University of Nebraska - Lincoln
DigitalCommons@University of Nebraska - Lincoln

Bird Control Seminars Proceedings | Wildlife Damage Management, Internet Center for

9-16-1968

BIRD CONTROL UNDER A STATE FISH AND GAME PERMIT SYSTEM

James Shepard
Massachusetts Fish and Game Commission

Follow this and additional works at: http://digitalcommons.unl.edu/icwdmbirdcontrol

Part of the Environmental Sciences Commons

Shepard, James, "BIRD CONTROL UNDER A STATE FISH AND GAME PERMIT SYSTEM" (1968). *Bird Control Seminars Proceedings.* Paper 161.
http://digitalcommons.unl.edu/icwdmbirdcontrol/161

This Article is brought to you for free and open access by the Wildlife Damage Management, Internet Center for at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Bird Control Seminars Proceedings by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

BIRD CONTROL UNDER A STATE FISH AND GAME PERMIT SYSTEM

James Shepard
Director, Massachusetts Fish and Game Commission
Boston, Massachusetts

BOSAK: Next is Mr. Jim Shepard, Director of Massachusetts Fish and Game. Mr. Shepard will speak on state and municipal regulations. Mr. Shepard.

Having been here for the later part of the morning and all this afternoon, I feel that I will take back with me much more than I bring. Massachusetts is a very small state, and we are very typical of the urban areas that everyone is concerned with today. We have been faced with many of the same problems that you have throughout the country, but possibly with a little more emphasis on the metropolitan areas. Not that we do not have agricultural bird control problems, but we certainly do have birds in and around the cities. Which reminds me of someone here in the room — Clarence Faulkner, or Ki, as I knew him back a few years ago when we were classmates in college. He did a lot of work when he was a supervisor for the Division of Wildlife Services in Region 5 in Boston, helping us develop laws which we now have on our statute books.

I guess the impetus for laws in our state, really was the action of the city of Boston in 1963, when the Parks and Recreation Department felt that it was time to do something about massive populations of pigeons on the Boston Commons and in the city. The Parks Department came to our agency to find out what could be done. We immediately found as a result of a reorganization and recodification of the laws some 20 years before, that it was illegal to use or apply poisons for the purpose of killing any birds or mammals in the Commonwealth of Massachusetts. Property owners were given the privilege to destroy animals that were doing damage to their property, but only through mechanical means, certainly not by the use of toxicants.

We helped the city of Boston draft a bill in 1963, which allowed our agency, the Division of Fisheries and Game, the agency responsible for all wildlife species in the state, the opportunity to issue certain permits for the use of poison, giving full authority to the director of Fisheries and Game with, of course, approval of my board. This allowed certain discretion on our part.

I must remind you that we do have quite an active Audubon Society in our state. I can well remember the days when it would have been unthinkable for Fish and Game and the Audubon to sit on the same stage, although this certainly does take place today. In 1964 meetings were held with the Massachusetts Audubon Society, the Society for the Prevention of Cruelty to Animals, the University of Mass., the Bureau of Sport Fisheries and Wildlife, our own agency, and

several others; and finally a pigeon control project was set up for the city of Boston. I think Ki, who was then supervisor of predator and rodent control, for the region actually supervised this whole action. I'm not really going to go into the details, and I don't think it was really secretive, but something in the vicinity of 16,000 birds were destroyed in a five day program with absolutely no public relations problems.

Because of this limited success, it was very soon after that the calls for advice began to come in state-wide from metropolitan areas, from railroad areas, from food storage areas, and from apartment dwellers on Beacon Hill in Boston (the birds were actually pesty and obnoxious there). The Fish and Wildlife Service felt they were not going to be in a position to serve as our agents to actually carry out the job. We do have commercial pest operators in the state who felt that they were perfectly capable of doing such jobs. We had the responsibility both from the public health point of view and from the point of view of protecting migratory birds, to see if something could be developed and would be workable. Therefore we held several meetings during 1964. (I did neglect to say that I have been with the agency 19 years; I came into our Boston office as director of the agency in January, 1964, and that was just the time this Boston project was underway.) Pest control operators were actually working under my authorization, and I knew that if the thing flopped, I probably would have had the shortest tenure of any Fish and Game Director of any in the country, although they're not too long-lived anyway. Following several meetings with control people, including the pest control operators, (again Mass. Audubon was always invited in to offer their assistance and advisement) we developed a new set of rules and regulations in the fall of 1964, which allowed for folks other than just Bureau of Sport Fisheries and Wildlife to participate in these programs.

