



# *AFA in action...* **NEWS and VIEWS**

OCTOBER 1987

## New York Law Update

*by Paul Gildersleeve*  
New York State Coordinator  
P.O. Box 507  
Oyster Bay, New York 11771

### New York State Wild Bird Advisory Committee Meeting

The meeting was held at NYS Department of Environmental Conservation, 50 Wolf Road, Albany, NY 12233-4752 on July 24, 1987.

The meeting was convened at 10:00 a.m. by Kenneth F. Wich, Director, Division of Fish & Wildlife. Present at the meeting were Patrick Martine, Special License Unit DEC; Jim Davis, DEC Council; Mike Cavanaugh, Public Information DEC; Eugene McCaffrey, Species Section Unit Leader; Bob Sperandio, ESPIC; Susan Lieberman, Humane Society of the United States; Carla N. Buchalter, A.S.P.C.A.; Dr. Dan Nielsen, N.Y.S. Veterinary Medical Society; Steve Samuelson, Asst. to Rep. Paul McHale of Pennsylvania; Donald S. Heintzelman, Wildlife Information Center, Inc. of Pennsylvania; and Paul A. Gildersleeve, American Federation of Aviculture.

It should be noted at the outset that all states considering legislation for a Wild Bird Bill have looked to New York State to see the wording of the bill and how New York State is implementing it. The reason this should be noted is that we have asked many people for assistance in supplying information on captive populations of birds, birds that are predominantly bred in captivity and birds that the private aviculturists have brought back from the edge of extinction. I would like to thank those who have helped in the past and request those who are ardent AFA members to set aside some time to assist us in New York since it will help all states. I do not have sufficient expertise to provide *all* the evidence needed to argue on behalf of the aviculturists.

The State of New York has, as of July 24, 1987, issued 80 breeder licenses and 137 wild bird permits covering 700 plus

birds. The wild bird permit is issued at a cost of \$10 per bird, for birds that were not sold prior to the effective date of the law. This is basically for pet stores and wholesalers who held large inventories of birds for resale. (We do not have a figure for birds still under this permit provision that have not been sold.) The state is now considering the reintroduction of a \$10 fee for pet owners who must sell their pet.

The State of New York has had 15 actions against dealers, eight of which have been closed. All were found in favor of the State of New York, with the exception of the seven cases still pending. One should be reminded that this has been done under the wild bird bill, which failed to provide funds for enforcement. Checking for compliance with the law is on a complaint basis and the Fish & Wildlife officers are proceeding with caution since they are not fully familiar with all the types of exotic birds. One of the officers at the meeting stated that he did not wish to consult a book while at the store or broker to assure himself that the bird was not one that was exempt from the law. The officers also were not overjoyed with the prospect of having additional species added to the exempt list. It should be noted here that the Fish & Wildlife officers were given a day-long seminar by Mr. Donald Brunning of the New York Zoological Society on bird identification.

We have proposed adding additional birds to the exempt list which would meet or exceed the 90% bred in captivity requirements. This is now being taken under advisement by the DEC and we will await a draft of proposed changes to see what species will be added to the list.

Dr. Dan Nielsen, the veterinarian present at the meeting,

commented that since the law became effective he has seen a better class of birds, as they are domestically bred.

We submitted a speech entitled "A Uniting Front Captive Propagation in Australia and New Zealand" by Graeme Phipps which was given at the Delacour Symposium which, in part, states the crucial role the aviculturist plays in the breeding of birds. The speech compares the amount of birds owned by aviculturists to those owned by zoos. As one would expect, the number of birds held by the aviculturists far exceed those held by the zoos. In the case of parrots, the ratio is 93:1 and for finches 228:1. Graeme Phipps has outlined in Australia and New Zealand the potential for the aviculturists and zoos to work together in breeding many species of birds. I would ask all those who are or know of aviculturists breeding birds for or under agreements with zoos to please call them and have them send me, in letter form, their beliefs on the importance of the aviculturist. I would also like anyone who knows how many and what species of birds that have been brought back from the verge of extinction by the aviculturists, to please contact me as soon as possible with that information. The information will be used for submission to NYSDEC to support our request for consideration as an equal to the educational, scientific and zoological community, all of which are exempt from this law. It is vitally important to have proof positive of all birds saved, that would be considered for submission to the New York State DEC. Your assistance in this matter is urgently needed; remember all states monitor New York to see how to start the Wild Bird Bill process for their respective state.

#### Some Points of Interest

♦ It is still legal for quarantine centers to operate in New York State but the birds must be taken to another state for sale.

♦ It is illegal for someone to order a bird through one of the magazines and have it shipped to you in New York State without a permit.

♦ It is illegal to advertise a bird that is caught in the wild for resale in New York State. This includes all bird magazines, local newspapers, etc. unless a disclaimer is printed by the magazine or paper.

