



Blue-throated Macaws by Laney Rickman.



The Blue-throated Macaw Listing AND WHAT IS WRONG WITH IT

By Janice D. Boyd, PhD

OVERVIEW

Forced by one of the many lawsuits brought against the agency by animal rights groups, the United States Fish and Wildlife Service (USFWS) on November 4, 2013, effectively banned in the US the interstate sale of domestically-bred Blue-throated Macaws (BTMs) by ruling that they be listed as “Endangered” (as opposed to “Threatened”) under the Endangered Species Act of 1973 (ESA) (see Final Rule at [1]). In other words...no sales that cross state borders “for commercial purposes.” The reason given is because the species is in danger of extinction in South America, although this document will demonstrate that the FWS personnel appeared to selectively use the available information in making the ruling, information that could be used to show the species is more properly classified as “Threatened.” This document asserts that this disregarding of important evidence circumstantially suggests that decisions were made by some USFWS personnel based upon the same animal rights beliefs that led to the petitions and lawsuits that demanded over a dozen parrot species be listed under the Endangered Species Act even though the listings will be harmful to wild populations. In fullest form, these beliefs are that people should not keep parrots as pets; and even that no animals at all should be kept as pets or for other human use.

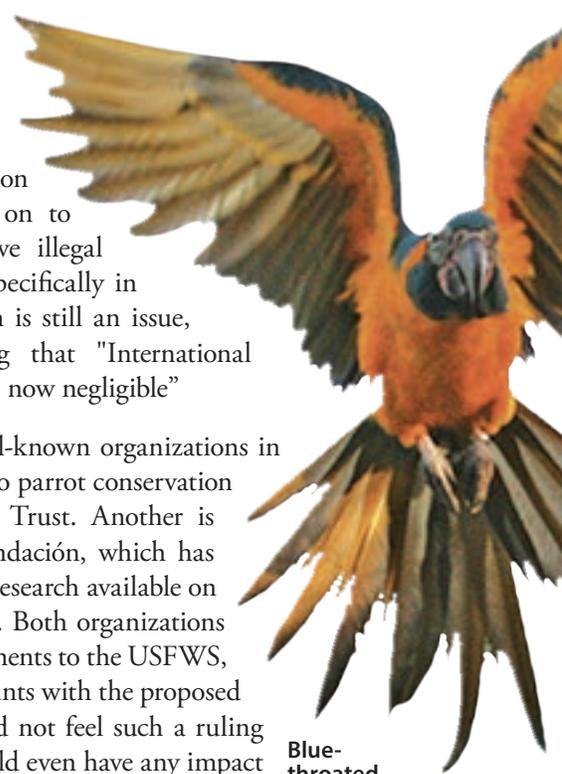
As of this writing, several other popular pet macaw species are also being considered for imminent listing as “Endangered,” including the Hyacinth, Military and Great Green Macaws [2] [3] and the Scarlet Macaw [4]. Also see [5]. Decisions or proposed rulings have been issued for six additional species in the original petition: listing of the Crimson-shining Parrot unwarranted, of the White Cockatoo “Threatened,” and of the Philippine Cockatoo and Yellow-crested (Sulfur Crested) Cockatoo “Endangered” [6]. In addition, listing of the Blue-headed Macaw and the Grey-cheeked Parakeet was deemed unwarranted [7]. The Red-crowned Parrot (*Amazona viridigenalis*) has been proposed for listing as a native species [8].

The USFWS in its ruling summarized its findings on the BTM as: “Its status remains tenuous despite conservation efforts. Threats to the species include: lack of reproductive success (loss of nestlings) due to nest failure, which primarily is caused by competition for nest sites and predation by larger avian species; and the lack

of suitable, available habitat in addition to its small population size.” They also go on to add that they believe illegal poaching for trade specifically in the country of origin is still an issue, while acknowledging that “International trade in this species is now negligible”

One of the most well-known organizations in the world dedicated to parrot conservation is the World Parrot Trust. Another is the Loro Parque Fundación, which has funded much of the research available on the BTM since 1995. Both organizations submitted their comments to the USFWS, disagreeing on all counts with the proposed ESA ruling. They did not feel such a ruling was necessary or would even have any impact on saving the species—in fact, they were emphatic that it would do more harm than good. To ensure the impact of the “negligible” incidence of international trade wasn’t somehow overlooked, the American Federation of Aviculture (AFA) highlighted that in their submitted comments as a key reason to keep the USA domestic breeding program status quo, which would be strongly impacted by listing as “Endangered.”

