



United States Department of the Interior

FISH AND WILDLIFE SERVICE

300 Westgate Center Drive
Hadley, MA 01035-9589



In Reply Refer To:
FWS/R5/MB

NOV 5 2019

Certified Mail: 70170530000042567016

Adirondack Wildlife Inc.
Wendy B. Hall
977 Springfield Road
Wilmington, NY 12997

Notice of Permit Denials

Dear Ms. Hall:

The U.S. Fish and Wildlife Service (Service) received your applications, submitted on behalf of Adirondack Wildlife Inc., for the federal migratory bird permits listed below on September 24, 2019. You failed to submit timely renewal applications in accordance with 50 CFR §13.22(a) within 30 days of permit expiration for these permits, which both expired by their terms on November 14, 2018. For the reasons discussed below, we are denying your pending applications for the following federal permits:

Special Purpose Possession Live and Dead (SPDAVE) formerly (MB49922A) Rehabilitation (REHAB) formerly (MB171265)

Your REHAB application failed to provide adequate responses to application questions 3, 4, 8; a copy of your valid state permit; a current letter from a veterinarian willing to provide services; or pictures/diagrams of your enclosures. All of these items are required for a complete application in accordance with 50 CFR §13.12, §21.31, and as stated on the form.

Furthermore, you have failed to meet the permit issuance criteria for the SPDAVE and REHAB permits as set forth at 50 CFR §13.21 as indicated in the Site Visit/Violations section of this letter. You failed to demonstrate a showing of responsibility as required by 50 CFR §13.21(b)(3), and you are disqualified from receiving the requested permits under 50 CFR §13.21(c)(4).

The Service previously denied renewal of these permits on August 14, 2017 (Enclosure 1) based on your failure to comply with the applicable laws and regulations of the permitted activity. During a compliance meeting on August 28, 2017, you assured the Service that these violations would be corrected; therefore, we granted your request for reconsideration on November 8, 2017 (Enclosure 2) and renewed the permits for one (1) year with the stipulation that you would correct these deficiencies and no further deficiencies or violations would occur.

In an effort to assist you with tracking migratory birds in your care and their disposition, the Service provided you an Excel tracking document on August 29, 2017. On July 13, 2018, the Service provided you with bird bands for use in conjunction with your SPDAVE and Eagle Exhibition (EAEX)(MB47245A) (Enclosure 3) permits in an effort to help you remain in compliance with your permits.

On July 5, 2019, the New York State Department of Environmental Conservation (DEC) issued you a Notice of Violation (Enclosure 4) for violations of state regulations. This notice also documents the continued violations of federal laws and regulations enumerated below in numbered paragraphs 2, 3, 4, and 5. DEC also advised the Service of a new violation for failure to band birds as required by your SPDAVE and EAEX permit conditions. Violation of your permit conditions is a violation of the Migratory Bird Treaty Act, 16 U.S.C. §703, *et seq.* (MBTA), and its implementing regulations at 50 CFR Parts 10, 13, 21, as well as the Bald and Golden Eagle Protection Act, 16 U.S.C. §668a *et seq.* (BGEPA) and its implementing regulations at 50 CFR Part 22.

Site Visit Findings/Violations

On October 23, 2014, the Service conducted an inspection of Adirondack Wildlife Inc., in conjunction with all of the permits listed above. During the site visit, Service personnel assessed compliance with MBTA, BGEPA, permit regulations and permit standard conditions. In a letter mailed to you on January 29, 2015 (Enclosure 5), we reported that we observed three deficiencies. In the same letter, we recommended you address and report back to us by April 1, 2015 on your efforts to address these deficiencies. Per 50 CFR §21.31, the Service utilizes standards developed by The National Wildlife Rehabilitators Association (NWRA) as guidance. Based on a site visit on October 22, 2019, you have still not corrected the 3rd deficiency listed below, which was stated in the January 29, 2015, letter:

“There were several individuals housed together on various permits. Per the rehabilitation regulations at 50 CFR§ 21.31 birds cannot be used for educational purposes. We recommend separating individuals that are being kept under the Rehabilitation and Special Purpose Possession Permits. In doing so, the rehabbed individuals will avoid being imprinted or habituated to humans.”

On March 17, 2017, Special Agent (b) (6) of the Service conducted a site visit of your facilities to assess your compliance with MBTA, BGEPA, permit regulations and permit standard conditions. The following permit violations observed by Special (b) (6) were listed in our August 14, 2017 letter (Enclosure 1) to you previously denying renewal of these permits:

1. Failure to report the acquisition of eagles under your REHAB permit in violation of 50 CFR §21.31(e)(5)(i) which states: “You must notify your issuing Migratory Bird Permit Office within 24 hours of acquiring a ...bald or golden eagle, whether live or dead” and standard condition 1 of your REHAB permit which states: “You must report within 24

hours to the migratory bird permit issuing office the acquisition of any (dead or live) bald eagles(s) or golden eagles(s)..."

2. Failure to comply with 50 CFR §21.31(e)(4)(ii)(A) which states: "You may not retain migratory birds longer than 180 days without additional authorization from your Regional Migratory Bird Permit Office" and standard condition 4 of your REHAB permit which states: "You must receive prior authorization from the migratory bird permit issuing office to hold migratory birds requiring additional rehabilitation of more than 180 days."
3. Failure to comply with 50 CFR §21.31(e)(1)(i) which states: "rehabilitation facilities for migratory birds must be secure and provide protection from ...undue human disturbance..." and (vi), which states: "Birds may not be displayed to the public..." and standard condition 13 of your REHAB permit, which states "Migratory birds must be separated from pets. ...human living or work space or migratory birds held under other permits authorization..." This issue was previously addressed in our site visit on October 23, 2014, and in our letter to you dated January 29, 2015, as we observed REHAB birds being housed with SPDAVE birds and REHAB birds on display to the public which are violations of your permit conditions. Agent (b)(6) also reported observing the same violations during his site visit on March 17, 2017. We previously asked you to report back to us by April 1, 2015, on how you were going to correct these deficiencies. To date we have no records of you reporting these corrections. Additionally, on May 29, 2014, via email, the Service requested detailed enclosure information and a "birds eye view" of your facilities to get a better understanding of your facility setup and you replied that you would send the requested information. We never received this information.
4. Failure to submit timely and accurate annual reporting in violation of 50 CFR §13.45 for your REHAB, SPDAVE and EAEX permits. Additionally, under your REHAB permit, you violated 50 CFR §21.31(e)(7) as your recordkeeping is not complete and accurate based on DEC Report of Violation (Enclosure 4). Also, under your SPDAVE permit, you violated 50 CFR §21.27(c)(1) by not having your records available for inspection by Service personnel during regular business hours.
5. Failure to disclose material facts in violation of 50 CFR §13.21(b)(2) by not reporting the acquisition of eagles and other migratory birds under your REHAB, EAEX and SPDAVE permits within the designated timeframe and without proper documentation as required by your permit conditions.
6. Failure to euthanize non-releasable migratory birds under your REHAB permit in accordance with the governing regulation at 50 CFR §21.31(e)(4)(iii) and standard condition 6 of your REHAB permit.
7. Your 2016 annual report under your REHAB permit indicates you received 2 bald eagles that had been reportedly shot. We have no record that you reported this to the Service Office of Law Enforcement as required by 50 CFR §21.31(e)(5)(ii).

On October 22, 2019, the Service conducted a site visit of your facilities along with DEC to assess your compliance with MBTA, BGEPA, permit regulations, permit standard conditions, and prior permit office requirements. In addition to the previously documented violations, we observed the following violations:

- a. Failure to report the acquisition of an eagle under your REHAB permit in violation of 50 CFR §21.31(e)(5)(i) which states: "You must notify your issuing Migratory Bird Permit Office within 24 hours of acquiring a ...bald or golden eagle, whether live or dead" and standard condition 1 of your REHAB permit which states: "You must report within 24 hours to the migratory bird permit issuing office the acquisition of any (dead or live) bald eagles(s) or golden eagles(s)..." ***We discovered an immature bald eagle in your possession that had not been reported by you to the Service or the DEC. Furthermore, you stated that you had no knowledge of the eagle being at your facility.***
- b. Failure to comply with 50 CFR §21.31(e)(4)(ii)(A) which states: "You may not retain migratory birds longer than 180 days without additional authorization from your Regional Migratory Bird Permit Office" and standard condition 4 of your REHAB permit which states: "You must receive prior authorization from the migratory bird permit issuing office to hold migratory birds requiring additional rehabilitation of more than 180 days." ***We discovered 1 black vulture in your possession which you stated was a REHAB bird but your REHAB intake log fails to record the bird within the last 200 days. We observed 1 snowy owl that has been in your possession since approximately 2014 without authorization from the Service to retain beyond the 180 day limit.***
- c. Failure to comply with 50 CFR §21.31(e)(1)(i) which states: "rehabilitation facilities for migratory birds must be secure and provide protection from ...undue human disturbance..." and (vi), which states: "Birds may not be displayed to the public..." and standard condition 13 of your REHAB permit, which states "Migratory birds must be separated from pets. ...human living or work space or migratory birds held under other permits authorization...". ***We observed 2 snowy owls being housed together and in view of the public for exhibition of which 1 owl has been on your SPDAVE permit since 2014 and the other owl has been on your REHAB permit since approximately 2014. We observed 1 short-eared owl and 1 long-eared owl being housed together and in view of the public for exhibition of which the short-eared owl has been on your SPDAVE permit and the long-eared owl is on your REHAB permit at least since April 22, 2019 based on the veterinarian's statement; however, this bird was not recorded in your REHAB intake log.***
- d. Failure to submit timely and accurate annual reporting in violation of 50 CFR §13.45 for your REHAB and SPDAVE permits. You violated 50 CFR §21.31(e)(7). ***We discovered that your recordkeeping is not complete and accurate based on the DEC Report of Violation (Enclosure 4) and that your rehabilitation log did not record 1 bald eagle and 1 black vulture in your possession. Your log does not have the date received, disposition and disposition dates for migratory birds in your possession.***

