, New York.

**2. DEPA - Authorization for Lethal Control Methods Exception** The licensee is authorized to take no more than 10 Osprey (*Pandion haliaetus*) on airport grounds when non-lethal control measures have failed and the animal has landed on a runway in use or poses a direct threat to human safety.

**3. DEP – ALL – License not Valid Without Federal Permit** This license is not valid without a corresponding Federal Permit from the US Fish and Wildlife Service. The licensee shall comply with all terms and conditions of the Federal Permit.

**4. DEPA – Control Measures** Control measures shall include non-lethal methods designed to frighten migratory birds from the authorized location(s).

**5. DEPA – Training Requirement Prior to Use of Lethal Control Methods** Only persons who have received training in species identification and wildlife control techniques within the previous two (2) years are authorized to use lethal control methods pursuant to this license.

**6. DEPA – No Take of Non - Target Species** This license does not authorize the taking of any non-target species. In the event such species are taken, the licensee shall cease activities and contact the New York State Department of Environmental Conservation's Regional Wildlife Manager at

Regional Wildlife Manager  
NYSDEC REGION 2 HEADQUARTERS  
47-40 21ST ST  
LONG ISLAND CITY, NY 11101 -5407

**7. DEP –ALL – Designated Agents** The licensee may designate agents to conduct activities authorized by this license. Such designations shall be made in writing by sending a list with the name and address of the person(s) the licensee wishes to designate as an agent to the NYSDEC Special Licenses Unit at the address listed on the front of this license. This list shall be current and on file at the NYSDEC Special Licenses Unit. The licensee is responsible for all actions taken by designated agents under this license.

**8. DEPA – Laughing Gull Nesting Colony Census – JFK** The licensee shall conduct a census of the laughing gull (*Larus atricilla*) colony at Joco, East High Meadow and Silver Hole Marshes, Gateway National Recreation Area, Jamaica Bay, Queens County, prior to or immediately after implementation of shooting and prior to June 15.



Depredation Licenses - Airport # 42

**9. DEPA – Status Report Requirement – JFK** The licensee shall submit an annual status report that identifies specific activities that have been undertaken to reduce bird attractants both on and off the airport. Activities to reduce bird attractants shall include:

1. vegetation management;
2. insect control;
3. solid waste management;
4. water retention management;
5. removal of food sources and garbage from the airport;
6. landscape management.

The licensee shall update the previous year's report and identify activities accomplished, those still ongoing and those actions still in the planning stage. Estimated time frames shall be provided.

**GENERAL CONDITIONS - Apply to ALL Authorized Licenses**

**1. GC – Licensee Shall Read All Conditions** The licensee shall read all license conditions prior to conducting any activities authorized pursuant to this license.

**2. GC – License is Not Transferrable** This license is not transferrable and is valid only for the person identified as the licensee.

**3. GC – Licensee Responsible for Federal, State or Local Permits/Licenses** The licensee is responsible for obtaining any and all necessary, corresponding Federal, State or local permits or licenses prior to conducting any activity authorized pursuant to this license.

**4. GC – Reasons for Revocation** This license may be revoked for any of the following reasons:

- i. licensee provided materially false or inaccurate statements in his or her application, supporting documentation or on required reports;
- ii. failure by the licensee to comply with any terms or conditions of this license;
- iii. licensee exceeds the scope of the purpose or activities described in his or her application for this license;
- iv. licensee fails to comply with any provisions of the NYS Environmental Conservation Law, any other State or Federal laws or regulations of the department directly related to the licensed activity;
- v. licensee submits a check, money order or voucher for this license or application for this license that is subsequently returned to the department for insufficient funds or nonpayment after the license has been issued.

**5. GC – Licensee Shall Carry Copy of License** The licensee shall carry a copy of this license or a document provided by the department, if relevant, when conducting activities pursuant to this license.

**6. GC – Licensee Shall Notify of Change of Address** The licensee shall notify the Special Licenses Unit in writing, by mail or email, within five (5) days of the official change of residence.

**7. GC – Licensee is Liable for Designated Agents** If designated agents are authorized pursuant to this license, the licensee shall be liable and responsible for any activities conducted by designated agents pursuant to this license or any actions by designated agents resulting from activities authorized by this license.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Depredation Licenses - Airport # 42



**8. GC – Licensee Renewal** The licensee shall submit a written request for the renewal of this license prior to the expiration date listed on the license. The licensee shall include accurate and complete copies of any required reports with the ir renewal request. This renewal paperwork shall be sent to:

NYSDEC  
Special Licenses Unit  
625 Broadway  
Albany, NY 12233-4752.

This license is deemed expired on the date of expiration listed on the license.

**NOTIFICATION OF OTHER LICENSEE OBLIGATIONS**

**MN– Licensee is Liable**

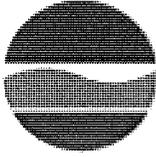
The licensee shall be liable and responsible for any activities conducted under the authority of this license or any actions resulting from activities authorized by the license.

**MN – Access by Law Enforcement**

The licensee shall allow representatives of the NYS DEC Division of Law Enforcement to enter the licensed premises to inspect his or her operations and records for compliance with license conditions.

**Trespassing Prohibited**

This license is not a license to trespass. The licensee shall obtain permission from the appropriate landowner/land manager prior to conducting activities authorized pursuant to this license



New York State Department of Environmental Conservation  
 Division of Fish, Wildlife and Marine Resources - Special Licenses Unit  
 625 Broadway  
 Albany, NY 12233-4752  
 Phone Number (518) 402-8985  
 Fax Number: (518) 402-8925

## NEW YORK STATE FISH AND WILDLIFE LICENSE

License Type: Depredation: Airports License Number: 30

**Licensee:**

LAURA C FRANCOEUR  
 THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY  
 JFK INTERNATIONAL AIRPORT BLDG 14 3RD FLR  
 JAMAICA, NY 11430

Fee Amount: \$00

Effective Date: 02/28/2010

Expiration Date: 03/31/2011

Region: 2 County: QUEENS

Home Phone Number: (718) 244-3800

DOB: 6/12/1968

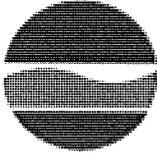
Business Phone Number: (718) 244-3773

**Statutory Authority:**

|         |                |         |                   |
|---------|----------------|---------|-------------------|
| 6NYCRR  | Part 175       | 6NYCRR  | Part 182          |
| ECL     | 11-0505(5)     | ECL     | 11-0521           |
| ECL     | 11-0535        | Federal | 16 USC 703-712    |
| Federal | 50 CFR Part 13 | Federal | 50 CFR Part 21.41 |

**Conditions:**

1. A. The licensee shall file a written annual report no less than forty-five (45) days prior to the expiration date of this license. Such annual report shall contain: a) name of the licensee, b) license number, c) number of birds shot or found dead on the property by species, d) any band numbers or other markings present on birds shot or found dead, e) number of individuals shooting, and f) location of shooting positions and hours of operation, to the NYS DEC Regional Wildlife Manager. The licensee shall consult with the Regional Wildlife Manager as deemed appropriate.
- B. The licensee shall submit an annual status report that identifies specific activities that have been undertaken to reduce bird attractants both on and off the airport. Activities to reduce bird attractants shall include:
  1. vegetation management;
  2. insect control;
  3. solid waste management;
  4. water retention management;
  5. removal of food sources and garbage from the airport;
  6. and, landscape management.
 The licensee shall update the previous years report and identify activities accomplished, those still ongoing and those actions still in the planning stage. Estimated time frames shall be provided.
- C. The falconry staff shall keep a daily log of all activities, which shall include the number of birds flown, locations, times, dates, gull interactions and interactions with any endangered/threatened species. This log shall be confirmed by appropriate representatives of the PA prior to submission to the Department at the conclusion of the falconry activities. The licensee shall submit an annual report summarizing falconry procedures to the Regional Wildlife Manager, Mr. Joseph Pane.

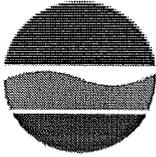


New York State Department of Environmental Conservation  
Division of Fish, Wildlife and Marine Resources - Special Licenses Unit  
625 Broadway  
Albany, NY 12233-4752  
Phone Number (518) 402-8985  
Fax Number: (518) 402-8925

## NEW YORK STATE FISH AND WILDLIFE LICENSE

### Conditions:

2.
  - A. This license is not valid without a corresponding Federal Permit from the US Fish and Wildlife Service. The licensee must comply with all terms and conditions of the Federal Permit.
  - B. The licensee shall submit copies of all reports required under their Federal Permit to the NYS DEC Special Licenses Unit, 625 Broadway, Albany, NY 12233-4752 no less than forty-five (45) days prior to the expiration of this license.
  - C. The licensee may designate agents to conduct activities authorized by this license. Such designations shall be made in writing to the NYS DEC Special Licenses Unit by sending a list with the name and address of the person(s) the licensee wishes to designate as an agent. This list shall be current and on file at the NYS DEC Special Licenses Unit. The licensee is responsible for all actions taken by designated agents under this license.
  - D. The licensee shall not take any endangered or threatened species or species of special concern using lethal control techniques.
  - E. This license does not authorize the taking of any non-target species. In the event such species are taken, the licensee shall cease activities and contact the New York State Department of Environmental Conservation's Region 2 Wildlife Manager at (718) 482-4922.
  - F. The licensee and/or designated agents shall carry a copy of this license when conducting activities authorized by this license and shall display a copy of this license when requested.
3.
  - A. The licensee is authorized to use department approved non-lethal control methods on migratory birds, including state listed endangered or threatened species or species of special concern (6 NYCRR Part 182), that are creating or will create a hazard to human health or safety at John F. Kennedy International Airport (JFK), Jamaica, Queens County, New York.
  - B. The licensee is authorized to use lethal control methods (pursuant to take limits provided by Federal License MB816581-0) on migratory birds, except endangered or threatened species or species of special concern (6 NYCRR Part 182), when non-lethal control methods have failed to deter birds from entering JFK airspace or when immediate removal of birds is required to protect human health or safety. Lethal control methods include:
    1. shooting, using shotguns and non-toxic shot only;
    2. trapping, using modified Bal-Chatri noose traps;
    3. treatment of nests and eggs of Canada geese (*Branta canadensis*);
    4. removal of nests and eggs of Double-crested cormorants (*Phalacrocorax auritus*);
    5. removal of nests and eggs of American oystercatchers (*Haematopus palliatus*).
    6. and removal of inactive (NO EGGS or CHICKS) Osprey nests, and beginning nest structures (i.e. twigs, sticks, etc.)
  - C. The licensee is authorized to take no more than 10 (ten) osprey (*Pandion haliaetus*) on airport grounds when non-lethal control measures have failed and the animal has landed on a runway in use or poses a direct threat to human safety.
  - D. Control measures shall include non-lethal techniques designed to frighten migratory birds from the hazard areas.
  - E. Lethal control techniques may be used only when alternative methods have failed or when immediate removal of offending animals is required to protect human health and safety.
  - F. Only persons who have received training in species identification and wildlife control techniques within the previous two (2) years are authorized to use lethal control methods pursuant to this license.
  - G. The licensee is authorized in emergency situations only to take, trap, or relocate any migratory birds, nests and eggs (except bald eagles, golden eagles or endangered or threatened species with the exception of osprey listed in Condition 3.C. above) when the migratory birds, nests or eggs are posing a direct threat to human safety. A direct threat to human safety is one which involves a threat of serious bodily injury or a risk to human life.
  - H. The licensee and/or designated agents shall attempt to retrieve birds shot or found dead on the property and properly dispose of the carcasses by donation to public, scientific and/or educational institutions, or by prompt burial and/or incineration. If any endangered or threatened species are found dead, the licensee shall immediately freeze and hold the carcasses and shall notify the NYS Department of Environmental Conservation Endangered Species Unit (518) 402-8863 within three (3) business days of finding the carcass.
  - I. The licensee shall conduct a census of the laughing gull nesting colony at Joco, East High Meadow and Silver Hole Marshes, Gateway National Recreation Area, Jamaica Bay, Queens County, prior to or immediately after implementation of shooting and prior to June 15.



New York State Department of Environmental Conservation  
Division of Fish, Wildlife and Marine Resources - Special Licenses Unit  
625 Broadway  
Albany, NY 12233-4752  
Phone Number (518) 402-8985  
Fax Number: (518) 402-8925

## NEW YORK STATE FISH AND WILDLIFE LICENSE

### Conditions:

4.
  - A. The licensee is further authorized to designate licensed falconers to possess, train and use falconry birds (list to be provided by the licensee) to control gull activity at JFK. Such designated licensed falconers are also authorized to use noise making equipment, pyrotechnics and gun shot in connection with the falconry procedures. The taking and harassment of gulls by falconry techniques is not permitted without a corresponding Federal Permit from the USFWS.
  - B. The licensee is responsible for all actions taken by designated falconry staff while undertaking gull control activities at JFK. Port Authority (PA) Staff shall actively monitor and direct falconry staff so that they comply with all applicable State and Federal Regulations and license conditions.
  - C. Falconry staff shall only operate on PA property. They shall not enter the adjacent wildlife refuge and shall control the movements of their raptors to the maximum degree possible. Raptors shall not be flown closer than one quarter (1/4) mile from the laughing gull nesting colony in Jamaica Bay.
5.
  - A. Please read all license conditions BEFORE conducting any activity pursuant to this license.
  - B. The licensee assumes all liability and responsibility for any activities conducted under the authority of this license or any actions resulting from activities authorized by the license.
  - C. This license may be revoked for any of the following reasons:
    - i. licensee provided materially false or inaccurate statements in his or her application, supporting documentation or on required reports;
    - ii. failure by the licensee to comply with any terms or conditions of this license;
    - iii. licensee exceeds the scope of the purpose or activities described in his or her application for this license;
    - iv. licensee fails to comply with any provisions of the NYS Environmental Conservation Law, any other State or Federal laws or regulations of the Department directly related to the licensed activity;
    - v. licensee submits a check, money order or voucher for this license or application for this license that is subsequently returned to the Department for insufficient funds or nonpayment after the license has been issued.
  - D. The renewal of this license is the responsibility of the licensee. This license is deemed expired on the date of expiration listed on the license unless otherwise notified by the Department.
  - E. Direct all questions concerning this license to the Special Licenses Unit (518) 402-8985.