The “tenuous” status of the macaw in the wild is exactly why breeding in the US and elsewhere is important. The species is relatively easy to breed, and domestic populations listed in the domestic studbook are estimated to be at least 500 in North America and at least 1,000 world-wide (BTM studbook keeper Gen Anderson, pers. comm. February 2014). Furthermore, unofficial reports state that some 788 Blue-throated Macaws were bred by the Aviculture Breeding and Research Center (ABRC) from 1988 to the time of its closing in 2002, many of which may not be included in the US studbook. However, there still are many U.S. states without other than hobby keepers/breeders for this species. As a result, customers need to buy interstate, and the breeders rely on interstate buyers of the pets



Blue-throated Macaw by Laney Rickman.

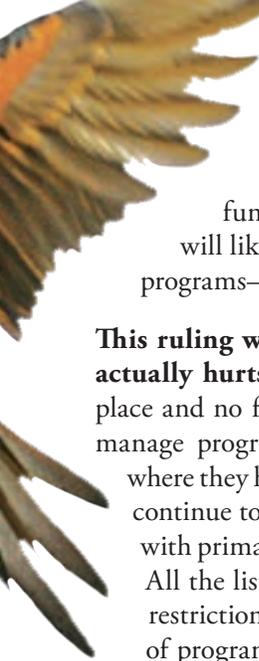
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to justify keeping their breeding programs going. Having multiple breeders helps maintain a diverse gene pool. Yet, without the funds from interstate sales of pets, the USA breeders will likely be forced to eliminate that species from their programs—the antithesis of trying to save the species.

This ruling will not help save the species in the wild and actually hurts BTM conservation. There is no program in place and no funding available for the USFWS to support or manage programs in other countries, in particular Bolivia, where they have no jurisdiction. Conservation programs will continue to be financed largely by non-profit organizations with primary aviculturist and pet bird owner memberships. All the listing does is reduce breeding in the US through restrictions on interstate commerce and reduce the number of programs that publicize the plight of wild populations and encourage conservation funding. What has helped the species in the wild are the in-country conservation programs and ecotourism, many of which are financially supported by aviculturists and their customers.

WHY THE RULING HAPPENED

The explanation for how a contradictory ruling like this can occur starts decades ago.

In 1871, the USFWS was created. Their mission is stated as:

“Our mission is to work with others to conserve, protect and enhance fish, wildlife and plants and their habitats for the continuing benefit of the American people.”[9]

As part of their duties, the USFWS is responsible for enforcing the Endangered Species Act. Signed into law in 1973, the goal of the Endangered Species Act (ESA) was to preserve, protect and recover key domestic species [10]. See the full text of the ESA at [11], particularly Sections 4 and 10. However, the FWS also implements the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) through the ESA, which does give the ESA authority over foreign species [12].

During the latter half of the 1900s, parrots were being trapped and exported from their native range into the USA and many other countries in disturbing numbers. Additionally, the native habitats in those foreign countries were being ravaged by their own people—enough to seriously reduce the numbers of many species of exotic birds.

Given that the USA imports were part of the problem, in 1991 the International Council for Bird Preservation (now Birdlife International, see [13]) petitioned the USFWS to expand their ESA oversight to include 53 endangered foreign species, including the Blue-throated Macaw and the Moluccan Cockatoo. The agency agreed to initiate the procedures to determine rulings as time and resources allowed.

At the same time, the US importation problem was also being addressed at a higher level. On October 26, 1992, the Wild Bird Conservation Act (WBCA) of 1992 was passed to limit importation of wild-caught birds and to ensure humane treatment during importation [14]. The act was intended to curtail importation of wild-caught birds unless such importation actually contributed in some way to the conservation of wild members of the species and to meet the domestic demand by encouraging captive aviculture in the US. The result was the U.S. bird trade shifted from a trapping-based to a breeding-based industry, and husbandry and breeding skills for the species began its improvement that

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continues to this day. According to one source, "After the WBCA, the number of parrots imported in the US declined from over 100,000 annually to only hundreds annually"[15].