- e. Failure to disclose material facts in violation of 50 CFR §13.21(b)(2). *We discovered that you failed to present 1 immature bald eagle even though you were given multiple opportunities to disclose any additional migratory birds being held at the facility. This eagle was not listed on your REHAB log, which we collected during the site visit. You failed to report the acquisition of this eagle under your REHAB permit within the designated timeframe and without proper documentation as required by your permit conditions. In fact, you stated that you “did not know the eagle was at the facility” and your staff initially indicated that they had no idea the eagle was at the facility. You failed to adhere to the banding requirements of your EAEX and SPDAVE permits because you did not properly band any of the required birds, you did not report that the birds were banded in the allotted timeframe, and you failed to communicate any issues related to banding attempt(s). Placing the bird bands on the cages themselves does not meet the criteria for bird banding. We observed 4 of the 26 bird bands that the Service provided you improperly applied to 4 cages. You failed to produce any of the remaining bands when asked. You also failed to initially disclose 1 black vulture during the site visit. You failed to record the black vulture on your REHAB log.*
- f. Failure to maintain birds in a secure facility in violation of 50 CFR §21.31(e)(1)(i). *We discovered 1 immature bald eagle in your possession. When you and your staff were questioned, you stated that you “had no knowledge of the bird being at the facility” but guessed that it had been there for approximately 1 week and was put in the cage by whoever dropped the bird off. When asked if the bird had been seen by a veterinarian or fed you stated “not to my knowledge, since I did not know the eagle was at the facility.”*
- g. Failure to house birds in accordance with National Wildlife Rehabilitators Association and the International Wildlife Rehabilitation Council’s (Minimum Standards for Wildlife Rehabilitation, 2000) in violation of 50 CFR §21.31(e)(1),(ii) and (iv). *We discovered 1 immature bald eagle being held in an enclosure previously used for housing bears. This enclosure had shredded, tarp-like material hanging from the wire roofing which puts the eagle in danger of entanglement. There was no natural substrate and inadequate perches available and the concrete floor does not meet the minimum standards for housing which puts the eagle in danger of developing foot issues. The enclosure was solid concrete on all 4 sides, did not have any windows, and has metal poles throughout the structure increasing the danger of collision.*
- h. Failure to comply with 50 CFR §13.50 Acceptance of Liability and 50 CFR §21.31(e)(7) Recordkeeping. *You failed to accept responsibility for the eagle discovered in your possession. You failed to accept responsibility for your subpermittees, staff and volunteers whom all denied knowledge of the eagle in your possession. The eagle was not listed on your REHAB log. You are ultimately responsible for all activity under your federal permits.*
- i. Failure to comply with 50 CFR §13.48 Compliance with conditions of permit, all applicable laws and regulations governing the permitted activity. *You failed to band the birds as required by conditions D and E of your SPDAVE and EAEX permit conditions*

(see Enclosure 3). We observed no bands on any birds. Of the 26 bird bands that the Service provided you, 4 were attached to 4 cages instead of the bird. You failed to report your banding efforts. You failed to communicate any issues related to banding attempt(s). Placing the bird bands on the cages themselves does not meet the criteria for bird banding.

- j. Failure to comply with MBTA and BGEPA. Possession of migratory birds without applicable federal permits is a direct violation of MBTA and BGEPA. ***You have retained migratory birds without federal permits since November 18, 2018.***

Conclusion

Per 50 CFR §13.48, any person holding a permit under subchapter B, and any person acting under authority of such permit, must comply with all conditions of the permit and with all applicable laws and regulations governing the permitted activity. You failed to comply with the Service's recommendations to you in our January 29, 2015, August 14, 2017, and July 13, 2018 letters regarding the remedies, deficiencies, violations and banding requirements under your federal permits.

Your repeated failure to comply with your permit conditions, applicable laws and regulations governing the previously permitted activity constitutes violations of MBTA and BGEPA for the activities under 50 CFR Parts 21 and 22. This failure demonstrates a lack of responsibility on your part and is justification for the denial of your pending federal permit applications under 50 CFR §13.21(b)(3) and §13.22(d). Furthermore, we find that your failure to submit timely, accurate and valid reports as required is a disqualifying factor for these permits under 50 CFR §13.21(c)(4).

Immediate Actions

Because you failed to renew your permits 30 days prior to their expiration date per 50 CFR §13.22(a), you have not been authorized to possess migratory birds under your REHAB and SPDAVE permits since November 14, 2018 (see 50 CFR §13.22(c)). Continued possession of migratory birds without the applicable federal permits will result in additional violations and/or penalties. Accordingly, you must immediately cease acquiring any migratory birds under these permits and cease conducting educational programs with your SPDAVE permit. You must dispose of all birds held under your expired REHAB and SPDAVE permits within 60 days of the date of this letter by submitting a USFWS Migratory Bird and Eagle Acquisition and Transfer Request Form 3-202-12 (transfer form) to this office for all transfers from your SPDAVE permit. For all transfers from your REHAB permit you must follow the instructions on the transfer form. Here is a link to the transfer form: <https://www.fws.gov/forms/3-202-12.pdf>. **If you have any questions regarding the transfer process, please contact Valerie Slocumb by email at Valerie.Slocumb@fws.gov. Email your completed forms to Mrs. Slocumb at the email provided above for processing.**

Enclosed are your five transfer forms (Enclosure 6) requesting transfer from your REHAB to SPDAVE permit which we have denied for the following species because you are not currently

authorized to possess birds under either permit: *2 Barred Owls, 1 Snowy Owl, 1 Long-eared Owl and 1 Black vulture.*

On October 23, 2019 via electronic mail (Enclosure 7), you were directed by the Service to dispose of the immature bald eagle found unlawfully in your possession by October 28, 2019. You were directed to get a veterinarian determination of status of the eagle and either transfer it to another REHAB facility if continued care is needed, release it to the wild, or if it was determined that the eagle is non-releaseable then transfer it to an entity with a valid EAEX permit. You were also directed to keep the Service informed of your progress regarding the disposition possibilities of this eagle. Additionally, you were directed to cease the acquisition of any migratory birds and notify your staff of this requirement.

As provided in 50 CFR §13.29, you may request reconsideration of this denial of your permit applications. Your request for reconsideration must be submitted in writing to this office within 45 calendar days of the date of this letter and state the reason(s) for the reconsideration, including presentation of any new information pertinent to the issues raised in this letter. Your request for reconsideration must also contain certification in substantially the same form as provided by 50 CFR §13.12(a)(5). ***Here is a link to all the applicable laws and regulations cited throughout this letter: <https://www.fws.gov/permits/ltr/ltr.html>.*** If you have any questions, please contact me by phone (413) 253-8541 or by email at: Chris_Dwyer@fws.gov.

Sincerely,



Chris Dwyer

Acting Chief, Migratory Bird Permit Office

Enclosures:

- Enclosure 1 FWS Permit Denial Letter - 8/14/17
- Enclosure 2 FWS Grants Request for Reconsideration - 11/8/17
- Enclosure 3 FWS Banding Requirement Letter-Amended Permits SPDAVE, EAEX - 7/13/18
- Enclosure 4 DEC Notice of Violation and Bird Disposition - 7/5/19
- Enclosure 5 FWS Site Visit Notice and Recommendations - 1/29/15
- Enclosure 6 FWS Form 3-202-12 Denials - 10/16/19
- Enclosure 7 FWS email to Hall-Cease Permitted Activity REHAB, SPDAVE - 10/23/19

cc: Amanda Bossie - DOI, SOL
(b) (6) - FWS, OLE
Joseph Therrien - NYDEC

bcc: Scott Johnston - FWS, MB
Christine Eustis - FWS, EA

Enclosure 1



United States Department of the Interior

FISH AND WILDLIFE SERVICE

300 Westgate Center Drive
Hadley, MA 01035-9589



In Reply Refer To:

FWS/R5/MB

Certified Mail: 70112970000272425487

AUG 14 2017

Adirondack Wildlife Inc.
Wendy B. Hall
977 Springfield Road
Wilmington, NY 12997

Notice of Permit Denials

Dear Ms. Hall:

You submitted a timely application for renewal of your federal migratory bird permits on January 19, 2017, and January 31, 2017, pursuant to 50 C.F.R. §13.22(a). For the reasons discussed below, we are denying your pending applications for renewal for the following federal permits:

Eagle Exhibition (EAEXL)(MB47245A-0) expired 3/31/17

Special Purpose Possession Live and Dead (SPDAVE) (MB49922A-1) expired 3/31/17

Rehabilitation (REHAB)(MB171265) expired 3/31/17

On October 23, 2014, the U.S. Fish and Wildlife Service (Service) conducted an inspection of Adirondack Wildlife Inc., in conjunction with all of the permits listed above. During the site visit, Service personnel assessed compliance with Migratory Bird Treaty Act of 1918 (MBTA) and Bald and Golden Eagle Protection Act (BGEPA) regulations. In a letter mailed to you on Jan 29, 2015, we reported that we observed three deficiencies. In the same letter, we recommended you address and report back to us by April 1, 2015. Per 50 CFR § 21.31, the Service utilizes standards developed by The National Wildlife Rehabilitators Association (NWRA) as guidance. It appears you have still not corrected the 3rd deficiency listed below, which was stated in the January 29, 2015, letter:

“There were several individuals housed together on various permits. Per the rehabilitation regulations at 50 CFR§ 21.31 birds cannot be used for educational purposes. We recommend separating individuals that are being kept under the Rehabilitation and Special Purpose Possession Permits. In doing so, the rehabbed individuals will avoid being imprinted or habituated to humans.”