New York State Department of Environmental Conservation  
Division of Fish, Wildlife and Marine Resources  
Bureau of Wildlife  
47-40 21 st Street, Long Island City, New York 11101  
Phone: (718) 482-4922 • FAX: (718) 482-4502  
Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



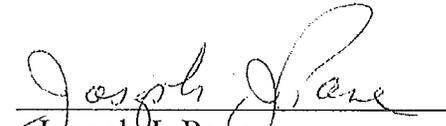
**AIRPORT AIR STRIKE HAZARD PERMIT**  
Issued pursuant to Environmental Conservation Law §11-0521

|  |   |                  |
|--|---|------------------|
| PERMIT NUMBER<br>06-2-001  | AIRPORT MANAGER<br>Port Authority of New York<br>& New Jersey | TELEPHONE NUMBER |
| AIRPORT ADDRESS<br>JFK International Airport, Building 14, 2 <sup>nd</sup> Floor, Jamaica, NY 11430<br>att: L. Francoeur |   |                  |

The permittee and any person employed by or acting under authorization of the permittee may kill or scare nuisance wildlife at any time when it becomes a threat to aircraft and airport safety and/or operations as stipulated below:

- A. Nuisance wildlife, for the purposes of this permit, means all wildlife **except** threatened and endangered species, species of special concern, and migratory birds requiring federal and/or state permits and licenses.
- B. The permittee is authorized to use: (1) firearms to kill nuisance wildlife; and/or (2) auditory or visual scare devices such as shell crackers, live ammunition, zon guns, falconry and trained dogs to repel nuisance wildlife.
- C. The permittee is authorized to capture and kill nuisance wildlife (except deer) by using box, cage, foothold, and/or body-gripping traps.
- D. Nuisance wildlife may **not** be removed or relocated from the site.
- E. All carcasses shall be disposed of by burial or incineration, unless otherwise directed (see Special Conditions, if any).
- F. This permit must be carried and displayed whenever exercising the authorities granted herein.
- G. Any shooting, trapping or killing must be entered on the Daily Log (included with your permit) on the dates of occurrence.
- H. This permit is continuous until revoked. Date of issuance is: March 17, 2006

- I. The reporting period for this permit is January 1 to December 31. The permittee is required to forward a copy of the Daily Log by **January 1** of each year to the Bureau of Wildlife at the above address. The Daily Log must contain the species, date taken, sex, and disposition of each animal taken and/or transferred under the authority of this permit.
- J. This permit is conditional upon compliance with all applicable local, state and/or federal laws/regulations and with any Special Conditions listed in K.
- K. Special Conditions:
  - 1. Only persons who have received training in species identification and wildlife control techniques within the previous two (2) years are authorized to use lethal control methods pursuant to this permit.
  - 2. The permittee shall develop and implement a wildlife control plan consistent with FAA requirements. This plan shall include but not be limited to vegetation management, insect control, solid waste management, stormwater control and landscape management. The approved plan shall be submitted to the Department upon acceptance by the FAA.
  - 3. List of New York State endangered, threatened and species of special concern is attached.

  
\_\_\_\_\_  
Joseph J. Pane  
Principal Fish & Wildlife  
Biologist

March 17, 2006  
Date





**ENDANGERED, THREATENED  
AND SPECIAL CONCERN SPECIES  
OF  
NEW YORK STATE**



**ENDANGERED SPECIES:** any native species in imminent danger of extirpation or extinction in New York.

| <u>Common Name</u>            | <u>Scientific Name</u>               | <u>Federal Status</u> |
|-------------------------------|--------------------------------------|-----------------------|
| <b>(1) Molluscs:</b>          |                                      |                       |
| Dwarf wedgemussel             | <i>Alasmidonta heterodon</i>         | E                     |
| Pink mucket                   | <i>Lampsilis abrupta</i>             | E                     |
| Clubshell                     | <i>Pleurobema clava</i>              | E                     |
| Fat pocketbook                | <i>Potamilus capax</i>               | E                     |
| Rayed bean                    | <i>Villosa fabalis</i>               |                       |
| Chittenango ovate amber snail | <i>Novisuccinea chittenangoensis</i> | T                     |
| <b>(2) Insects:</b>           |                                      |                       |
| Tomah mayfly                  | <i>Siphonisca aerodromia</i>         |                       |
| American burying beetle       | <i>Nicrophorus americanus</i>        | E                     |
| Hessel's hairstreak           | <i>Callophrys hesseli</i>            |                       |
| Karner blue                   | <i>Lycaeides melissa samuelis</i>    | E                     |
| Regal fritillary              | <i>Speyeria idalia</i>               |                       |
| Persius duskywing             | <i>Erynnis persius</i>               |                       |
| Grizzled skipper              | <i>Pyrgus centaureae wyandot</i>     |                       |
| Arogos skipper                | <i>Atrytone arogos arogos</i>        |                       |
| Bog buckmoth                  | <i>Hemileuca species 1</i>           |                       |
| Pine pinion moth              | <i>Lithophane lepida lepida</i>      |                       |
| <b>(3) Fishes:</b>            |                                      |                       |
| Shortnose sturgeon            | <i>Acipenser brevirostrum</i>        | E                     |
| Silver chub                   | <i>Macrhybopsis storeriana</i>       |                       |
| Pugnose shiner                | <i>Notropis anogenus</i>             |                       |
| Round whitefish               | <i>Prosopium cylindraceum</i>        |                       |
| Bluebreast darter             | <i>Etheostoma camurum</i>            |                       |
| Gilt darter                   | <i>Percina evides</i>                |                       |
| Spoonhead sculpin             | <i>Cottus ricei</i>                  |                       |
| Deepwater sculpin             | <i>Myoxocephalus thompsoni</i>       |                       |
| <b>(4) Amphibians:</b>        |                                      |                       |
| Tiger salamander              | <i>Ambystoma tigrinum</i>            |                       |
| Northern cricket frog         | <i>Acris crepitans</i>               |                       |
| <b>(5) Reptiles:</b>          |                                      |                       |
| Mud turtle                    | <i>Kinosternon subrubrum</i>         | T                     |
| Bog turtle                    | <i>Clemmys muhlenbergii</i>          |                       |
| Hawksbill sea turtle          | <i>Eretmochelys imbricata</i>        | E                     |
| Atlantic ridley sea turtle    | <i>Lepidochelys kempii</i>           | E                     |
| Leatherback sea turtle        | <i>Dermochelys coriacea</i>          | E                     |
| Queen snake                   | <i>Regina septemvittata</i>          |                       |
| Massasauga                    | <i>Sistrurus catenatus</i>           |                       |
| <b>(6) Birds:</b>             |                                      |                       |
| Golden eagle                  | <i>Aquila chrysaetos</i>             |                       |
| Peregrine falcon              | <i>Falco peregrinus</i>              |                       |
| Spruce grouse                 | <i>Falcapennis canadensis</i>        |                       |

|                   |                                   |   |
|-------------------|-----------------------------------|---|
| Black rail        | <i>Laterallus jamaicensis</i>     |   |
| Piping plover     | <i>Charadrius melodus</i>         | E |
| Eskimo curlew     | <i>Numenius borealis</i>          | E |
| Roseate tern      | <i>Sterna dougallii dougallii</i> | E |
| Black tern        | <i>Chlidonias niger</i>           |   |
| Short-eared owl   | <i>Asio flammeus</i>              |   |
| Loggerhead shrike | <i>Lanius ludovicianus</i>        |   |

(7) Mammals:

|                   |                               |   |
|-------------------|-------------------------------|---|
| Indiana bat       | <i>Myotis sodalis</i>         | E |
| Allegheny woodrat | <i>Neotoma magister</i>       |   |
| Sperm whale       | <i>Physeter catodon</i>       | E |
| Sei whale         | <i>Balaenoptera borealis</i>  | E |
| Blue whale        | <i>Balaenoptera musculus</i>  | E |
| Finback whale     | <i>Balaenoptera physalus</i>  | E |
| Humpback whale    | <i>Megaptera novaeangliae</i> | E |
| Right whale       | <i>Eubalaena glacialis</i>    | E |
| Gray wolf         | <i>Canis lupus</i>            | E |
| Cougar            | <i>Felis concolor</i>         | E |

**THREATENED SPECIES:** any native species which is likely to become an endangered species within the foreseeable future in New York.

(1) Molluscs:

|                       |                             |  |
|-----------------------|-----------------------------|--|
| Brook floater         | <i>Alasmidonta varicosa</i> |  |
| Wavy-rayed lampmussel | <i>Lampsilis fasciola</i>   |  |
| Green floater         | <i>Lasmigona subviridis</i> |  |

(2) Insects:

|                                 |                                    |   |
|---------------------------------|------------------------------------|---|
| Pine barrens bluet              | <i>Enallagma recurvatum</i>        |   |
| Scarlet bluet                   | <i>Enallagma pictum</i>            |   |
| Little bluet                    | <i>Enallagma minisculum</i>        |   |
| Northeastern beach tiger beetle | <i>Cicindela dorsalis dorsalis</i> | T |
| Frosted elfin                   | <i>Callophrys irus</i>             |   |

(3) Fishes:

|                     |                             |  |
|---------------------|-----------------------------|--|
| Lake sturgeon       | <i>Acipenser fulvescens</i> |  |
| Mooneye             | <i>Hiodon tergisus</i>      |  |
| Lake chubsucker     | <i>Erimyzon sucetta</i>     |  |
| Gravel chub         | <i>Erimystax x-punctata</i> |  |
| Mud sunfish         | <i>Acantharchus pomotis</i> |  |
| Banded sunfish      | <i>Enneacanthus obesus</i>  |  |
| Longear sunfish     | <i>Lepomis megalotis</i>    |  |
| Eastern sand darter | <i>Ammocrypta pellucida</i> |  |
| Swamp darter        | <i>Etheostoma fusiforme</i> |  |
| Spotted darter      | <i>Etheostoma maculatum</i> |  |
| Longhead darter     | <i>Percina macrocephala</i> |  |

(4) Amphibians:

None

(5) Reptiles:

|                       |                             |   |
|-----------------------|-----------------------------|---|
| Blanding's turtle     | <i>Emydoidea blandingii</i> |   |
| Green sea turtle      | <i>Chelonia mydas</i>       | T |
| Loggerhead sea turtle | <i>Caretta caretta</i>      | T |
| Fence lizard          | <i>Sceloporus undulatus</i> |   |
| Timber rattlesnake    | <i>Crotalus horridus</i>    |   |

(6) Birds:

|                   |                                 |
|-------------------|---------------------------------|
| Pied-billed grebe | <i>Podilymbus podiceps</i>      |
| Least bittern     | <i>Ixobrychus exilis</i>        |
| Bald eagle        | <i>Haliaeetus leucocephalus</i> |
| Northern harrier  | <i>Circus cyaneus</i>           |
| King rail         | <i>Rallus elegans</i>           |
| Upland sandpiper  | <i>Bartramia longicauda</i>     |
| Common tern       | <i>Sterna hirundo</i>           |
| Least tern        | <i>Sterna antillarum</i>        |
| Sedge wren        | <i>Cistothorus platensis</i>    |
| Henslow's sparrow | <i>Ammodramus henslowii</i>     |

T

(7) Mammals:

None

**SPECIAL CONCERN:** any native species for which a welfare concern or risk of endangerment has been documented.

(1) Molluscs:

|                      |                        |
|----------------------|------------------------|
| Buffalo pebble snail | <i>Gillia altilis</i>  |
| Fringed valvata      | <i>Valvata lewisi</i>  |
| Mossy valvata        | <i>Valvata sincera</i> |

(2) Insects:

|                           |                                   |
|---------------------------|-----------------------------------|
| Unnamed dragonfly species | <i>Gomphus spec. nov.</i>         |
| Southern sprite           | <i>Nehalennia integricollis</i>   |
| Extra striped snaketail   | <i>Ophiogomphus anomalus</i>      |
| Pygmy snaketail           | <i>Ophiogomphus howei</i>         |
| Common sanddragon         | <i>Progomphus obscurus</i>        |
| Gray petaltail            | <i>Tachopteryx thoreyi</i>        |
| Checkered white           | <i>Pontia protodice</i>           |
| Olympia marble            | <i>Euchloe olympia</i>            |
| Henry's elfin             | <i>Callophrys henrici</i>         |
| Tawny crescent            | <i>Phyciodes batesii</i>          |
| Mottled duskywing         | <i>Erynnis martialis</i>          |
| Barrens buckmoth          | <i>Hemileuca maia</i>             |
| Herodias underwing        | <i>Catocala herodias gerhardi</i> |
| Jair underwing            | <i>Catocala jair</i>              |
| A noctuid moth            | <i>Heterocampa varia</i>          |

(3) Fishes:

|                        |                              |
|------------------------|------------------------------|
| Mountain brook lamprey | <i>Ichthyomyzon greeleyi</i> |
| Black redbhorse        | <i>Moxostoma duquesnei</i>   |
| Streamline chub        | <i>Erimystax dissimilis</i>  |
| Redfin shiner          | <i>Lythrurus umbratilis</i>  |
| Ironcolor shiner       | <i>Notropis chalybaeus</i>   |

(4) Amphibians:

|                         |   |
|-------------------------|---|
| Hellbender              | <i>Cryptobranchus alleganiensis</i>     |
| Marbled salamander      | <i>Ambystoma opacum</i>                 |
| Jefferson salamander    | <i>Ambystoma jeffersonianum</i>         |
| Blue-spotted salamander | <i>Ambystoma laterale</i>               |
| Longtail salamander     | <i>Eurycea longicauda</i>               |
| Eastern spadefoot toad  | <i>Scaphiopus holbrookii</i>            |
| Southern leopard frog   | <i>Rana sphenoccephala utricularius</i> |

(5) Reptiles:

|                    |                           |
|--------------------|---------------------------|
| Spotted turtle     | <i>Clemmys guttata</i>    |
| Wood turtle        | <i>Clemmys insculpta</i>  |
| Eastern box turtle | <i>Terrapene carolina</i> |

Eastern spiny softshell  
Eastern hognose snake  
Worm snake

*Apalone spinifera*  
*Heterodon platirhinos*  
*Carphophis amoenus*

(6) Birds:

Common loon  
American bittern  
Osprey  
Sharp-shinned hawk  
Cooper's hawk  
Northern goshawk  
Red-shouldered hawk  
Black skimmer  
Common nighthawk  
Whip-poor-will  
Red-headed woodpecker  
Horned lark  
Bicknell's thrush  
Golden-winged warbler  
Cerulean warbler  
Yellow-breasted chat  
Vesper sparrow  
Grasshopper sparrow  
Seaside sparrow

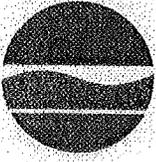
*Gavia immer*  
*Botaurus lentiginosus*  
*Pandion haliaetus*  
*Accipiter striatus*  
*Accipiter cooperii*  
*Accipiter gentilis*  
*Buteo lineatus*  
*Rynchops niger*  
*Chordeiles minor*  
*Caprimulgus vociferus*  
*Melanerpes erythrocephalus*  
*Eremophila alpestris*  
*Catharus bicknelli*  
*Vermivora chrysoptera*  
*Dendroica cerulea*  
*Icteria virens*  
*Pooecetes gramineus*  
*Ammodramus savannarum*  
*Ammodramus maritimus*

(7) Mammals:

Small-footed bat  
New England cottontail  
Harbor porpoise

*Myotis leibii*  
*Sylvilagus transitionalis*  
*Phocoena phocoena*

EFFECTIVE 12/04/99



New York State Department of Environmental Conservation  
 Division of Fish, Wildlife and Marine Resources - Special Licenses Unit  
 625 Broadway  
 Albany, NY 12233-4752  
 Phone Number (518) 402-8985  
 Fax Number: (518) 402-8925

## NEW YORK STATE FISH AND WILDLIFE LICENSE

License Type: Depredation: Airports

License Number: 30

Licensee:

LAURA C FRANCOEUR  
 THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY  
 JFK INTERNATIONAL AIRPORT BLDG 14 3RD FLR  
 JAMAICA, NY 11430

Fee Amount: \$0.00

Effective Date: 02/28/2009

Expiration Date: 02/28/2010

Region: 2 County: QUEENS

Home Phone Number: (718) 244-3800

DOB: 6/12/1968

Business Phone Number: (718) 244-3773

### Statutory Authority:

|         |                |         |                   |
|---------|----------------|---------|-------------------|
| 6NYCRR  | Part 175       | 6NYCRR  | Part 182          |
| ECL     | 11-0505(5)     | ECL     | 11-0521           |
| ECL     | 11-0535        | Federal | 16 USC 703-712    |
| Federal | 50 CFR Part 13 | Federal | 50 CFR Part 21.41 |

### Conditions:

1. A. Please read all license conditions BEFORE conducting any activity pursuant to this license.
- B. The licensee assumes all liability and responsibility for any activities conducted under the authority of this license or any actions resulting from activities authorized by the license.
- C. This license may be revoked for any of the following reasons:
  - i. licensee provided materially false or inaccurate statements in his or her application, supporting documentation or on required reports;
  - ii. failure by the licensee to comply with any terms or conditions of this license;
  - iii. licensee exceeds the scope of the purpose or activities described in his or her application for this license;
  - iv. licensee fails to comply with any provisions of the NYS Environmental Conservation Law, any other State or Federal laws or regulations of the Department directly related to the licensed activity;
  - v. licensee submits a check, money order or voucher for this license or application for this license that is subsequently returned to the Department for insufficient funds or nonpayment after the license has been issued.
- D. The renewal of this license is the responsibility of the licensee. This license is deemed expired on the date of expiration listed on the license unless otherwise notified by the Department.
- E. Direct all questions concerning this license to the Special Licenses Unit (518) 402-8985.

