



.....in Congress Assembled

by Jerry Jennings

DINGEL BILL WITHERS ON VINE

A.F.A. Washington Liaison Cliff Witt has reported that H.R. 6631 has not been scheduled for a hearing and has been advised by a staff member of the Subcommittee on Fisheries, Wildlife, and the Environment, where the bill has collected dust since its introduction more than eighteen months ago, that the bill is not likely to be heard this year.

It is generally true that bills not heard before the Fourth of July recess do not get a first reading until the following year. However, this year the session ends in December at which time H.R. 6631 dies, if it has not already been passed by both houses of Congress. Passage is all but impossible at this late date, since Congress recesses October 2, 1976 for the General Election in November.

Another attempt to license the private hobby breeder may occur in 1977. The Watchbird will be watching.



L.A. CITY COUNCIL PLANNING COMMITTEE HEARS PROPOSAL

The Los Angeles City Council Planning Committee heard and passed the A.F.A.

backed proposal regarding the keeping of birds in Los Angeles at their meeting on Tuesday, September 21, 1976. Nearly twenty four representatives of various groups were on hand to argue in favor of a proposal worked out by A.F.A. and RURAL, a Los Angeles area homeowners association of animal owners.

After hearing arguments from two individuals seeking severe restrictions on animal keeping, the Planning Committee unanimously passed the A.F.A. backed measure, which provided no restrictions on animals other than limiting cows to ten per acre. The measure will now go before the full City Council for final passage sometime in October.

The entire flap began more than two years ago and nearly resulted in a total ban on animal keeping in the City of Los Angeles. Fortunately, concerned animal owners rose to the challenge and successfully wrote their own ticket.



CLARIFICATION OF CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

There has been considerable misinformation circulating among aviculturists, especially gamebird breeders, regarding the impact of the implementation of the Convention on International Trade in Endangered Species. Species listed in the Appendices of that Convention, are not necessarily on the Endangered Species List, therefore not necessarily regulated by the Federal Government in interstate commerce.

The following letter from the U.S. Department of Interior to Senator Hubert Humphrey is in response to an inquiry from Mr. Vance Grannis, A.F.A. Delegate from the Minnesota Pheasant & Waterfowl Society. The letter explains in detail the difference between the Convention and the species regulated under the Endangered Species Act.

Sep 20, 1976

Dear Senator Humphrey:

This responds to your August 26 inquiry on behalf of Mr. Vance B. Grannis, Jr., concerning regulations proposed to implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

This Convention bears a resemblance to the Endangered Species Act of 1973 in that they both intend to conserve endan-

gered species of wildlife and plants. However, the Convention is actually an international document negotiated originally between 80 countries, 31 of which — including the United States — are now parties to the agreement. Appendices I and II of the Convention list species which are threatened with extinction because of international trade or may become so unless regulatory action is taken. This classification is similar to the list of endangered and threatened species promulgated under the authority of the Endangered Species Act, as passed by our Congress. In fact, many of the species protected by the Convention are also protected under the 1973 Act.

However, the fact that a species is included in the Convention appendices does not necessarily mean that it is also listed as endangered or threatened under the Endangered Species Act. Although this is true, for a number of species, any new additions to the U.S. endangered species list have to be made through a "rule-making" process. A proposal for listing a species is published in the Federal Register, and the public is afforded an opportunity to comment on the proposed rule-making before publication of an official listing.

There has been some confusion regarding the relationship of Appendices I, II, and III of the Convention and the list of "endangered" and "threatened" species under the Endangered Species Act. This may have arisen from a statement in the preamble to the proposed rules for implementation of the Convention which states, "When final rules are published implementing the Convention, the lists of wildlife and plants in Sections 17.11 and 17.12 will be revised to include species listed in the Appendices to the Convention." That sentence meant simply that species protected by the Convention would be listed in the same sections of the regulations where endangered and threatened species are listed. The Convention species would be annotated to show that they were protected by the Convention, as opposed to the Endangered Species Act. If a species was, in fact, "endangered" in addition to being protected by the Convention, this would also be annotated. In this manner, any reader could see at a glance which law or treaty applied to a given species, and whether there were any overlapping legal requirements.

The species which are listed exclusively on the appendices to the Convention are subject only to the controls of that agreement, and these controls are intended strictly to regulate import and export of species on the appendices.

The controls on interstate commerce apply only to species listed under the Endangered Species Act.