Thus, the Wild Bird Conservation Act negated any purpose for using ESA listings to regulate popular pet parrot species or other foreign bird species within the United States. There was no need for the USFWS to spend time or resources on the individual species rulings, as the petitions were made obsolete by the much broader WBCA of 1992.

However, when a ruling is in process of being considered, it remains on the books until an actual decision is made. The Final Ruling explains that in 1994 USFWS published a finding that 38 species from the original 1991 petition, including the Blue-throated Macaw and Moluccan Cockatoo, were warranted under the guidelines of the ESA but were not high priority for the USFWS because of the other protections already existing and the work load of the FWS with higher priority species. This decision was reaffirmed in 2011. (These are the so-called "warranted but precluded" decisions.) The Center for Biological Diversity and Peter Galvin [16] threatened a lawsuit against FWS if they did not take action on the Moluccan Cockatoo, so FWS classified the species as "Threatened" in 2011.

However, conservation of species is not the aim of animal rights groups. So beginning in 2008, the animal rights groups Friends of Animals and WildEarth Guardians, as represented by the Environmental Law Clinic, University of Denver Law School, submitted a number of petitions and then lawsuits to list as "Threatened" or "Endangered" under the ESA 14 parrot species, including the Blue-throated Macaw and others. Eventually, the courts ruled in favor of the petitioners, including according them litigation costs (!). Those lawsuits cost the government (and us taxpayers) money and resources that should have gone to our native wildlife projects. For more of the dirty details, see the article by Brent Gattis in the 2009 Watchbird [17] and the Fish and Wildlife Service's petition history at site [18] and related links on that web site.

Initially in this story, because of the Wild Bird Conservation Act, breeders and pet owners couldn't imagine that there would

be any reason to worry about any ESA rulings, so there wasn't much action taken. This seemed confirmed by the "warranted but precluded" decisions of the USFWS. The key experts on the species submitted information to the FWS, and everyone assumed the logic to dismiss the lawsuits would be evident, or at least the species would be classified as "Threatened" and Special Rules would be adopted that would allow domestic breeding with legal, domestically-bred to continue unhindered.

Logic was not to rule the day; and the animal rights groups are persistent and well funded. In addition, the ESA is an old and inflexible piece of legislation. Although the WBCA of 1992 superseded the need for any ESA action regarding parrots, through litigation by environmental groups the USFWS has been forced to continually list other foreign bird species within the US under the ESA. The stated purpose in the Act for the foreign species listings is, "By regulating activities, the United States ensures that people under the jurisdiction of the United States do not contribute to the further decline of listed species."

And yet, that's exactly what this new 2013 ruling has done—"contribute to the further decline of listed species." Already, breeders have stated they will give up their Blue-throat breeding programs, since there won't be enough demand for pets within their state alone. That's the irony about this rule targeting the most threatened species. Those are the species that will be dropped by the breeders—the very species that need continued captive breeding.

WHAT WENT INTO THE LISTING DECISION

The ESA requires USFWS to list species as "Endangered" or "Threatened" solely on the basis of their biological status and threats to their existence; and its decisions are to be based on "the best scientific and commercial information available." There are five factors that are to be considered (Section 4(a)(1) of the ESA [11]); and listing actions can be based on any one or more of them (See sidebar). Importantly, FWS policy is that threats are evaluated primarily with respect to wild populations, although they "do consider the extent to which specimens held in captivity create, contribute to, reduce, or remove threats to the species."



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The latter appears to allow great latitude in considering or disregarding the importance of captive populations. Thus, if the personnel assigned to the evaluation project want to disregard thriving captive populations in evaluating the status of the species, they are permitted to do so. Also importantly, a classification of “Endangered” carries with it much more severe restrictions than “Threatened” (Section 9(a)(1) of the ESA [11]). Special Rules that allow interstate transactions to occur without permits are allowed only in the case of species listed as “Threatened” because the ancient and inflexible ESA prohibits “commercial” trade in “Endangered” species in Section 9(a)(1), even though it is now widely accepted that one of the best ways to preserve the environment and its biodiversity is to give economic value to its preservation.

