

The U.S. Endangered Species Act of 1973 and You!

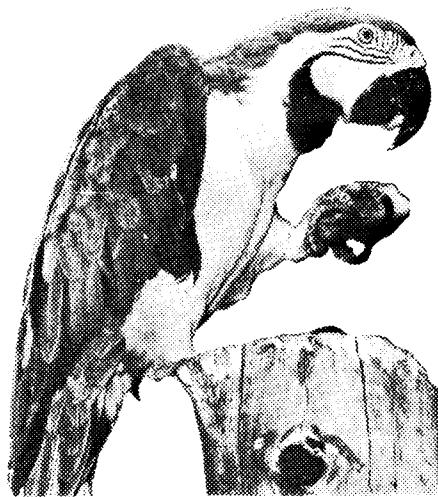
by Jerry Jennings

Man's concern for nature and the quality of his environment has been expressed in a variety of measures, not the least of which is the Endangered Species Act. The Congress of the United States, on December 28, 1973, found that "... various species of fish, wildlife, and plants in the U.S. have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation ... other species of fish, wildlife, and plants have been so depleted in numbers that they are in danger of or threatened with extinction ..." and that "... these species ... are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people ..."

In response to these findings the Endangered Species Act of 1973 was enacted with the purposes of providing "... a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved ...", "... a program for the conservation of such endangered species and threatened species ..." and to take "... such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth ..." in various international agreements.

Congress further ordained that conservation of endangered wildlife and habitats would be the policy of all governmental agencies and empowered the Secretary of Interior to determine which species and which habitats are endangered or threatened. The Secretaries of Interior and Commerce are charged with the enforcement of the provisions of the Act, with the Secretary of Agriculture sharing jurisdiction over plants.

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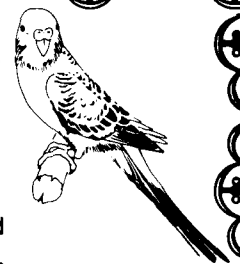
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Under the Act it is unlawful for any person subject to the jurisdiction of the United States to:

- 1) import or export any endangered species;
- 2) take any such species within the U.S. or its territorial waters;
- 3) take any such species upon the high seas;
- 4) possess, sell, deliver, carry, transport, or ship by any means, any such species taken in violation of items 2 or 3;
- 5) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species;
- 6) sell or offer for sale in interstate or foreign commerce any such species; or
- 7) violate any regulation pertaining to such species or to any threatened species of fish or wildlife listed pursuant to the Act and promulgated by the Secretary pursuant to authority provided by the Act.

Individuals of a species covered by the Act, but held in captivity prior to the Act's enactment are not covered by the Act.

Commercial activity, i.e. buying and selling, is the focus of prohibited activities. However, permits can and have been obtained for the importation of wild caught individuals, as well as the interstate sale and shipment of covered species, although the process for obtaining permits is lengthy with no assurance they will be granted.

Individuals of an endangered species can be shipped in interstate commerce, IF the individuals are a "gift" to the recipient or if they are shipped on "breeding loan". A breeding loan should be spelled out in writing, which may carry the stipulation that the lender receives back half of all young produced, while the breeding pair is on loan. Both "gifts" and "loans" are subject to close scrutiny.

In October 1978 five amendments to the Act were passed by Congress, among which were provisions for an Endangered Species Committee to review designations of "critical habitats" upon petition by a state or federal agency, company, organization, or individual, whose projects may be adversely affected by critical habitat. A good example is the now famous Tellico Dam Project/Snail Darter conflict, which was resolved by one of the '78 amendments in favor of the Dam.

The most significant amendment so far as aviculturists are concerned was the total exemption of all endangered raptors held in captivity prior to the amendments and

their progeny until such time as they are released back into their natural habitat. This exemption suggests the same treatment may eventually be accorded other exotic, endangered species.

In addition to the Congressional activities outlined above, two very significant rule changes were initiated by the U.S. Fish & Wildlife Service in response to concern from the animal keeping interests. On June 1, 1977 the USFWS published their final rulemaking establishing the concept of "captive, self-sustaining populations" and listing six species of pheasants as having met the CSSP rule. Under those regulations, breeders were able to obtain CSSP permits entitling them to sell and ship those species in interstate commerce to other breeders holding similar permits.