With regard to captive self-sustaining populations, classification of these species is determined under a separate rulemaking procedure. The Endangered Species Act contains provisions which allow the Director of the Fish and Wildlife Service to designate certain captive populations of endangered species as "threatened" species. This is premised on the concept that captive self-sustaining populations are separate from the wild population, and that because of their separate status they can, in some cases, be considered as threatened rather than endangered. This requires a nomination for such status either by the Service, on its own motion, or by petition from any interested person. Such a nomination is reviewed by the Service staff and, if sufficient evidence warrants giving the captive self-sustaining population a threatened status, then a new classification is published as a proposed rulemaking, with opportunity for public comments. Such a listing has been proposed for a group of 17 species, and the considerable public comment received is now being analyzed. Final regulations, based in part on this analysis, should be published in the Federal Register in the near future. (A copy of the May 5, 1976, proposed rulemaking is enclosed for your constituent's information.)

We hope this information is helpful. If we may be of further assistance, please let us know.

Sincerely yours,
Harold F. O'Connor
Acting Associate Director



LEGISLATION INTRODUCED TO EXEMPT CAPTIVE BORN ENDANGERED SPECIES

On August 10th 1976 Congressman Steiger of Arizona introduced H.R. 15151, a bill to exempt all captive born endangered species from the regulations of the Endangered Species Act of 1973. Under Mr. Steiger's amendments permits for import, export, or interstate transportation and sale would no longer be required.

What can be hailed as landmark legislation on behalf of aviculture would apply to "approved" dealers and exhibitors, meaning anyone licensed under the Federal Laboratory Animal Welfare Act, or who can meet the standards for the

humane handling, care, treatment, and transportation of such animals. The meeting of such requirements should be easy for most breeders.

The bill currently is in the House Merchant Marine and Fisheries Committee awaiting its first hearing. Unfortunately, the bill has not been scheduled and is unlikely to be heard before the end of the session. Although the bill is virtually dead, the fact that such a step has been taken is a favorable sign.

The A.F.A. will pursue a course to see that H.R. 15151 is revived in 1977, when it will have a good chance of passage.



INTERIOR TO REVIVE EFFORT TO BAN BIRDS

The U.S. Department of Interior's Fish and Wildlife Service will make another thrust at bringing to an end the importation of birds and most other animal species. It is expected that two separate actions will be taken beginning with the publication in the Federal Register in October of an interim list of harmful birds, mammals, and fish. All animals listed will be considered a threat to public health and safety, agriculture, horticulture, and native wildlife.

Sometime after Congress reconvenes in January 1977, Fish and Wildlife will propose new legislation granting them additional broad, sweeping powers to further regulate importation and interstate shipment of wildlife. These powers would be in addition to those granted Interior under the Lacey Act.

A "dirty" list of dangerous animals, a "clean" list of harmless animals, and a "grey" list of, as yet undetermined, animals will be included in the legislative proposal presented to Congress. It is the intent of Interior to require permits for all animals not on the clean list before such animals can be imported and/or shipped in interstate commerce.

Currently, it is the practice of Interior not to issue permits for "injurious" wildlife to private individuals. It is difficult for zoos to obtain the required documentation. Under existing laws, for example, it is illegal to import Java Rice Birds, while in California it is illegal to possess Javas without a state permit.

California, Illinois, and several other states have generally made it a practice to follow the lead of the Federal government in passing similarly restrictive legislation concerning wildlife. It is certainly not unreasonable to assume, in view of

the above, that those species classified by the Fish and Wildlife Service as too dangerous to import will likewise be classified by state governments as too dangerous to possess. Such common avicultural subjects as Green Singing Finches, Lovebirds, Golden Pheasants, etc., may eventually be denied the breeder along with the majority of the other birds.

State governments are in a particularly good position to enforce such regulations as has been demonstrated by California's efficient Department of Fish & Game and Department of Food & Agriculture. In California White-eyes (over 100 species of the family Zosteropidae), Java Rice Birds, Monk Parrakeet, Red-whiskered Bulbul, and several species of Weavers were once common in aviaries, but are now illegal. If a breeder is found in violation of the law the illegal birds are confiscated and destroyed. If the breeder is in violation several times he is subject to fines and jail terms. Several breeders have been to court over Java Rice Birds in the past twelve months.

The Fish and Wildlife Service tried in December, 1973, to restrict importation of animals, but without success after two years of effort. This time around they will be better prepared.

