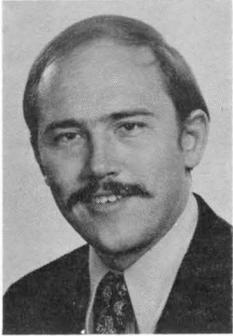


U.S. ENDANGERED SPECIES ACT REGULATIONS TO BE CHANGED WILL AID AVICULTURISTS

by Jerry Jennings



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Proposed rules for the reclassification of endangered wildlife to the "threatened" status have been published in the July 8, 1975 Federal Register, Vol. 40, No. 131. Under the new rule for captive, self-sustaining popu-

lations, birds commonly bred in captivity, though endangered in the wild, would be considered as a threatened species.

Under Section 17.8, the Director of the Fish and Wildlife Service would be able to "... determine that a given captive population of otherwise endangered species constitutes, in fact, a separate, self-sustaining population which warrants treatment as threatened wildlife. Thus, for example, if a given species was very rare in the wild, but had been successfully bred in captivity in the United States, it might qualify as a separate "species" within the meaning of the Act."¹

The proposed rules are intended to encourage propagation of endangered species. However, little practical change will be apparent to the aviculturist desiring a permit. The U.S.D.I. states "... The new subpart D (of the proposal) would establish a set of blanket prohibitions for threatened wildlife. These are the same prohibitions that the Act provides for endangered wildlife. Thus, unless another rule is provided specifically in this subpart, a threatened species will be protected as if it was endangered. The new subpart D would then provide for permits for threatened wildlife.

Interior states that permits for threatened wildlife would be issued for more purposes than an endangered species permit and that "... the strict procedural rules for endangered wildlife permits would not apply."

Another advantage to the new proposal is the absence of the 60 day delay in issuing permits, while the application undergoes the comment period in the Federal Register.

Unfortunately, threatened wildlife permit applications require as much information as one for endangered species. The rules, also, do not allow a blanket permit on an annual or other periodic basis, according to Gene Hershey of the Fish and Wildlife Service's Division of Law Enforcement. Rather, Hershey says, each transaction, sale, or shipment must be considered separately. This implies separate permit applications for each action, though Hershey indicates anticipated multiple transactions over a period of time could be incorporated in one application and permit.

Permit applications will be available from the U.S. Fish and Wildlife Service, Division of Law Enforcement, Washington, D.C. 20240, upon final publication of the new rules. Permits will probably be issued on a no charge basis, though a final decision has not been reached. It is important to note the Federal Government does not require a permit for possession, sale, or shipment of endangered wildlife within a state — only in interstate and foreign commerce.

Certain information must be collected and submitted to Interior in order to obtain reclassification under the captive, self-sustaining rule. The following criteria are listed in the proposal:

17.8 Captive, self-sustaining populations.

(a) Whenever the Director determines that a captive, self-sustaining population of otherwise endangered wildlife exists within the United States, such population may be treated as threatened wildlife and may be listed in paragraph 17.13. Each such listing shall bear the notation "(C/P)" following the designation of status, to indicate that the reason for treating it as threatened rather than endangered wildlife was the attainment of a captive, self-sustaining population within the United States.

(b) The listing of species as threatened because they are captive, self-sustaining populations within the United States shall follow the same procedures as required in section 4(f) of the Act for the listing of endangered or threatened species, except that captive wildlife shall not be considered to be "resident" wildlife within the meaning of section 4(b)(1) of the Act.

(c) In determining whether to list a species as threatened because it is a captive, self-sustaining population, the Director shall consider the following factors:

(1) The approximate number of specimens of the species that exist in captivity in the United States;

(2) The age and sex ratios of such captive specimens;

(3) The number of persons who have successfully propagated the species in captivity;

(4) The number of generations of the species that have been successfully propagated in captivity;

(5) The likelihood that persons owning or controlling such captive specimens will cooperate in insuring the continued existence of and reproduction among such captive specimens;

(6) The number of requests to take or import wild specimens of the same species received during the 24 months immediately prior to the date consideration of the subject species was undertaken.

(7) The ratio of wild born versus captive born specimens of the subject species in captivity in the United States; and

(8) Such other factors as he deems appropriate.

A form will be sent out to all A.F.A. members and members of member clubs requesting the above information. The forms are to be anonymous and the information will be used to assist the reclassification. Without the information, the reclassification will not take place.

The following birds are currently bred in captivity and are on the endangered species list:

DUCKS

Hawaiian (Koloa)

Laysan (Teal)

Mexican

White-Winged Wood

GEESE

Aleutian Canada

Hawaiian (Nene)

PHEASANTS

Bar-Tailed (Humes)

Blyth's Tragopan

Cabot's Tragopan

Western Tragopan

Brown-Eared Manchurian

White-Eared Manchurian

Chinese Monal

Edwards

Imperial

Swinhoe

Trinidad White-Headed Curassow

Mikado

Palawan Peacock

Schlaters Monal

Red-billed Curassow

QUAIL

Masked Bobwhite

PRAIRIE CHICKEN

Attwaters Greater

PARRAKEET

Scarlet Chested

Golden-Shouldered

Turquoise

Orange-bellied

PARROTS

Thick-billed Parrot (Mexico)

Bahamas or White-headed Amazon

Red-Browed Parrot (Brazil)

Orange-fronted Kakariki (New Zealand)

SOFTBILLS:

Rothschild's or Bali Mynah ■

¹Federal Register, Vol. 40, No. 131, page 28713.