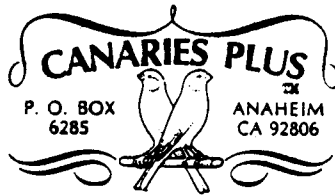
On September 17, 1979 new rules on captive bred endangered species, not native to the U.S. were published. The new regulations repealed the CSSP rules, ushering in a change in attitude on the part of government towards captive propagation as a means to enhance the survival of a species. These new rules require the breeder to register with the Service, after which the breeder will be permitted to carry on otherwise prohibited activities under the Act (for details see accompanying article).

The Endangered Special Act requires the annual publication of the list of endangered species. The following list represents bird species currently listed under the Act* and is offered as a reference guide.

*As of November 7, 1979.

Endangered Species List

Common Name	Scientific Name
BIRDS:	
Akepa, Hawaii (honeycreeper)	<i>Loxops coccinea coccinea</i>
Akepa, Maui (honey-creeper)	<i>Loxops coccinea ochracea</i>
Akialoa, Kauai (honeycreeper)	<i>Hemignathus procerus</i>
Akiapolaau (honeycreeper)	<i>Hemignathus wilsoni</i>
Albatross, shorttailed	<i>Diomedea albatrus</i>
Blackbird, yellow-shouldered	<i>Agelaius xanthomus</i>
Bobwhite, masked (quail)	<i>Colinus virginianus ridgwayi</i>
Booby, Abbott's	<i>Sula abbotti</i>
Bristlebird, western	<i>Dasyornis brachypterus longirostris</i>
Bristlebird, western rufous	<i>Dasyornis broadbentii littoralis</i>
Bulbul, Mauritian	<i>Hypsipetes borbonicus olivaceus</i>
Bullfinch, Sao Miguel (finch)	<i>Pyrrhula pyrrhula murina</i>
Bushwren, New Zealand	<i>Xenicus longipes</i>
Bustard, great Indian	<i>Chorotis nigriceps</i>
Cahow (Bermuda Petrel)	<i>Pterodroma cahow</i>



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Hornbill, helmeted
Ibis, Japanese
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Kakapo (owl-parrot)
Kestrel, Mauritius
Kestrel, Seychelles
Kite, Cuba hook-billed
Kite, Grenada
hook-billed
Kite, Everglade
(snail kite)
Kokako (Wattlebird)
Macaw, glaucous
Macaw, indigo
Macaw, little blue
Magpie-robin,
Seychelles (thrush)
Malkoha, red-faced
(cuckoo)
Mallard, Marianas
Megapode, La Perouse's
Megapode, Maleo
Millerbird, Nihoa
(willow warbler)
Nukupuu (honey-
creeper)
Oo, Kauai (Oo Aa)
(honeyeater)
Ostrich, Arabian

Ostrich, West African
Ou (honeycreeper)
Owl, Anjouan scops
Owl, giant scops
Owl, Palau
Owl, Seychelles
Owlet, Mrs. Morden's
Palila (honeycreeper)
Parakeet, Forbes'

Parakeet, golden
Parakeet, golden-
shouldered
Parakeet, Mauritius
ring-neck
Parakeet, ochre-marked
Parakeet, orange-bellied
Parakeet, paradise
Parakeet, scarlet-chested
Parakeet, turquoise
Parrot, Bahaman
or Cuban
Parrot, ground
Parrot, imperial
Parrot, Australian
night

Parrot, Puerto Rican
Parrot, red-browed
Parrot, red-capped
Parrot, red-necked
Amazon
Parrot, red-spectacled
Parrot, St. Lucia
Parrot, St. Vincent
Parrot, thick-billed
Parrot, vinaceous-
breasted
Parrotbill, Maui
(honeycreeper)
Pelican, brown
Penguin, Galapagos
Petrel, Hawaiian
dark-rumped

Pheasant, bar-tailed
Pheasant, Blyth's
tragopan
Pheasant, brown eared
Pheasant, Cabot's
tragopan
Pheasant, Chinese
monal
Pheasant, Edward's

Glaucid (= *Ramphodon*)
dobrui
aPalmeria dolei

Meliphaga cassidix
Rhinopanax vigid
Nipponia nippon

Rhynchoceros jubatus
Strigops habroptilus
Falco punctatus
Falco araea
Chondrohierax wilsonii
aChondrohierax uncinatus
mirus
Rostrhamus sociabilis
plumbeus
Callaees cinerea
Anodorhynchus glaucus
Anodorhynchus leari
Cyanopsitta spixii
Copsychus sechellarum