As details of Interior's proposal become available, they will be published in the Watchbird. Copies of the proposal, when published, may be obtained by writing A.F.A.



A.F.A. PARTICIPATES IN WILDLIFE CONSERVATION FAIR

during the week-end of September 25-26, 1976 the A.F.A. manned a booth at the First Annual Wildlife Fair sponsored by the Wing Gallery, a Los Angeles area gallery specializing in wildlife prints.

The purpose of the fair, held at Encino Park in the San Fernando Valley, was to expose to the community the problems confronting our vanishing wildlife resources. A number of groups in addition to the A.F.A. were represented, including the Fund for Animals, Actors and Others for Animals, Nature Conservancy, Audubon Society, U.S. Forest Service, Elsa Wild Animal Appeal, and the U.S. Humane Society. Each group handed out literature and solicited contributions and memberships.

The A.F.A. booth consisted of a display of publications such as the Watchbird, and Educational Guideline for Birds

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in the Classroom Program, and A.F.A. T-Shirts. Also on hand was a Greater Sulphur Crested Cockatoo owned by Mr. & Mrs. Neil Eberhard, who helped set up and run the booth, and a Swinhoe Pheasant, on loan from Francis Billie.

The A.F.A. booth was an attempt to arouse public awareness of the need to promote captive breeding programs and establish as many species of birds in captivity as possible before they become endangered or extinct. The need for captive breeding was described as a modern day Noah's Ark. Once a species is gone, nothing can bring it back.

The fair was deemed a success as it gave A.F.A. much needed exposure. The Wing Gallery is to be complimented for its fine job in organizing the week-end activities, which included a live broadcast of NBC's Sunday Show, the entire hour of which was devoted to the fair and the groups represented. Incidentally, the Gallery itself is well worth a visit.



BIRD INDUSTRY ADVISORY COMMITTEE ON PSITTACOSIS FORMED

by Jerry Jennings

The American Federation of Aviculture has been asked by Dr. Ralph Cooper, veterinarian with the California Department of Food & Agriculture, to head up a permanent committee of bird breeders, dealers, importers, and equipment manufacturers. The committee is designed to act in an advisory capacity to local and state public health officials in their attempts to reduce the occurrence of Psittacosis in both people and birds. Dr. Cooper was the prime mover in organizing the Psittacosis Roundtable Conference, in May.

The first meeting of the newly formed committee was held at the Quality Inn, site of the roundtable conference, on September 21, 1976. Committee members include Frank Miser, owner of Magnolis Bird Farm, representing dealers; David Mohilef, owner of Pacific Bird Supply, representing importers; Dr. Marty Dennis, private practicing veterinarian, and Jerry Jennings, Vice-president of A.F.A., representing California bird breeders. The committee is being limited to the above individuals in the interests of efficiency and effectiveness.

The committee meeting was attended by Dr. Ralph Cooper, Dr. Art Bickford, U.C. Davis, and Dr. Ed Bayer, California Department of Health. Dr. Bayer outlined the state's acute concern for the protection of the population from contact with birds exposed to Psittacosis. To minimize the risk it is necessary that it be possible to trace the line of owners of an infected bird back to the originating source (breeder, quarantine station, etc.) and to examine the exposed flocks along the way. When flocks are identified as having the disease, they will be treated with Tetracycline treated feed for the required time period of thirty days.

Under current circumstances only Budgerigars can be traced back to originating source. This is made possible by the legal requirement that all Budgies wear a coded, traceable band, which must be placed on the birds leg during the first week of life. A similar requirement for all Psittacine birds would solve the problem as the band number must be recorded each time a bird is sold.

The committee unanimously agreed that regulations should be adopted to require Psittacines be banded with a non-removable, coded band. Birds would not necessarily have to be banded as young, since imported birds would require bands as well. Instead, a band could be applied to an adult bird, so long as the band could only be used once. Removal would have to cause destruction of the band. Only birds that are sold would require a band.

Germany already has a similar program in effect. Dave Mohilef has indicated he would obtain samples of the bands in order to investigate the possibility of having the bands manufactured in the U.S. by an existing band manufacturer. In addition, a copy of the German laws covering banding of birds will be obtained as a guideline for eventual regulations for California.

It is important to note that the banding requirement will help slow down the traffic in smuggled birds, since smugglers who are apprehended may be refused the right to acquire bands.