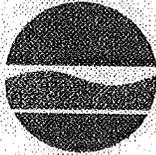


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625 Broadway  
Albany, NY 12233-4752  
Phone Number (518) 402-8985  
Fax Number: (518) 402-8925

## NEW YORK STATE FISH AND WILDLIFE LICENSE

### Conditions:

2.
  - A. This license is not valid without a corresponding Federal Permit from the US Fish and Wildlife Service. The licensee must comply with all terms and conditions of the Federal Permit.
  - B. The licensee shall submit copies of all reports required under their Federal Permit to the NYS DEC Special Licenses Unit, 625 Broadway, Albany, NY 12233-4752 no less than forty-five (45) days prior to the expiration of this license.
  - C. The licensee may designate agents to conduct activities authorized by this license. Such designations shall be made in writing to the NYS DEC Special Licenses Unit by sending a list with the name and address of the person(s) the licensee wishes to designate as an agent. This list shall be current and on file at the NYS DEC Special Licenses Unit. The licensee is responsible for all actions taken by designated agents under this license.
  - D. The licensee shall not take any endangered or threatened species or species of special concern using lethal control techniques.
  - E. This license does not authorize the taking of any non-target species. In the event such species are taken, the licensee shall cease activities and contact the New York State Department of Environmental Conservation's Region 2 Wildlife Manager at (718) 482-4922.
  - F. The licensee and/or designated agents shall carry a copy of this license when conducting activities authorized by this license and shall display a copy of this license when requested.
3.
  - A. The licensee is authorized to use department approved non-lethal control methods on migratory birds, including state listed endangered or threatened species or species of special concern (6 NYCRR Part 182), that are creating or will create a hazard to human health or safety at John F. Kennedy International Airport (JFK), Jamaica, Queens County, New York.
  - B. The licensee is authorized to use lethal control methods (pursuant to take limits provided by Federal License MB816581-0) on migratory birds, except endangered or threatened species or species of special concern (6 NYCRR Part 182), when non-lethal control methods have failed to deter birds from entering JFK airspace or when immediate removal of birds is required to protect human health or safety. Lethal control methods include:
    1. shooting, using shotguns and non-toxic shot only;
    2. trapping, using modified Bal-Chatri noose traps;
    3. treatment of nests and eggs of Canada geese (*Branta canadensis*);
    4. removal of nests and eggs of Double-crested cormorants (*Phalacrocorax auritus*);
    5. removal of nests and eggs of American oystercatchers (*Haematopus palliatus*);
    6. and removal of inactive (NO EGGS or CHICKS) Osprey nests, and beginning nest structures (i.e. twigs, sticks, etc.)
  - C. Control measures shall include non-lethal techniques designed to frighten migratory birds from the hazard areas.
  - D. Lethal control techniques may be used only when alternative methods have failed or when immediate removal of offending animals is required to protect human health and safety.
  - E. Only persons who have received training in species identification and wildlife control techniques within the previous two (2) years are authorized to use lethal control methods pursuant to this license.
  - F. The licensee is authorized in emergency situations only to take, trap, or relocate any migratory birds, nests and eggs (except bald eagles, golden eagles or endangered or threatened species) when the migratory birds, nests or eggs are posing a direct threat to human safety. A direct threat to human safety is one which involves a threat of serious bodily injury or a risk to human life.
  - G. The licensee and/or designated agents shall attempt to retrieve birds shot or found dead on the property and properly dispose of the carcasses by donation to public, scientific and/or educational institutions, or by prompt burial and/or incineration. If any endangered or threatened species are found dead, the licensee shall immediately freeze and hold the carcasses and shall notify the NYS Department of Environmental Conservation Endangered Species Unit (518) 402-8863 within three (3) business days of finding the carcass.
  - H. The licensee shall conduct a census of the laughing gull nesting colony at Joco, East High Meadow and Silver Hole Marshes, Gateway National Recreation Area, Jamaica Bay, Queens County, prior to or immediately after implementation of shooting and prior to June 15.
4.
  - A. The licensee is further authorized to designate licensed falconers to possess, train and use falconry birds (list to be provided by the licensee) to control gull activity at JFK. Such designated licensed falconers are also authorized to use noise making equipment, pyrotechnics and gun shot in connection with the falconry procedures. The taking and harassment of gulls by falconry techniques is not permitted without a corresponding Federal Permit from the USFWS.
  - B. The licensee is responsible for all actions taken by designated falconry staff while undertaking gull control activities at JFK. Port Authority (PA) Staff shall actively monitor and direct falconry staff so that they comply with all applicable State and Federal Regulations and license conditions.
  - C. Falconry staff shall only operate on PA property. They shall not enter the adjacent wildlife refuge and shall control the movements of their raptors to the maximum degree possible. Raptors shall not be flown closer than one quarter (1/4) mile from the laughing gull nesting colony in Jamaica Bay.



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Division of Fish, Wildlife and Marine Resources - Special Licenses Unit  
625 Broadway  
Albany, NY 12233-4752  
Phone Number (518) 402-8985  
Fax Number: (518) 402-8925

## NEW YORK STATE FISH AND WILDLIFE LICENSE

### Conditions:

5. A. The licensee shall file a written annual report no less than forty-five (45) days prior to the expiration date of this license. Such annual report shall contain: a) name of the licensee, b) license number, c) number of birds shot or found dead on the property by species, d) any band numbers or other markings present on birds shot or found dead, e) number of individuals shooting, and f) location of shooting positions and hours of operation, to the NYS DEC Regional Wildlife Manager. The licensee shall consult with the Regional Wildlife Manager as deemed appropriate.
- B. The licensee shall submit an annual status report that identifies specific activities that have been undertaken to reduce bird attractants both on and off the airport. Activities to reduce bird attractants shall include:
1. vegetation management;
  2. insect control;
  3. solid waste management;
  4. water retention management;
  5. removal of food sources and garbage from the airport;
  6. and, landscape management.
- The licensee shall update the previous years report and identify activities accomplished, those still ongoing and those actions still in the planning stage. Estimated time frames shall be provided.
- C. The falconry staff shall keep a daily log of all activities, which shall include the number of birds flown, locations, times, dates, gull interactions and interactions with any endangered/threatened species. This log shall be confirmed by appropriate representatives of the PA prior to submission to the Department at the conclusion of the falconry activities. The licensee shall submit an annual report summarizing falconry procedures to the Regional Wildlife Manager, Mr. Joseph Pane.



**LICENSE**  
**Under the Environmental Conservation Law (ECL)**

**Licensee and Facility Information**

|  |  |
|--|--|
| <b>License Issued To:</b><br>LAURA C FRANCOEUR<br>THE PORT AUTHORITY OF NY AND NJ<br>JFK INTERNATIONAL AIRPORT BLDG 14<br>3RD FLR<br>JAMAICA, NY 11430 | <b>Facility:</b><br>JFK INTERNATIONAL AIRPORT<br>JOHN F KENNEDY EXPRY<br>JAMAICA, NY 11430 |
|--|--|

(718) 244-3773

**DEC Contact Information**

DIVISION OF FISH, WILDLIFE AND MARINE RESOURCES  
SPECIAL LICENSES UNIT  
625 BROADWAY, ALBANY, NEW YORK 12233-4752  
PHONE: (518) 402-8985 FAX: (518) 402-8925  
WEBSITE: [www.dec.state.ny.us](http://www.dec.state.ny.us)

**License Authorizations**

**Depredation Licenses - Airport**  
License # 42

New License                      Effective Date: 4/1/2011                      Expiration Date: 3/31/2012

**NYSDEC Approval**

**By acceptance of this license, the licensee agrees that the license is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this license.**

**License Regulations**

6 NYCRR Part 182  
ECL 11-0535  
6 NYCRR Part 175

ECL 11-0521

ECL 11-0505 (5)

## DEPREDATION LICENSES - AIRPORT - LICENSE CONDITIONS

**1. DEPA – Authorization for Non-lethal Control Methods** The licensee is authorized to use department approved non-lethal control methods on migratory birds and upland game birds, including state listed endangered or threatened species or species of special concern (6 NYCRR Part 182), that are creating or will create a hazard to human health or safety at JFK International Airport Queens County, New York.

**2. DEPA – Authorization for Lethal Control Methods – JFK** The licensee is authorized to use lethal control methods (pursuant to take limits provided by Federal License MB816581-0 on migratory birds, except endangered or threatened species or species of special concern (6 NYCRR Part 182), when non-lethal control methods have failed to deter birds from entering JFK International Airport airspace or when immediate removal of birds is required to protect human health or safety. Lethal control techniques include:

1. shooting, using shotguns and non-toxic shot only;
2. trapping, using modified Bal-Chatri noose traps;
3. treatment of nests and eggs of Canada geese (*Branta canadensis*);
4. removal of nests and eggs of double-crested cormorants (*Phalacrocorax auritus*);
5. removal of nests and eggs of American oystercatchers (*Haematopus palliatus*);
6. removal or inactive (No eggs or chicks) osprey (*Pandion haliaetus*).

**3. DEPA - Authorization for Lethal Control Methods Exception** The licensee is authorized to take no more than 10 Osprey (*Pandion haliaetus*) on airport grounds when non-lethal control measures have failed and the animal has landed on a runway in use or poses a direct threat to human safety.

**4. DEPA – Federal Emergency Authorization with Exception** The licensee is authorized in emergency situations only to take, using shotguns not larger than 10 gauge any migratory bird, (except bald eagles, golden eagles or endangered or threatened species with the exception of 10 Osprey (*Pandion haliaetus*) listed in Condition DEPA - Authorization for Lethal Control Methods Exception) when the migratory birds, are posing a direct threat to human safety. A direct threat to human safety is one which involves a threat of serious bodily injury or a risk to human life.

**5. DEPA – Control Measures** Control measures shall include non-lethal methods designed to frighten migratory birds from the authorized location(s).

**6. DEP – ALL – License not Valid Without Federal Permit** This license is not valid without a corresponding Federal Permit from the US Fish and Wildlife Service. The licensee shall comply with all terms and conditions of the Federal Permit.

**7. DEPA – Training Requirement Prior to Use of Lethal Control Methods** Only persons who have received training in species identification and wildlife control techniques within the previous two (2) years are authorized to use lethal control methods pursuant to this license.

**8. DEPA – No Take of Non - Target Species** This license does not authorize the taking of any non-target species. In the event such species are taken, the licensee shall cease activities and contact the New York State Department of Environmental Conservation's Regional Wildlife Manager at

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Depredation Licenses - Airport # 42

Regional Wildlife Manager  
NYSDEC REGION 2 HEADQUARTERS  
47-40 21ST ST  
LONG ISLAND CITY, NY 11101 -5407

**9. DEPA – Retrieval and Disposal of Carcasses** The licensee shall attempt to retrieve birds shot or found dead on the property and properly dispose of the carcasses by donation to public, scientific and/or educational institutions, or by prompt burial and/or incineration.

**10. DEPA – Reporting Endangered or Threatened Species Found Dead** The licensee shall immediately freeze and hold the carcasses of any endangered or threatened species found dead, and shall notify the NYSDEC Endangered Species Unit (518) 402-8863 within three (3) business days of finding the carcass.

**11. DEP – ALL – Designated Agents** The licensee may designate agents to conduct activities authorized by this license. Such designations shall be made in writing by sending a list with the name and address of the person(s) the licensee wishes to designate as an agent to the NYSDEC Special Licenses Unit at the address listed on the front of this license. This list shall be current and on file at the NYSDEC Special Licenses Unit. The licensee is responsible for all actions taken by designated agents under this license.

**12. DEPA – Authority to Designate Licensed Falconers** The licensee is authorized to designate licensed falconers to possess, train and use falconry birds (list to be provided by the licensee) to control gull activity at JFK. Such designated licensed falconers are also authorized to use noise making equipment, pyrotechnics and gun shot in connection with the falconry procedures. The taking and harassment of gulls by falconry techniques is not permitted without a corresponding Federal permit from the USFWS.

**13. DEPA – Licensee Liable for Designated Licensed Falconers** The licensee is liable for all actions taken by designated falconry staff while undertaking gull control activities at JFK. Port Authority staff shall actively monitor and direct falconry staff so that they comply with all applicable state and Federal regulations and license conditions.

**14. DEPA- Location of Falconry Activities** Falconry staff shall only operate on Port Authority property. Falconry staff shall not enter the adjacent wildlife refuge and shall control the movements of their raptors to the maximum degree possible. Raptors shall not be flown closer than one quarter (1/4) mile from the laughing gull nesting colony in Jamaica Bay.

**15. DEPA – Falconry Log of Activities** Falconry staff shall keep a daily log of all activities which shall include the number of birds flown, locations, times, dates, gull interactions and interactions with any endangered/threatened species. This log shall be confirmed by appropriate representatives of the Port Authority prior to submission to the Department at the conclusion of the falconry activities. The licensee shall submit an annual report summarizing falconry procedures to

Regional Wildlife Manager  
NYSDEC REGION 2 HEADQUARTERS  
47-40 21ST ST  
LONG ISLAND CITY, NY 11101 -5407

**16. DEPA – Laughing Gull Nesting Colony Census – JFK** The licensee shall conduct a census of the laughing gull (*Larus atricilla*) colony at Joco, East High Meadow and Silver Hole Marshes, gateway national Recreation Area, Jamaica Bay, Queens County, prior to or immediately after implementation of shooting and prior to June 15.