♦ A bird breeder does not need a license to possess or breed birds and can sell all the babies born without a license, as long as the birds are close banded. If any of the baby birds are not close banded the breeder must apply for a license and then obtain butt-end bands approved by the state.

♦ The licensed bird breeder is able to purchase and sell birds to other bird breeders with or without bands in the State of New York until 1990.

♦ The DEC is now in the process of redefining the word "sale" which will be incorporated in the changes currently being made to the law.

I am hopeful that the above information is helpful to you in understanding the New York Wild Bird Bill. Do not be deceived, this could also become the *New Jersey or California or Pennsylvania Wild Bird Bill*. As long as all states are still requesting information from New York and as long as New York is the only state with this type of bill we still need your help to modify this legislation so it is workable for the aviculturist. ●

## California Legislative Liaison Report: July, 1987

by Laurella Desborough  
Martinez, California

As of July 15, there were no assembly or senate bills proposed by the California Legislature which would directly affect most aviculturists. There were two bills which are of interest to aviculturists, as follows:

**Assembly Bill 2324.** Introduced by Assembly Member Killea on March 6, 1987, it would make an appropriation of \$1,500,000 to preserve the California condor. This bill would authorize the Department of Fish & Game to carry out a condor preservation project with funds from the California Environmental License Plate Fund. The bill would declare that it is to take effect immediately. The bill includes the following objectives: a) Habitat protection, consistent with the department's existing legal authority; b) Field research, including mortality studies; c) Captive breeding program; d) Condor release program. The department would provide funds to both the L. A. and San Diego Zoos to support their captive breeding programs. The condor release program may be contracted to these two zoos. Not more than 10% of funds provided to zoos may be used for administrative costs. Both the breeding and release programs must meet the criteria established by the department and will be monitored by the department. Biannual reports must be submitted by the zoos to indicate progress in the breeding and release programs.

Status of AB 2324: In Water, Parks & Wildlife Committee until January, 1988. Relay support for this bill to your assembly member and to Committee Chairman, Jim Costa, State Capitol, Room 2003, Sacramento, CA 95814.

**Assembly Bill 1960.** Introduced by Assembly Member Farr on March 6, 1987, it would add Section 399 to the Fish & Game Code relating to birds. This bill relates to falconry.

Under existing law it is a misdemeanor of specified punishment to capture, possess, or train a raptor, except under a falconry license pursuant to regulations of the Fish & Game Commission.

This bill would authorize a licensee to take, possess, transport, transfer, purchase, sell, or barter any lawfully possessed raptor, raptor egg, or raptor semen under a propagation permit in compliance with specified federal regulations. Violations of the regulations would be a misdemeanor. Fees for the permits would be deposited in the Fish & Game Preservation Fund.

Status of AB 1960: In Water, Parks & Wildlife Committee until January, 1988. Relay support for this bill to your assembly member and to the Committee Chairman, Jim Costa, State Capitol, Room 2003, Sacramento, CA 95814. ●



# Should Raptor Breeders Be Able to Receive Some Recompense For Their Birds?

by Laurella Desborough  
Martinez, California

Under present California law, it is illegal for a licensed raptor breeder to accept *any* money or other gratuities in exchange for a hawk or falcon. This law was passed many years ago to protect the raptors in the wild from being captured and sold.

Since that time, many changes have occurred. Improvements in identifying and tracing of raptors is possible through the development of rather precise blood testing procedures, by which genealogy of a particular bird can be traced. This blood test, along with the identifying band and careful records required for each bird, makes it possible for authorities to trace a bird's background.

AB 1960 would authorize a licensed raptor breeder to "take, possess, transport, transfer, purchase, sell, or barter any lawfully possessed raptor, raptor egg, or raptor semen under a propagation permit in compliance with specified federal regulations..." "Violations of the regulations would be a misdemeanor..."

Why do raptor breeders want to sell some of their birds, or receive any compensation in exchange for a bird? The economic realities of modern life have also affected the keeping and breeding of raptors. At the present time, it costs between \$1000 and \$1500 (depending on the species) to breed, properly raise and train one bird. Raptor breeders would like to recoup some of their breeding expenses. Many breeders have had to give up breeding raptors due to the extensive costs and their inability to recoup some of the costs. (For pet bird owners and breeders, a similar law would prohibit us from receiving *any* money in exchange for a bird. How could we defray the cost of keeping and breeding our birds if we couldn't sell some of them?) AB 1960 would make it possible for raptor breeders to sell birds.

California is the only western state where raptor breeders cannot receive some money for their birds: Nevada, Oregon, and Washington have adopted laws which parallel the federal legislation, which is very stringent, but does allow breeders to receive some monies in return for their birds. Like other bird breeders, raptor breeders are small, backyard breeders with a few birds who need to recoup some of their bird-related expenses. Legislation at the federal level has been in place more than five years and works well to protect the wild resource.

