

Interstate Commerce in the US

WITH ESA LISTED ENDANGERED SPECIES

Compiled by Janice Boyd from USFWS email responses

Here are USFWS responses to some specific questions regarding interstate commerce with species listed by them as Endangered under the ESA (eg, Golden Conure, Vinaceous and Cuban Amazons, Blue-throated Macaws, and probably soon some combination of Hyacinth, Military, Buffon's, and Central American Scarlet Macaws). The devil is in the details, but there is a possibility that the implementation of permitting may have evolved into a way that is workable for aviculturists and people who wish to own these species but not breed them (don't use the word "pet"). It might also be a way to direct more funding to conservation of the species in the wild (which I care about). Here are the responses I received—"listed" means listed under ESA as Endangered):

Question 1.) If A wishes to sell a captive bred bird from a listed species to B in another state for conservation breeding purposes, are both A and B required to have a CBW permit (FWS Form 3-200-41) or Interstate Commerce permit (FWS Form 3-200-37)?

Answer 1. The Captive Bred Wildlife registration is valid ONLY for transactions when both A and B are registered for the same species and the transaction is for breeding purposes or holding of surplus under an SSP. If only one is registered, then the buyer would need to apply for and receive an interstate commerce permit (note: USFWS Form 3-200-37) prior to any transaction. The issuance of an ESA permit requires that the permit enhance (benefit) the survival of the species in the wild—This might be done through donation IF the facility or organization receiving the donation had a program for conservation of the species in the species' range states.

Question 2.) If A wishes to sell a captive bred bird from a listed species to B in another state for other than breeding purposes, are both A and B required to have a CBW permit or Interstate Commerce permit?

Answer 2. If the transaction is for other than breeding purposes then the CBW does not apply, and the procedure is as above for an interstate commerce permit. The buyer is the applicant.

Question 3.) What constitutes an acceptable facility or organization for such a donation?

Answer 3. As stated, the organization receiving the donation must have a program for conservation of the species in the species' range states, and the applicant must provide that information in the application. USFWS reviews the program for its benefit to the wild. The organization may be a foreign organization. If a US organization, possession of not-for-profit (501(c)(3)) status is not required, but the organization cannot be primarily commercial.



Top: Cuban Amazon. Above: Hyacinth Macaw.

Question 4.) Has FWS established an approximate time frame for responding affirmatively or negatively to

4a.) A request for a CBW permit? (this is FWS Form 3-200-41)

4b.) An interstate Commerce permit? (this is FWS Form 3-200-37)

(See www.fws.gov/forms/display.cfm?number1=200 for all the forms)

Answer 4. There is no given time frame for response - The decision takes whatever time is required. For ESA permits (above) the period will always be at least 90 days, due to the need to publish in the federal register for a 30 day comment period.

How all this will work in practice remains to be seen.

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www.susanclubb.com

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