

This is the written response to a series of written questions in a letter to F&W

Date: March 14, 2013, 11:38:21 AM PDT

Subject: Macaw Listing

Your email regarding the proposed listing of the macaw species was forwarded to me, as I am one of the Fish and Wildlife Service biologists working on the rules. We have received many questions about the proposed rules and concerns over the impacts they may have. We are currently pulling together a Questions and Answers document for all of the proposed parrot and macaw rules to post on our webpage. I believe the information I've provided below will answer your questions.

Thank you for your email. The questions you raised will be helpful in the development of the Q's and A's document. If you have additional questions, please feel free to contact me.

Sincerely,

Emily

Q: I already own one or more of the parrot species listed or proposed for listing. What does this mean for me?

A: Birds that were born before the listing goes into effect and have not entered into commerce (e.g., were bought or sold) after the listing goes into effect are considered "pre-Act" and what you can do with your bird, provided you can document when you obtained your bird, is not restricted. However, if you choose to sell your bird, it would lose its "pre-Act" status and be subject to the prohibitions of the ESA.

Q: I am interested in purchasing, as a personal pet, a parrot species listed as endangered. What should I know?

A: Individual birds of listed species that are born, bought, or sold after the listing date would fall under the ESA restrictions. The ESA does not prohibit the ownership of listed species as personal pets; however, interstate commerce (the seller and buyer reside in different states) is prohibited. To purchase an endangered parrot, you will need to purchase from an individual or breeder within the state you reside. The movement of personal pets across state lines is not prohibited. If you wish to travel with or transport your bird into or out of the United States, you will need a permit, unless you can demonstrate that your bird is "pre-Act". Permits under the ESA can only be issued for activities that benefit or enhance survival of the species in the wild or for scientific research. Therefore, it may be difficult to obtain a permit to move your bird into or out of the United States.

Q: I own or am breeder of a parrot species listed as endangered, can I sell my bird(s)?

A: Under the ESA, intrastate sale (within the state that both the seller and buyer reside) of endangered species is not prohibited. However, interstate sale (the seller and buyer reside in different states) of an endangered species is prohibited, unless a buyer can demonstrate that such sales of an endangered species enhance the propagation or survival of the species, or is for scientific research. A permit can be issued for these purposes.

A breeder could obtain a Captive-bred Wildlife Registration (CBW), which would authorize interstate commerce. However, it must be shown that the sale enhances propagation or survival of the affected species and the principal purpose is to facilitate conservation breeding and not for

the sale of protected species as pets. Furthermore, authorized commerce must be with another CBW registrant.

Q: Can these parrot species be bred for conservation purposes?

A: The ESA does not prohibit the breeding of endangered species. Certain activities, such as interstate commerce and import and export of endangered species, are prohibited and can only be permitted if the action can be shown to enhance the propagation or survival of the species or is for scientific research.

Q: Are the protections provided by the ESA different for the parrot species listed as threatened?

A: The Service's implementing regulations for threatened wildlife (50 CFR 17.31) incorporate the section 9 prohibitions for endangered wildlife, except when a special rule is promulgated. Section 4(d) of the ESA allows the discretion to specify the prohibitions and any exceptions to those prohibitions that are appropriate for the species, and provisions that are necessary and advisable to provide for the conservation of the species. For example, the salmon-crested cockatoo and yellow-billed parrot are listed as threatened and have been included in a special 4(d) rule for species in the parrot family (17.41(c)). Under this special rule, all the prohibitions and provisions provided to endangered species apply to these parrot species except that import and export of certain salmon-crested cockatoos and yellow-billed parrots and certain acts in interstate commerce of salmon-crested cockatoo and yellow-billed parrots are allowed without a permit under the ESA (see the final rule listing the yellow billed parrot at <http://www.fws.gov/policy/library/2013/2013-05504.pdf>). Additionally, for threatened species, permits may be issued for activities connected to enhancement of propagation or survival of the species and research, as well as for zoological exhibition, educational purposes, and special purposes consistent with the ESA.

Q: If the proposed regulations pass and these birds are listed will this create a black market for these species?

A: Unfortunately, listing these parrot species, as with listing any species, could stimulate a black market either domestically or internationally. It is likely that someone will illegally sell one of these species across state line. However, the Service believes this activity would be limited.

Q: Will the listing of these parrot species under the ESA help prevent the smuggling of birds from and into foreign countries?

A: The ESA's prohibitions apply only to people subject to United States jurisdiction. Therefore, the Service does not have the authority or the jurisdiction to prevent the smuggling of birds from and into other countries. However, there are 175 countries that are parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES is an international agreement between governments to ensure that the international trade of CITES-listed species does not threaten species' survival in the wild. Under this treaty, CITES Parties regulate the import, export, and reexport of CITES-listed species and their parts and products. All parrot species are listed in either Appendix I or II of CITES.

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