Was “the best scientific and commercial information available” used in the decision regarding classifying the species as “Endangered”? Was the state of captive populations considered? Let’s first consider the information from three of the subject matter experts that submitted comments: World Parrot Trust, Loro Parque Fundación, and the American Federation of Aviculture. Their information should include the best scientific and commercial information.

Key points submitted by the World Parrot Trust (WPT):

Founded in 1989, the WPT has long been a supporter of the ESA, a strong advocate of the USA's Wild Bird Conservation Act of 1992, and recently led 260+ NGO's in a successful campaign to end wild bird imports into the EU. We are keenly aware of the flow of legal and illegally harvested and traded parrots around the world; and no organization works harder to stop both, given the dramatic and unsustainable impacts this trade has on a great number of parrot species.

The Service's decision whether to list this species will of course be based upon sound science, but it will have substantial consequences for the long term conservation of this species. Not all of these consequences will be positive for the Blue-throated Macaw. In fact and in practice, many if not most of the consequences of listing this species will powerfully and directly hinder ongoing efforts to save this species from extinction. While I understand that this is neither the intent of the ESA nor the intent of the Service in potentially listing this species, those of us working on the conservation of this bird both in the wild and in captivity have a number of clear and reasonable concerns about how a listing will make our work more cumbersome, costly, and in some cases, effectively impossible.

Added Protection?

The Blue-throated Macaw is currently on Appendix I of CITES, it is deemed "Critical" by the IUCN, both the USA and all of the EU have banned the importation of this species, and Bolivia banned their export nearly 30 years ago. Recent studies of bird markets in Bolivia and Peru, coupled with over a decade of field work on Blue-throated Macaws strongly suggests that this species is no longer sought after by the international or the domestic parrot trade. When it comes to protection from illegal trade then, listing on the ESA will indeed bring some protection on paper, but it would add nothing meaningful to these existing and generally well enforced regulations and conventions.

As there are dozens of parrots already on the Foreign ESA, we have a number of clear precedents for the real world consequences of an ESA listing in two particular areas: 1. interstate movements of captive birds and 2. international transfers of birds and their various tissues. For the Blue-throated Macaw, as for several other threatened parrots under review, these consequences would be demonstrably injurious to the conservation of these species in the wild.

Key points submitted by the Loro Parque Fundación

With regard to the Blue-throated Macaw:

In 2013 the Loro Parque Fundación has 36 projects active, which include the Armonía/Loro Parque Fundación Blue-throated Macaw Conservation Program. This in situ project, active

Guidance provided by the Endangered Species Act of 1973, as amended, regarding how the FWS is to determine if a species is to be classified as endangered or threatened.

DEFINITIONS

SEC. 3 For the purposes of this Act

(6) The term “endangered species” means any species which is in danger of extinction throughout all or a significant portion of its range...

(20) The term “threatened species” means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

DETERMINATION OF ENDANGERED SPECIES AND THREATENED SPECIES

SEC. 4. (a) GENERAL.—(1) The Secretary shall by regulation promulgated in accordance with subsection (b) determine whether any species is an endangered species or a threatened species because of any of the following factors:

- (A) the present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) overutilization for commercial, recreational, scientific, or educational purposes;
- (C) disease or predation;
- (D) the inadequacy of existing regulatory mechanisms; or
- (E) other natural or manmade factors affecting its continued existence.

SEC 4.(b) BASIS FOR DETERMINATIONS.—(1)(A) The Secretary shall make determinations required by subsection (a)(1) solely on the basis of the best scientific and commercial data available to him after conducting a review of the status of the species and after taking into account those efforts, if any, being made by any State or foreign nation, or any political subdivision of a State or foreign nation, to protect such species, whether by predator control, protection of habitat and food supply, or other conservation practices, within any area under its jurisdiction, or on the high seas.



