

Action	Is a DE permit ¹ required (yes or no)? If yes, what permit is required?
Dispose of a Bird Carcass:	
Migratory Bird ²	State Permit Required¹
Upland Game Bird ²	State Permit Required¹
Non-Native Bird ²	No for House Sparrow, Eu. Starling, & Mute Swan
T/E Species ³	State Permit Required¹
Eagle ⁴	State Permit Required¹
Destroy/Remove a Bird Nest (Inactive):	
Migratory Bird ²	State Permit Required¹
Upland Game Bird ²	State Permit Required¹
Non-Native Bird ²	No for House Sparrow, Eu. Starling, & Mute Swan
T/E Species ³	State Permit Required¹
Eagle ⁴	See below⁴.
Destroy/Remove a Bird Nest (Active):	
Migratory Bird ²	State Permit Required¹
Upland Game Bird ²	State Permit Required¹
Non-Native Bird ²	No for House Sparrow, Eu. Starling & Mute Swan
T/E Species ³	State Permit Required¹
Eagle ⁴	State Permit Required¹
Relocate a Bird Nest (Inactive):	
Migratory Bird ²	State Permit Required¹
Upland Game Bird ²	State Permit Required¹
Non-Native Bird ²	No for House Sparrow, Eu. Starling & Mute Swan
T/E Species ³	State Permit Required¹
Eagle ⁴	State Permit Required¹
Transport a Severely Injured Bird (e.g., to rehabilitator):	
Migratory Bird ²	State Permit Required¹
Upland Game Bird ²	State Permit Required¹
Non-Native Bird ²	No for House Sparrow, Eu. Starling & Mute Swan
T/E Species ³	State Permit Required¹
Eagle ⁴	
Euthanize a Severely Injured Bird:	
Migratory Bird ²	State Permit Required¹
Upland Game Bird ²	State Permit Required¹
Non-Native Bird ²	No for House Sparrow, Eu. Starling & Mute Swan
T/E Species ³	State Permit Required¹
Eagle ⁴	See below⁴.

1. State Permit: A permit from the Delaware Division of Fish and Wildlife for the activities listed above would be a letter to the permittee from the Office of the Director of the Delaware Division of Fish and Wildlife granting permission to perform specific permitted actions as granted and signed by the Director of the Delaware Division of Fish and Wildlife. Such a permit may be conditioned at the discretion of the Director to include incident-specific or annual reporting requirements and other provisions as deemed necessary by the Division.

For a Division Permit, Contact:

David E. Saveikis, Director
Delaware Division of Fish and Wildlife
89 Kings Highway
Dover, DE 19901
David.Saveikis@state.de.us
302-739-9910

In cases where a permit from the Director of the Division of Fish and Wildlife is not explicitly stated, Delaware Code allows for the application of a permit from the Delaware Department of Natural Resources and Environmental Control.

Delaware Code, Title 7, Chapter 1, § 114. Protected wildlife injuring private property (<http://delcode.delaware.gov/title7/c001/index.shtml>).

*Upon receipt by the Department of information from the owner, tenant or sharecropper that any 1 or more species of protected wildlife are detrimental to his or her crops, property or other interests on the land on which he or she resides or controls, together with a statement of the location of the land, the nature of the crops, property or other interests being damaged or destroyed, the extent of the injury and the particular species of protected wildlife committing the injury, an investigation shall be made by the Department, and, if it is determined from such investigation that the injury complained of is substantial and can be abated only by killing or capturing the protected wildlife, or so many thereof as **in the opinion of the Department is necessary, a permit to kill or capture any number or all of such protected wildlife on such premises shall be issued by the Department, in which permit shall be specified the time during which, the means and methods by which, and the person or persons by whom the protected wildlife may be killed or captured, and the disposition to be made of all protected wildlife so killed or captured, and such other restrictions as the Department deems necessary and appropriate in the circumstances of the particular case.***

Acquiring Permits: We recommend that potential permittees contact the Delaware Division of Fish and Wildlife for any bird-related permit. At its discretion, the Division may consider issuing different types of authorization for the activities listed in the table.

- A. All permits issued by the Delaware Division of Fish and Wildlife are contingent upon the receipt of documentation that the permittee is in possession of valid federal U. S. Fish and Wildlife Service permits (where applicable) to perform the requested action *and* justification for the need to perform the requested action (health and human safety hazard, immediate hazard to a bird, etc.).