On March 17, 2017, Special Agent (b) (6) of the Service conducted a site visit of your facilities. Special Agent (b) (6) observed the following permit violations during his site visit:

1. Failure to report the acquisition of eagles under your rehab permit in violation of 50 CFR §21.31(c)(5)(i) which states “You must notify your issuing Migratory Bird Permit Office within 24 hours of acquiring a ...bald or golden eagle, whether live or dead” and standard condition 1 of your rehab permit which states “You must report within 24 hours to the migratory bird permit issuing office the acquisition of any (dead or live) bald eagles(s) or golden eagles(s)...”
2. Failure to comply with 50 CFR §21.31(c)(4)(ii)(A) which states “You may not retain migratory birds longer than 180 days without additional authorization from your Regional Migratory Bird Permit Office” and standard condition 4 of your permit which states “You must receive prior authorization from the migratory bird permit issuing office to hold migratory birds requiring additional rehabilitation of more than 180 days”.
3. Failure to comply with 50 CFR §21.31(c)(1)(i) which states that “rehabilitation facilities for migratory birds must be secure and provide protection from ...undue human disturbance...” and (vi), which states “Birds may not be displayed to the public...” and standard condition 13 of your REHAB permit, which states “Migratory birds must be separated from pets. ...human living or work space or migratory birds held under other permits authorization...”. This issue was previously addressed in our site visit on October 23, 2014, and in our letter to you dated January 29, 2015, as we observed at that time REHAB birds being housed with other permitted birds and REHAB birds on display to the public which are violations of your permit conditions. Agent (b) (6) also reported observing the same violations from his site visit on March 17, 2017. We previously asked you to report back to us by April 1, 2015, on how you were going to correct these deficiencies; to date we have no records of you reporting these corrections. Additionally, on May 29, 2014, via email, the Service requested detailed enclosure information and a “birds eye view” of your facilities to get a better understanding of your facility setup and you replied that you would send the requested information. We never received this information.
4. Failure to submit timely and accurate annual reporting in violation of 50 CFR §13.45 for your REHAB, EAEXL and SPDAVE permits. Additionally under your REHAB permit you violated 50 CFR §21.31(c)(7) as your recordkeeping is not complete and accurate and under your SPDAVE permit you violated 50 CFR §21.27(c)(1) by not having your records available for inspection by Service personnel during regular business hours.
5. Failure to disclose material facts in violation of 50 CFR §13.21(b)(2) by not reporting the acquisition of eagles and other migratory birds under your REHAB, EAEXL and SPDAVE permits within the designated timeframe and without proper documentation as required by your permit conditions.
6. Failure to euthanize migratory birds under your REHAB permit in accordance with the governing regulation at 50 CFR §21.31(e)(4)(iii) and standard condition 6 of your REHAB permit.

7. Your 2016 annual report under your REHAB permit indicates you received 2 bald eagles that had been reportedly shot. We have no record that you reported this to the Service Office of Law Enforcement as required by 50 CFR §21.31(c)(5)(ii).

Under 50 CFR §13.48, any person holding a permit under subchapter B, and any person acting under authority of such permit, must comply with all conditions of the permit and with all applicable laws and regulations governing the permitted activity. By your own admission during the interview with Special Agent [REDACTED] you knowingly or with wanton disregard for the consequences of the act, did not comply with the requirements of your permits. Additionally, you have not complied with the Service's recommendation to you in our January 29, 2015 letter regarding the housing of the birds under your REHAB permit. Your continued failure to comply with your permit conditions and their governing regulations are direct violations of the MBTA and BGEPA for the activities under 50 CFR 21 and 22. This failure demonstrates a lack of responsibility on your part and is justification for the denial of renewal of all of your federal permits under 50 CFR §§ 13.21(b)(3) and 13.22(d). Furthermore, we find that your failure to submit timely, accurate and valid reports as required is a disqualifying factor under 50 CFR §13.21(c)(4).

As provided in 50 CFR§ 13.29 (see enclosed), you may request reconsideration of this denial. Such request must be submitted in writing to this office within 45 calendar days of the date of this letter and state the reason(s) for the reconsideration, including presentation of any new information pertinent to the issues raised in this letter. Your request for reconsideration must also contain certification in substantially the same form as provided by 50 CFR§ 13.12(a)(5) (see enclosed). If you have any questions, please contact me at (413) 253-8541 or by email at: Bryan_Kluever@fws.gov.

Sincerely,



Bryan Kluever
Chief, Migratory Bird Permit Office

Enclosures

cc: Amanda Bossie – DOI, SOL
Honnie Gordon – FWS, OLE
Joseph Therrien – NYDEC
[REDACTED] – FWS, OLE

Enclosure 2



United States Department of the Interior

FISH AND WILDLIFE SERVICE

300 Westgate Center Drive
Hadley, MA 01035-9589



In Reply Refer To:

FWS/R5/MB

Certified Mail: 70112970000272425531

NOV 8 2017

Adirondack Wildlife Inc.
Wendy B. Hall
977 Springfield Road
Wilmington, NY 12997

Decision on Request for Reconsideration

Dear Ms. Hall:

You submitted a timely request for reconsideration of the Service's denial of your federal permits on September 27, 2017. This letter is to notify you of our decision regarding your previously denied renewals for the following federal permits:

Eagle Exhibition (EAEXL)(MB47245A-0) expired 3/31/17
Special Purpose Possession Live and Dead (SPDAVE) (MB49922A-1) expired 3/31/17
Rehabilitation (REHAB)(MB171265) expired 3/31/17

After review of your request and materials, we have granted your request for reconsideration and decided to renew each of your permits for a limited tenure of one (1) year. This decision to renew for a limited tenure was based on your commitment to rectify the repeated permit violations at your facility. It is our expectation that these violations will no longer occur since you have implemented the following measures to remedy the situations:

1. Failure to report the acquisition of eagles under your rehab permit in violation of 50 CFR §21.31(e)(5)(i) which states "You must notify your issuing Migratory Bird Permit Office within 24 hours of acquiring a ...bald or golden eagle, whether live or dead," and standard condition 1 of your rehab permit which states "You must report within 24 hours to the migratory bird permit issuing office the acquisition of any (dead or live) bald eagles(s) or golden eagles(s)..."

Remedy: During the consultation meeting with MBPO on August 28, 2017, you assured the Service that you would adhere to these timelines and fax to 413-253-8424 or email to PermitsR5MB@fws.gov all future notifications.

2. Failure to comply with 50 CFR §21.31(e)(4)(ii)(A) which states "You may not retain migratory birds longer than 180 days without additional authorization from your

Regional Migratory Bird Permit Office” and standard condition 4 of your permit which states “You must receive prior authorization from the migratory bird permit issuing office to hold migratory birds requiring additional rehabilitation of more than 180 days”.

Remedy: During the consultation meeting with MBPO on August 28, 2017, you assured the Service that you will request an extension for any birds you intend to possess under your rehabilitation permit for longer than 180 days. On August 29, 2017, Permits Branch Chief, Bryan Kluever provided you with a daily tracking tool to help assist you with staying on task with this. During August and September 2017 you reported to the Service the birds that were under your care for longer than 180 days. In the future, we expect you to request an extension for any birds you intend to possess under your rehabilitation permit for longer than 180 days.

3. Failure to comply with 50 CFR §21.31(e)(1)(i) which states that “rehabilitation facilities for migratory birds must be secure and provide protection from ...undue human disturbance...” and (vi) which states “Birds may not be displayed to the public...” and standard condition 13 of your REHAB permit which states “Migratory birds must be separated from pets. ...human living or work space or migratory birds held under other permits authorization...” This issue was previously addressed in our site visit on October 23, 2014, and in our letter to you dated January 29, 2015.

Remedy: During the consultation meeting with MBPO on August 28, 2017, you assured the Service that you had begun correcting this deficiency. In September 2017 you submitted photos of caging and drawings for a newly constructed rehabilitation facility located away from your other facilities which should further restrict public access to birds undergoing rehabilitative care.

4. Failure to submit timely and accurate annual reporting in violation of 50 CFR §13.21(c)(4) for your REHAB, EAEXL and SPDAVE permits. In September 2017 you submitted new and complete annual reports for years associated with your expired permits.

Remedy: During the consultation meeting with MBPO on August 28, 2017, you stated you were working on obtaining additional staff and computerizing your records.

5. Failure to disclose material facts in violation of 50 CFR §13.21(b)(2) by not reporting the acquisition of eagles and other migratory birds under your REHAB, EAEXL and SPDAVE permits within the designated timeframe and without proper documentation as required by your permit conditions.

Remedy: During the consultation meeting with MBPO on August 28, 2017, you assured the Service that you would provide us with the required delinquent 3-202-12 forms for your EAEXL and SPDAVE permits. The Service received the forms in September 2017.

6. Failure to euthanize migratory birds under your REHAB permit in accordance with its governing regulation at 50 CFR §21.31(e)(4)(iii) and standard condition 6 of your REHAB permit.

Remedy: During the consultation meeting with MBPO on August 28, 2017, you assured the Service that you will either euthanize any migratory bird that cannot feed itself, perch upright, or that requires an amputation of the foot or wing above the elbow or notify the Service with an explanation, including a signed letter from a veterinarian, as to why you feel such a bird should not be euthanized. If the latter takes place, the Service will make a final decision regarding the final disposition of the bird.

7. Your 2016 annual report under your REHAB permit indicates you received 2 bald eagles that had been reportedly shot. We could not find any records of you reporting this to the Office of Law Enforcement as required by 50 CFR §21.31(e)(5)(ii).