Blue-throated Macaw colony at Loro Parque Fundación by Laney Rickman.

since 1995 under the partnership of the Loro Parque Fundación and the Bolivian conservation NGO, Asociación Civil Armonía (BirdLife International in Bolivia) is for the conservation and recovery of the Blue-throated Macaw in its native range in Bolivia. As part of the project and with endorsement from the Government of Bolivia, the partnership produced in 2003 the Species Recovery Plan for the Blue-throated Macaw.

Population:

There is no credible evidence that the population in the wild continues to decline: to the contrary, it has increased over the first decade of this century, and currently is at least stable "... Armonia/Loro Parque Fundación then conducted a five year extensive, systematic survey of the Blue-throated Macaw, starting in 2004, with the final survey in 2008. This is the only systematic survey conducted for this species in Bolivia.

The Inadequacy of Existing Regulatory Mechanisms

"...According to official data from CITES, there has only been the exportation from Bolivia (not to the U.S.A.) of two live specimens between 1990 and 2012. During the same period, the CITES database records the importation into the U.S.A. of one live specimen (not from Bolivia).

Final points of the Loro Parque Fundación

1. Addition to the ESA will not decrease illegal International trade of the Blue-throated Macaw.

2. Addition to the ESA will not improve WBCA's management of trade restrictions on this species.

3. Addition to the ESA will not provide protection of the Blue-throated Macaw's native habitat, given that it is not native to lands controlled by the U.S.

4. The ESA will not provide funding for recovery of the Blue-throated Macaw, given that there are no appropriations or funding for exotic species listed under the ESA.

5. Addition to the ESA risks discouraging breeding and domestic trade recognized for meeting a demand so that the wild population is consequently less threatened by clandestine trade. The captive population of the Blue-throated Macaw in the U.S.A. must be afforded a situation free from restrictions on the movement and breeding of birds, so as not to discourage transfers and perversely lead to increased levels of inbreeding, thereby weakening what is currently a genetically healthy viable population.

Conclusion of the Loro Parque Fundación

There is no adequate scientific justification to add the Blue-throated Macaw (*Ara glaucogularis*) to the U.S. Endangered Species Act.

Key Points Submitted by the American Federation of Aviculture (AFA)

1. The data upon which the proposed listing is based is out of date and inadequate to support the proposed listing.
2. The proposal recognizes that there has been virtually no legal commerce in the Blue-throated Macaw into the U.S. since the enactment of the Wild Bird Conservation Act in 1992.
3. In situ programs are not the only way to try to ensure the survival of species in their native lands. Private and professional aviculture also plays an important role in species survival.
4. Listing the Blue-throated Macaw under the U.S. Endangered Species Act will do nothing to help conserve this bird in the wild.
5. The proposal recognizes that international trade in the Blue-throated Macaw has now virtually stopped, although local poaching remains a concern.

All submitted comments may be read on website [19].

In addition, a recent paper modeling the future population trends appeared in 2012 [20] and was used by FWS personnel in their decision. The conclusions of this paper were:

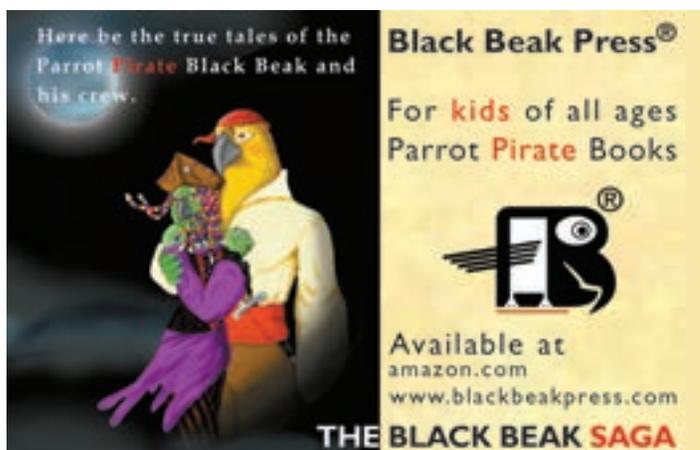
Results from our baseline simulations showed that the Blue-throated Macaw has a relatively low probability of extinction over the next 50 years. ... It is worth noting, however, that after the 50-100 years period considered for the simulations, population sizes decreased considerably to approximately half of the initial abundance. Although the recent discovery of a new population may improve growth rates and decrease extinction probabilities over the short term, it seems clear that multiple anthropogenic factors threaten the species' survival over the long term.