I think you might be interested in the regulations that were adopted that year. I will just take time and skim some of this so you won't be bored by some of the definitions. These actually are rules and regulations which are on our books today: no poison shall be exposed for the purpose set forth above except as provided for in these rules and regulations(this of course for bird control); permits may be issued to the owner or agents of forest plantations or orchards to place poison for the extermination of rats, mice, and other pests upon written permission; permits may be issued to agents of the Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior; permits may also be issued to commercial pest control operators, employees of state agencies, or employees of political subdivisions of the Commonwealth. All persons noted must also hold supervisory licenses in the field of pest control operator from the Massachusetts Pesticide Board (this actually requiring a written examination); all persons noted must be certified as being properly trained in the use of toxi cants by the proper agents of the Bureau of Sport Fisheries and Wildlife. What this actually means is that training sessions were set up in our state by folks in Wildlife Services, and pest control operators, municipal employees, county employees were allowed to participate and be trained and certified by the Bureau personnel. A person holding a permit issued under these rules and regulations must be in direct and constant charge of any applications made under such permit and must adhere to all rules and regulations of our Massachusetts Pesticide Board.

Another section of the law pertains to the length of permits: permits shall allow exposure of poison for the control of birds only for the period specified therein, which period or any part thereof may not be prior to November 15 nor subsequent to the following March 15, except (and this is a new amendment in 1967) the director may authorize the placement of certain poisons on specific bait materials in specific situations, providing, that in his judgment, sufficient scientific evidence has been presented to show that such placement will not be hazardous to migratory birds or other wildlife. All permits can be revoked for cause at any time.

At this point I'd like to say that a particular pest control company, Abalene, was interested in the use of a toxicant. We were quite concerned with its use. They went ahead a year ago, hired a graduate biologist, and under their supervision and our supervision carried out a control project with a special permit. We now therefore have changed our regulations to allow specific uses following scientific evidence of a lack of damage to wildlife. We're trying to work with folks in the state, and not sit as a bureaucratic agency that simply says "no," because we know the problem is there.

All materials which may be used under the permits must be registered with the Division of Food and Drug, the Massachusetts Department of Public Health, and in turn by the various federal agencies that have spoken here earlier. Only such materials as approved by the director may be used under these permits, and we have been fairly restrictive. All of them are in effect approved by the Bureau of Sport Fisheries and Wildlife, and our own research laboratory.

On the subject of notification and reporting, our law states (somewhat differently from Missouri): all persons holding permits shall notify the director of each application in writing prior to the application indicating the date and place of the application. Within one month following each operation, the person holding the permit under which the work is done, shall report in summary form to the director the following: location of the operation, dates of operation, materials exposed, amount of material exposed, evaluation of the results, safety measures and precautions instituted.

In our policing of operations: the permitee shall make every effort to collect and dispose of all dead animals or birds killed under the permit, and the permitee shall remove all bait and toxicant from the area immediately upon completion of his operation. We also require proof of financial responsibility where the private operators holding permits must produce evidence of comprehensive insurance in the amount of or in excess of $2500 to $50,000 for public liability, and $5,000 for property damage. The Commonwealth Director and my board assume no liability.

This gives you an idea of the techniques and the system we're applying in the state of Massachusetts. We do have several commercial pest control operators who are carrying on projects within the state. To the best of my knowledge (going back for at least three years), we have not had a single complaint, which I sincerely think is remarkable in a little state that has about 6 million people and 5 million acres of land. This means about 1 person per acre if you scattered them out all over the land. Fortunately, from a wildlife point of view other than

bird control, about two-thirds of that population is located within a forty mile radius of the city of Boston.

I don't think that I have a great deal more that 1 can offer except to say that we feel our responsibility for the control of birds. I suspect the greatest emphasis in many fish and game departments is spent on an effort to increase a particular species, whatever it might be. And bird control is sort of a new twist for us in recent years, but it is certainly of equal importance.