Phaenicophaeus
pyrrhocephalus
aAnas oustaleii
Megapodius laperouse
Macrocephalon maleo
Acrocephalus familiaris
akingi
Hemignathus lucidus

Moho braceatus

Struthio camelus
syriacus
Struthio camelus spatzi
Psittirostra psittacea
Otus rutilus capnodes
Otus gurneyi
Otus podargina
Otus insularis
Otus treneae
Psittirostra bailleui
Cyanoramphus auriceps
forbesi

Aratinga guarouba
Psephotus chrysopterygius

Psittacula krameri echo

Pyrrhura cruentata
Neophema chrysoagaster
Psephotus pulcherrimus
Neophema splendida
Neophema pulchella
Amazona leucocephala

Pezoporus wallicus
Amazona imperialis
Geopsittacus occidentalis

Amazona vittata
Amazona rhodocorytha
Pionopsitta pileata
Amazona arausica

Amazona pretrei pretrei
Amazona versicolor
Amazona guildingii
Rhynchopsitta pachyrhyncha
Amazona vinacea

Pseudonestor xanthophrys

Pelecanus occidentalis
Spheniscus mendiculus
Pterodroma phaeopygia
sandwichensis

Symaticus humiae

Tragopan blythii

Crossoptilon mantchuricum
aTragopan caboti

Lophophorus lhuysii

Lophura edwardsi

Pheasant, Edward's
Pheasant, Elliot's
Pheasant, imperial
Pheasant, Mikado
Pheasant, Palawan
peacock

Pheasant, Sclater's
monal

Pheasant, Swinhoe's

Pheasant, western
tragopan

Pheasant, white eared

Pigeon, Azores
wood
Pigeon, Chatham Island

Pigeon, Mindoro
zone-tailed

Pigeon, Puerto Rican
plain

Piping-guan, black
fronted

Pitta, Koch's
Plover, New Zealand
shore

Poo-uli
Prairie chicken,
Attwater's greater

Quail, Merriam's
Montezuma

Quetzal, northern
resplendent

Quetzal, central
resplendent

Rail, Auckland
Island

Rail, California
clapper

Rail, light-footed
clapper

Rail, Lord Howe wood

Rail, Yuma clapper

Rhea, Darwin's
Robin, Chatham Island
Robin, scarlet-breasted
(flycatcher)

Rockfowl, grey-necked
Rockfowl, white-necked

Roller, longtailed
ground

Scrub-bird, noisy
Shama, Cebu black
(thrush)

Shearwater, Newell's
Manx

Shrike, San Clemente
loggerhead

Siskin, red

Sparrow, Cape Sable

Sparrow, dusky seaside

Sparrow, San Clemente
sage

Sparrow, Santa Barbara
song

Starling, Ponape
mountain

Starling, Rothchild's
(Myna)

Stilt, Hawaiian

Stork, oriental white
Teal, Campbell Island
flightless

Tern, California least
Thrasher, white-breasted

Thrush, large Kauai

Thrush, Molokai
(Olomau)

Thrush, New Zealand
(wattlebird)

Thrush, small Kauai
(Puaiohi)

Lophura edwardsi
Symaticus ellioti
Lophura imperialis
Symaticus mikado
Polyplectron emphanum

