

CODE OF FEDERAL REGULATIONS
Title 50: Wildlife and Fisheries
PART 21—MIGRATORY BIRD PERMITS
Subpart A—Introduction

1 **§ 21.3 Definitions.**

2
3 In addition to definitions contained in part 10 of this chapter, and unless the context
4 requires otherwise, as used in this part:

5
6 *Armed Forces* means the Army, Navy, Air Force, Marine Corps, Coast Guard, and the
7 National Guard of any State.

8 *Bred in captivity* or *captive-bred* refers to raptors, including eggs, hatched in captivity
9 from parents that mated or otherwise transferred gametes in captivity.

10
11 *Captivity* means that a live raptor is held in a controlled environment that is intensively
12 manipulated by man for the purpose of producing raptors of selected species, and that has
13 boundaries designed to prevent raptors, eggs or gametes of the selected species from
14 entering or leaving the controlled environment. General characteristics of captivity may
15 include, but are not limited to, artificial housing, waste removal, health care, protection
16 from predators, and artificially supplied food.

17
18 *Conservation measures*, as used in §21.15, means project design or mitigation activities
19 that are reasonable from a scientific, technological, and economic standpoint, and are
20 necessary to avoid, minimize, or mitigate the take of migratory birds or other adverse
21 impacts. Conservation measures should be implemented in a reasonable period of time.

22
23 *Falconry* is caring for and training raptors for pursuit of wild game, and hunting wild
24 game with raptors. Falconry includes the taking of raptors from the wild to use in the
25 sport; and caring for, training, and transporting raptors held for falconry.

26
27 *Hacking* is the temporary release of a raptor held for falconry to the wild so that it must
28 survive on its own.

29
30 *Hybrid* means offspring of birds listed as two or more distinct species in §10.13 of
31 subchapter B of this chapter, or offspring of birds recognized by ornithological
32 authorities as two or more distinct species listed in §10.13 of subchapter B of this
33 chapter.

34
35 *Imprint*, for the purposes of falconry, means a bird that is hand-raised, from 2 weeks of
36 age until it has fledged, and has identified itself with humans rather than its own species.
37 An imprinted bird is considered to be so for its entire lifetime.

38
39 *Livestock depredation area* means a specific geographic location in which depredation by
40 golden eagles has been recognized. The boundaries and duration of a livestock
41 depredation area are declared by U.S.D.A. Wildlife Services or by a State governor.

1 *Military readiness activity, as defined in Pub. L. 107–314, §315(f), 116 Stat. 2458 (Dec.*
2 *2, 2002) [Pub. L. §319 (c)(1)], includes all training and operations of the Armed Forces*
3 *that relate to combat, and the adequate and realistic testing of military equipment,*
4 *vehicles, weapons, and sensors for proper operation and suitability for combat use. It*
5 *does not include (a) routine operation of installation operating support functions, such as:*
6 *administrative offices; military exchanges; commissaries; water treatment facilities;*
7 *storage facilities; schools; housing; motor pools; laundries; morale, welfare, and*
8 *recreation activities; shops; and mess halls, (b) operation of industrial activities, or (c)*
9 *construction or demolition of facilities listed above.*

10
11 *Population, as used in §21.15, means a group of distinct, coexisting, conspecific*
12 *individuals, whose breeding site fidelity, migration routes, and wintering areas are*
13 *temporally and spatially stable, sufficiently distinct geographically (at some time of the*
14 *year), and adequately described so that the population can be effectively monitored to*
15 *discern changes in its status.*

16
17 *Raptor means a migratory bird of the Order Falconiformes or the Order Strigiformes*
18 *listed in §10.13 of this chapter, including the bald eagle (*Haliaeetus leucocephalus*) and*
19 *the golden eagle (*Aquila chrysaetos*).*

20
21 *Resident Canada geese means Canada geese that nest within the lower 48 States and the*
22 *District of Columbia in the months of March, April, May, or June, or reside within the*
23 *lower 48 States and the District of Columbia in the months of April, May, June, July, or*
24 *August.*

25
26 *Secretary of Defense means the Secretary of Defense or any other national defense*
27 *official who has been nominated by the President and confirmed by the Senate.*

28
29 *Service or we means the U.S. Fish and Wildlife Service, Department of the Interior.*

30
31 *Significant adverse effect on a population, as used in §21.15, means an effect that could,*
32 *within a reasonable period of time, diminish the capacity of a population of migratory*
33 *bird species to sustain itself at a biologically viable level. A population is “biologically*
34 *viable” when its ability to maintain its genetic diversity, to reproduce, and to function*
35 *effectively in its native ecosystem is not significantly harmed. This effect may be*
36 *characterized by increased risk to the population from actions that cause direct mortality*
37 *or a reduction in fecundity. Assessment of impacts should take into account yearly*
38 *variations and migratory movements of the impacted species. Due to the significant*
39 *variability in potential military readiness activities and the species that may be impacted,*
40 *determinations of significant measurable decline will be made on a case-by-case basis.*

41
42 [48 FR 31607, July 8, 1983, as amended at 64 FR 32774, June 17, 1999; 71 FR 45986,
43 Aug. 10, 2006; 72 FR 8949, Feb. 28. 2007; 72 FR 46408, Aug. 20, 2007; 73 FR 59465,
44 Oct. 8, 2008; 75 FR 931, Jan. 7, 2010]

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