Thank you very much for inviting me here. If there are any questions I'll make an attempt to answer them.

DISCUSSION:

DALTON: Did you use strychnine in your city's control operation?

SHEPARD: Yes, this was whole corn treated with strychnine.

DALTON: When these pigeons eat this corn don't they fly from one to three miles before it takes effect?

SHEPARD: I feel it would be fair for me to refer this fact to a Fish and Wildlife employee, but I do know that with the rates used the birds died within about 12 minutes. There was a pick up and actual retrieval of about 5000 birds. This was right on the harbor and they lost a good many birds into the harbor; these of course were never retrieved. It was during a period of deep snow, and they lost some in the snows. There was no real problem as a result— they could fly away as much as a mile, but this did not bring them back into the city of Boston proper.

QUESTION: Was there any prebaiting involved and where was the poison placed?

SHEPARD: There was prebaiting. Actually the Bureau which did most of this work had surveyed the entire area, including the feeding sites other than those right at the Common proper. Ki had his hand up, why don't we let him comment.

FAULKNER: I'd like to correct that Jim, there was no prebaiting done, because we baited at natural feeding sites. The feeding sites were well away from the city proper. Most of the birds did not get back to the city proper before death occurred; they got back to the major roosting locations which were in close proximity to the feeding sites.

SHEPARD: That answers the question. Thanks, Ki.

JACKSON: We've been talking very largely about starlings, blackbirds, pigeons-birds which people are willing to agree are undesirable in some aspects. But

there can be problems with orioles, robins, and a good many song birds particularly in regard to fruit crops. I wonder if both you and Mr. Korschgen would comment on how you react to these kinds of problems and how you deal with the bird lover component who'd likely be much more outspoken when it comes to doing something about an oriole than about a starling.

SHEPARD: I fully realize this problem. This is more severe outside the period that we do allow the toxicants to be placed in the winter. I think that the best answer we have today for our people, and I'm sure this is not a good answer, is trapping. We do have a special permit whereby they may trap these birds and release (hopefully) the orioles a good distance from their fruit crops.

QUESTION: We've been talking about baiting these things in the winter months and assume that these migrate and go south. What about in the South, what do you do down there? (laugh)

SHEPARD: I think the man from Missouri can answer that better than I, but I'm not sure there's anyone here from Florida who would like to comment on that one.

COMMENT: I'm from Florida and I won't comment. (laugh)

SHICK: How do you trap orioles? What kind of bait or what kind of trapping is good?

SHEPARD: Actually they are not out there trapping orioles. They're taking orioles, by accident in the Australian crow trap.

MITTERLING: Dr. Greeley at our University of Massachusetts discovered one technique of trapping orioles. They like apples in the spring of the year, and can be baited into traps. I think another technique would be to trap in a good blueberry field; they'll find it.

QUESTION: How do you protect the blueberries?

MITTERLING: Well, I'd sacrifice the blueberries. (laugh)

HICKLING: I think the question referred to blackbirds. We're talking about corn and orchard crops. No one mentioned exploders, and they're being used prettily heavily around the roost area and the heavy crop-growing areas. Shell crackers too.

SHEPARD: I'm glad you brought that up; I did forget to mention exploders.

DALLI: We capture these Baltimore orioles, and I live right next door to a big peach farm, with ordinary bird seed. You know the Audubon Society is very strong in Lincoln, Mass., and we feed pigeons and crows.

SHEPARD: I'm not sure that answers the question. How are you actually catching them?

DALLI: We have a little cage with a bird feeder and in they come.

QUESTION: What do you do with them?

DALLI: Give them to the Audubon Society. (laugh)

OBERST: In Massachusetts pest controllers are getting more interest in the agricultural problems than we've had before; and when we get inquiries from these blueberry people, we have been able to recommend the shotgun, the carbide cannon. Some of them have set up mist nets, which they're unhappy with because they have to be tended, you know. But just the noise-makers have done a nice job for them—orioles seem quite sensitive to noise—in spite of the fact that blueberries are their big dish.

SHEPARD: Thanks, Fred. And thanks very much for allowing me to participate.