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March 10, 2013

Public Comments Processing  
Attn: FWS-R9-ES-2012-0034  
Division of Policy and Directives Management  
U.S. Fish and Wildlife Service  
4401 N. Fairfax Drive  
MS 2042-PDM  
Arlington, VA 22203

**Re: FWS-R9-ES-2012-0034 - Endangered and Threatened Wildlife and Plants -  
Blue-throated macaw (*Ara glaucogularis*) - Proposed rule, 12-month finding re species as  
Endangered**

Dear Sirs,

*The American Federation of Aviculture (AFA) (see footnote 1) submits that the proposed listing of the Blue-throated macaw (*Ara glaucogularis*) as endangered under the ESA, as proposed in the referenced Notice FWS-R9-ES-2012-0034 regarding this species of parrot under the Endangered Species Act, should be withdrawn, and that the FWS renews its commitment to support and not interfere with private U.S. breeding programs of these and other parrot-like species.*

The listing of the blue throated macaw under the U.S. ESA as endangered will not benefit the species, but rather, it will irreparably harm the species itself, as well as harm U.S. aviculture and those who rely on U.S. aviculturists for current, correct, and humane assistance in keeping all of their birds.

- 1. The data upon which the proposed listing is based is out of date and inadequate to support the proposed listing.**

*The original 1991 petition to list 53 birds under the ESA included a proposal to list the blue-throated macaw. Much of the data cited is nearly 3 decades old and was the same data used to support passage of the WBCA (see below) in 1992. The premise of the WBCA was that these birds should be bred in captivity by U.S. aviculturists.*

The FWS, as required by the ESA itself, must consider the “*best scientific and commercial information*” available in making its determination on this issue. We believe that not only have the proponents of this listing failed to provide the required “best scientific or commercial data” available to support the proposal, we believe that sound scientific and commercial information exists to deny the requested listing.

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The allegations, notes, and claims recited as data do not rise to the level of “the best scientific or commercial data available to [the Secretary]” that is required by 16 USC 1533 (b) in order to support a determination by the Secretary that a listing of this species under the ESA is warranted.

The burden rests upon the proponents of the listing under 16 USC 1533 to present the required “best scientific or commercial data available” to support a proposal to list a species. That data necessarily includes sufficient reliable data to document the proponents’ claims of the need for a listing. That does not mean that they can merely quote selected opinions and data. It means that there has to be *scientific and commercial data, and it must be the best available.*

Very little reliable current scientific data exists to support the proposed listing, but there is ample commercial data to show that the listing is not advisable or warranted *if the intent of the listing is to actually protect or conserve the blue throated macaw.*

It seems what we have here is a recurring theme of “animal rights” / conservation groups alleging a problem and them making it the job of U.S. aviculturists to disprove the allegations. The ESA says otherwise!

Not only does the proposal to list the blue throated macaw as endangered fail to meet the minimum regulatory requirements set forth in the ESA itself to support the requested listing, but the lack of scientific evidence in the underlying petition violates the standard recently set forth by President Obama for actions to be taken by U.S. Executive Departments and Agencies.

On May 9, 2009 President Obama signed a Memorandum for the Heads of Executive Departments and Agencies, which directed as follows:

“Science and the scientific process must inform and guide decisions of my Administration on a wide range of issues, including ...protection of the environment, ...”  
(see footnote 2)

**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.**

*The Wild Bird Conservation Act (WCBA) (16 U.S.C. §§ 4901-4916, October 23, 1992) stopped the importation of all wild caught parrots into the United States. Current data obtained from CITES for the blue throated macaw (downloadable from CITES at <http://www.unep-wcmc.org/citestrade>) shows that there has been virtually no legal importation of this species into the U.S. since 1992, and no reliable data (other than innuendo) has been produced from any source to document that there has been any illegal importation of this species into the U.S. since 1992.*

*A summary of the CITES data from 1981 through 2012, which documents the dramatic decrease in importation of the blue throated macaw into the U.S. since 1992 (after the enactment of the Wild Bird Conservation Act), is submitted herewith as Exhibit 1 and by this reference made a part hereof.*

***Further, the FWS' own data on parrots of any species being imported into the United States since 1992 (whether legally imported or smuggled) indicates that the numbers of parrots of any species smuggled into the U.S. are few.***

Virtually all parrots sold in the U.S. since 1992 (either as pets, to zoos or other public display venues, or for other purposes) have been bred in the U.S. Since 1992 the pet trade in the U.S. has not only put no pressure on these birds in the wild, but has had no negative impact at all on these species in the wild.