**17. DEPA – Status Report Requirement – JFK** The licensee shall submit an annual status report that identifies specific activities that have been undertaken to reduce bird attractants both on and off the airport. Activities to reduce bird attractants shall include:

1. vegetation management;
2. insect control;
3. solid waste management;
4. water retention management;
5. removal of food sources and garbage from the airport;
6. landscape management.

The licensee shall update the previous year's report and identify activities accomplished, those still ongoing and those actions still in the planning stage. Estimated time frames shall be provided.

**18. DEPA – Reporting Requirement - Regional Manager** The licensee shall file a written annual report prior to the expiration date of this license. Such annual report shall contain: a) name of the licensee, b) license number, c) number of birds shot or found dead on the property by species, d) any band numbers or other markings present on birds shot or found dead, and e) number of individuals shooting. The licensee shall send this report to

Regional Wildlife Manager  
NYSDEC REGION 2 HEADQUARTERS  
47-40 21ST ST  
LONG ISLAND CITY, NY 11101 -5407

The licensee shall consult with the Regional Wildlife Manager as deemed appropriate.

**GENERAL CONDITIONS - Apply to ALL Authorized Licenses**

**1. GC – Licensee Shall Read All Conditions** The licensee shall read all license conditions prior to conducting any activities authorized pursuant to this license.

**2. GC – Reasons for Revocation** This license may be revoked for any of the following reasons:

- i. licensee provided materially false or inaccurate statements in his or her application, supporting documentation or on required reports;
- ii. failure by the licensee to comply with any terms or conditions of this license;
- iii. licensee exceeds the scope of the purpose or activities described in his or her application for this license;
- iv. licensee fails to comply with any provisions of the NYS Environmental Conservation Law, any other State or Federal laws or regulations of the department directly related to the licensed activity;
- v. licensee submits a check, money order or voucher for this license or application for this license that is subsequently returned to the department for insufficient funds or nonpayment after the license has been issued.

**3. GC – Licensee Shall Carry Copy of License** The licensee shall carry a copy of this license or a document provided by the department, if relevant, when conducting activities pursuant to this license.

**4. GC – Licensee Shall Notify of Change of Address** The licensee shall notify the Special Licenses Unit in writing, by mail or email, within five (5) days of the official change of residence.

**5. GC – License is Not Transferrable** This license is not transferrable and is valid only for the person identified as the licensee.

**6. GC – Licensee is Liable for Designated Agents** If designated agents are authorized pursuant to this license, the licensee shall be liable and responsible for any activities conducted by designated agents pursuant to this license or any actions by designated agents resulting from activities authorized by this license.

**7. GC – Licensee Renewal** The licensee shall submit a written request for the renewal of this license prior to the expiration date listed on the license. The licensee shall include accurate and complete copies of any required reports with their renewal request. This renewal paperwork shall be sent to:

NYSDEC  
Special Licenses Unit  
625 Broadway  
Albany, NY 12233-4752.

This license is deemed expired on the date of expiration listed on the license.

**NOTIFICATION OF OTHER LICENSEE OBLIGATIONS**

**MN– Licensee is Liable**

The licensee shall be liable and responsible for any activities conducted under the authority of this license or any actions resulting from activities authorized by the license.

**MN – Access by Law Enforcement**

The licensee shall allow representatives of the NYS DEC Division of Law Enforcement to enter the licensed premises to inspect his or her operations and records for compliance with license conditions.

**Trespassing Prohibited**

This license is not a license to trespass. The licensee shall obtain permission from the appropriate landowner/land manager prior to conducting activities authorized pursuant to this license



**LICENSE**  
**Under the Environmental Conservation Law (ECL)**

**Licensee and Facility Information**

**License Issued To:**

LAURA C FRANCOEUR  
THE PORT AUTHORITY OF NY AND NJ,  
ATTN: LAURA FRANCOEUR  
225 PARK AVE., SOUTH R-1209  
NEW YORK, NY 10003

**Facility:**

LAGUARDIA AIRPORT  
GRAND CENTRL PKWY  
  
QUEENS, NY

(718) 244-3773  
COUNTY: QUEENS  
REGION: 2

**DEC Contact Information**

DIVISION OF FISH, WILDLIFE AND MARINE RESOURCES  
SPECIAL LICENSES UNIT  
625 BROADWAY, ALBANY, NEW YORK 12233-4752  
PHONE: (518) 402-8985 FAX: (518) 402-8925  
WEBSITE: [www.dec.state.ny.us](http://www.dec.state.ny.us)

**License Authorizations**

**Depredation Licenses - Airport**  
License # 44

New License

Effective Date: 4/11/2013

Expiration Date: 3/31/2014

**NYSDEC Approval**

By acceptance of this license, the licensee agrees that the license is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this license.

**License Regulations**



ECL 11-0535  
6 NYCRR Part 175  
ECL 11-0521  
ECL 11-0505 (5)

**DEPREDATION LICENSES - AIRPORT - LICENSE CONDITIONS**

**1. DEPA – Authorization for Non-lethal Control Methods** The licensee is authorized to use department approved non-lethal control methods on migratory birds, including state listed endangered or threatened species or species of special concern (6 NYCRR Part 182), that are creating or will create a hazard to human health or safety at LaGuardia Airport Queens County, New York.

**2. DEPA – Authorization for Lethal Control Methods** The licensee is authorized to use lethal control methods (pursuant to take limits and methods provided by Federal License MB719627-1) on migratory birds, except endangered or threatened species or species of special concern (6 NYCRR Part 182), when non-lethal control methods have failed to deter birds from entering LaGuardia Airport airspace or when immediate removal of birds is required to protect human health or safety.

**3. DEPA - Authorization for Lethal Control Methods Exception** The licensee is authorized to take no more than 10 Osprey (*Pandion haliaetus*) on airport grounds when non-lethal control measures have failed and the animal has landed on a runway in use or poses a direct threat to human safety.

**4. DEPA – Federal Emergency Authorization with Exception** The licensee is authorized in emergency situations only to take, using shotguns not larger than 10 gauge any migratory bird, (except bald eagles, golden eagles or endangered or threatened species with the exception of 10 Osprey (*Pandion haliaetus*) listed in Condition DEPA - Authorization for Lethal Control Methods Exception) when the migratory birds, are posing a direct threat to human safety. A direct threat to human safety is one which involves a threat of serious bodily injury or a risk to human life.

**5. DEPA – Control Measures** Control measures shall include non-lethal methods designed to frighten migratory birds from the authorized location(s).

**6. DEP – ALL – License not Valid Without Federal Permit** This license is not valid without a corresponding Federal Permit from the US Fish and Wildlife Service. The licensee shall comply with all terms and conditions of the Federal Permit.

**7. DEPA – Training Requirement Prior to Use of Lethal Control Methods** Only persons who have received training in species identification and wildlife control techniques within the previous two (2) years are authorized to use lethal control methods pursuant to this license.

**8. DEPA – No Take of Non - Target Species** This license does not authorize the taking of any non-target species. In the event such species are taken, the licensee shall cease activities and contact the New York State Department of Environmental Conservation’s Regional Wildlife Manager at

Regional Wildlife Manager  
NYSDEC REGION 2 HEADQUARTERS

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Depredation Licenses - Airport # 44

47-40 21ST ST  
LONG ISLAND CITY, NY 11101 -5407

**9. DEPA – Retrieval and Disposal of Carcasses** The licensee shall attempt to retrieve birds shot or found dead on the property and properly dispose of the carcasses by donation to public, scientific and/or educational institutions, or by prompt burial and/or incineration.

**10. DEPA – Reporting Endangered or Threatened Species Found Dead** The licensee shall immediately freeze and hold the carcasses of any endangered or threatened species found dead, and shall notify the NYSDEC Endangered Species Unit (518) 402-8863 within three (3) business days of finding the carcass.

**11. DEP – ALL – Designated Agents** The licensee may designate agents to conduct activities authorized by this license. Such designations shall be made in writing by sending a list with the name and address of the person(s) the licensee wishes to designate as an agent to the NYSDEC Special Licenses Unit at the address listed on the front of this license. This list shall be current and on file at the NYSDEC Special Licenses Unit. The licensee is responsible for all actions taken by designated agents under this license.

**12. DEPA – Reporting Requirement - Regional Manager** The licensee shall file a written annual report prior to the expiration date of this license. Such annual report shall contain: a) name of the licensee, b) license number, c) number of birds shot or found dead on the property by species, d) any band numbers or other markings present on birds shot or found dead, and e) number of individuals shooting. The licensee shall send this report to

Regional Wildlife Manager  
NYSDEC REGION 2 HEADQUARTERS  
47-40 21ST ST  
LONG ISLAND CITY, NY 11101 -5407

The licensee shall consult with the Regional Wildlife Manager as deemed appropriate.

**13. DEP - ALL – Licensee Shall Submit copies of Federal Reports** The licensee shall submit copies of all reports required under their Federal Permit to the NYS DEC Special Licenses Unit at the address listed on the front of this license prior to the expiration of this license.

**GENERAL CONDITIONS - Apply to ALL Authorized Licenses**

**1. GC – Licensee Shall Read All Conditions** The licensee shall read all license conditions prior to conducting any activities authorized pursuant to this license.

**2. GC – License is Not Transferrable** This license is not transferrable and is valid only for the person identified as the licensee.

**3. GC – Licensee Responsible for Federal, State or Local Permits/Licenses** The licensee is responsible for obtaining any and all necessary, corresponding Federal, State or local permits or licenses prior to conducting any activity authorized pursuant to this license.

**4. GC – Reasons for Revocation** This license may be revoked for any of the following reasons:

- i. licensee provided materially false or inaccurate statements in his or her application, supporting documentation or on required reports;
- ii. failure by the licensee to comply with any terms or conditions of this license;



- iii. licensee exceeds the scope of the purpose or activities described in his or her application for this license;
- iv. licensee fails to comply with any provisions of the NYS Environmental Conservation Law, any other State or Federal laws or regulations of the department directly related to the licensed activity;
- v. licensee submits a check, money order or voucher for this license or application for this license that is subsequently returned to the department for insufficient funds or nonpayment after the license has been issued.

**5. GC – Licensee Shall Carry Copy of License** The licensee shall carry a copy of this license or a document provided by the department, if relevant, when conducting activities pursuant to this license.

**6. GC – Licensee Shall Notify of Change of Address** The licensee shall notify the Special Licenses Unit in writing, by mail or email, within five (5) days of the official change of residence.

**7. GC – Licensee is Liable for Designated Agents** If designated agents are authorized pursuant to this license, the licensee shall be liable and responsible for any activities conducted by designated agents pursuant to this license or any actions by designated agents resulting from activities authorized by this license.

**8. GC – Licensee Renewal** The licensee shall submit a written request for the renewal of this license prior to the expiration date listed on the license. The licensee shall include accurate and complete copies of any required reports with their renewal request. This renewal paperwork shall be sent to:

NYSDEC  
Special Licenses Unit  
625 Broadway  
Albany, NY 12233-4752.

This license is deemed expired on the date of expiration listed on the license.

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|---|
| <b>NOTIFICATION OF OTHER LICENSEE OBLIGATIONS</b> |
|---|

**MN– Licensee is Liable**

The licensee shall be liable and responsible for any activities conducted under the authority of this license or any actions resulting from activities authorized by the license.

**MN – Access by Law Enforcement**

The licensee shall allow representatives of the NYS DEC Division of Law Enforcement to enter the licensed premises to inspect his or her operations and records for compliance with license conditions.

**Trespassing Prohibited**

This license is not a license to trespass. The licensee shall obtain permission from the appropriate landowner/land manager prior to conducting activities authorized pursuant to this license



DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE

### FEDERAL FISH AND WILDLIFE PERMIT

2. AUTHORITY-STATUTES  
16 USD 703-712

REGULATIONS  
50 CFR Part 13  
50 CFR 21.41

1. PERMITTEE

La GUARDIA AIRPORT  
225 PARK AVENUE SOUTH, 9TH FLOOR  
ATTN: JEFF KOLODZINSKI  
NEW YORK, NY 10003

3. NUMBER  
MB719627-0

4. RENEWABLE

YES  
 NO

5. MAY COPY

YES  
 NO

6. EFFECTIVE  
04/01/2013

7. EXPIRES  
03/31/2014

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)

LAURA FRANCOEUR  
CHIEF WILDLIFE BIOLOGIST

9. TYPE OF PERMIT

DEPREDAATION AT AIRPORTS

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

**WITHIN THE PROPERTY BOUNDARIES OF LA GUARDIA AIRPORT, FLUSHING, NY**  
**TEL: 718-533-3402**

11. CONDITIONS AND AUTHORIZATIONS:

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

D. You are authorized to take, temporarily possess, and transport the migratory birds specified below to relieve or prevent injurious situations impacting public safety. All take must be done as part of an integrated wildlife damage management program that emphasizes nonlethal management techniques. You may not use this authority for situations in which migratory birds are merely causing a nuisance.

(1) The following may be lethally taken: by means of shooting:

- (a) 200 of each: Atlantic brant, Canada geese, Double-crested cormorants, Mourning Doves and Barn Swallows;
- (b) 500 of each: Ring-billed, Laughing, Great Black-backed and Herring Gulls;
- (c) 100 of each: Mallards, American Black Duck,
- (d) 25 of each: Ruddy Duck and Killdeer;
- (e) 10 Ospreys and Great Egrets;
- (f) 5 of each: 5 Great Blue Herons.

(2) The following active nests (including eggs) may be destroyed, including by egg oiling or adding:

- (a) 200 Barn swallows,
- (b) 50 Killdeer,
- (c) 3 of each: Mallards and American Black Duck nests.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

**ANNUAL REPORT DUE WITH NEXT RENEWAL FORM**

USFWS Forms can be found at: <http://www.fws.gov/migratorybirds/mbpermits.html>

ISSUED BY

TITLE

CHIEF, MIGRATORY BIRD PERMIT OFFICE - REGION 5

DATE

04/01/2013

**State restrictions:** Peregrine Falcons and other bird species are listed as Endangered/ Threatened by New York State law and therefore may not be taken, unless otherwise authorized by the New York Department of Environmental Conservation.

E. You are authorized in emergency situations only to take, trap, or relocate any migratory birds, nests and eggs, including species that are not listed in Condition D (except bald eagles, golden eagles, or endangered or threatened species) when the migratory birds, nests, or eggs are posing a direct threat to human safety. A direct threat to human safety is one which involves a threat of serious bodily injury or a risk to human life.

You must report any emergency take activity to your migratory bird permit issuing office (Hadley, MA, by fax to: 413-253-8424), within 72 hours after the emergency take action. Your report must include the species and number of birds taken, method, and a complete description of the circumstances warranting the emergency action.