Comments on the actions taken by the committee are welcomed by A.F.A. members.



Contra Costa County Aviculturists have been involved for several months in dealing with a county government proposal on aviaries. Many of the local breeders, including the "neighbor involved in the feud" are A.F.A. members. The following story taken from the Contra Costa Times describes the current situation. Jerry Jennings, chairman of A.F.A. legislative affairs, was on hand for the second hearing mentioned below, and will attend the forthcoming hearing November 16th.

Raising Wild Pets

GOING CUCKOO OVER NEW AVIARY LAW

by Gary Bogue

Because of what appears to me to be a neighborhood feud, the county Planning Commission is going bonkers trying to come up with a new county aviary ordinance.

Once upon a time, one neighbor apparently didn't want the other neighbor's little building so close to his property, and since the "little building" was an aviary, a complaint was filed with the county.

You see, according to the county planning department, one can't have an aviary in a residential area.

But it's a bit confusing since there isn't a specific ordinance for aviaries, defining them, etc.

So the planning commission held a public hearing a few months back...to feel out the public on this...to get some feed-back from bird fanciers...bird haters...whatever...in short, to try to come up with an aviary ordinance that would please everybody.

And that's where, if you'll pardon the expression, the feathers hit the fan!

No one had any idea of the can of worms that was to be opened by the flock of bird lovers who attended this first public hearing.

The county is full of us. There are fancy pigeon fanciers...racing pigeon breeders...budgie lovers...canary cravers... as well as the hundreds of dedicated volunteers who assist the Alexander Lindsay Junior Museum in caring for the county's sick and orphaned wild birds.

In short, there are an awful lot of people who have aviaries in their back yards.

In a scene reminiscent of an Alfred Hitchcock movie of the same name, bird

lovers at the first hearing gently convinced the planning commissioners that careful study should be made of the situation.

Interested parties were asked to contact the planning department and to offer suggestions for an aviary ordinance that would fit their needs.

So we did. And we all heard the planning staff tell us that our ideas seemed reasonable, and that there didn't appear to be any problems, and that they saw no reason that something amiable couldn't be worked out.

It's also extremely important to remember that — except for that little hassle between two neighbors about a building and not necessarily birds — there has apparently never been a complaint in the county about aviaries.

At the second public hearing, it was obvious that a bit more time would be needed, so a third meeting was called for last Tuesday night, August 31, 1976. At the second hearing, one local gentleman was chosen by a number of the bird organizations to represent them, and he made arrangements with the planning department to meet with them and hammer out any final problems in the ordinance.

When he hadn't been called by the Friday before the meeting, he became

quite concerned and called them. To his shock, he was told that the planning department would be proposing an ordinance entirely different from what had been expected.

One that would be totally unworkable for most of the people who presently have aviaries.

The main thrust of the planning department's proposed aviary ordinance was that any aviary must be 60 feet back from the front boundary of a lot, and 50 feet from all other boundaries.

It doesn't take much math to figure that if your lot isn't at least 110 feet wide and 120 feet long, you can't have an aviary! and how many lots are exactly rectangular? You could theoretically end up with enormous, uneven lot that still couldn't meet the requirements!

The upshot of the proposed new ordinance would be to require the majority of all people who presently have aviaries to seek a land use permit from the Planning Commission.

I always thought a planning commission was designed to expedite things — not to actually perpetuate and create MORE bureaucracy as this would do.

Needless to say, the response of the people at last Tuesday's hearing was less than positive. And the fact that no one was sent a copy of the proposed ordi-

nance before hand as was supposed to have happened, or that there was only ONE copy available at the meeting, didn't help either.

Of approximately 100 people at the hearing, only two supported the proposed ordinance. The original complaining neighbor and his wife.

Why all this hassle? The sudden change by the planning department from the positive to the negative? If almost everybody is for aviaries, why an ordinance against them?

At the end of the hearing, the planning commissioners postponed action for another 60 days. And they said that instead of us all getting angry, that we should try and get together with the planning staff and work with them. That they were trying to come up with an ordinance that would be workable.

But I thought that's what we already did?

There are two ways to work out something like this. Work through the system and try, reasonably, to hammer out something together...or if that doesn't work, to drag out the flags and banners and let them know what the people want.

Grab your needle and thread Betsy Ross...bird lovers are invited to the next public hearing on November 16!

To Arms...er...wings!!! ■

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