Remedy: During the consultation meeting with MBPO on August 28, 2017, you assured the Service that you will directly contact FWS OLE within 24 hours when you encounter situations where criminal activity has potentially occurred via phone at 515-825-3950 or fax at 515-825-3597. There is no need to contact FWS OLE regarding the 2 bald eagles mentioned above, as they became aware of the potential eagle shooting during their site inspection.

Enclosed are your renewed permits. Please note that the permit tenure is one (1) year and some of your permit conditions may have changed. We recommend you review your permits carefully and contact the Service if you have any questions or need clarification.

Please be advised that continued failure to comply with your permit conditions and their governing regulations are direct violations of the MBTA and the BGEPA for the activities under 50 CFRs §21 and 22 and is justification for the loss of some or all of your permit privileges under 50 CFR §13.21(b)(3). If you have any questions, please contact me at 413-253-8541 or by email at: Bryan_Kluever@fws.gov.

Sincerely,



Bryan Kluever
Chief, Migratory Bird Permit Office

cc: NYDEC, Special License Unit
UFWS, Agent (b)(6)



United States Department of the Interior

FISH AND WILDLIFE SERVICE

300 Westgate Center Drive
Hadley, MA 01035-9589



In Reply Refer To:
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Adirondack Wildlife Inc.
Wendy B. Hall
977 Springfield Road
Wilmington, NY 12997

JUL 13 2018

Dear Ms. Hall:

The U.S. Fish and Wildlife Service (Service) has amended your permits. Enclosed is your amended Special Purpose Possession permit MB49922A-1 (SPDAVE) and your Eagle Exhibition permit MB47245A-1 (EAEXL). Please review all of your permit conditions as some have changed. Please note the requirement to band all birds including eagles listed on these permits with a Service band (see conditions D and E). The Service has included the banding conditions to assist you with correcting deficiencies with your annual reporting of birds and site inspections. Twenty three bands are enclosed for your SPDAVE permit and three bands for your EAEXL permit for a total of 26 black cable tie bands (list provided). If you need assistance with banding these birds please contact the New York State Department of Conservation (NYSDEC) at (speciallicenses@dec.ny.gov) or 518-402-8985.

Lastly, we have amended your Rehabilitation permit (MB171265-1) to remove the provision "except eagles". Please adhere to the reporting requirements of all of your federal permits.

Failure to comply with the provisions of your permit may result in the loss of some or all of its privileges in accordance with 50 CFR 13. If you need guidance with banding or you have any questions feel free to contact Valerie Slocumb, Wildlife Compliance Specialist, 413-253-8642, or by email at Valerie_Slocumb@fws.gov.

Sincerely,

Bryan Kluever
Chief, Migratory Bird Permit Office

Enclosures

cc: Joseph Therein, NYSDEC

(b) (5) OLE

Permit and Band List

	One Each	Species Name	Band #
1	SPDAVE	GOSH - Northern Goshawk	RO114728
2	SPDAVE	TUVU - Turkey Vulture,	RO114736
3	SPDAVE	BLVU - Black Vulture,	RO114737
4	SPDAVE	RLHA - Rough-legged Hawk,	RO114738
5	SPDAVE	MERL - Merlin,	RO114739
6	SPDAVE	BWHA - Broad-winged Hawk,	RO114740
7	SPDAVE	RTHA - Red-tailed Hawk,	RO114741
8	SPDAVE	BDOW - Barred Owl,	RO114743
9	SPDAVE	BAOW - Barn Owl,	RO114744
10	SPDAVE	SWHA - Swanson's Hawk,	RO114745
11	SPDAVE	OSPR - Osprey,	RO114746
12	SPDAVE	SEOW - Short-eared Owl,	RO114747
13	SPDAVE	NYSC - Snowy Owl, and	RO114748
14	SPDAVE	BBMP - Black-billed Magpie	RO114749
15	SPDAVE	MAKE - American Kestrel	RO114750
16	SPDAVE	SWOW - Saw-whet Owl	RO114751
17	SPDAVE	Gry falcon (captive-bred)	RO114752
18	SPDAVE	PEFA - Peregrine Falcon	RO114753
19	SPDAVE	PEFA - Peregrine Falcon	RO114754
20	SPDAVE	GHOW - Great-horned Owl	RO114755
21	SPDAVE	GHOW - Great-horned Owl	RO114756
22	SPDAVE	CORA - Common Raven	RO114756
23	SPDAVE	CORA - Common Raven	RO114757
24	EAEXL	BAEA - Bald Eagle	RO114759
25	EAEXL	BAEA - Bald Eagle	RO114796
26	EAEXL	BAEA - Bald Eagle	RO114798
	26 Total		

SPECIAL PURPOSE POSSESSION- LIVE AND DEAD MIGRATORY BIRDS
FOR EDUCATIONAL USE, WITH SALVAGE**Permit Number: MB49922A-1**

Effective: 06/28/2018 Expires: 11/14/2018

Issuing Office:

Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Migratory Bird Permit Office
300 Westgate Center Drive
Hadley, MA 01035-0779
Tel: 413-253-8643 Fax: 413-253-8424
Email: permitsR5MB@fws.gov

CHIEF, MIGRATORY BIRD PERMIT OFFICE - REGION 5

Permittee:

ADIRONDACK WILDLIFE
977 SPRINGFIELD ROAD
PO BOX 360
WILMINGTON, NY 12997

Name and Title of Principal Officer:

WENDY B HALL - DIRECTOR

Authority: Statutes and Regulations: 16 USC 703-712; 50 CFR 13, 50 CFR 21.27.

Location where authorized activity may be conducted:

Anywhere in the US permittee has appropriate corresponding State authority.

Reporting requirements:

ANNUAL REPORT DUE EACH YEAR: 1/31/2019, 1/31/2020, 1/31/2021 or 30 days after permit expiration if not renewing your permit. You must submit an annual report even if you had no activity.

Annual Report: <https://www.fws.gov/forms/3-202-5.pdf>**Renewal Application:** <https://www.fws.gov/forms/3-200-10c.pdf>

Authorizations and Conditions:

- A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited 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 BOLDDED Below at D and E

D. You are authorized to possess for conservation education purposes the following **FWS BANDED** nonreleaseable migratory birds (23 TOTAL):

(1) **ONE EACH:** **Gyr Falcon, American Kestrel, Saw-wet Owl**, Northern Goshawk, Turkey Vulture, Black Vulture, Rough-legged Hawk, Merlin, Broad-winged Hawk, Red-tailed Hawk, Barred Owl, Barn Owl, Swanson's Hawk, Osprey, Short-eared Owl, Snowy Owl, and Black-billed Magpie. **TWO EACH:** Peregrine Falcon, Great-horned Owl and Common Raven,

(2) lawfully acquired dead migratory bird specimens, including parts, nests, and nonviable eggs. This authorization to possess migratory birds does not apply to bald eagles or golden eagles.

SPECIAL PURPOSE POSSESSION- LIVE AND DEAD MIGRATORY BIRDS
FOR EDUCATIONAL USE, WITH SALVAGE**Permit Number: MB49922A-1**

Effective: 06/28/2018 Expires: 11/14/2018

E. BANDING REQUIREMENTS - All birds held under this permit must be banded with a FWS band as follows:
(1) You MUST band all birds listed at condition D above within 72 hours of receipt of this permit and the included 23 bands. Once all birds are banded, you MUST report to FWS the band number associated with each bird in a single list.

(2) New Acquisitions - You MUST band these birds within 72 hours or receipt of FWS APPROVED FORM 3-202-12 (<https://www.fws.gov/forms/3-202-12.pdf>) which will include a FWS band.

(3) Disposition of Birds:

(a) LIVE BIRDS-Bands MUST remain on LIVE birds being transferred and you MUST list the band number on the Form 3-202-12 in block 1.

(b) DEAD BIRDS-Bands MUST be returned to FWS within 5 days along with the Form 3-202-12 reporting the DEATH.

(4) You MUST provide the band numbers to NYDEC within 5 days of banding by contacting (speciallicenses@dec.ny.gov) or 518-402-8985.

(5) You MUST notify FWS at (PermitsR5MB@fws.gov) immediately if there is an issue with the bands or banding attempt.

F. You are authorized to salvage migratory birds (except species listed as threatened or endangered under the Endangered Species Act found in 50 CFR 17) found dead that you had no part in the killing or death thereof. Any dead bald eagle or golden eagle salvaged must be reported within 48 hours to the National Eagle Repository at (303) 287-2110 and to the issuing migratory bird permit office: fax (413) 253-8424 or email(PermitsR5MB@fws.gov). The Repository will provide directions for shipment of these specimens.

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>.

G. You are authorized to salvage abandoned (unoccupied) migratory bird nests and nonviable eggs after the nesting season, except for nests and eggs of bald eagles or golden eagles and threatened or endangered species.

H. All salvaged migratory bird specimens must be deposited, stored and maintained at the address listed in Block 1 above.

I. You may not salvage and must immediately report to the 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 injured as the result of potential criminal activity. See USFWS OLE contact information below.