- B. For disposal of bird carcasses (except eagles), destroying or removing inactive bird nests (except eagles), relocation of inactive nests (except eagles), and transportation of severely injured birds (including eagles), the Division may issue a blanket permit to authorize these activities over a specified period of time with associated requirements and provisions, such as annual reporting or methods to conduct these activities.
 - C. For removal of active bird nests: The Division may issue a permit on a case-by-case basis to authorize this activity and include requirements and provisions such as reporting or methods to conduct the removal of an active nest.
 - D. For eagles: The Division **will not** issue a permit for the disposal of an eagle carcass or to euthanize a severely injured eagle. At its discretion, the Division **may, on a case-by-case basis, issue a permit to authorize the following activities:** removal of an inactive eagle nest, removal of an active eagle nest, or relocation of an inactive eagle nest. Requirements and provisions such as reporting or methods to conduct the removal of an active nest will be included in the permit.
 - A. Euthanizing severely injured birds. Only licensed wildlife rehabilitators, including Tristate Bird Rescue and Research, and licensed veterinarians are permitted to euthanize a severely injured bird. A list of permitted wildlife rehabilitators including contact information can be provided upon request. Tri-State Bird Rescue and Research (<http://www.tristatebird.org/>) located at 110 Possum Hollow Road, Newark, DE 19711, or call (302)737-9543.
2. Migratory Birds, Upland Game Birds, and Non-Native Birds: All birds in Delaware are protected, unless legally taken under Delaware’s hunting regulations or explicitly listed as “unprotected”. In Delaware, unprotected non-native birds include House Sparrow, European Starling, and Mute Swan (when taken as described below). Rock Pigeons, Monk Parakeets, and Eurasian Collared-Doves are not explicitly listed as “not protected” and therefore are considered protected.

Delaware Code, Title 7, Chapter 7, § 734. Prohibitions respecting wild birds other than game birds; birds not protected
(<http://delcode.delaware.gov/title7/c007/sc02/index.shtml>).

*No person shall catch, kill, have in possession (living or dead), purchase, sell or expose for sale, transport or ship any wild bird other than a game bird, or any part of the plumage, skin or body of any such bird, or any game bird, except as expressly permitted by law; **but house sparrows, and starlings may be killed, sold or shipped by any person in any manner and at any time.***

Delaware Regulations

(<http://regulations.delaware.gov/AdminCode/title7/3000/3900%20Wildlife/3900.shtml>)

3.5 Mute Swans (Cygnus olor)

3.5.1 Mute swans shall be considered an exotic, invasive species that is not subject to state protection. Mute swans may only be taken during legal waterfowl hunting seasons and shooting hours. The method of take for mute

swans is restricted to shotguns no larger than 10 gauge and with non-toxic ammunition no larger than size T.

3.5.2 It shall be unlawful to possess, buy, sell, barter, trade, or transfer any live mute swan or their eggs to or from another person unless permitted by the Director of the Division of Fish and Wildlife.

3.5.3 It shall be unlawful to release any mute swan into the wild.

3. T/E Species: T/E species would include all State Endangered Species, as well as any Federally Threatened or Endangered Species.

Delaware Code, Title 7, § 601. Importation of endangered species or hides, parts or articles made therefrom.

(<http://delcode.delaware.gov/title7/c006/index.shtml>):

*Notwithstanding any other provision of this title, the importation, transportation, possession or sale of any endangered species of fish or wildlife, or hides or other parts thereof, or the sale or possession with intent to sell any article made in whole or in part from the skin, hide or other parts of any endangered species of fish or wildlife is prohibited, **except under license or permit from the Division of Fish and Wildlife**. For the purposes of this section, endangered species shall mean those species of fish and wildlife designated by the Division of Fish and Wildlife as seriously threatened with extinction. Such a list shall in any event include, but not be limited to, endangered species as so designated by the Secretary of the Interior.*

Delaware Regulations

(<http://regulations.delaware.gov/AdminCode/title7/3000/3900%20Wildlife/3900.shtml>)

16.0 Endangered Species.

(Penalty Section 7 Del.C. §103(d))

16.1 Importation, Transportation and Possession.

16.1.1 Pursuant to §601 of Title 7, the importation, **transportation, possession** or sale of any endangered species of fish or wildlife, or hides or other parts thereof, or the sale or possession with intent to sell any article made in whole or in part from the skin, hide or other parts of endangered species of fish or wildlife is prohibited, **except under license or permit from the Division**.