F. You are authorized to salvage and temporarily possess migratory birds found dead or taken under this permit for (1) disposal, (2) transfer to the U.S. Department of Agriculture, (3) diagnostic purposes, (4) purposes of training airport personnel, (5) donation to a public charity (those suitable for human consumption), or (6) donation to a public scientific or educational institution as defined in 50 CFR 10.12. Any dead bald eagles or golden eagles salvaged must be reported within 48 hours to the National Eagle Repository at (303) 287-2110 and to the migratory bird permit issuing office by fax to 413-253-8424. The Repository will provide directions for shipment of these specimens.

G. You may not salvage and must immediately report to U.S. Fish and Wildlife Service Office of Law Enforcement any dead or injured migratory birds that you encounter that appear to have been poisoned, shot, electrocuted, have collided with industrial power generation equipment, or were otherwise killed or injured as the result of potential criminal activity. See USFWS OLE contact information below.

H. You may use the following methods of take: (1) other firearms used by USDA only; (2) nets; (3) registered animal drugs (excluding nicarbazine), pesticides and repellents; (4) falconry abatement; and (5) legal lethal and live traps (excluding pole traps). Birds caught live may be euthanized or transported and relocated to another site approved by the appropriate State wildlife agency, if required. When using firearms, you may use rifles or air rifles to shoot any bird when you determine that the use of a shotgun is inadequate to resolve the injurious situation. You may use paint ball guns to haze birds or deter birds only when other methods of hazing are ineffective.

Anyone who takes migratory birds under the authority of this permit must follow the American Veterinary Medical Association Guidelines on Euthanasia when euthanization of a bird is necessary ([http://www.avma.org/issues/animal\\_welfare/euthanasia.pdf](http://www.avma.org/issues/animal_welfare/euthanasia.pdf)).

I. You may temporarily possess and stabilize sick and injured migratory birds and immediately transport them to a federally licensed rehabilitator for care.

J. The following subpermittees are authorized: **Supervisory staff of the Port Authority of NY & NJ**  
In addition, any other person who is (1) employed by or under contract to you for the activities specified in this permit, or (2) otherwise designated a subpermittee by you in writing, may exercise the authority of this permit.

K. You and any subpermittee(s) must comply with the attached Standard Conditions for Migratory Bird Depredation Permits. **These standard conditions are a continuation of your permit conditions and must remain with your permit.**

**For suspected illegal activity, immediately contact USFWS Law Enforcement at: Valley Stream, NY: 516-825-3950**



## Standard Conditions Migratory Bird Depredation Permits 50 CFR 21.41

All of the provisions and conditions of the governing regulations at 50 CFR part 13 and 50 CFR part 21.41 are conditions of your permit. Failure to comply with the conditions of your permit could be cause for suspension of the permit. The standard conditions below are a continuation of your permit conditions and must remain with your permit. If you have questions regarding these conditions, refer to the regulations or, if necessary, contact your migratory bird permit issuing office. For copies of the regulations and forms, or to obtain contact information for your issuing office, visit: <http://www.fws.gov/migratorybirds/mbpermits.html>.

1. To minimize the lethal take of migratory birds, you are required to continually apply non-lethal methods of harassment in conjunction with lethal control.  
*[Note: Explosive Pest Control Devices (EPCDs) are regulated by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). If you plan to use EPCDs, you require a Federal explosives permit, unless you are exempt under 27 CFR 555.141. Information and contacts may be found at <http://www.atf.gov/explosives/how-to/become-an-fel.htm>.]*

2. Shotguns used to take migratory birds can be no larger than 10-gauge and must be fired from the shoulder. You must use nontoxic shot listed in 50 CFR 20.21(j).
3. You may not use blinds, pits, or other means of concealment, decoys, duck calls, or other devices to lure or entice migratory birds into gun range.
4. You are not authorized to take, capture, harass, or disturb bald eagles or golden eagles, or species listed as threatened or endangered under the Endangered Species Act found in 50 CFR 17, without additional authorization.

For a list of threatened and endangered species in your state, visit the U.S. Fish and Wildlife Service's Threatened and Endangered Species System (TESS) at: <http://www.fws.gov/angered>.

5. If you encounter a migratory bird with a Federal band issued by the U.S. Geological Survey Bird Banding Laboratory, Laurel, MD, report the band number to 1-800-327-BAND or <http://www.reportband.gov>.
6. This permit does not authorize take or release of any migratory birds, nests, or eggs on Federal lands without additional prior written authorization from the applicable Federal agency, or on State lands or other public or private property without prior written permission or permits from the landowner or custodian.
7. Unless otherwise specified on the face of the permit, migratory birds, nests, or eggs taken under this permit must be:
  - (a) turned over to the U.S. Department of Agriculture for official purposes, or
  - (b) donated to a public educational or scientific institution as defined by 50 CFR 10, or
  - (c) completely destroyed by burial or incineration, or
  - (d) with prior approval from the permit issuing office, donated to persons authorized by permit or regulation to possess them.

8. A subpermittee is an individual to whom you have provided written authorization to conduct some or all of the permitted activities in your absence. Subpermittees must be at least 18 years of age. As the permittee, you are legally responsible for ensuring that your subpermittees are adequately trained and adhere to the terms of your permit. You are responsible for maintaining current records of who you have designated as a subpermittee, including copies of designation letters you have provided.
9. You and any subpermittees must carry a legible copy of this permit, *including these Standard Conditions*, and display it upon request whenever you are exercising its authority.
10. You must maintain records as required in 50 CFR 13.46 and 50 CFR 21.41. All records relating to the permitted activities must be kept at the location indicated in writing by you to the migratory bird permit issuing office.
11. Acceptance of this permit authorizes the U.S. Fish and Wildlife Service to inspect any wildlife held, and to audit or copy any permits, books, or records required to be kept by the permit and governing regulations.
12. You may not conduct the activities authorized by this permit if doing so would violate the laws of the applicable State, county, municipal or tribal government or any other applicable law.

(DPRD - 12/3/2011)



**LICENSE**  
**Under the Environmental Conservation Law (ECL)**

**Licensee and Facility Information**

**License Issued To:**

PORT AUTHORITY OF NEW YORK & NEW  
JERSEY  
225 PARK AVE S  
NEW YORK, NY 10003

**Facility:**

LAGUARDIA AIRPORT  
  
GRAND CENTRL PKWY  
QUEENS, NY

**DEC Contact Information**

DIVISION OF FISH, WILDLIFE AND MARINE RESOURCES  
SPECIAL LICENSES UNIT  
625 BROADWAY, ALBANY, NEW YORK 12233-4752  
PHONE: (518) 402-8985 FAX: (518) 402-8925  
WEBSITE: [www.dec.state.ny.us](http://www.dec.state.ny.us)

**License Authorizations**

**Depredation Licenses - Airport**

License # 35

New License

Effective Date: 7/15/2010

Expiration Date: 3/31/2011

**NYSDEC Approval**

**By acceptance of this license, the licensee agrees that the license is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this license.**

**License Regulations**

6 NYCRR Part 175  
ECL 11-0521  
ECL 11-0505 (5)



**DEPREDATION LICENSES - AIRPORT - LICENSE CONDITIONS**

**1. DEPA – Authorization for Non-lethal Control Methods** The licensee is authorized to use department approved non-lethal control methods on migratory birds and upland game birds, including state listed endangered or threatened species or species of special concern (6 NYCRR Part 182), that are creating or will create a hazard to human health or safety at , La Guardia Airport Queens County, New York.

**2. DEPA – Authorization for Lethal Control Methods** The licensee is authorized to use lethal control methods (pursuant to take limits provided by Federal License MB719627-0 on migratory birds, except endangered or threatened species or species of special concern (6 NYCRR Part 182), when non-lethal control methods have failed to deter birds from entering La Guardia Airport airspace or when immediate removal of birds is required to protect human health or safety. Lethal control techniques include: shotguns not larger than 10 gauge.

**3. DEPA - Authorization for Lethal Control Methods Exception** The licensee is authorized to take no more than ten (10) Osprey (*Pandion haliaetus*) on airport grounds when non-lethal control measures have failed and the animal has landed on a runway in use or poses a direct threat to human safety.

**4. DEPA – Control Measures** Control measures shall include non-lethal methods designed to frighten migratory birds from the hazard areas.

**5. DEPA – No Lethal Take of Listed Species** The licensee shall not take any endangered or threatened species or species of special concern using lethal control methods.

**6. DEPA – No Take of Non - Target Species** This license does not authorize the taking of any non-target species. In the event such species are taken, the licensee shall cease activities and contact the New York State Department of Environmental Conservation’s Regional Wildlife Manager at

Regional Wildlife Manager  
NYSDEC REGION 2 HEADQUARTERS  
47-40 21ST ST  
LONG ISLAND CITY, NY11101 -5407

**7. DEPA – Training Requirement Prior to Use of Lethal Control Methods** Only persons who have received training in species identification and wildlife control techniques within the previous two (2) years are authorized to use lethal control methods pursuant to this license.

**8. DEPA – Federal Emergency Authorization with Exception** The licensee is authorized in emergency situations only to take, using shotguns not larger than 10 gauge any migratory bird, (except bald eagles, golden eagles or endangered or threatened species with the exception of osprey listed in Condition DEPA - Authorization for Lethal Control Methods Exception) when the migratory birds, are posing a direct threat to human safety. A direct threat to human safety is one which involves a threat of serious bodily injury or a risk to human life.

**9. DEPA – Retrieval and Disposal of Carcasses** The licensee and/or designated agents shall attempt to retrieve birds shot or found dead on the property and properly dispose of the carcasses by donation to public, scientific and/or educational institutions, or by prompt burial and/or incineration.

**10. DEPA – Reporting Endangered or Threatened Species Found Dead** The licensee shall

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Depredation Licenses - Airport # 35

immediately freeze and hold the carcasses of any endangered or threatened species found dead, and shall notify the NYSDEC Endangered Species Unit (518) 402-8863 within three (3) business days of finding the carcass.

**11. DEP – ALL – License not Valid Without Federal Permit** This license is not valid without a corresponding Federal Permit from the US Fish and Wildlife Service. The licensee shall comply with all terms and conditions of the Federal Permit.

**12. DEP –ALL – Designated Agents** The licensee may designate agents to conduct activities authorized by this license. Such designations shall be made in writing by sending a list with the name and address of the person(s) the licensee wishes to designate as an agent to the NYSDEC Special Licenses Unit at the address listed on the front of this license. This list shall be current and on file at the NYS DEC Special Licenses Unit. The licensee is responsible for all actions taken by designated agents under this license.

**13. DEP - ALL – Licensee Shall Submit copies of Federal Reports** The licensee shall submit copies of all reports required under their Federal Permit to the NYS DEC Special Licenses Unit at the address listed on the front of this license prior to the expiration of this license.

**14. DEPA – Reporting Requirement** The licensee shall file a written annual report prior to the expiration date of this license. Such annual report shall contain: a) name of the licensee, b) license number, c) number of birds shot or found dead on the property by species, d) any band numbers or other markings present on birds shot or found dead, e) number of individuals shooting, and f) location of shooting positions and hours of operation. The licensee shall send this report to

Regional Wildlife Manager  
NYSDEC REGION 2 HEADQUARTERS  
47-40 21ST ST  
LONG ISLAND CITY, NY 11101 -5407

The licensee shall consult with the Regional Wildlife Manager as deemed appropriate.

**GENERAL CONDITIONS - Apply to ALL Authorized Licenses**

**1. GC – Licensee Shall Read All Conditions** The licensee shall read all license conditions prior to conducting any activities authorized pursuant to this license.

**2. GC – Reasons for Revocation** This license may be revoked for any of the following reasons:

- i. licensee provided materially false or inaccurate statements in his or her application, supporting documentation or on required reports;
- ii. failure by the licensee to comply with any terms or conditions of this license;
- iii. licensee exceeds the scope of the purpose or activities described in his or her application for this license;
- iv. licensee fails to comply with any provisions of the NYS Environmental Conservation Law, any other State or Federal laws or regulations of the department directly related to the licensed activity;
- v. licensee submits a check, money order or voucher for this license or application for this license that is subsequently returned to the department for insufficient funds or nonpayment after the license has been issued.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Depredation Licenses - Airport # 35



**3. GC – Licensee Shall Carry Copy of License** The licensee shall carry a copy of this license or a document provided by the department, if relevant, when conducting activities pursuant to this license.

**4. GC – Licensee Shall Notify of Change of Address** The licensee shall notify the Special Licenses Unit in writing, by mail or email, within five (5) days of the official change of residence.

**5. GC – License is Not Transferrable** This license is not transferrable and is valid only for the person identified as the licensee.

**6. GC – Licensee is Liable for Designated Agents** If designated agents are authorized pursuant to this license, the licensee shall be liable and responsible for any activities conducted by designated agents pursuant to this license or any actions by designated agents resulting from activities authorized by this license.

**7. GC – Licensee Renewal** The licensee shall submit a written request for the renewal of this license prior to the expiration date listed on the license. The licensee shall include accurate and complete copies of any required reports with their renewal request. This renewal paperwork shall be sent to:

NYSDEC  
Special Licenses Unit  
625 Broadway  
Albany, NY 12233-4752.

This license is deemed expired on the date of expiration listed on the license.

**NOTIFICATION OF OTHER LICENSEE OBLIGATIONS**

**MN– Licensee is Liable**

The licensee shall be liable and responsible for any activities conducted under the authority of this license or any actions resulting from activities authorized by the license.

**MN – Access by Law Enforcement**

The licensee shall allow representatives of the NYS DEC Division of Law Enforcement to enter the licensed premises to inspect his or her operations and records for compliance with license conditions.

**Trespassing Prohibited**

This license is not a license to trespass. The licensee shall obtain permission from the appropriate landowner/land manager prior to conducting activities authorized pursuant to this license



DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE

### FEDERAL FISH AND WILDLIFE PERMIT

2. AUTHORITY-STATUTES  
16 USD 703-712

REGULATIONS  
50 CFR Part 13  
50 CFR 21.41

1. PERMITTEE

La GUARDIA AIRPORT  
225 PARK AVENUE SOUTH, 9TH FLOOR  
ATTN: JEFF KOLODZINSKI  
NEW YORK, NY 10003

3. NUMBER  
**MB719627-0**

4. RENEWABLE  
 YES  
 NO

5. MAY COPY  
 YES  
 NO

6. EFFECTIVE  
04/01/2012

7. EXPIRES  
03/31/2013

8. NAME AND TITLE OF PRINCIPAL OFFICER (If: 1 is a business)

DOUG STEARNS  
MANAGER OF AIRPORT OPERATIONS

9. TYPE OF PERMIT

DEPREDAATION AT AIRPORTS

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

**WITHIN THE PROPERTY BOUNDARIES OF LA GUARDIA AIRPORT, FLUSHING, NY  
TEL: 718-533-3402**

11. CONDITIONS AND AUTHORIZATIONS:

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE

D. You are authorized to take, temporarily possess, and transport the migratory birds specified below to relieve or prevent injurious situations impacting public safety. All take must be done as part of an integrated wildlife damage management program that emphasizes nonlethal management techniques. You may not use this authority for situations in which migratory birds are merely causing a nuisance.

