

**WAC 220-440-060**

**and**

**WAC 220-416-040**

**Killing wildlife causing private property  
damage and Hunting predatory birds.**



*Washington Department of*  
**FISH and WILDLIFE**

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# Background

- In 2014 the federal government changed the rule pertaining to the lethal removal of depredating blackbirds, cowbirds, crows, grackles, and magpies.
- We were recently made aware of the change in the federal rule.
- The WACs in question as currently written do not comply with the federal rule .

# WAC 220-400-030 Classification of wild birds – Predatory birds

black-billed magpie

*Pica hudsonia*

American crow

*Corvus brachyrhynchos*

European starling

*Sturnus vulgaris*

house (English) sparrow

*Passer domesticus*

rock dove

*Columba livia*

Eurasian collared dove

*Streptopelia decaocto*

Two of these species, crows and magpies are considered predatory birds and their removal is governed by the two WACs we are recommending to amend.

# Federal Rule 50 CFR 21.43 Depredation order for blackbirds, cowbirds, crows, grackles, and magpies

- (b) Conditions under which control is allowed by private citizens. You do not need a Federal permit to control the species listed in paragraph (a) of this section in the following circumstances:
  - (1) Where they are causing serious injuries to agricultural or horticultural crops or to livestock feed;
  - (2) When they cause a health hazard or structural property damage;
  - (3) To protect a species recognized by the Federal Government as an endangered, threatened, or candidate species in any county in which it occurs, as shown in the Service's Environmental Conservation Online System (<http://ecos.fws.gov>);
  - (4) To protect a species recognized by the Federal Government as an endangered or threatened species in designated critical habitat for the species; or
  - (5) To protect a species recognized by a State or Tribe as endangered, threatened, candidate, or of special concern if the control takes place within that State or on the lands of that tribe, respectively.
  - (6) Each calendar year, you must attempt to control depredation by species listed under this depredation order using nonlethal methods before you may use lethal control. Nonlethal control methods can include such measures as netting and flagging, the use of trained raptors, propane cannons, and recordings.
  - (i) Annual report. Any person, business, organization, or government official acting under this depredation order must provide an annual report using FWS Form 3-202-21-2143 to the appropriate Regional Migratory Bird Permit Office. The addresses for the Regional Migratory Bird Permit Offices are provided at 50 CFR 2.2, and are on the form. The report is due by January 31st of the following year and must include the information requested on the form.

# Recommendation

- Remove language that deals with depredation in WAC 220-416-040 Hunting predatory birds.
- Language is redundant and this WAC is specific to hunting.
- Modify language in WAC 220-440-060 Killing wildlife causing private property damage.
- Refer to the federal rule in this WAC for depredation specific to crows and magpies.
- Leave the language the same for other predatory birds.

# Recommended Adjustment

- Pages 6-8
- Change: (b) It is unlawful to take crows or magpies in violation of requirements published in the Code of Federal Regulations (CFR), Title 50, Section 21.43.
- Rationale: This language is clearer as to the intent.

# Public Comment

- We received 133 online comments relating the hunting predatory birds rule and 135 comments relating to the depredation rule
- 43% and 37% said they were neutral on these proposals
- Of those that did not vote neutral 91% and 89% respectively said they generally agreed with the proposed rule changes

# Questions?