Lophophorus sclateri

Lophura swinhoii

Tragopan melanocephalus

Crossoptilon crossoptilon

Columba palumbus
azorica

Hemiphaga novaeseelandiae
chathamensis

Ducula mindorensis

Columba inornata wetmorei

Pipile jacutinga

Pitta kochi

Thinornis novaeseelandiae

Melamprosops phaeosoma

Tympanuchus cupido

attwateri
Cyrtonyx montezumae
merriami

Pharomachus mocinno
mocinno

Pharomachus mocinno
costaricensis

Rallus pectoralis

muelleri
aRallus longirostris
obsoletus

Rallus longirostris
levipes

Tricholimnas sylvestris

Rallus longirostris

yumanensis

Pterocnemis pennata
Petroica traversi ultima

Petroica multicolor
multicolor

Picathartes oreas
Picathartes gymnocephalus

Uratelornis chimera

Atrichornis clamosus

Copsychus niger cebuensis

Puffinus puffinus newelli

Lanius ludovicianus
mearnsi

Carduelis (= *Spinus*)
cutellatus

Ammospiza maritima
mirabilis

Ammospiza maritima
nigrescens

Ampispiza belli clementae

Melospiza melodia graminea

Aplonis pelzelni

Leucopsar rothschildi

Himantopus himantopus
knudseni

Ciconia ciconia boyciana
Anas aucklandica nestotis

Sterna albifrons browni
Ramphocinclus brachyurus

Phaeornis obscurus
myadestina

Phaeornis obscurus rutha

Turnagra capensis

Phaeornis palmeri

Tinamou, solitary
 Trembler, Martinique
 brown (thrasher)
 Warbler, plain
 Warbler (wood),
 Bachman's
 Warbler (wood),
 Barbados yellow
 Warbler (wood),
 Kirtland's
 Warbler, reed
 Warbler, Rodrigues
 Warbler, Semper's
 Warbler, Seychelles
 Whipbird, Western
 Whip-poor-will,
 Puerto Rican
 White-eye, Norfolk
 Island
 White-eye, Ponape
 great
 White-eye, Seychelles
 Woodpecker, imperial
 Woodpecker, ivory
 billed
 Woodpecker, red-
 cockaded
 Woodpecker, Tristram's
 Wren, Guadeloupe
 house
 Wren, St. Lucia
 house

Tinamus solitarius
Cinlocerthia ruficauda
gutturalis
Pedionomus torquatus
Vermivora bachmanii

Dendroica petechia petechia

Dendroica kirtlandii

Acrocephalus luscini
Bebornis rodericanus
Leucopeza semperi
Bebornis sechellensis
Psophodes nigrogularis
Caprimulgus noctitherus

Zosterops albogularis

Rukia sanfordi

Zosterops modesta
Campephilus imperialis
Campephilus principalis

Picoides (= Dendrocopos)
borealis
Dryocopus javensis
richardsi
Troglodytes aedon
guadeloupensis
Troglodytes aedon
mesoleucus

**New
 Endangered
 Species
 Regulation
 To Benefit
 Aviculturists**

Regulations which make it easier to conduct activities that enhance the propagation or survival of captive-bred Endangered and Threatened Wildlife became effective on September 17, 1979. Persons may now register with the U.S. Fish and Wildlife Service to engage in a wider range of activities with a greater number of species than was possible under the previous Captive Self-Sustaining Population (CSSP) regulations.

What types of wildlife are covered?

Species listed as Endangered or Threatened under the Endangered Species Act and subject to the jurisdiction of the U.S. Fish and Wildlife Service may be covered. The species must have a natural geographic distribution that does not now include any part of the United States; the Director may also determine that particular species native to the United States are eligible on a species-by-species basis. Each animal must be bred in captivity in the United States. Bred in captivity is defined as "wildlife, including eggs, born or otherwise produced in captivity from parents that mated or otherwise transferred gametes in captivity . . ." For example, if tigers are removed from the wild and brought to a zoo where they mate, the resulting cubs and cubs from any subsequent generation are considered to be "bred in captivity."

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What activities may be conducted?

Most activities otherwise prohibited by the Endangered Species Act may be conducted PROVIDED that the purpose of the activity is to enhance the propagation or survival of the affected species. These activities include take, import or export, delivery, receipt, carriage, transportation, or shipment in interstate or foreign commerce in the course of a commercial activity, or sale or offer for sale in interstate or foreign commerce.

What are the limitations under the captive-bred wildlife regulations?

Activities which involve interstate or foreign commerce in the course of a commercial activity with non-living wildlife parts and products are not allowed. Generally, authorized activities may only be conducted with other persons who are registered with the U.S. Fish and Wildlife Service. Any registered person seeking to export or conduct foreign commerce in captive-bred endangered or threatened wildlife which will not remain under his care must first obtain the approval of the Director. Imports and exports may only be made through designated ports unless an Exception to Designated Port permit is obtained. No "first-time" imports are allowed under this registration. The only animals which may be imported are those which have been previously exported from the United States and which have been uniquely identified to a U.S. Fish and Wildlife Service employee at a designated port prior to export. Any requirements of other laws must also be met. Depending on the species, these might include import and export documents under the Convention on International Trade in Endangered Species of Wild Fauna and Flora, import/export or possession permits under the Migratory Bird Treaty Act, permits under the Marine Mammal Protection Act and requirements under the Lacey Act including marking of containers, filing a Declaration of Importation or Exportation of Fish or Wildlife (Form 3-177), and obtaining foreign documents when necessary. Registrants must also comply with any applicable state laws.

How does one register?