Our results suggest it is fundamental to protect adults, given that even a small increase in mortality rate in this age-group could have a significant impact on the risk of extinction. Simulations also showed that habitat loss can be an important limiting factor leading to the species' extinction. ... In addition, PVA simulations showed that poaching may have an important impact on the species. Thus, enforcing laws against poaching and the illegal trade of individuals would have direct beneficial effects.[20]

The argument may be made that FWS personnel did not properly use the best scientific and commercial data available to make the decision to classify the Blue-throated Macaw as “Endangered” rather than “Threatened.” Clearly the species needs help to preserve the population in perpetuity. However the species is not likely to go extinct in 50 years or less, so reasonably could be considered “Threatened” at the present time. Yet FWS personnel concluded that, “Because the species is in danger of extinction *now*, as opposed to in the foreseeable future, the Blue-throated Macaw meets the definition of an endangered species rather than a threatened species.” Yet the population viability analysis (PVA) – which is selectively used elsewhere in the Final Ruling – concludes the species is not in imminent threat of extinction [20].

An important finding from the PVA in [20] was that reducing adult mortality would be particularly useful in assuring persistence of the population. This suggests that population reinforcement efforts such as are presently being started by the World Parrot Trust [21] could be especially beneficial. Since macaw and other parrot reintroduction efforts have been successful with a number of species in a variety of locations, and since this species breeds well in captivity, this is a very viable intervention. The possibility was dismissed by FWS personnel in the Final Ruling. In addition, it is commonly accepted that captive parrot populations in the United States listed as “Endangered” decline in numbers and genetic variability over time because of the negative impact of the permitting process and the difficulty of disposing of genetically-redundant birds into the non-breeding market (i.e., as pets). A study to verify this is at the time of writing awaiting receipt of the requested data from USFWS. If true, these factors would severely limit the availability of the US-sourced birds (and their genetic contribution) for population reinforcement efforts.

The Final Ruling mentioned a number of anthropogenic factors that have contributed to the species' recent decline, including “lack of suitable, available habitat” being degraded by cattle ranching and periodic anthropogenic fires. FWS personnel acknowledged the efforts being made by Loro Parque Fundación and partners in its statement, “As mitigation, local conservation efforts are not only planting trees that provide food for Blue-throated Macaws, they are also conducting educational efforts directed towards land owners within the range of the Blue-throated



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Macaw. Additionally, the Barba Azul Nature Reserve is currently expanding (to 11,000 ha) (27,181 ac) to include adjacent ranches where the Blue-throated Macaw is believed to breed. The land newly incorporated into the protected area has more palm islands with better forest (Waugh 2013, pers. comm.).” But FWS personnel disregard these efforts with the statement, “However, projects designed to provide additional habitat for this species are in the early stages of development; and it is too early to evaluate the effectiveness of these efforts.” (Final Ruling, [1]) Given that these efforts address limiting factors identified in the PVA modeling [20], why weren’t these efforts given more weight in the ruling? If a later (required) assessment finds little improvement, that could be included in a reevaluation of the level of listing.

The Final Ruling noted that availability of suitable, good quality nest sites appeared to be a limiting factor in recruitment of young birds to the population, both through competition with other cavity nesters, collapse of nesting trees, infestation with bees and botflies, and with extreme rain events causing chick mortality. Yet these problems are being addressed by a number of management interventions by Armonía / Loro Parque Fundación and their partners and by the World Parrot Trust. In addition, there is a project (“Nido Adoptivo,”[22]) led by US non-profit charity Bird Endowment to provide funds for installation and monitoring of nest boxes in the area. Most of the nestbox program supporters are US owners of pet macaws and parrots, showing that a healthy pet parrot population makes a contribution to wild parrot conservation through their owners. Even if such projects do not outlive their founders, they provide important assistance for a period of time to improve the conservation status of the species into the future. FWS personnel acknowledged these efforts in the Final Ruling but appeared to minimize these efforts and the knowledge that has been gained from earlier, less successful interventions: “Although Blue-throated Macaws have begun to use some of the nest boxes, it has been a slow and tedious process to encourage Blue-throated Macaws to use these boxes, and the population continues to suffer losses, particularly due to nest failure, which the installation of suitable nest boxes is attempting to alleviate.”[Final Ruling 1]