The main concern of the opposition is that raptor breeders might harvest birds from the wild. This is highly unlikely since these breeders are already under strict regulations, including seamless banding of all captive-bred birds, accu-

rate and detailed recordkeeping, and routine inspections of their birds and facilities by state authorities. There has never been a documented case in California of a bird illegally removed from the wild and set up in a breeding program.

I believe this is the type of legislation that bird people should support. Write: Assemblyman Sam Farr, Calif. Water, Parks & Wildlife Committee, 1200 Aguajito Rd., Monterey, CA 93940. For further information contact Gary Beeman, (415) 284-2602 or Dewey Savell, (415) 754-6198. ●

## They Are Moving In On Us!

or

## Aviculture's Future

by A.B. McNabney  
Walnut Creek, California

"You can't build AFA on fear," so called out someone at the last AFA meeting, when a speaker was describing adverse legislative activity attempted in various states. Legislative efforts of anti-avicultural groups being aimed at restricting bird keeping, breeding, study and even ownership are subjects of concern for all U.S. aviculturists.

Knowledgeable aviculturists are uncomfortably aware of the proposals aimed at bird keeping and how passage of such proposed legislation would affect aviculture. We in the U.S.A. aren't the only aviculturists faced with threats. Bryan Byles (England), writing in his column on aviculture, stated letters had been sent to 1,200 bird clubs alerting them to activities of some "protectionist bodies." Byles asserted these groups had held meetings with the EEC officials in Brussels with, presumably, the aim of placing further restrictions on birdkeeping throughout England and Europe.

The National Council for Aviculture (NCA) has taken action to oppose the threatened *new* restrictions. NCA could be likened to the American Federation of Aviculture (AFA) in the United States. Byles, writing his avicultural column, urges European and English bird people, "What is even more important is the fact that every club should affiliate to the NCA and all individual bird keepers join it." Byles, using a well known adage, finishes his column, "Together we stand. Divided we fall. That is a motto we should remember at this time." So it should be with the AFA in the U.S.A.

Not known at this writing is what possible effect tightened restrictions on English and European aviculturists by the EEC will have on U.S. aviculturists obtaining birds from those countries. Surely it can't help.

### REFERENCE

"Fanciers Respond to EEC Threat," Brian Byles, *Cage and Aviary Birds*; week ending 2/21/87. ●

# New Breeding Centre for Loro Parque

by Rosemary Low  
Curator of Birds  
Loro Parque

At Loro Parque, Tenerife, Canary Islands, the construction of a second breeding centre commenced in May. By the beginning of July, 40 pairs had been installed. Such rapid progress was possible because of the design — all welded mesh cages supported on a tubular steel frame. A sprinkler system will be incorporated into the latter. Rain-fall in Tenerife is minimal!

The new centre will accommodate 200 pairs when completed. Emphasis will be placed on the rarer Amazons but many other species including conures, lorries, vasa parrots and pionus are already included. For the smaller species the cages are large, minimum length being 2m (6 ft.) and the width and height 1m. Aviaries for macaws and cockatoos will be 1.6 to 4.5m (12 to 15 ft.) long and 1.8m (6 ft.) wide. All the cages are suspended about 1m (3 ft.) above ground level. Feeding is carried out from small doors at the front of the cages thus maintenance occurs with a minimum of disturbance to the occupants.

In favourable climates cages of suspended design have much to recommend them. Good hygiene is achieved without any effort and intestinal worms are eliminated by virtue of the fact that the faeces fall onto the ground out of reach.

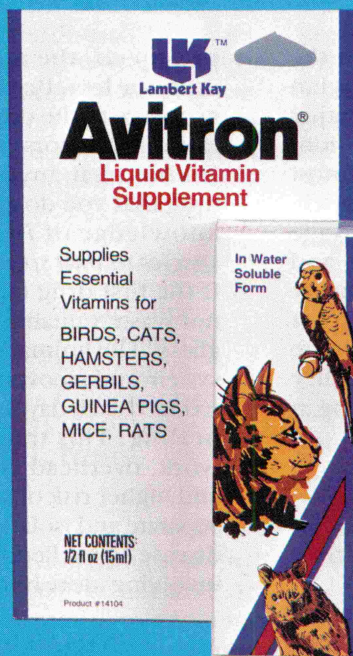
Opaque plastic sheeting, which is easy to clean, will be used to partition the cages, thus preventing disturbance from birds in adjoining cages. To improve the appearance of a design which could look stark, cages have been constructed in blocks of four or five and palms, other trees and shrubs are being planted in between.

The first to fledge in the new centre were three very attractive golden-crowned conures (*Aratinga aurea*). Their parents took the move to a new location in their stride when the chicks were only a few days old.

Loro Parque holds what is almost certainly the largest collection of parrots open to the public — about 1,300 of over 200 species. It continues to expand with more species being continually added. Latest arrivals include yellow-lored Amazon (*Amazona xantholora*) and a yellow-tailed black cockatoo (*Calyptrorhynchus funereus funereus*). ●



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