J. Any 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 subpermittees must comply with the attached Standard Conditions for Special Purpose Possession Live and Dead Migratory Bird Educational Use Permits with Salvage. 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
Special Purpose Possession
Live and Dead Migratory Bird Educational Use Permits
with Salvage Authority
50 CFR 21.27**

All of the provisions and conditions of the governing regulations at 50 CFR part 13 and 50 CFR part 21.27 are conditions of your permit. These standard conditions 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 any 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. The intent of this permit is wildlife conservation education. Your educational programs must include information about migratory bird ecology, biology, and/or conservation.
2. You must present a minimum of 12 programs that are open to the public each year with each live migratory bird held under this permit.
3. Live migratory birds must be kept under control at all times & are not allowed to come in contact with the public.
4. You may not display any migratory bird(s) in any manner that implies personal use. You may not use migratory birds to promote or endorse any product, merchandise, goods, services, business or organization except your own educational activities.
5. Whenever you exhibit any migratory bird(s) held under this permit, you must include either a written or verbal statement that your possession and exhibition of migratory bird(s) is by permission of the U.S. Fish & Wildlife Service.
6. Any migratory bird(s) held under this permit must be nonreleasable or captive-bred.
7. You are not authorized to propagate any migratory birds held under this permit.
8. Any migratory bird(s) held under this permit must be housed at the location(s) identified in this permit.
9. Your facilities and equipment must be adequate for each migratory bird species you hold under this permit. All live migratory birds must be maintained under humane and healthful conditions.

- Criteria used for evaluating and inspecting raptor facilities will be based on guidelines established by the Raptor Center, University of Minnesota's "Raptors in Captivity: Guidelines for Care and Management".
- Criteria used for evaluating and inspecting facilities for other migratory bird species will be based on guidelines established by the National Wildlife Rehabilitators Association's "Wildlife In Education: A Guide for the Care and Use of Program Animals".

These publications are available from the National Wildlife Rehabilitators Association at
www.nwrawildlife.org/pubs.asp.

10. Migratory birds must be separated from pets. Migratory birds must also be separated from human living or work space or migratory birds held under other permit authorization except as necessary to provide appropriate rehabilitative care.
11. You must obtain prior written approval from your migratory bird permit issuing office before you acquire, transfer, or dispose of any live migratory bird.

To acquire or transfer any live migratory bird(s), you must submit a Migratory Bird Special Purpose Possession (Education) Permit Acquisition and Transfer Request (Form 3-202-12) along with all required attachments listed in the form instructions. You may acquire or transfer a live migratory bird only *after* you receive written approval from the issuing office.

12. You must report the death or escape of any migratory bird(s) to the migratory bird permit issuing office on a Form 3-202-12 within 5 business days. You may retain for educational purposes the carcass or individual parts and feathers of any migratory bird(s) that dies or you may donate them to persons authorized by permit or regulation to possess them. Specimens not retained by you or donated must be incinerated or buried without delay.
13. You may possess for educational purposes or donate molted feathers to persons authorized by permit or regulation to possess such items. This authorization does not apply to molted feathers from bald eagles or golden eagles.
14. This permit does not authorize salvage of migratory birds 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.
15. 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.
16. Salvaged migratory birds, including parts, nests, and nonviable eggs, unsuitable for donation must be completely destroyed by burial or incineration.
17. Any migratory bird carcass you send to a taxidermist must be returned to you.
18. 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. Other individuals, including those under the age of 18, may conduct the permitted activities only if you or a designated subpermittee are present.
19. You and any subpermittees must carry a legible copy of this permit and display it upon request when exercising its authority. Subpermittees must also carry your written subpermittee designation letter.
20. Any migratory bird(s) held under this permit remain in the stewardship of the U.S. Fish and Wildlife Service and may be relocated at any time for just cause.
21. You must maintain records as required in 50 CFR 13.46 and 50 CFR 21.27. All records relating to the permitted activities must be kept at the location indicated in writing by you to the issuing office.
22. 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.
23. 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.

(SPPSLDS - 12/3/2011)



Permit Number: MB47245A-1
Effective: 07/03/2018 Expires: 11/14/2018

Issuing Office:

Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Migratory Bird Permit Office
300 Westgate Center Drive
Hadley, MA 01035-0779
Tel: 413-253-8643 Fax: 413-253-8424
Email: permitsR5MB@fws.gov

CHIEF, MIGRATORY BIRD PERMIT OFFICE - REGION 5

Permittee:

ADIRONDACK WILDLIFE INC
977 SPRINGFIELD ROAD
WILMINGTON, NY 12997
U.S.A.

Name and Title of Principal Officer:
WENDY B. HALL - DIRECTOR

Authority: Statutes and Regulations: 16 USC 668a; 50 CFR Part 13, 50 CFR 22.21.

Location where authorized activity may be conducted:
Throughout the State of NY, with concurrent State Authority/Permit.
Eagle will be housed at 977 Springfield Road, Wilmington, NY

Reporting requirements:

ANNUAL REPORT DUE: 01/31
You must submit an annual report to your Regional Migratory Bird Permit Office
each year. Form: www.fws.gov/forms/3-202-13.pdf.

Authorizations and Conditions:

- A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited 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 BOLDED Below at D and E

- D. You are authorized to possess for conservation education purposes the following **FWS BANDED** nonreleaseable eagles:
3 Bald Eagles
- E. **BANDING REQUIREMENTS** - All eagles held under this permit must be banded with a FWS band as follows:
 - (1) You **MUST** band all eagles listed at condition D above within **72 hours** of receipt of this permit with the included three bands. Once all birds are banded, you **MUST** report to FWS the band number associated with each eagle in a single list.
 - (2) **New Acquisitions** - You **MUST** band these birds within **72 hours** of receipt of **FWS APPROVED FORM 3-202-12** (<https://www.fws.gov/forms/3-202-12.pdf>) which will include a FWS band.



Permit Number: MB47245A-1
Effective: 07/03/2018 Expires: 11/14/2018

- (3) Disposition of Birds:
(a) LIVE Eagles-bands **MUST** remain on LIVE eagles being transferred and you **MUST** list the band number on the Form 3-202-12 in block 1.
- (4) You **MUST** provide the band numbers to NYDEC within 5 days of banding by contacting (speciallicenses@dec.ny.gov) or 518-402-8985.
- (5) You **MUST** notify FWS at (PermitsR5MB@fws.gov) immediately if there is an issue with the bands or banding attempt.
- F. You must obtain prior written approval from your migratory bird permit issuing office before acquiring, transferring, or disposing of any eagle. **See standard condition 11 for instructions as well as condition E(2) above.**
- G. Continued placement of the eagles listed in Condition D at Adirondack Wildlife is contingent upon the continued care and handling by personnel specified by this permit. Wendy Hall is recognized as the primary caretaker at this facility. You must notify the migratory bird permit issuing office within 10 calendar days for re-evaluation of possession authority should there be a change in primary caretaker(s).
- H. Any 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.
- I. You and any subpermittees must comply with the attached Standard Conditions for Live Eagle Exhibition Permits. **These standard conditions are a continuation of your permit conditions and must remain with your permit.**



Standard Conditions Live Eagle Exhibition Permits 50 CFR 22.21

All of the provisions and conditions of the governing regulations at 50 CFR part 13 and 50 CFR part 22.21 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 any 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. The intent of this permit is wildlife conservation education. Your educational programs must include information about migratory bird ecology, biology, and/or conservation.
2. You must present a minimum of 12 programs that are open to the public each year with each eagle held under this permit.
3. Live eagles must be kept under control at all times and are not allowed to come in contact with the public.
4. You may not display any eagle(s) in any manner that implies personal use. You may not use any eagle(s) to promote or endorse any product, merchandise, goods, services, business or organization except your own educational activities.
5. Whenever you exhibit any eagle(s) held under this permit, you must include either a written or verbal statement that your possession and exhibition of the eagle(s) is by permission of the U.S. Fish and Wildlife Service.
6. Any eagle(s) held under this permit must be non-releasable.
7. You are not authorized to propagate eagles held under this permit. Eagles should be housed in a manner to prevent breeding. If eggs are laid, you must report it to your migratory bird permit issuing office within 48 hours.
8. Any eagle(s) held under this permit must be housed at the location(s) identified in this permit.
9. Your facilities and equipment must be adequate for each eagle you hold under this permit. All eagles must be maintained under humane and healthful conditions.

Criteria used for evaluating and inspecting eagle facilities will be based on guidelines established by the Raptor Center, University of Minnesota's "Raptors in Captivity: Guidelines for Care and Management".

This publication is available from the National Wildlife Rehabilitators Association at www.nwrawildlife.org/pubs.asp.

10. Eagles must be separated from pets. Eagles must also be separated from human living or work space or migratory birds held under other permit authorization except as necessary to provide appropriate rehabilitative care.
11. You must obtain prior written approval from your migratory bird permit issuing office before you may acquire, transfer, or dispose of any eagle(s).

To acquire or transfer any live eagle(s), you must submit a Migratory Bird Special Purpose Possession (Education) Permit Acquisition and Transfer Request (Form 3-202-12) along with all required attachments listed in the form instructions. You may acquire or transfer a live eagle *only after* you receive written approval from the permit issuing office.

12. You must report the death or escape of any eagle(s) to the migratory bird permit issuing office on a Form 3-202-12 within 5 business days.
13. All molted eagle feathers and carcasses must be shipped to the National Eagle Repository. Contact: **U.S. Fish and Wildlife Service National Eagle and Wildlife Repository, RMA, Building 128, 6550 Gateway Road, Commerce City, Colorado 80022, (303) 287-2110.**
14. 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. Other individuals, including those under the age of 18, may conduct the permitted activities only if you or a designated subpermittee are present.
15. You and any subpermittees must carry a legible copy of this permit, *including these Standard Conditions*, and display it upon request when exercising its authority. Subpermittees must also carry your written subpermittee designation letter.
16. Any eagle(s) held under this permit remain in the stewardship of the U.S. Fish and Wildlife Service and may be relocated at any time for just cause.
17. You must maintain records as required in 50 CFR 13.46 and 50 CFR 22.21. 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.
18. 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.
19. 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.