16.2 Designation of Species by Division.

16.2.1 Pursuant to §601 of Title 7, the Division may designate species of fish and wildlife that are seriously threatened with extinction as endangered species. The Division will review the state list of endangered species and add species suggested by the public that have sufficient documentation for listing.

16.2.2 For the purposes of this section, the phrase “seriously threatened with extinction” shall mean that the species satisfies one or more of the following criteria:

16.2.2.1 Appears on the federal list of endangered species;

16.2.2.2 Ranked as “globally rare” (G1, G2, or G3), which means 100 or fewer populations worldwide; or

16.2.2.3 Is rare within the mid-Atlantic coastal plain.

16.2.3 Based upon the criteria prescribed by subsection 16.2.2 of this section, the following species are declared endangered in this State and are afforded the protection provided by § 601 of Title 7:

Birds

Creeper, Brown ^{BR}	(<i>Certhia americana</i>)
Eagle, Bald	(<i>Haliaeetus leucocephalus</i>)
Grebe, Pied-billed ^{BR}	(<i>Podilymbus podiceps</i>)
Harrier, Northern ^{BR}	(<i>Circus cyaneus</i>)
Hawk, Cooper’s ^{BR}	(<i>Accipiter cooperii</i>)
Heron, Black-Crowned Night	(<i>Nycticorax nycticorax</i>)
Heron, Yellow-Crowned Night	(<i>Nyctanassa violacea</i>)
Parula, Northern ^{BR}	(<i>Parula americana</i>)
Plover, Piping	(<i>Charadrius melodus</i>)
Owl, Short-eared ^{BR}	(<i>Asio flammeus</i>)
Oystercatcher, American	(<i>Haematopus palliatus</i>)
Rail, Black	(<i>Laterallus jamaicensis</i>)
Sandpiper, Upland	(<i>Bartramia longicauda</i>)
Shrike, Loggerhead	(<i>Lanius ludovicianus</i>)
Skimmer, Black	(<i>Rynchops niger</i>)
Sparrow, Henslow’s	(<i>Ammodramus henslowii</i>)
Tern, Common ^{BR}	(<i>Sterna hirundo</i>)
Tern, Forster’s ^{BR}	(<i>Sterna forsteri</i>)
Tern, Least	(<i>Sterna antillarum</i>)
Warbler, Cerulean	(<i>Dendroica cerulea</i>)
Warbler, Hooded ^{BR}	(<i>Wilsonia citrina</i>)
Warbler, Swainson’s	(<i>Limnothlypis swainsonii</i>)
Woodpecker, Red-headed	(<i>Melanerpes erythrocephalus</i>)
Wren, Sedge	(<i>Cistothorus platensis</i>)

^{BR} = Breeding population only

4. Eagles: Bald Eagles, aside from being covered under our State Endangered Species Statute and Regulations are also covered explicitly under State Statute.

Delaware Code, Title 7, Chapter 7, § 739. Prohibitions respecting bald eagles; disturbing, damaging or destroying nests; eggs; penalties.

(<http://delcode.delaware.gov/title7/c007/sc02/index.shtml>)

(a) Any person who disturbs, destroys or in any manner damages a bald eagle's nest or aerie shall be guilty of a class A environmental misdemeanor.

(b) Any person shooting, killing or attempting to kill a bald eagle or any person who removes, or attempts to remove eggs or eaglets from their nest or aerie shall be guilty of a class A environmental misdemeanor.

(c) Any person who barter, offers to barter, trades, offers to trade or possesses any bald eagle, bald eagle eggs or eaglets shall be guilty of a class A environmental misdemeanor.

5. Bird Nests (active and inactive): The Delaware State Statute that provides protection for nests and eggs does not differentiate between “active” and “inactive”. No other part of State statutes or regulations further define these protections as limited to only active nests.

Delaware Code, Title 7, Chapter 7, § 735. Nests and eggs protected.
<http://delcode.delaware.gov/title7/c007/sc02/index.shtml>

No person shall take or needlessly destroy the nests or eggs of any wild bird, nor have such nests or eggs in that person's possession.