Application for registration must be submitted on an official application Form 3-200 to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240. The application must include the following information:

1. The types of wildlife sought to be covered by the registration, identified by common and scientific name to the taxonomic level of family, genus, or species;
2. A description of the applicant's experience in maintaining and propagating the types of wildlife sought to be covered by the registration, or in conducting research directly related to maintaining and propagating such wildlife;
3. A description, if appropriate, of the means by which the applicant intends to educate the public about the ecological role and conservation needs of the affected species;
4. Photographs or other evidence clearly depicting the facilities where such wildlife will be maintained; and
5. A copy of the applicant's license or registration, if any, under the animal welfare regulations of the U.S. Department of Agriculture (9 CFR Part 2).

ED NOTE: Several A.F.A. members have received permits under the new rules, including Mickey Olsson and Jerry Jennings. It was their experience that the submission of photographs was crucial, and the absence of which delayed issuance until photographs were received.

Thick-billed Parrots

by Arthur C. Risser, Jr.
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That the Carolina parakeet was a native American parrot there is no doubt. Its history of occurrence in the southeastern United States at least was well documented, while the story behind its decline to extinction is speculative at best. Only one other parrot, the Thick-billed Parrot (*Rhynchopsitta p. pachyrhyncha*) has occasionally journeyed into the southern part of the United States, at the northern boundary of its range which is generally the highlands of northern and central Mexico. It is said that the Thick-bills once occurred as far north as northern Arizona in their search perhaps for pine seeds in the forests that capped the mountain ranges of the southwest.

Thick-billed Parrots are bright green in color with the forehead, fore-crown and stripe above the eye a bright red, as are the bend of the wing, carpal-edge and thighs. With its wings outspread, the underwing coverts show yellow while the underside of the flights and tail feathers are grayish. Bill is black and the iris is orange-yellow. A distinct subspecies known as the Maroon-fronted parrot (*R. p. terrisi*) lives in southeastern Coahuila, Mexico. Where the Thick-billed is red on the head, the Maroon-fronted is a maroon brown and is somewhat larger in size.

The mountains of southeastern Arizona provide ideal habitat for the Thick-bills, albeit at the edge of their range. And as is the case with most animal populations, the distributional perimeter is seldom static, but ebbs and flows like water on a coastline. The mountains of southeastern Arizona rise from the desert floor to an elevation of over 9,000 feet. Although this region of the United States is a mosaic of plant communities, the preferred habitat of the Thick-billed Parrot is the pine forest. It has always been an erratic visitor, mainly, in winter, to the mountains of the southeastern part of the state. But with the rapid clearance of pine forests over the major portion of its northern range in Mexico and elsewhere, the Thick-bills former abundant numbers have decreased.

During 1917-1918, in the Chiricahua mountains of Cochise County, Arizona,

there was an invasion of about 1,000 Thick-billed Parrots. These birds consumed large quantities of the seeds of Chihuahua pines (*Pinus chihuahuana*) and then switched to acorns when the pine crop was exhausted. As a graduate student on field investigations in southern Arizona between 1960-1963, I was on the lookout for such avian wanderers and although the coppery-tailed Trogons, an uncommon sight, were seen, and the only cotinga to venture north of the border, the Rose-breasted Becard was noted, the Thick-billed was not encountered. It is likely that the large flocks sighted during the early part of this century, represents the last large-scale invasion for this species in the United States.

In nature, Thick-bills live primarily on the seeds of pine trees (genus *Pinus*) but also consume acorns, fruits and other vegetable matter. They nest between the months of May and August in holes of pine trees high off the ground, most likely utilizing old nests originally carved out by various species of woodpeckers.

At the San Diego Zoo, the Thick-billed Parrot diet consists of safflower and sunflower seeds, a variety of mixed grains (millet, canary, milo, wheat, oat groats), assorted greens (spinach, chard, dandelion, lettuce), and pieces of orange, apple, banana, papaya, chopped carrots and yams (of which the birds take little). Fresh corn on-the-cob, a few peanuts, and trout chow are also provided. Vionate vitamin/mineral powder is provided on bread crumbs. Pine nuts are offered when available.

The hatching and rearing of Thick-billed Parrots in captivity is not a common event. The first recorded breeding of this species in captivity occurred in 1965 at the San Diego Zoo. In March, 1955, a female was received from the Rudkins, well-known southern California aviculturists, and a year later U.S. Customs Service donated a male Thick-billed to the Zoo. It was nine years before this pair was to undertake successful nesting. According to K.C. Lint, then curator of birds, who wrote about this breeding in *Zoonooz* (1966), the