(EAEXL - 12/3/2011)



Permit Number: MB171265-1
Effective: 07/03/2018 Expires: 11/14/2018

Issuing Office:

Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Migratory Bird Permit Office
300 Westgate Center Drive
Hadley, MA 01035-0779
Tel: 413-253-8643 Fax: 413-253-8424
Email: permitsR5MB@fws.gov

CHIEF, MIGRATORY BIRD PERMIT OFFICE - REGION 5

Permittee:

WENDY B HALL
PO BOX 360
977 SPRINGFIELD ROAD
WILMINGTON, NY 12997
U.S.A.

Authority: Statutes and Regulations: 16 USC 703-712; 50 CFR Part 13, 50 CFR 21.31.

Location where authorized activity may be conducted:

977 SPRINGFIELD ROAD, WILLMINGTON, NEW YORK

Reporting requirements:

ANNUAL REPORTS DUE: 01/31/2019 or 30 days after permit expiration if not renewing
ANNUAL REPORT Form at: <http://www.fws.gov/forms/3-202-4.pdf> (Even if you had no activity)
RENEWAL APPLICATION Form at: <http://www.fws.gov/forms/3-200-10b.pdf>

Authorizations and Conditions:

- A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited 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 TO D(1) adds "EAGLES". D. This permit authorizes you to:

- (1) take from the wild or receive from another person sick, injured, or orphaned migratory birds and **EAGLES** and to possess them and provide rehabilitative care for them;
- (2) transport such birds to a suitable habitat for release, to another permitted rehabilitator's facilities, or to a veterinarian;
- (3) transfer, release, or euthanize such birds;
- (4) transfer or otherwise dispose of dead specimens; and
- (5) receive, stabilize, and transfer within 48 hours types of migratory bird species not authorized by your permit, in cases of emergency.

E. You may not salvage and must immediately report to the 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



Permit Number: MB171265-1
Effective: 07/03/2018 Expires: 11/14/2018

industrial power generation equipment, or were otherwise killed or injured as the result of potential criminal activity. See USFWS OLE contact information below.

F. Any person responsible for the permitted activities when you or a subpermittee are not present must either possess his or her own Federal rehabilitation permit or be authorized as your subpermittee by being named in writing to your issuing migratory bird permit office.

G. You and any subpermittees must comply with the attached Standard Conditions for Rehabilitation 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, New York, 516-825-3950



Standard Conditions Rehabilitation Permits 50 CFR 21.31

All of the provisions and conditions of the governing regulations at 50 CFR part 13 and 50 CFR part 21.31 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, or to obtain contact information for your issuing office, visit: <http://www.fws.gov/migratorybirds/mbpermits.html>.

1. You must report within 24 hours to the migratory bird permit issuing office the acquisition of any (dead or live) bald eagle(s) or golden eagle(s) or species listed as threatened or endangered under the Endangered Species Act found in 50 CFR 17. The issuing office will determine disposition of all eagles and threatened and endangered species.

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>.

2. All birds that recuperate must be released to the wild in an appropriate habitat for the species as soon as environmental conditions allow. Your local State Wildlife Agency may recommend appropriate release sites.
4. You must receive prior authorization from the migratory bird permit issuing office to hold migratory birds requiring additional rehabilitation of more than 180 days.
5. You must take every precaution to avoid imprinting migratory birds in your care to humans. If a bird becomes imprinted to humans while under your care, you will be required to transfer the bird as directed by the migratory bird permit issuing office.
6. You are required to euthanize any migratory bird that will not be able, even after medical treatment and rehabilitation, to perch upright and/or ambulate without inflicting additional injuries to itself. You must euthanize any bird that has sustained injuries requiring amputation of a wing at the elbow (humero-ulnar joint) or above, a leg or a foot, and/or is blind, unless the conditions of 50 CFR 21.31(e)(4)(iii) are met. You must follow the American Veterinary Medical Association Guidelines on Euthanasia (http://www.avma.org/issues/animal_welfare/euthanasia.pdf).

You are required to contact the migratory bird permit issuing office prior to euthanizing migratory bird species listed as threatened or endangered. If Service personnel are not available, you may euthanize threatened and endangered migratory birds without authorization when prompt euthanasia is warranted by humane considerations.

7. This permit does not authorize the use of injured/recovering migratory birds for educational purposes. You may not display to the public the migratory birds held under this permit unless you use video equipment or barriers that will prevent birds from exposure to noise and other human impacts above the level that the birds would normally encounter in their natural habitats. If at any time a device that allows the public to view birds causes stress or harm, or impedes the rehabilitation of any bird, it must be discontinued immediately.
8. You may possess a limited number of feathers (excluding eagle feathers) for imping purposes only.
9. This permit does not authorize any necropsy to be performed on any eagles or threatened or endangered species without prior approval from the migratory bird permit issuing office.

10. You may assist property owners with removing migratory birds, eggs or nestlings from the interior of buildings in accordance with 50 CFR 21.12(d) and provide rehabilitative care.
11. 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 (2263)** or <http://www.reportband.gov/>.
12. Your facilities and equipment and any subpermittee's facilities and equipment must be adequate for each species you intend to rehabilitate. All live migratory birds must be maintained under humane and healthful conditions.

All locations where you or subpermittees will care for migratory birds must be listed on your permit. With the exception of containers for passerine nestlings at off-site locations, all facilities must be pre-approved by the migratory bird permit issuing office.

Criteria used for evaluating and inspecting all facilities used for migratory bird rehabilitation will be based on guidelines established by the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation, 3rd edition, 2000.

This publication is available from the National Wildlife Rehabilitators Association at www.nrawildlife.org/pubs.asp or the International Wildlife Rehabilitation Council at www.iwrc-online.org/pub/Standards%203rd%20Edition.pdf.

13. Migratory birds must be separated from pets. Migratory birds must also be separated from human living or work space or migratory birds held under other permit authorization except as necessary to receive appropriate rehabilitative care.
14. You may transfer migratory birds to other qualified permitted migratory bird rehabilitators for care or release.
15. You may transfer live nonreleasable migratory birds that are suitable for use in educational programs, foster parenting, research projects, or other permitted activities to qualified public educational or scientific institutions (as defined in 50 CFR 10.12) or to individuals or entities authorized by permit to possess migratory birds.

You must receive prior written authorization from your migratory bird permit issuing office before you transfer live migratory birds or bald eagles and golden eagles to a permittee other than another rehabilitator. You must submit a Migratory Bird and Eagle Acquisition and Transfer Request (Form 3-202-12) to your permitting office, along with all required attachments listed in the form instructions. This form is required for transfer of nonreleasable birds from a permitted rehabilitator to another permittee or to another type of permit the rehabilitator holds. Both the transferring rehabilitator and the intended recipient must complete and submit this form.
16. After submitting a Migratory Bird and Eagle Acquisition and Transfer Request (Form 3-202-12) to your permitting office and receiving authorization, you may transfer a releasable raptor to a permitted falconer authorized to hold that species. The falconer must complete a form 3-186A rather than the Form 3-202-12. (A releasable raptor placed with a falconer for pre-release conditioning that is subsequently deemed nonreleasable will be considered for placement with a permittee other than the assisting falconer.)
17. After submitting a Migratory Bird and Eagle Acquisition and Transfer Request (Form 3-202-12) to your permitting office and receiving authorization, you may transfer nonreleasable birds to public institutions that are exempt from the permit requirement (see 50 CFR 21.12). A receiving exempt institution does not need to submit a form.
18. You may donate dead migratory birds or any parts thereof (except bald eagles and golden eagles, and species listed as threatened and endangered) without additional authorization from the migratory bird permit issuing office to qualified public institutions (as specified in 50 CFR 10.12) or to individuals or entities authorized by permit or regulation to acquire and possess migratory bird specimens.

All dead specimens that you do not transfer to another authorized party must be disposed of by such means as are necessary to ensure that they are not exposed to animals in the wild.

All eagle feathers and/or whole eagle carcasses must be shipped to the National Eagle Repository. Contact: U.S. Fish and Wildlife Service, National Eagle and Wildlife Repository, RMA, Building 128, 6550 Gateway Road, Commerce City, Colorado 80022, (303) 287-2110.

19. 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 and named in writing to the migratory bird permit issuing office. As the permittee, you are legally responsible for ensuring that your subpermittees are adequately trained and adhere to the terms of your permit when conducting migratory bird rehabilitation activities. Other individuals, including those under the age of 18, may assist with migratory bird care only if you or a designated subpermittee are present.
20. You and any subpermittees must carry a legible copy of this permit and display it upon request when exercising its authority. Subpermittees must also carry your written subpermittee designation letter.
21. All birds held under this permit remain in the stewardship of the U.S. Fish and Wildlife Service and may be relocated at any time for just cause.
22. You must maintain records as required in 50 CFR 13.46 and 50 CFR 21.31(e)(7). 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.
23. 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.
24. 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.

(REHAB - 11/5/2013)

Enclosure 4

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife
625 Broadway, 5th Floor, Albany, NY 12233-4750
P: (518) 402-8924 | F: (518) 402-8925
www.dec.ny.gov

July 5, 2019

SENT VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Ms. Wendy Hall
Adirondack Wildlife Refuge
977 Springfield Rd
Wilmington NY 12997

NOTICE OF VIOLATION

On April 5, 2019, Department of Environmental Conservation (DEC) staff from the Division of Fish and Wildlife and Division of Law Enforcement conducted an inspection of your facility located at 977 Springfield Road in the Town of Wilmington. The inspection was precipitated by the escape of two captive black bears from your facility, as well as documents provided by you which indicated that you were in possession of DEC-regulated species without the required licensing.

During the inspection DEC staff identified that you were in violation of the following:

- Failure to comply with terms and conditions of your special licenses issued by the Department;
- Failure to keep accurate records and submit complete reports to the Department;
- Noncompliance with provisions of the Environmental Conservation Law and regulations of the Department.

