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## News, Notes, Comments

**Errata: NABB Oct-Dec 2013 Vol. 38, No. 4, page 148, 1st column, 3rd Confer literature citation J. L. Larken, should be J. L. Larkin.**

### BANDING PERMITS, A NEW PARADIGM?

Changes and rumors of change at the Bird Banding Lab (BBL) have been an almost continuous part of banding in my more than 50 years of being a bander. Recently, it seems that increasing number of stories have come to light about permits not being issued to qualified people; such stories are troubling to many folks. Of course, the increase of these stories may be due to our increasingly efficient electronic communication modes.

In a recent note from the BBL to bird banders, it states: "Despite rumors to the contrary, the BBL continues to issue new master permits and subpermits on a regular basis." While this is true, some folks certainly have had permit applications rejected. Information on these rejections has come from a few people, perhaps a dozen in all, via the Ornithological Council and the North

American Banding Council, both with representatives from all the ornithological organizations in North America. For a comment on this topic, search for "Could the days of free bird bands be coming to an end?" by Ellen Paul at [ornithologyexchange.org](http://ornithologyexchange.org).

On this subject, I would like to highly recommend that everyone interested in the permitting process read two very important documents: the Federal Advisory Committee's (FAC) report (Haseltine et al. 2008), and the BBL's more recent response to the 58 specific management recommendations in the FAC in Smith (2013). Specifically, as regards to permits, one of the responses indicated that the BBL is supporting "banding programs of scientists and managers while placing less emphasis on new "high-volume" banding operations that have limited scientific potential." But, even this direct response does not seem to clarify at least some of the nuances of the permit issuance question.

I propose to address two topics here: Is denial of permits a substantive issue and is denial always appropriate?

A modest number of permits appear to be denied annually as compared to the total volume. The BBL estimates it handles some 7,000 permit actions annually (including new, renewed, inactivated, and modified authorizations). Over five years (2008-2012), according to Smith 2013:12), 273 new permit requests were received, presumably all Master Permit applications, averaging then about one a week. About 44 (approximately 16 percent) were denied, and I trust that most were fairly clear cut decisions. As I understand it from Smith (2013), the majority of rejections for Master Permits would be due to a lack of qualifications and/or a lack of contributing to a project such as a network of constant-effort stations. Additionally, the Lab points out that we should “recognize that budget limitations are causing the BBL to carefully consider all new permit applications.”

At least a few were denied for reasons apparently not related to qualifications and network participation. A recent applicant shared a letter from the BBL indicating that banding solely for purposes of long-term population monitoring may be hard to justify, especially given the existence of any nearby established migration banding stations, and given that there are large portions of the country without any stations. In this perhaps exceptional case, in fact, the stations involved were actually some 100 kilometers apart in quite different habitats. I feel that rejection was not an appropriate decision given the merits of at least this aspect of the application.

While the denial of a permit can be devastating to the person involved and excited about participating, I think careful crafting of the application can lead to a more satisfactory outcome. I see that the BBL has been using the term “may be hard to justify”, but I would suggest that it is likely not impossible to justify (e.g., Ralph 2013). Bruce Peterjohn, Chief of the BBL, recently wrote to me saying “We are not afraid to ask hard questions during the application review process and might very well question why there is a need to have to banding stations in close proximity. But if the applicant provides adequate justification and is otherwise qualified, their application will be approved.” I note that not all qualifying studies are bound to a specific location, but rather may require broader study areas or topics.

How can we aid the general bander in this current climate of the permitting process? I would suggest that we should encourage qualified people to apply for appropriate permits on appropriate temporal and spatial scales. Other than academic studies which might focus on a single species, I would suggest that applications for constant-effort monitoring be aligned with a network of monitoring stations, such as the breeding season MAPS program of IBP and the year-round network of LaMNA. Both share data and make good progress on publishing findings from their data, making the whole of the network much more than the sum of its parts.

To conclude, we understand that there are some new draft banding regulations that have been on hold in the Interior Department for more than two years. When these are released for the required 30-day comment period, we hope the banding community takes, and is given, the time necessary to submit thoughtful comments. We also trust that in the meantime, the BBL remains focused on enabling the participation of qualified banders in highly productive studies involving networks of constant-effort banding stations.

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