(1) The following may be lethally taken: by means of shooting:

- (a) 200 of each: Atlantic brant, Canada geese, Double-crested cormorants and Mourning Doves;
- (b) 500 of each: Ring-billed, Laughing, Great Black-backed and Herring Gulls;
- (c) 100 of each: Mallards, American Black Duck, Barn swallows;
- (d) 25 of each: Ruddy Duck and Killdeer;
- (e) 10 Ospreys;
- (f) 5 of each Great Egrets, 5 Great Blue Herons.

(2) The following active nests (including eggs) may be destroyed:

- (a) 200 Barn swallows,
- (b) 50 Killdeer.

**State restrictions:** Peregrine Falcons and other bird species are listed as Endangered/ Threatened by New York State law and therefore may not be taken, unless otherwise authorized by the New York Department of Environmental Conservation.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

**ANNUAL REPORT DUE WITH NEXT RENEWAL FORM**

USFWS Forms can be found at: <http://www.fws.gov/migratorybirds/mbpermits.html>

ISSUED BY

TITLE

CHIEF, MIGRATORY BIRD PERMIT OFFICE - REGION 5

DATE

04/02/2012

E. You are authorized in emergency situations only to take, trap, or relocate any migratory birds, nests and eggs, including species that are not listed in Condition D (except bald eagles, golden eagles, or endangered or threatened species) when the migratory birds, nests, or eggs are posing a direct threat to human safety. A direct threat to human safety is one which involves a threat of serious bodily injury or a risk to human life.

You must report any emergency take activity to your migratory bird permit issuing office (Hadley, MA, by fax to: 413-253-8424), within 72 hours after the emergency take action. Your report must include the species and number of birds taken, method, and a complete description of the circumstances warranting the emergency action.

F. You are authorized to salvage and temporarily possess migratory birds found dead or taken under this permit for (1) disposal, (2) transfer to the U.S. Department of Agriculture, (3) diagnostic purposes, (4) purposes of training airport personnel, (5) donation to a public charity (those suitable for human consumption), or (6) donation to a public scientific or educational institution as defined in 50 CFR 10.12. Any dead bald eagles or golden eagles salvaged must be reported within 48 hours to the National Eagle Repository at (303) 287-2110 and to the migratory bird permit issuing office by fax to 413-253-8424. The Repository will provide directions for shipment of these specimens.

G. You may not salvage and must immediately report to U.S. Fish and Wildlife Service Office of Law Enforcement any dead or injured migratory birds that you encounter that appear to have been poisoned, shot, electrocuted, have collided with industrial power generation equipment, or were otherwise killed or injured as the result of potential criminal activity. See USFWS OLE contact information below.

H. You may use the following methods of take: (1) other firearms used by USDA only; (2) nets; (3) registered animal drugs (excluding nicarbazin), pesticides and repellents; (4) falconry abatement; and (5) legal lethal and live traps (excluding pole traps). Birds caught live may be euthanized or transported and relocated to another site approved by the appropriate State wildlife agency, if required. When using firearms, you may use rifles or air rifles to shoot any bird when you determine that the use of a shotgun is inadequate to resolve the injurious situation. You may use paint ball guns to haze birds or deter birds only when other methods of hazing are ineffective.

Anyone who takes migratory birds under the authority of this permit must follow the American Veterinary Medical Association Guidelines on Euthanasia when euthanization of a bird is necessary ([http://www.avma.org/issues/animal\\_welfare/euthanasia.pdf](http://www.avma.org/issues/animal_welfare/euthanasia.pdf)).

I. You may temporarily possess and stabilize sick and injured migratory birds and immediately transport them to a federally licensed rehabilitator for care.

J. The following subpermittees are authorized: **Supervisory staff of the Port Authority of NY & NJ**. In addition, any other person who is (1) employed by or under contract to you for the activities specified in this permit, or (2) otherwise designated a subpermittee by you in writing, may exercise the authority of this permit.

K. You and any subpermittee(s) must comply with the attached Standard Conditions for Migratory Bird Depredation Permits. **These standard conditions are a continuation of your permit conditions and must remain with your permit.**

**For suspected illegal activity, immediately contact USFWS Law Enforcement at: Valley Stream, NY: 516-825-3950**

## LICENSE

### Under the Environmental Conservation Law (ECL)

#### Licensee and Facility Information

**License Issued To:**

LAURA C FRANCOEUR  
THE PORT AUTHORITY OF NY AND NJ  
JFK INTERNATIONAL AIRPORT BLDG 14  
3RD FLR  
JAMAICA, NY 11430

**Facility:**

LAGUARDIA AIRPORT  
GRAND CENTRL PKWY  
QUEENS, NY

(718) 244-3773

#### DEC Contact Information

DIVISION OF FISH, WILDLIFE AND MARINE RESOURCES  
SPECIAL LICENSES UNIT  
625 BROADWAY, ALBANY, NEW YORK 12233-4752  
PHONE: (518) 402-8985 FAX: (518) 402-8925  
WEBSITE: [www.dec.state.ny.us](http://www.dec.state.ny.us)

#### License Authorizations

**Depredation Licenses - Airport**  
License # 44

New License

Effective Date: 4/1/2011

Expiration Date: 3/31/2012

#### NYSDEC Approval

**By acceptance of this license, the licensee agrees that the license is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this license.**

#### License Regulations

6 NYCRR Part 182  
ECL 11-0535  
6 NYCRR Part 175

Issued License

Page 1 of 4

ECL 11-0521

ECL 11-0505 (5)

**DEPREDATION LICENSES - AIRPORT - LICENSE CONDITIONS**

**1. DEPA – Authorization for Non-lethal Control Methods** The licensee is authorized to use department approved non-lethal control methods on migratory birds and upland game birds, including state listed endangered or threatened species or species of special concern (6 NYCRR Part 182), that are creating or will create a hazard to human health or safety at La Guardia Airport Queens County, New York.

**2. DEPA – Authorization for Lethal Control Methods** The licensee is authorized to use lethal control methods (pursuant to take limits and methods provided by Federal License MB719627-0) on migratory birds, except endangered or threatened species or species of special concern (6 NYCRR Part 182), when non-lethal control methods have failed to deter birds from entering La Guardia Airport airspace or when immediate removal of birds is required to protect human health or safety.

**3. DEPA - Authorization for Lethal Control Methods Exception** The licensee is authorized to take no more than 10 Osprey (*Pandion haliaetus*) on airport grounds when non-lethal control measures have failed and the animal has landed on a runway in use or poses a direct threat to human safety.

**4. DEPA – Control Measures** Control measures shall include non-lethal methods designed to frighten migratory birds from the authorized location(s).

**5. DEP – ALL – License not Valid Without Federal Permit** This license is not valid without a corresponding Federal Permit from the US Fish and Wildlife Service. The licensee shall comply with all terms and conditions of the Federal Permit.

**6. DEPA – Federal Emergency Authorization** The licensee is authorized in emergency situations only to take any migratory birds, nests and eggs (except bald eagles, golden eagles or endangered or threatened species) when the migratory birds, nests or eggs are posing a direct threat to human safety. A direct threat to human safety is one which involves a threat of serious bodily injury or a risk to human life.

**7. DEPA – Training Requirement Prior to Use of Lethal Control Methods** Only persons who have received training in species identification and wildlife control techniques within the previous two (2) years are authorized to use lethal control methods pursuant to this license.

**8. DEPA – No Take of Non - Target Species** This license does not authorize the taking of any non-target species. In the event such species are taken, the licensee shall cease activities and contact the New York State Department of Environmental Conservation's Regional Wildlife Manager at

Regional Wildlife Manager  
NYSDEC REGION 2 HEADQUARTERS  
47-40 21ST ST  
LONG ISLAND CITY, NY 11101 -5407

**9. DEPA – Retrieval and Disposal of Carcasses** The licensee shall attempt to retrieve birds shot or found

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Depredation Licenses - Airport # 44

dead on the property and properly dispose of the carcasses by donation to public, scientific and/or educational institutions, or by prompt burial and/or incineration.

**10. DEPA – Reporting Endangered or Threatened Species Found Dead** The licensee shall immediately freeze and hold the carcasses of any endangered or threatened species found dead, and shall notify the NYSDEC Endangered Species Unit (518) 402-8863 within three (3) business days of finding the carcass.

**11. DEP – ALL – Designated Agents** The licensee may designate agents to conduct activities authorized by this license. Such designations shall be made in writing by sending a list with the name and address of the person(s) the licensee wishes to designate as an agent to the NYSDEC Special Licenses Unit at the address listed on the front of this license. This list shall be current and on file at the NYSDEC Special Licenses Unit. The licensee is responsible for all actions taken by designated agents under this license.

**12. DEP - ALL – Licensee Shall Submit copies of Federal Reports** The licensee shall submit copies of all reports required under their Federal Permit to the NYS DEC Special Licenses Unit at the address listed on the front of this license prior to the expiration of this license.

**13. DEPA – Reporting Requirement - Regional Manager** The licensee shall file a written annual report prior to the expiration date of this license. Such annual report shall contain: a) name of the licensee, b) license number, c) number of birds shot or found dead on the property by species, d) any band numbers or other markings present on birds shot or found dead, and e) number of individuals shooting. The licensee shall send this report to

Regional Wildlife Manager  
NYSDEC REGION 2 HEADQUARTERS  
47-40 21ST ST  
LONG ISLAND CITY, NY 11101 -5407

The licensee shall consult with the Regional Wildlife Manager as deemed appropriate.

**GENERAL CONDITIONS - Apply to ALL Authorized Licenses**

**1. GC – Licensee Shall Read All Conditions** The licensee shall read all license conditions prior to conducting any activities authorized pursuant to this license.

**2. GC – Reasons for Revocation** This license may be revoked for any of the following reasons:

- i. licensee provided materially false or inaccurate statements in his or her application, supporting documentation or on required reports;
- ii. failure by the licensee to comply with any terms or conditions of this license;
- iii. licensee exceeds the scope of the purpose or activities described in his or her application for this license;
- iv. licensee fails to comply with any provisions of the NYS Environmental Conservation Law, any other State or Federal laws or regulations of the department directly related to the licensed activity;
- v. licensee submits a check, money order or voucher for this license or application for this license that is subsequently returned to the department for insufficient funds or nonpayment after the license has been issued.

**3. GC – Licensee Shall Carry Copy of License** The licensee shall carry a copy of this license or a document provided by the department, if relevant, when conducting activities pursuant to this license.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Depredation Licenses - Airport # 44

4. **GC – Licensee Shall Notify of Change of Address** The licensee shall notify the Special Licenses Unit in writing, by mail or email, within five (5) days of the official change of residence.

5. **GC – License is Not Transferrable** This license is not transferrable and is valid only for the person identified as the licensee.

6. **GC – Licensee is Liable for Designated Agents** If designated agents are authorized pursuant to this license, the licensee shall be liable and responsible for any activities conducted by designated agents pursuant to this license or any actions by designated agents resulting from activities authorized by this license.

7. **GC – Licensee Renewal** The licensee shall submit a written request for the renewal of this license prior to the expiration date listed on the license. The licensee shall include accurate and complete copies of any required reports with their renewal request. This renewal paperwork shall be sent to:

NYSDEC  
Special Licenses Unit  
625 Broadway  
Albany, NY 12233-4752.

This license is deemed expired on the date of expiration listed on the license.

**NOTIFICATION OF OTHER LICENSEE OBLIGATIONS**

**MN – Licensee is Liable**

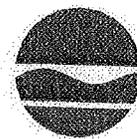
The licensee shall be liable and responsible for any activities conducted under the authority of this license or any actions resulting from activities authorized by the license.

**MN – Access by Law Enforcement**

The licensee shall allow representatives of the NYS DEC Division of Law Enforcement to enter the licensed premises to inspect his or her operations and records for compliance with license conditions.

**Trespassing Prohibited**

This license is not a license to trespass. The licensee shall obtain permission from the appropriate landowner/land manager prior to conducting activities authorized pursuant to this license



**AIRPORT AIR STRIKE HAZARD PERMIT**  
 Issued pursuant to Environmental Conservation Law §11-0521

|   |   |                                  |
|---|---|----------------------------------|
| PERMIT NUMBER<br>09-2-001   | AIRPORT MANAGER<br>Port Authority of New York<br>& New Jersey | TELEPHONE NUMBER<br>718 533-3402 |
| AIRPORT ADDRESS<br>LaGuardia Airport, Hangar # 7, Flushing, NY 11371<br>att: D. Stearns |   |                                  |

The permittee and any person employed by or acting under authorization of the permittee may kill or scare nuisance wildlife at any time when it becomes a threat to aircraft and airport safety and/or operations as stipulated below:

- A. Nuisance wildlife, for the purposes of this permit, means all wildlife **except** threatened and endangered species, species of special concern, and migratory birds requiring federal and/or state permits and licenses.
- B. The permittee is authorized to use: (1) firearms to kill nuisance wildlife; and/or (2) auditory or visual scare devices such as shell crackers, live ammunition, zon guns, falconry and trained dogs to repel nuisance wildlife.
- C. The permittee is authorized to capture and kill nuisance wildlife (except deer) by using box, cage, foothold, and/or body-gripping traps.
- D. Nuisance wildlife may **not** be removed or relocated from the site.
- E. All carcasses shall be disposed of by burial or incineration, unless otherwise directed (see Special Conditions, if any).
- F. This permit must be carried and displayed whenever exercising the authorities granted herein.
- G. Any shooting, trapping or killing must be entered on the Daily Log (included with your permit) on the dates of occurrence.
- H. This permit is continuous until revoked. Date of issuance is: December 31, 2009

I. The reporting period for this permit is January 1 to December 31. The permittee is required to forward a copy of the Daily Log **by January 1** of each year to the Bureau of Wildlife at the above address. The Daily Log must contain the species, date taken, sex, and disposition of each animal taken and/or transferred under the authority of this permit.

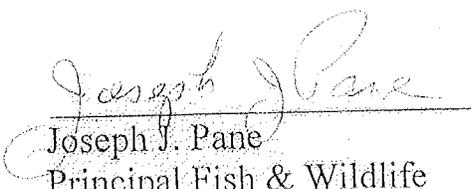
J. This permit is conditional upon compliance with all applicable local, state and/or federal laws/regulations and with any Special Conditions listed in K.

K. Special Conditions:

1. Only persons who have received training in species identification and wildlife control techniques within the previous two (2) years are authorized to use lethal control methods pursuant to this permit.

2. The permittee shall develop and implement a wildlife control plan consistent with FAA requirements. This plan shall include but not be limited to vegetation management, insect control, solid waste management, stormwater control and landscape management. The approved plan shall be submitted to the Department upon acceptance by the FAA.

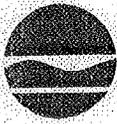
3. List of New York State endangered, threatened and species of special concern is attached.