Specifically:

1. During the inspection, DEC staff identified several species being held in cages throughout the facility that were being exhibited without a required DEC Education/Exhibition license which included:

- 4 barred owls
- 1 great horned owl
- 1 red-tailed hawk
- 1 snowy owl
- 1 bald eagle
- 1 Northern saw whet owl
- 1 gyrfalcon
- 1 Northern long-eared owl
- 1 Eastern screech owl
- 1 short-eared owl
- 1 snow goose
- 1 Canada goose



Department of
Environmental
Conservation

- 1 Peregrine falcon
- 1 Eastern box turtle
- 2 coyotes
- 1 gray wolf
- 1 gray fox

Additionally, on the annual reports you submitted with your renewal applications for License to Collect or Possess – Education/Exhibition #86 and Endangered/Threatened Species – Exhibition/ Education license # 374 received by DEC on March 12, 2019, you recorded exhibiting several species of hawks and owls which you were not authorized to possess for exhibition purposes.

Your License to Collect or Possess – Education/Exhibition #86 contains the following express terms:

6. Live Animal – Addition or Replacement of Animals Without Written Authorization Prohibited

The licensee shall not add additional animals or replace listed animals without a written amendment to this license.

25. Education/Exhibition Reporting Requirement

The licensee shall submit an accurate and complete Fish and Wildlife Education/Exhibition Report Form prior to the expiration date of this license. The licensee shall send this report to the NYSDEC Special Licenses Unit 625 Broadway, Albany, NY 12233-4752.

2. During the inspection, you confirmed with DEC staff that many of the additional birds and mammals that were housed with and among animals that are licensed for exhibition, were in fact being held for rehabilitative care. All of these animals were available for viewing by members of the public who visit the facility.

The following animals held for rehabilitative purposes were held in cages that were on display to the public:

- 4 barred owls
- 1 great horned owl
- 1 red-tailed hawk
- 1 snowy owl
- 1 bald eagle
- 1 Northern saw-whet owl
- 1 Northern long-eared owl
- 1 Eastern screech owl
- 1 snow goose
- 1 Canada goose
- 1 bobcat
- 1 gray fox

Staff also observed a pet domestic dog running loose around the facility with free access to all the outdoor animal cages including the cages holding exhibition animals and rehabilitation animals. The domestic dog was seen at several cages including the gray fox, red fox and fisher cages where the animals had nose to nose contact through the cage wire.

As set forth under 6 NYCRR §184.1(a), “[t]he purpose of this Part [wildlife rehabilitators] is to establish a specially trained group of individuals, collectively called wildlife rehabilitators, to provide for the care of injured and debilitated wildlife so that such wildlife may be returned to the wild” (emphasis added).

Additionally, the National Wildlife Rehabilitation Association’s (NWRA) publication, Principles of Wildlife Rehabilitation defines wildlife rehabilitation as the process of rescuing, raising, and arranging for veterinary medical care of orphaned, sick, displaced, or injured wild animals with a goal of releasing them back to their natural habitats. For rehabilitation to be deemed successful, these released animals must be able to truly function as wild animals. This includes being able to recognize and obtain the appropriate foods, select mates of their own species and reproduce, and show the appropriate fear of potential dangers (people, cars, dogs, etc.).

To avoid habituating or imprinting wild animals, the NWRA states that a wildlife rehabilitator should not:

- allow friends, children, neighbors, the general public around your cages;
- take in more than you have space for;
- allow domestic pets in the same area as wild patients;
- habituate the animals to humans or pets.

Further, NWRA states that wildlife rehabilitators should provide housing that keeps noise, vibrations and contact to a minimum to reduce stress.

The conditions noted during the inspection relating to the housing and care of wild animals for rehabilitation including comingling rehabilitation animals with exhibition animals, housing rehabilitation animals where they are regularly exposed to the public, allowing a domestic dog to roam freely among the cages housing rehabilitation animals, and further to allow the domestic dog to have contact with those animals, are all counter to good rehabilitation practices. These conditions all increase the stress of animals undergoing rehabilitative care and greatly increase the risk of such animals becoming habituated to humans and domestic animals thereby decreasing their chance of being successfully rehabilitated and released back to their natural environments. Staff also identified a concern over the apparent lack of proper caging at the facility that appeared to

be impacting the health of the birds housed within as noted by the presence of bumblefoot on several of the caged birds.

Your Wildlife Rehabilitation License – Class II #126, contains the following express terms:

29. WRL – Minimizing Habituation

The licensee shall employ methods that prevent or minimize habituation or imprinting of wildlife on humans including limiting contact with the animals and providing caging that limits the wildlife's exposure to the licensee and other humans and domestic pets and livestock.

30. WRL – Exhibition Prohibited

The licensee shall not exhibit wildlife held pursuant to this license.

31. WRL – Direct Contact with the Public and Domestic Animals Prohibited

The licensee shall not allow direct contact between wildlife possessed under the authority of this license and the general public, domestic pets or livestock animals.

3. The following birds listed as migratory birds, were in your possession and being exhibited. At the time of the inspection, none of these birds were authorized for possession for exhibition on your USFWS Special Purpose Possession permit # MB49922A-1:

- 2 Eastern screech owls
- 1 snowy owl (federally licensed for 1, exhibiting 2)
- 1 snow goose
- 1 red-tailed hawk (federally licensed for 1, exhibiting 2)
- 4 barred owls (federally licensed for 1, exhibiting 5)

Your License to Collect or Possess – Education/Exhibition #86 contains the following express term:

9. USFWS Permit Requirement for possession of Migratory Birds

The licensee shall not possess Migratory Birds, as listed in Title 50 of the Code of Federal Regulations Section 10.13, without a corresponding Federal Permit issued by the United States Fish and Wildlife Service.

4. Department staff's inspection further reflects that you are in possession of and exhibiting to the public a bald eagle¹ and peregrine falcon, both endangered species, and a short-eared owl, a threatened species, none of which you are licensed to possess.

¹ You are currently licensed to possess 3 bald eagles; this is a fourth bald eagle that is not included on your license.

Your Endangered/Threatened Species – Education/Exhibition license # 374 contains the following express term:

7. Live Animal – Addition or Replacement of Animals Without Written Authorization Prohibited

The licensee shall not add additional animals or replace listed animals without a written amendment to this license.

5. Prior to the completion of the site inspection, Department staff obtained a photo copy of your current 2019 Wildlife Rehabilitator log which omitted the following species that the inspection revealed are in your possession for rehabilitative care:

- 1 great horned owl.
- 1 snowy owl
- 1 bald eagle
- 1 Eastern screech owl
- 1 snow goose
- 1 Canada goose
- 1 bobcat
- 1 gray fox

Your Wildlife Rehabilitation License – Class II #126, contains the following express term:

38. WRL – Weekly Maintenance of Wildlife Rehabilitator Log

The licensee shall keep and maintain an accurate record known as the Wildlife Rehabilitator Log on a weekly basis.

6. On or about March 27, 2019, two black bears licensed to be in your possession for exhibition purposes escaped from an enclosure at your facility. You did not notify the Special Licenses Unit of this escape until April 4, 2019 after the DEC Region 5 office sent an email to you requesting information about the escape.

An inspection of the enclosure for these bears, by DEC staff, reflected that numerous sections of PVC pipe were wedged up against the exterior wall studs at varying angles to hold up several sections of walls that were sagging outwards. On closer inspection of the walls, it was noted that the 2 x 4 studs used to frame the walls were not installed in a standard construction style which would provide structural integrity but were instead nailed with their flat sides against the walls rather than being nailed perpendicular between the sole plate and top plate of the walls. The interior of the walls was constructed with wide-mesh wire fencing which had sections of approximately 3-foot wide lengths of metal roofing type material secured on the inside resulting in numerous exposed seams throughout the structure. On the ground on the outside of the enclosure

the same wire fencing used for the walls of the pen was laid on the ground extending outward from the pen. Mr. Stephen Hall, present throughout the inspection, stated that this was put in place to prevent the bears from digging under the walls of the enclosure. However, dig fence is typically and more correctly installed on the inside of enclosures to limit the caged animal's ability to dig into the soil directly next to and under exterior walls.

Your License to Collect or Possess – Education/Exhibition #86 contains the following express terms:

14. Live Animal - Facilities Requirement

The licensee shall provide housing, holding and transport facilities designed and constructed to ensure that the listed animals cannot escape and to ensure that the public cannot come in contact with the listed animals.

22. Live Animal – Mandatory Notification of Escape

The licensee shall notify the Special Licenses Unit at (518) 402-8985 within 24 (twenty-four) hours of the escape of any listed animal.

7. On or about March 29, 2019, you received a young black bear cub for rehabilitation. You did not notify the Special Licenses Unit of the acquisition of this cub until April 4, 2019 after the Special Licenses Unit contacted you to request this information.

Your Wildlife Rehabilitation License – Class II #126 contains the following express term:

2. WRL- White-tailed Deer, Black Bear Cubs and Moose Calves Mandatory Notification of Receipt or Release

*The licensee shall notify the Special Licenses Unit (SpecialLicenses@dec.ny.gov, 518-402-8985) within forty-eight (48) hours following the acquisition of any white-tailed deer fawn (*Odocoileus virginianus*), American black bear (*Ursus americanus*), or moose calf (*Alces alces*) and prior to release of any white-tailed deer fawn, black bear cub or moose calf. The licensee shall notify the Special Licenses Unit upon the acquisition of any adult white-tailed deer.*

The above-referenced revocable licenses were issued to you pursuant to the Department's authority under Environmental Conservation Law ("ECL") § 11-0515 (1), (3), subject to compliance with the Department's regulations at 6 NYCRR Parts 175 and 184.

