

Legislative Issues

by Laurella Desborough

CAPTIVE BRED WILDLIFE REGISTRATION IMPACT TO CAPTIVE BREEDING PROGRAMS

by Dave Followill
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In this new column I am going to focus on proposed legislation and regulations which will have an impact on aviculture in the United States. Presently there are at least three such matters ahead of us, the USDA settlement under the Animal Welfare Act, the proposed regulations under the Invasive Species Act, and the proposed uplistings of species presently being written under the U.S. Endangered Species Act (ESA). The present column will deal specifically with the ESA, wherein new regulations may affect the sale and transportation within the U.S. of many species of cockatoos, macaws and amazons.

The U.S. Endangered Species Act directs the U.S. Fish and Wildlife Service (U.S.F.W.S.), to administer regulations regarding native species of wildlife and imported exotic or non-native species as well. Last year, the U.S.F.W.S. announced in the Federal Register a review of regulations, (as a part of their policy for a formal review every five years). The review of the uplisting and delisting of avian species and its meaning for us is of concern to aviculture.

When species are uplisted to Endangered under the ESA regulations, the USFWS requires for birds sold across state lines, that the sellers obtain a Captive Bred Wildlife Permit and that buyers also obtain such a permit. Obtaining the CBW permits from the USFWS is not a simple matter.

Following is a personal report by an individual who has had extensive experience with the CBW permit system and how it has affected his avicultural activities. This report is reprinted with his permission. Thank you Dave Followill for providing us with this important information.

CBW Regulations Impede Captive Breeding

The Captive Bred Wildlife (CBW) regulations have the detrimental effect of discouraging the captive breeding of endangered species which are already available to breeding programs. Restricted movement eventu-



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ally results in surplus offspring which have reduced economic value. The end results are reduced production, the sale of rare birds and animals as pets, and the loss of valuable genetic stock to captive breeding programs.

The CBW registration and reporting process discourages the purchase of captive bred ESA species from out-of-state sources, resulting in a greater probability of inbreeding. Captive Breeding programs for many endangered species are suffering the effects of limited available bloodlines. The regulations are resulting in deleterious concentrations of related specimens within state boundaries as breeders choose to remain anonymous by purchasing and selling in-state, avoiding the requirement for a permit

The Golden Conure Is an Example

The Golden Conure, *Aratinga guarouba*, was held and bred in captivity prior to protection under the Endangered Species Act in 1976. According to the last revision of the International Studbook for the Golden Conure, a living total of 632 birds have been reported, with a 20 year population projection of over 5000 animals.

Three of the most prolific pairs of *A. guarouba* produced over 150 offspring in the care of a private aviculturist from 1990 to 1998. The breeder experienced the following difficulties in moving the offspring due to the CBW regulations:

- Sales were delayed and birds were held unproductively, while permit applications were processed.
- Potential qualified breeders were discouraged by the permit requirements and many refused to become involved after learning of government involvement.
- Sales were lost while waiting for permit applications, which were not approved due to insufficient documentation.
- The birds were held indoors in a space that was adequate for the breeding pairs, but limited. Cages which had held breeding pairs of other species were converted to holding cages for the offspring. Although birds were successfully moved to other breeders, there was always a backlog of approximately one year's production. (The breeder resisted selling off these birds as pets.)

As a result, the breeder limited production of this rare species by removal of nest boxes and control of lighting. As of this writ-

ing all of the breeding pairs and other breeding-age pairs have been transferred to other aviculturists and the breeder has retired from aviculture. The impacts of government regulation of interstate commerce contributed to this decision.

Other *A. guarouba* breeders have limited their sale of this species to their state of residence in order to avoid the regulations. This results in a concentration of specimens with very limited genetic diversity within the respective states.

Many qualified aviculturists are discouraged from obtaining breeding stock because of the regulations. The birds are not benefiting from the potential genetic diversity or from the available talent and resources. This is devastating to a captive population which has already suffered from inbreeding due to limited available bloodlines.

CBW Regulations Do Not Protect Endangered Species

There seems to be no foundation in need for the CBW regulations. Legal interstate commerce in endangered species is not monitored to ensure compliance, and illegal interstate movement may be accomplished virtually without risk. Smuggled wildlife can easily be moved in interstate commerce without detection; therefore, the CBW regulations do not protect the wild populations.

Captive Breeding Efforts Require and Deserve Support

The importation of birds into the United States has all but ceased since passage of The Wild Bird Conservation Act (WBCA). The propagation of existing captive wildlife is crucial to the survival of many species. It must be recognized that private breeders and aviculturists hold the vast majority of the specimens currently in captivity. Public institutions such as zoos do not have the resources to maintain self-sustaining populations of the many species which are or may be endangered. The collective efforts of private breeders and institutions must be encouraged to protect the invaluable wildlife resources which are currently held. The current populations of endangered species should be maintained and managed as a source of specimens for potential release or simply to avoid extinction due to habitat loss and other factors.

The CBW regulations impose a substantial economic impact to those advanced avi-

culturists and breeders who have chosen to specialize in ESA species in order to achieve a greater benefit from their efforts. The impact is not in the fees they pay, but in the difficulty in transferring offspring, reduced demand, and lost cage space (and therefore lost productivity) due to the need to hold offspring for extended periods of time. The greater and more significant impact is to the existing captive populations of ESA species, which are already suffering from limited genetic diversity.

Summary

The Endangered Species Act was passed to protect species in danger of extinction. The regulations which concern interstate commerce of captive bred wildlife do little or nothing to protect the species, and in fact are detrimental to the captive populations. It is imperative that genetic diversity be maximized by unrestricted movement of legal captive bred specimens.

The CBW regulations are costly to the government and to private citizens. The funds which are currently expended on these regulations could be used to fund ESA efforts which are genuinely needed to protect native and migratory species.

Removal of the CBW requirements would have the dual effect of increased benefit for endangered species and greatly reduced cost.

End of the Followill Report

I believe you readers can see the problem here. If we have a lot of our birds uplisted under the ESA and have to obtain permits for transportation across state lines, we are going to have serious problems with selling and shipping birds and with maintaining viable gene pools within states. When the proposed regulations regarding this matter are published, we will alert you. Meanwhile, I strongly recommend that each and every bird breeder make a friendly get-acquainted visit to your Congressman. When the time comes to write, USFWS, you will also be writing or visiting your Congressman. This is going to require an all out effort to protect ease of interstate transportation if all species listed as Endangered on CITES are uplisted to Endangered under the ESA. 