  
\_\_\_\_\_  
Joseph J. Pane  
Principal Fish & Wildlife  
Biologist

December 31, 2009

Date





**ENDANGERED, THREATENED  
AND SPECIAL CONCERN SPECIES  
OF  
NEW YORK STATE**



**ENDANGERED SPECIES:** any native species in imminent danger of extirpation or extinction in New York.

| <u>Common Name</u>            | <u>Scientific Name</u>               | <u>Federal Status</u> |
|-------------------------------|--------------------------------------|-----------------------|
| <b>(1) Molluscs:</b>          |                                      |                       |
| Dwarf wedgemussel             | <i>Alasmodonta heterodon</i>         | E                     |
| Pink mucket                   | <i>Lampsilis abrupta</i>             | E                     |
| Clubshell                     | <i>Pleurobema clava</i>              | E                     |
| Fat pocketbook                | <i>Potamilus capax</i>               | E                     |
| Rayed bean                    | <i>Villosa fabalis</i>               |                       |
| Chittenango ovate amber snail | <i>Novisuccinea chittenangoensis</i> | T                     |
| <b>(2) Insects:</b>           |                                      |                       |
| Tomah mayfly                  | <i>Stiphonisca aerodromia</i>        |                       |
| American hairyng beetle       | <i>Nicrophorus americanus</i>        | E                     |
| Hessel's hairstreak           | <i>Callophrys hesseli</i>            |                       |
| Karner blue                   | <i>Lycacides melissa samuelis</i>    | E                     |
| Regal fritillary              | <i>Speyeria idalia</i>               |                       |
| Persius duskywing             | <i>Erynnis persius</i>               |                       |
| Grizzled skipper              | <i>Pyrgus centaureae wyandot</i>     |                       |
| Arogos skipper                | <i>Atrytone arogos arogos</i>        |                       |
| Bog buckmoth                  | <i>Hemileuca species 1</i>           |                       |
| Pine pinion moth              | <i>Lithophane lepida lepida</i>      |                       |
| <b>(3) Fishes:</b>            |                                      |                       |
| Shortnose sturgeon            | <i>Acipenser brevirostrum</i>        | E                     |
| Silver chub                   | <i>Macrhybopsis storeriana</i>       |                       |
| Pugnose shiner                | <i>Notropis anogenus</i>             |                       |
| Round whitefish               | <i>Prosopium cylindraceum</i>        |                       |
| Bluebreast darter             | <i>Etheostoma canurum</i>            |                       |
| Gilt darter                   | <i>Percina evides</i>                |                       |
| Spoonhead sculpin             | <i>Cottus ricei</i>                  |                       |
| Deepwater sculpin             | <i>Myoxocephalus thompsoni</i>       |                       |
| <b>(4) Amphibians:</b>        |                                      |                       |
| Tiger salamander              | <i>Ambystoma tigrinum</i>            |                       |
| Northern cricket frog         | <i>Acris crepitans</i>               |                       |
| <b>(5) Reptiles:</b>          |                                      |                       |
| Mud turtle                    | <i>Kinosternon subrubrum</i>         |                       |
| Bog turtle                    | <i>Clemmys muhlenbergii</i>          | T                     |
| Hawksbill sea turtle          | <i>Eretmochelys imbricata</i>        | E                     |
| Atlantic ridley sea turtle    | <i>Lepidochelys kempi</i>            | E                     |
| Leatherback sea turtle        | <i>Dermochelys coriacea</i>          | E                     |
| Queen snake                   | <i>Regina septemvittata</i>          |                       |
| Massasauga                    | <i>Sistrurus catenatus</i>           |                       |
| <b>(6) Birds:</b>             |                                      |                       |
| Golden eagle                  | <i>Aquila chrysaetos</i>             |                       |
| Peregrine falcon              | <i>Falco peregrinus</i>              |                       |
| Spruce grouse                 | <i>Falciennis canadensis</i>         |                       |

Black rail  
 Piping plover  
 Eskimo curlew  
 Roseate tern  
 Black tern  
 Short-eared owl  
 Loggerhead shrike

*Laterallus jamaicensis*  
*Charadrius melodus* E  
*Numenius borealis* E  
*Sterna dougallii dougallii* E  
*Chlidonias niger*  
*Asio flammeus*  
*Lanius ludovicianus*

(7) Mammals:

Indiana bat  
 Allegheny woodrat  
 Sperm whale  
 Sei whale  
 Blue whale  
 Finback whale  
 Humpback whale  
 Right whale  
 Gray wolf  
 Cougar

*Myotis sodalis* E  
*Neotoma magister*  
*Physeter catodon* E  
*Balaenoptera borealis* E  
*Balaenoptera musculus* E  
*Balaenoptera physalus* E  
*Megaptera novaeangliae* E  
*Eubalaena glacialis* E  
*Canis lupus* E  
*Felis concolor* E

**THREATENED SPECIES:** any native species which is likely to become an endangered species within the foreseeable future in New York.

(1) Molluscs:

Brook floater  
 Wavy-rayed lampmussel  
 Green floater

*Alasmidonta varicosa*  
*Lampsilis fasciola*  
*Lasmigona subviridis*

(2) Insects:

Pine barrens bluet  
 Scarlet bluet  
 Little bluet  
 Northeastern beach tiger beetle  
 Frosted elfin

*Enallagma recurvatum*  
*Enallagma pictum*  
*Enallagma minisculum*  
*Cicindela dorsalis dorsalis* T  
*Callophrys irus*

(3) Fishes:

Lake sturgeon  
 Mooneye  
 Lake chubsucker  
 Gravel chub  
 Mud sunfish  
 Banded sunfish  
 Longear sunfish  
 Eastern sand darter  
 Swamp darter  
 Spotted darter  
 Longhead darter

*Acipenser fulvescens*  
*Hiodon tergisus*  
*Erimyzon sucetta*  
*Erimystax x-punctata*  
*Acantharchus pomotis*  
*Enneacanthus obesus*  
*Lepomis megalotis*  
*Ammocrypta pellucida*  
*Etheostoma fusiforme*  
*Etheostoma maculatum*  
*Percina macrocephala*

(4) Amphibians:

None

(5) Reptiles:

Blanding's turtle  
 Green sea turtle  
 Loggerhead sea turtle  
 Fence lizard  
 Timber rattlesnake

*Emydoidea blandingii*  
*Chelonia mydas* T  
*Caretta caretta* T  
*Sceloporus undulatus*  
*Crotalus horridus*

(6) Birds:

|                   |                                 |
|-------------------|---------------------------------|
| Pied-billed grebe | <i>Podilymbus podiceps</i>      |
| Least bittern     | <i>Ixobrychus exilis</i>        |
| Bald eagle        | <i>Haliaeetus leucocephalus</i> |
| Northern harrier  | <i>Circus cyaneus</i>           |
| King rail         | <i>Rallus elegans</i>           |
| Upland sandpiper  | <i>Bartramia longicauda</i>     |
| Common tern       | <i>Sterna hirundo</i>           |
| Least tern        | <i>Sterna antillarum</i>        |
| Sedge wren        | <i>Cistothorus platensis</i>    |
| Henslow's sparrow | <i>Ammodramus henslowii</i>     |

T

(7) Mammals:

None

**SPECIAL CONCERN:** any native species for which a welfare concern or risk of endangerment has been documented.

(1) Molluscs:

|                      |                        |
|----------------------|------------------------|
| Buffalo pebble snail | <i>Gillia altilis</i>  |
| Fringed valvata      | <i>Valvata lewisi</i>  |
| Mossy valvata        | <i>Valvata sincera</i> |

(2) Insects:

|                           |                                   |
|---------------------------|-----------------------------------|
| Unnamed dragonfly species | <i>Gomphus spec. nov.</i>         |
| Southern sprite           | <i>Nehalennia integricollis</i>   |
| Extra striped snaketail   | <i>Ophiogomphus anomalus</i>      |
| Pygmy snaketail           | <i>Ophiogomphus howei</i>         |
| Common sanddragon         | <i>Progomphus obscurus</i>        |
| Gray petaltail            | <i>Tachopteryx thoreyi</i>        |
| Checkered white           | <i>Pontia protodice</i>           |
| Olympia marble            | <i>Euchloe olympia</i>            |
| Henry's elfin             | <i>Callophrys henrici</i>         |
| Tawny crescent            | <i>Phyciodes batesii</i>          |
| Mottled duskywing         | <i>Erymnis martialis</i>          |
| Barrens buckmoth          | <i>Hemileuca maia</i>             |
| Herodias underwing        | <i>Catocala herodias gethardi</i> |
| Jair underwing            | <i>Catocala jair</i>              |
| A noctuid moth            | <i>Heleroampa varia</i>           |

(3) Fishes:

|                        |                              |
|------------------------|------------------------------|
| Mountain brook lamprey | <i>Ichthyomyzon greeleyi</i> |
| Black redbhorse        | <i>Moxostoma duquesnei</i>   |
| Streamline chub        | <i>Erimystax dissimilis</i>  |
| Redfin shiner          | <i>Lythrurus umbratilis</i>  |
| Ironcolor shiner       | <i>Notropis chalybaeus</i>   |

(4) Amphibians:

|                         |   |
|-------------------------|---|
| Hellbender              | <i>Cryptobranchius alleganiensis</i>    |
| Marbled salamander      | <i>Ambystoma opacum</i>                 |
| Jefferson salamander    | <i>Ambystoma jeffersonianum</i>         |
| Blue-spotted salamander | <i>Ambystoma laterale</i>               |
| Longtail salamander     | <i>Eurycea longicauda</i>               |
| Eastern spadefoot toad  | <i>Scaphiopus holbrookii</i>            |
| Southern leopard frog   | <i>Rana sphenoccephala utricularius</i> |

(5) Reptiles:

|                    |                           |
|--------------------|---------------------------|
| Spotted turtle     | <i>Clemmys guttata</i>    |
| Wood turtle        | <i>Clemmys insculpta</i>  |
| Eastern box turtle | <i>Terrapene carolina</i> |

Eastern spiny softshell  
Eastern hognose snake  
Worm snake

*Apalone spinifera*  
*Heterodon platirhinos*  
*Carphophis amoenus*

(6) Birds:

Common loon  
American bittern  
Osprey  
Sharp-shinned hawk  
Cooper's hawk  
Northern goshawk  
Red-shouldered hawk  
Black skimmer  
Common nighthawk  
Whip-poor-will  
Red-headed woodpecker  
Horned lark  
Bicknell's thrush  
Golden-winged warbler  
Cerulean warbler  
Yellow-breasted chat  
Vesper sparrow  
Grasshopper sparrow  
Seaside sparrow

*Gavia immer*  
*Botaurus lentiginosus*  
*Pandion haliaetus*  
*Accipiter striatus*  
*Accipiter cooperii*  
*Accipiter gentilis*  
*Buteo lineatus*  
*Rynchops niger*  
*Chordeiles minor*  
*Caprimulgus vociferus*  
*Melanerpes erythrocephalus*  
*Eremophila alpestris*  
*Catharus bicknelli*  
*Vermivora chrysoptera*  
*Dendroica cerulea*  
*Icteria virens*  
*Pooecetes gramineus*  
*Ammodramus savannarum*  
*Ammodramus maritimus*

(7) Mammals:

Small-footed bat  
New England cottontail  
Harbor porpoise

*Myotis leibii*  
*Sylvilagus transitionalis*  
*Phocoena phocoena*

EFFECTIVE 12/04/99



**LICENSE**  
**Under the Environmental Conservation Law (ECL)**

**Licensee and Facility Information**

**License Issued To:**

LAURA C FRANCOEUR  
THE PORT AUTHORITY OF NY AND NJ  
JFK INTERNATIONAL AIRPORT BLDG 145  
2ND FLR  
JAMAICA, NY 11430

**Facility:**

LAGUARDIA AIRPORT  
GRAND CENTRL PKWY  
QUEENS, NY

(718) 244-3773  
COUNTY: QUEENS

**DEC Contact Information**

DIVISION OF FISH, WILDLIFE AND MARINE RESOURCES  
SPECIAL LICENSES UNIT  
625 BROADWAY, ALBANY, NEW YORK 12233-4752  
PHONE: (518) 402-8985 FAX: (518) 402-8925  
WEBSITE: [www.dec.state.ny.us](http://www.dec.state.ny.us)

**License Authorizations**

**Depredation Licenses - Airport**  
License # 44

Renewal  
Modification # 1

Effective Date: 4/1/2012  
Effective Date: 1/17/2013

Expiration Date: 3/31/2013  
Expiration Date: 3/31/2013

**NYSDEC Approval**

**By acceptance of this license, the licensee agrees that the license is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this license.**

**License Regulations**

6 NYCRR Part 182



Depredation Licenses - Airport # 44

ECL 11-0535  
6 NYCRR Part 175  
ECL 11-0521  
ECL 11-0505 (5)

**DEPREDATION LICENSES - AIRPORT - LICENSE CONDITIONS**

**1. DEPA – Authorization for Non-lethal Control Methods** The licensee is authorized to use department approved non-lethal control methods on migratory birds, including state listed endangered or threatened species or species of special concern (6 NYCRR Part 182), that are creating or will create a hazard to human health or safety at LaGuardia Airport Queens County, New York.

**2. DEPA – Authorization for Lethal Control Methods** The licensee is authorized to use lethal control methods (pursuant to take limits and methods provided by Federal License MB719627-1) on migratory birds, except endangered or threatened species or species of special concern (6 NYCRR Part 182), when non-lethal control methods have failed to deter birds from entering LaGuardia airspace or when immediate removal of birds is required to protect human health or safety.

**3. DEPA - Authorization for Lethal Control Methods Exception** The licensee is authorized to take no more than 10 Osprey (*Pandion haliaetus*) on airport grounds when non-lethal control measures have failed and the animal has landed on a runway in use or poses a direct threat to human safety.

**4. DEPA – Federal Emergency Authorization with Exception** The licensee is authorized in emergency situations only to take, using shotguns not larger than 10 gauge any migratory bird, (except bald eagles, golden eagles or endangered or threatened species with the exception of 10 Osprey (*Pandion haliaetus*) listed in Condition DEPA - Authorization for Lethal Control Methods Exception) when the migratory birds, are posing a direct threat to human safety. A direct threat to human safety is one which involves a threat of serious bodily injury or a risk to human life.

**5. DEPA – Control Measures** Control measures shall include non-lethal methods designed to frighten migratory birds from the authorized location(s).

**6. DEPA – Training Requirement Prior to Use of Lethal Control Methods** Only persons who have received training in species identification and wildlife control techniques within the previous two (2) years are authorized to use lethal control methods pursuant to this license.

**7. DEP – ALL – License not Valid Without Federal Permit** This license is not valid without a corresponding Federal Permit from the US Fish and Wildlife Service. The licensee shall comply with all terms and conditions of the Federal Permit.

**8. DEPA – No Take of Non - Target Species** This license does not authorize the taking of any non-target species. In the event such species are taken, the licensee shall cease activities and contact the New York State Department of Environmental Conservation's Regional Wildlife Manager at

Regional Wildlife Manager  
NYSDEC REGION 2 HEADQUARTERS

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Depredation Licenses - Airport # 44

47-40 21ST ST  
LONG ISLAND CITY, NY11101 -5407

**9. DEPA – Reporting Endangered or Threatened Species Found Dead** The licensee shall immediately freeze and hold the carcasses of any endangered or threatened species found dead, and shall notify the NYSDEC Endangered Species Unit (518) 402-8863 within three (3) business days of finding the carcass.