The Department has the authority under 6 NYCRR § 175.5 (a) (2), (3), (4) to revoke an educator and wildlife rehabilitator licenses if the permittee fails to comply with any terms or conditions of the licenses, the permittee exceeds the scope of the purpose or activities described in the application for the licenses, or if the permittee violates any

provision of the Environmental Conservation Law, any other State or Federal laws or regulations of the department directly related to the licensed activity, respectively.

Additionally, the Department has the authority under 6 NYCRR § 184.7 (a) (1) to revoke a wildlife rehabilitator license if the rehabilitator fails to comply with the duties set forth at 6 NYCRR § 184.6.

Pursuant to 6 NYCRR § 184.6 (a) (4), a wildlife rehabilitator has a duty to comply with applicable Environmental Conservation Law provisions, the Department's rules and regulations, the Department's instructions concerning methods of wildlife rehabilitation, and the terms and conditions contained in the wildlife rehabilitator's license.

Pursuant to ECL § 11-0535 (2), the possession of threatened or endangered wildlife is prohibited except under license or permit issued from the department.

Pursuant to ECL § 71-0919 (1) (b), (c), "[a]ny person who violates any provision of the Fish and Wildlife Law or any lawful order, rule or regulation of the department promulgated pursuant thereto or the terms of any permit issued thereunder, ... is guilty of a violation punishable as provided in section 71-0923 of this chapter, and in addition thereto is liable in either case to the penalties provided in the schedule set forth in section 71-0925 or provided elsewhere in this chapter; ...".

The penalties set forth at ECL § 71-0925 (1) consist of two hundred dollars, plus an additional one hundred dollars for each animal involved in the violation. Pursuant to ECL § 71-0925 (2), if the violation involves a bear, the penalty is two hundred dollars plus an additional two hundred dollars for each animal involved in the violation. In addition, pursuant to ECL § 71-0919 (f) and ECL § 71-0909 (2), the Department may require you to forfeit possession of any animals illegally possessed, subject to your being found liable for such illegal possession.

Now, therefore, as a result of your unlicensed possession of the DEC regulated species identified during the inspection and listed here, your failure to comply with the terms or conditions of your DEC issued licenses, and your noncompliance with provisions of the Environmental Conservation Law and regulations of the Department, you shall, within sixty (60) days of receipt of this notice, transfer or otherwise dispose of, as indicated below, all the following DEC regulated animals held at your facility or in your possession without authorization from the Department:

- Transfer to a licensed wildlife rehabilitator:
 - 1 bald eagle
 - 1 Peregrine falcon
 - 1 short-eared owl
- Transfer to a licensed wildlife rehabilitator or euthanize:
 - 4 barred owls
 - 1 great horned owl

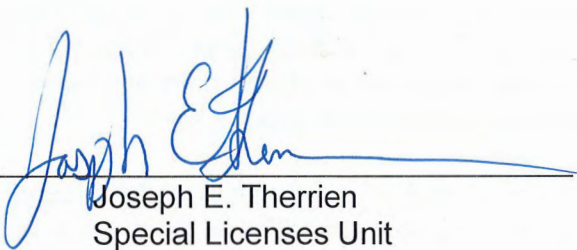
1 red-tailed hawk
1 snowy owl
1 Northern saw whet owl
1 gyrfalcon
1 Northern long-eared owl
1 snow goose
1 Canada goose
1 Eastern box turtle
1 gray fox

- Transfer to a licensed exhibitor:
2 coyote
1 gray wolf

You shall, within seven (7) days of the final transfer or disposal of the listed animals, inform the Department in writing of the final disposition of all listed animals at which time the Department will schedule a follow-up inspection of your facility to determine compliance with these directives.

All communications to the Department concerning these directives shall be made to:

Anthony Wilkinson
Director, Division of Fish and Wildlife
New York State Department of Environmental Conservation
625 Broadway, 5th Floor
Albany, NY 12233



Joseph E. Therrien
Special Licenses Unit

Cc: D. Stang
M. Sanza
B. Huyck
P. Jensen
D. Darrah
J. Therrien
A. Ferrusi

Enclosure 5



United States Department of the Interior

FISH AND WILDLIFE SERVICE

300 Westgate Center Drive
Hadley, MA 01035-9589



Certified Mail: 7011 2970 002 7242 6293

In Reply Refer To:

JAN 29 2015

Adirondack Wildlife Inc.
Wendy B. Hall
977 Springfield Road
Wilmington, NY 12997

RE: Site Inspection

Dear Ms. Hall,

On 23 October 2014, we conducted an inspection of Adirondack Wildlife Inc., in conjunction with the following federal permits: Eagle Exhibition (MB47245A-0), Special Purpose Possession (MB49922A-1), Rehabilitation (MB171265) and Migratory Bird Import/Export (MB65237A-0). This letter summarizes our findings and recommendations. The inspection was conducted by U.S. Fish and Wildlife Service (USFWS) personnel, including: myself, Pamela Toschik, Migratory Birds Chief, and Scott Frickey, Migratory Birds Biologist.

During the site visit, USFWS personnel assessed compliance with Migratory Bird Treaty Act (MBTA) regulations.

Records, including training/education materials, safety procedures, state permits, medical/weight logs and facility procedures were reviewed and appeared to be in order.

Bird enclosures were inspected, including: appropriateness of materials, cleanliness, adequate space, protection from elements, predator/rodent control, escape prevention and proper furnishings. Behavior was also observed for external signs of poor housing, stress, and/or illness. Assessment parameters included observations of feather condition, plucked, broken, or missing; condition of feet and talons, eye condition; as well as overly aggressive or unresponsive behavior that might be a sign of stress. All birds were found to have appropriately sized, clean and secure enclosures. No birds were observed to have any indications of poor health or high stress. Food was appropriately stored, prepared, and provided.

We observed three deficiencies that we recommend you address and report back to us by April 1, 2015. Per 50 CFR § 21.31, the Service utilizes standards developed by The National Wildlife Rehabilitators Association (NWRA) as guidance. Based on this guidance, we found the following deficiencies:

1. The back kitchen housed caged birds, a food preparation area, and medical care facilities. We recommend separating human food preparation areas from the caging and medical care areas. The NWRA standards state, "Eating, drinking and smoking should be restricted to designated areas free of animal waste materials."
2. The small room in the hallway between the living room and the kitchen/indoor caging area did not have ventilation. We recommend a more frequent cleaning schedule, addition of adequate ventilation, reduction of the clutter and/or placing some of the caging in non-living areas of the facility. The NWRA standards state, "Indoor facilities are required to have efficient ventilation and air movement with minimal recycled or reused air."

Implementing these actions will reduce the risks for risk for zoonotic diseases and increase the health and well-being of the animals.

3. There were several individuals housed together on various permits. Per § 21.31 birds under a Rehabilitation Permit cannot be used for educational purposes. We recommend separating individuals that are being kept under the Rehabilitation and Special Purpose Possession Permits. In doing so, the rehabbed individuals will avoid being imprinted or habituated to humans.

We found that your facilities, and the staff operating them, were generally providing the highest level of care. Overall, we left with a favorable impression of the facility, the conservation educational message that is being provided to the community, and the devotion of your staff. We appreciate the time you and your staff took to guide us around the facility, answer our questions, and to provide records.

If you have any questions or concerns feel free to contact Scott Frickey at (413) 253-8577 or by email at: scott_frickey@fws.gov.

Sincerely,



Valerie Slocumb
Chief, Migratory Bird Permits

cc: NYDEC

Enclosure 7

10/28/2019

DEPARTMENT OF THE INTERIOR Mail - Site Visit: Adirondack Wildlife Refuge and Rehabilitation Center



Slocumb, Valerie <valerie_slocumb@fws.gov>

Site Visit: Adirondack Wildlife Refuge and Rehabilitation Center

1 message

Dwyer, Chris <chris_dwyer@fws.gov>

Wed, Oct 23, 2019 at 5:57 PM

To: wendy@adirondackwildlife.org

Cc: Valerie Slocumb <valerie_slocumb@fws.gov>, "Therrien, Joseph E (DEC)" <joseph.therrien@dec.ny.gov>

Wendy:

Thank you again for taking the time out of your schedule yesterday to accompany us (NYS DEC and USFWS) during our site visit. It is greatly appreciated.

As we continue to review the information gathered yesterday, along with your Federal Migratory Bird Permit Renewal applications (Special Purpose Possession Live and Dead - MB49922A-1 and Rehabilitation - MB171265) that you recently submitted, I'd like to reiterate that you are currently not authorized to accept migratory birds.

Therefore, the following items must be addressed:

- 1) Notify all Adirondack Wildlife Refuge and Rehabilitation Center staff and volunteers that migratory birds protected under the Migratory Bird Treaty Act are not to be accepted.
- 2) Notify the public that your facility is currently not authorized to accept migratory birds for rehabilitation purposes.
- 3) Within 48 hours, have the condition of the unreported immature bald eagle that we discovered in the Large Animal Rehab Enclosure during our site visit assessed by your veterinarian. If the determination of the veterinarian indicates the bald eagle is in a releasable condition, you are to do so immediately. If it is not in a condition that would allow it to be released immediately, you must transport it no later than Monday, October 28, 2019 to the nearest wildlife rehabilitator who is authorized to accept and rehabilitate eagles.
- 4) Notify us by email no later than Tuesday, October 29, 2019 regarding how each item listed above has been addressed.

Thank you,
Chris

--

Chris Dwyer
Acting Chief, Permits Branch
Division of Migratory Birds
U.S. Fish and Wildlife Service, North Atlantic-Appalachian Region
300 Westgate Center Drive
Hadley, MA 01035-9589

Phone (413) 253-8541; Fax (413) 253-8424
Cell (413) 687-5980