As an additional excuse to rate the population’s survival chances as “tenuous,” FWS personnel threw out the favored bugaboo of disease: “Despite close monitoring and precautions, disease is likely to affect this extremely small population; therefore, we are concerned that diseases will become problematic to this species in the wild. At this time, we do not find that disease is contributing to the risk of extinction of Blue-throated Macaws, but it may affect this species in the future.” Note they have no evidence of disease being a problem, but they conclude that disease is “likely” to impact the population in the future, in spite of the preciousy acknowledged low population density that would hinder spread of any disease. This unsubstantiated opinion is not supportive of any sort of listing under the ESA, let alone that of “Endangered.”

Evaluating the size of the wild population, FWS personnel wrote, “An additional factor that affects the continued existence of this species is its small, declining population of likely fewer than 500 individuals in the wild.” Accurate numbers of wild BTMs are hard to come by and are subject to great variations depending upon the estimation methods used. But one census at one location (Barba Azul Nature Reserve) recorded 90 BTMs in 2010 and 100 in 2011 [23], suggesting an estimate of 500 for the whole scattered population might be low. Loro Parque Fundación — the long-term conservation NGO that has invested since 1995 nearly \$ 1.3 million US [23] in studying the species and undertaking conservation actions, stated in its comments quoted above, “There is no credible evidence that the population in the wild continues to decline: to the contrary, it has increased over the first decade of this century, and currently is at least stable...” But, FWS personnel expanded further upon their belief of declining population numbers in the Final Ruling, indicating they considered “declining population” size to be an important factor in the conclusions they drew. Why did they conclude the population was declining when the “best scientific evidence” said otherwise? Was their collective mind about the overall health of the population made up beforehand? Was their conclusion regarding listing also predetermined?

FWS personnel in evaluating factor B –“overutilization for commercial, recreational, scientific, or educational purposes” claimed that poaching was important “to a limited extent.” They



noted that utilization of the macaw and its parts had a history in the region extending back over 1,000 years. They also noted that, “Historically, the most significant impact to the decline of this species’ population was likely due to collection of birds from the wild during the late 1800s and early 1900s.” There is no reason to dispute these statements, but what about now? Studies by Armonía between 2004 and 2008, which observed tens of thousands of mostly wild-caught birds in local markets, observed either no BTMs ([23]) or 2 (Final Ruling [1]). But the Final Ruling claims this may be due to the low numbers of BTMs available for poaching and not to conservation efforts, public consciousness raising, or Bolivian laws. In fact, they asserted in the Final Ruling that, “ Despite numerous laws and regulatory mechanisms to administer and manage wildlife and their habitats, existing laws are inadequate (factor D) to protect the species and its habitat from these other factors.” This completely ignores the extensive efforts that have been implemented by NGO’s such as Armonía / Loro Parque Fundación and its partners that have been showing increasing pride in and recognition of the need to protect the species by the local population, including owners of the large cattle ranches [23]. It is convenient to emphasize the failure of the existing Bolivian laws to protect other wild bird species and to ignore the positive protective measures that are being implemented for the BTM, particularly if your mind is already made up regarding what your evaluation will be.

Was the status of the species in captivity given proper consideration? The answer is unequivocally No. To quote from the Final Ruling: “We have determined that captive-held specimens cannot be given separate consideration under the ESA based on their captive state (see 78 FR 35204, June 12, 2013), but captive-held specimens can, in some cases, create, contribute to, reduce, or remove threats to the species. We have no information in this case indicating that captive-held Blue-throated Macaws either create or contribute to threats to this species or remove or reduce threats to the species. Due to the effectiveness of CITES and, in the United States, the WBCA, international trade for pets is not a concern. Removal of some birds from the wild for the pet trade may still be occurring, but there is no information indicating to what extent animals currently held in captivity are motivating poachers to capture and remove additional birds



Blue-throated Macaws by Laney Rickman.

from the wild. Regarding whether captive-held birds reduce any threats to the species, there are likely more than 1,000 individual Blue-throated Macaws held in captivity worldwide according to the 2011 North American Regional Studbook. However, many of these birds are of uncertain origin and may harbor diseases that do not exist in the wild population and therefore may not be suitable for reintroduction efforts.”