**10. DEPA – Retrieval and Disposal of Carcasses** The licensee shall attempt to retrieve birds shot or found dead on the property and properly dispose of the carcasses by donation to public, scientific and/or educational institutions, or by prompt burial and/or incineration.

**11. DEP –ALL – Designated Agents** The licensee may designate agents to conduct activities authorized by this license. Such designations shall be made in writing by sending a list with the name and address of the person(s) the licensee wishes to designate as an agent to the NYSDEC Special Licenses Unit at the address listed on the front of this license. This list shall be current and on file at the NYSDEC Special Licenses Unit. The licensee is responsible for all actions taken by designated agents under this license.

**12. DEP - ALL – Licensee Shall Submit copies of Federal Reports** The licensee shall submit copies of all reports required under their Federal Permit to the NYS DEC Special Licenses Unit at the address listed on the front of this license prior to the expiration of this license.

**GENERAL CONDITIONS - Apply to ALL Authorized Licenses**

**1. GC – Licensee Shall Read All Conditions** The licensee shall read all license conditions prior to conducting any activities authorized pursuant to this license.

**2. GC – License is Not Transferrable** This license is not transferrable and is valid only for the person identified as the licensee.

**3. GC – Licensee Responsible for Federal, State or Local Permits/Licenses** The licensee is responsible for obtaining any and all necessary, corresponding Federal, State or local permits or licenses prior to conducting any activity authorized pursuant to this license.

**4. GC – Reasons for Revocation** This license may be revoked for any of the following reasons:

- i. licensee provided materially false or inaccurate statements in his or her application, supporting documentation or on required reports;
- ii. failure by the licensee to comply with any terms or conditions of this license;
- iii. licensee exceeds the scope of the purpose or activities described in his or her application for this license;
- iv. licensee fails to comply with any provisions of the NYS Environmental Conservation Law, any other State or Federal laws or regulations of the department directly related to the licensed activity;
- v. licensee submits a check, money order or voucher for this license or application for this license that is subsequently returned to the department for insufficient funds or nonpayment after the license has been issued.

**5. GC – Licensee Shall Carry Copy of License** The licensee shall carry a copy of this license or a document provided by the department, if relevant, when conducting activities pursuant to this license.



**6. GC – Licensee Shall Notify of Change of Address** The licensee shall notify the Special Licenses Unit in writing, by mail or email, within five (5) days of the official change of residence.

**7. GC – Licensee is Liable for Designated Agents** If designated agents are authorized pursuant to this license, the licensee shall be liable and responsible for any activities conducted by designated agents pursuant to this license or any actions by designated agents resulting from activities authorized by this license.

**8. GC – Licensee Renewal** The licensee shall submit a written request for the renewal of this license prior to the expiration date listed on the license. The licensee shall include accurate and complete copies of any required reports with their renewal request. This renewal paperwork shall be sent to:

NYSDEC  
Special Licenses Unit  
625 Broadway  
Albany, NY 12233-4752.

This license is deemed expired on the date of expiration listed on the license.

|   |
|---|
| <b>NOTIFICATION OF OTHER LICENSEE OBLIGATIONS</b> |
|---|

**MN– Licensee is Liable**

The licensee shall be liable and responsible for any activities conducted under the authority of this license or any actions resulting from activities authorized by the license.

**MN – Access by Law Enforcement**

The licensee shall allow representatives of the NYS DEC Division of Law Enforcement to enter the licensed premises to inspect his or her operations and records for compliance with license conditions.

**Trespassing Prohibited**

This license is not a license to trespass. The licensee shall obtain permission from the appropriate landowner/land manager prior to conducting activities authorized pursuant to this license



DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE

3-201  
(1/97)

### FEDERAL FISH AND WILDLIFE PERMIT

2. AUTHORITY-STATUTES  
16 USD 703-712

REGULATIONS  
50 CFR Part 13  
50 CFR 21.41

1. PERMITTEE

La GUARDIA AIRPORT  
225 PARK AVENUE SOUTH, 9TH FLOOR  
ATTN: JEFF KOLODZINSKI  
NEW YORK, NY 10003

3. NUMBER  
MB719627-0

4. RENEWABLE  
 YES  
 NO

5. MAY COPY  
 YES  
 NO

6. EFFECTIVE  
04/05/2011

7. EXPIRES  
03/31/2012

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)  
DOUG STEARNS  
MANAGER OF AIRPORT OPERATIONS

9. TYPE OF PERMIT  
DEPREDAATION AT AIRPORTS

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED  
**WITHIN THE PROPERTY BOUNDARIES OF LA GUARDIA AIRPORT, FLUSHING, NY**  
**TEL: 718-533-3402**

11. CONDITIONS AND AUTHORIZATIONS:

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

D. You are authorized to take, temporarily possess, and transport the migratory birds specified below to relieve or prevent injurious situations impacting public safety. All take must be done as part of an integrated wildlife damage management program that emphasizes nonlethal management techniques. You may not use this authority for situations in which migratory birds are merely causing a nuisance.

- (1) The following may be lethally taken: by means of shooting:
  - (a) 200 of each: Atlantic brant, Canada geese, Double-crested cormorants and Mourning Doves;
  - (b) 500 of each: Ring-billed, Laughing, Great Black-backed and Herring Gulls;
  - (c) 100 of each: Mallards, American Black Duck, Barn swallows;
  - (d) 25 of each: Ruddy Duck and Killdeer;
  - (e) 10 Ospreys;
  - (f) 5 of each Great Egrets, 5 Great Blue Herons.

- (2) The following active nests (including eggs) may be destroyed:
  - (a) 200 Barn swallows,
  - (b) 50 Killdeer.

**State restrictions:** Peregrine Falcons and other bird species are listed as Endangered/ Threatened by New York State law and therefore may not be taken, unless otherwise authorized by the New York Department of Environmental Conservation.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

**ANNUAL REPORT DUE WITH NEXT RENEWAL FORM**  
USFWS Forms can be found at: <http://www.fws.gov/migratorybirds/mbpermits.html>

ISSUED BY

TITLE

CHIEF, MIGRATORY BIRD PERMIT OFFICE - REGION 5

DATE

04/05/2011

E. You are authorized in emergency situations only to take, trap, or relocate any migratory birds, nests and eggs, including species that are not listed in Condition D (except bald eagles, golden eagles, or endangered or threatened species) when the migratory birds, nests, or eggs are posing a direct threat to human safety. A direct threat to human safety is one which involves a threat of serious bodily injury or a risk to human life.

You must report any emergency take activity to your migratory bird permit issuing office (Hadley, MA, by fax to: 413-253-8424), within 72 hours after the emergency take action. Your report must include the species and number of birds taken, method, and a complete description of the circumstances warranting the emergency action.

F. You are authorized to salvage and temporarily possess migratory birds found dead or taken under this permit for (1) disposal, (2) transfer to the U.S. Department of Agriculture, (3) diagnostic purposes, (4) purposes of training airport personnel, (5) donation to a public charity (those suitable for human consumption), or (6) donation to a public scientific or educational institution as defined in 50 CFR 10.12. Any dead bald eagles or golden eagles salvaged must be reported within 48 hours to the National Eagle Repository at (303) 287-2110 and to the migratory bird permit issuing office by fax to 413-253-8424. The Repository will provide directions for shipment of these specimens.

G. You may not salvage and must immediately report to U.S. Fish and Wildlife Service Office of Law Enforcement any dead or injured migratory birds that you encounter that appear to have been poisoned, shot, electrocuted, have collided with industrial power generation equipment, or were otherwise killed or injured as the result of potential criminal activity. See USFWS OLE contact information below.

H. You may use the following methods of take: (1) other firearms used by USDA only; (2) nets; (3) registered animal drugs (excluding nicarbazin), pesticides and repellents; (4) falconry abatement; and (5) legal lethal and live traps (excluding pole traps). Birds caught live may be euthanized or transported and relocated to another site approved by the appropriate State wildlife agency, if required. When using firearms, you may use rifles or air rifles to shoot any bird when you determine that the use of a shotgun is inadequate to resolve the injurious situation. You may use paint ball guns to haze birds or deter birds only when other methods of hazing are ineffective.

Anyone who takes migratory birds under the authority of this permit must follow the American Veterinary Medical Association Guidelines on Euthanasia when euthanization of a bird is necessary ([http://www.avma.org/issues/animal\\_welfare/euthanasia.pdf](http://www.avma.org/issues/animal_welfare/euthanasia.pdf)).

I. You may temporarily possess and stabilize sick and injured migratory birds and immediately transport them to a federally licensed rehabilitator for care.

J. The following subpermittees are authorized: **Supervisory staff of the Port Authority of NY & NJ**. In addition, any other person who is (1) employed by or under contract to you for the activities specified in this permit, or (2) otherwise designated a subpermittee by you in writing, may exercise the authority of this permit.

K. You and any subpermittee(s) must comply with the attached Standard Conditions for Migratory Bird Depredation Permits. **These standard conditions are a continuation of your permit conditions and must remain with your permit.**

**For suspected illegal activity, immediately contact USFWS Law Enforcement at: Valley Stream, NY: 516-825-3950**



## Standard Conditions Migratory Bird Depredation Permits 50 CFR 21.41

All of the provisions and conditions of the governing regulations at 50 CFR part 13 and 50 CFR part 21.41 are conditions of your permit. The standard conditions below are a continuation of your permit conditions and must remain with your permit. If you have questions regarding these conditions, refer to the regulations or, if necessary, contact your migratory bird permit issuing office. For copies of the regulations and forms, or to obtain contact information for your issuing office, visit: <http://www.fws.gov/migratorybirds/mbpermits.html>.

1. To minimize the lethal take of migratory birds, you are required to continually apply non-lethal methods of harassment in conjunction with lethal control.  
*[Note: Explosive Pest Control Devices (EPCDs) are regulated by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). If you plan to use EPCDs, you require a Federal explosives permit, unless you are exempt under 27 CFR 555.141. Information and contacts may be found at <http://www.atf.gov/explosives/how-to/become-an-fe/>.]*
2. Shotguns used to take migratory birds can be no larger than 10-gauge and must be fired from the shoulder. You must use nontoxic shot listed in 50 CFR 20.21(j).
3. You may not use blinds, pits, or other means of concealment, decoys, duck calls, or other devices to lure or entice migratory birds into gun range.
4. You are not authorized to take, capture, harass, or disturb bald eagles or golden eagles, or species listed as threatened or endangered under the Endangered Species Act found in 50 CFR 17, without additional authorization.  
  
For a list of threatened and endangered species in your state, visit the U.S. Fish and Wildlife Service's Threatened and Endangered Species System (TESS) at: <http://www.fws.gov/angered>.
5. If you encounter a migratory bird with a Federal band issued by the U.S. Geological Survey Bird Banding Laboratory, Laurel, MD, report the band number to 1-800-327-BAND or <http://www.reportband.gov>.
6. This permit does not authorize take or release of any migratory birds, nests, or eggs on Federal lands without additional prior written authorization from the applicable Federal agency.
7. This permit does not authorize take or release of any migratory birds, nests, or eggs on State lands or other public or private property without prior written permission or permits from the landowner or custodian.
8. Unless otherwise specified on the face of the permit, migratory birds, nests, or eggs taken under this permit must be:
  - (a) turned over to the U.S. Department of Agriculture for official purposes, or
  - (b) donated to a public educational or scientific institution as defined by 50 CFR 10, or
  - (c) completely destroyed by burial or incineration, or
  - (d) with prior approval from the permit issuing office, donated to persons authorized by permit or regulation to possess them.

9. Subpermittees must be at least 18 years of age. As the permittee, you are legally responsible for ensuring that your subpermittees are adequately trained and adhere to the terms of your permit. You are responsible for maintaining current records of who you have designated as a subpermittee, including copies of letters you have provided.
10. You and any subpermittees must carry a legible copy of this permit, *including these Standard Conditions*, and display it upon request whenever you are exercising its authority.
11. You must maintain records as required in 50 CFR 13.46 and 50 CFR 21.41. All records relating to the permitted activities must be kept at the location indicated in writing by you to the migratory bird permit issuing office.
12. Acceptance of this permit authorizes the U.S. Fish and Wildlife Service to inspect any wildlife held, and to audit or copy any permits, books, or records required to be kept by the permit and governing regulations.
13. You may not conduct the activities authorized by this permit if doing so would violate the laws of the applicable State, county, municipal or tribal government or any other applicable law.

(DPRD - 2/24/2011)



DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE

3-201  
(1/97)

### FEDERAL FISH AND WILDLIFE PERMIT

2. AUTHORITY-STATUTES  
16 USD 703-712

REGULATIONS  
50 CFR Part 13  
50 CFR 21.41

1. PERMITTEE

La GUARDIA AIRPORT  
PORT AUTHORITY OF NY & NJ, HANGER 7C 3RD FLOOR  
ATTN: DOUG STEARNS  
FLUSHING, NY 11371

3 NUMBER  
MB719627-2

AMENDMENT

4 RENEWABLE  
YES  
NO

5. MAY COPY  
YES  
NO

6 EFFECTIVE  
08/19/2010

7. EXPIRES  
03/31/2011

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)

DOUG STEARNS  
MANAGER OF AIRPORT OPERATIONS

9. TYPE OF PERMIT

DEPREDAATION AT AIRPORTS

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

**WITHIN THE PROPERTY BOUNDARIES OF LA GUARDIA AIRPORT, FLUSHING, NY**  
**TEL: 718-533-3402**

11. CONDITIONS AND AUTHORIZATIONS:

- A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.
- C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

**Amendment 2 in Bold - D.** You are authorized to take, temporarily possess, and transport the migratory birds specified below to relieve or prevent injurious situations impacting public safety. All take must be done as part of an integrated wildlife damage management program that emphasizes nonlethal management techniques. You may not use this authority for situations in which migratory birds are merely causing a nuisance.

- (1) The following may be lethally taken: by means of shooting:
  - (a) 200 of each: Atlantic brant and Canada Geese,
  - (b) 500 of each: Ring-billed, Laughing, Great Black-backed and Herring Gulls,
  - (c) 100 of each: Mallards, American Black Duck, **Barn Swallows**, Double-crested cormorants, Mourning Doves.
  - (d) 25 of each: Ruddy Duck and Killdeer
  - (e) **10 Ospreys**
  - (f) 5 of each Great Egrets, 5 Great Blue Herons
  - (g) **200 Barn Swallow NEST and eggs contained within**
  - (h) 50 Killdeer NEST and eggs contained within

**State restrictions:** Peregrine Falcons and other bird species are listed as Endangered/ Threatened by New York State law and therefore may not be taken, unless otherwise authorized by the New York Department of Environmental Conservation.

E. You are authorized in emergency situations only to take, trap, or relocate any migratory birds, nests and eggs, including

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

**ANNUAL REPORT DUE WITH NEXT RENEWAL FORM**

USFWS Forms can be found at: <http://www.fws.gov/migratorybirds/mbpermits.html>

ISSUED BY

TITLE

CHIEF, MIGRATORY BIRD PERMIT OFFICE - REGION 5

DATE

08/19/2010