Why weren’t the highly successful breeding programs in the US and in Europe not viewed as reducing or removing threats to the species? Why were population reinforcement efforts such as being started by the World Parrot Trust [21] dismissed with the birds “being of uncertain origin” (where else besides Bolivia could they have come from?) or infected with hypothetical diseases? One might conclude from the above paragraph the FWS personnel simply refused to give adequate consideration to all the conservation and breeding efforts underway for this species that with an infusion of captive-sourced genetics could further help the stable or actually growing wild population.

Finally, the FWS is directed to use the “best scientific and commercial information available” in making its ruling. The best scientific sources for information on the BTM both

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concluded that listing the species as “Endangered” under the US Endangered Species Act not only was not warranted but would have consequences that “would be demonstrably injurious to the conservation of these species in the wild.” The best commercial information indicates that there is no poaching or other commercial or indigenous utilization of the species.

CONCLUSIONS

This ruling by the Fish and Wildlife Service of classifying the Blue-throated Macaw as “Endangered” under the Endangered Species Act of 1973 has been demonstrated to be not only unwarranted but also deleterious to the species. The selective disregarding of the best scientific and commercial information that does not support the classification of “Endangered” suggests a pre-determined decision by FWS personnel. Was this listing decision decided in advance based upon personal philosophical beliefs of some Agency personnel? Such beliefs motivated the initiation of the petitions and lawsuits by animal rights activists that led to this mistaken ruling and may lead to mistaken rulings in the future. The lawsuits being brought against the FWS by Friends of Animals (FoA) and WildEarth Guardians to list parrot species under the Endangered Species Act are not motivated by a desire to conserve the species. The motivation is to advance their agenda of eliminating the domestic bird trade in the United States and, indeed, eliminate altogether the keeping of animals as pets [24]. The lawsuits brought against the USFWS were written by students in the Environmental Law Program of the University of Denver’s Sturm School of Law [25] under the supervision of Michael Harris, who also happens to be head of FoA’s Wildlife Law Program [26].

This ruling is also an example of increasing misuse of the Endangered Species Act in ways that were never intended when it was first voted into law 40 years ago. This observation is widespread and has led to the formation of the Endangered Species Act Congressional Working Group [27] under the House Committee on Natural Resources. As quoted on the press release accompanying the formation of the Working Group:

U.S. Fish and Wildlife Director Dan Ashe acknowledged that prolonged and costly lawsuits plague the ESA, and divert time



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and resources away from species recovery. “We fully agree with the concern that our resources are better spent on implementing the ESA than on litigation.” According to Mr. Ashe, “our FY 2011 resource management allocation for listing and critical habitat was \$20.9 million, of which we spent at least \$15.8 million taking substantive actions required by court orders or settlement agreements resulting from litigation.”[28]

The USFWS should revisit its decision to list the Blue-throated Macaw as “Endangered” under the ESA. Classification as “Threatened” seems warranted, and a Special Rule should be implemented to prevent undue restrictions on domestic breeding. Congress should modernize the Endangered Species Act in many ways, including in restricting the use of litigation to advance issues not related to species’ conservation and in how the ESA treats foreign species. The Biodiversity Crisis is real, and ancient, inflexible laws make managing this crisis so much harder. The Final Report of the Endangered Species Act Congressional Working Group, while not specifically mentioning foreign species, details many problems with the ESA that animal rights groups are exploiting in their campaign to eliminate keeping of animals in captivity.[29]

The chapters in this story are not anywhere near written. If you want to be able to keep your birds and other exotic animals, be ready to respond with timely letters, emails, calls, and comments to local, state, and federal lawmakers and to requests for comments.

Note: parts of this article were adapted from an article on the web placed there by a bird person who prefers to remain anonymous.

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