According to current data from the Convention on the International Trade in Endangered Species (CITES), from 1981 to the present, it is clear that few blue throated macaws have been imported into the U.S. since 1992. It is also clear that few blue throated macaws have been imported into any of the other reporting CITES signatory countries since 1992. The inescapable conclusion must be that the cessation of the U.S. trade in the blue throated macaw would relieve the pressure on this species in the wild. At least that was what was contended by proponents of the WBCA pre 1992. In fact, groups which supported the WBCA sold it to Congress that U.S. captive breeding of birds would have salutary effect on wild populations.

**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.**

***Uplisting of the blue throated macaw will serve to curtail, if not end, breeding of this species in the U.S. Uplisting of the blue throated macaw will remove the species from interstate commerce. Uplisting of the blue throated macaw will have NO beneficial effect on this species in the wild.***

Many aviculturists subscribe to the philosophy so succinctly stated by Baba Dioum:

"In the end, we will only conserve what we love, we will only love what we know, and we will only know what we are taught."

Aviculturists allow millions of people to know, love, and understand the needs of the birds that we seek to conserve. But for U.S. aviculture and the birds made available to the public as a direct result of the efforts of U.S. aviculturists, few people in the U.S. would know, or care about, whether birds that are native to other countries continue to exist in the wild. The fact that people in the U.S. can, and do, own exotic birds encourages those U.S. owners to support and contribute to conservation of those birds in their native lands.

Aviculturists also have a direct impact on the success or failure of reintroduction programs. Only aviculturists can provide the specialized knowledge and experience that are crucial elements of the conservation work that is, and that will continue to be, required to ensure the continued existence of many endangered species of birds.

For decades U.S. aviculturists and aviculture organizations have actively promoted the need for the conservation of wild parrots, and as a direct result of the activities of U.S. aviculturists and aviculture

organizations, U.S. bird keepers of all kinds have embraced and financially supported the conservation of parrots in the wild. Uplisting of the blue throated macaw will remove the species from interstate commerce. That is a factual certainty. With that loss the identity of these birds in the U.S. will be diminished if not lost. Conversely the uplisting will have NO beneficial effect on this species in the wild. The ultimate result of this listing will be to devastate their population in both in captivity and in the wild.

**4. Listing the blue throated macaw under the U.S. Endangered Species Act will do nothing to help conserve this bird in the wild.**

***An ESA listing of the blue throated macaw will only serve to harm this species as a whole, by reducing the species' overall numbers, both captive bred and in the wild, and to ultimately hasten the species' extinction.***

***A listing under the ESA will affect all of those who deal with the blue throated macaw in the U.S. In particular, it will harm those who breed and sell this species in the U.S. with no benefit to the birds themselves.***

If a bird is listed under the ESA, the captive breeding and interstate trade within the U.S. will be seriously and negatively impacted. Because of the regulatory restrictions on animals listed under the ESA, many U.S. breeders of the blue throated macaw will stop breeding this species as they will be prevented from engaging in interstate commerce.

Unless a species is specifically exempted from the registration and permitting requirements contained in the Regulations, in order to move the species across state lines a FWS permit is required. The permitting process already deters many breeders from breeding listed species, since their ability to sell the offspring from their breeding programs is seriously hampered.

U.S. aviculturists have been successful in breeding many parrot species (including the blue throated macaw), and U.S. captive breeding of parrots has significantly increased the total numbers of many endangered foreign parrot species, including the blue throated macaw. Most aviculture in the United States is conducted by private individuals (not by zoos, preserves, sanctuaries, or government programs). It is a simple matter of economics (commerce) that a private breeding program must be self-sustaining if it is to remain viable, and that means that the breeder must be able to sell offspring of the breeding program in order to raise funds to continue the program. This applies to breeders who breed for conservation as well as for pet purposes.

Under the ESA, a listed bird cannot be sold as a pet across state lines. Permits to possess a listed species as a pet are not a viable option under the ESA regulations. If the blue throated macaw is listed under the ESA, permitted breeders can sell across state lines only to other permitted breeders or permit holders. No permits are available for pet birds of listed species. A breeder will soon exhaust the potential customers for ESA listed birds within the breeder's own state. Groups of closely related birds will remain within the states where they are bred (antithetical to the genetic diversity needed to maintain genetically healthy populations). Without the availability of permits for commercial trade, the free trade of the blue throated

macaw among qualified breeders in different states will cease. Within a short time after listing, most legal trade across state lines in the blue throated macaw will cease. Without customers to sell offspring to, most private aviculture in the blue throated macaw will cease.

A clear example of this problem is demonstrated by the lack of aviculturists who still work with the Golden Conure (aka Golden Parakeet and Queen of Bavaria Conure) *Guaruba guarouba*. The Golden Conure is a beautiful bird, one that many people in the U.S. would purchase if it were available through legal channels. It is also endangered in its natural habitat. Yet, despite the relative ease of breeding these birds in captivity, few U.S. aviculturists still work with the Golden Conure because they cannot sell their progeny. There is little trade in these birds, and as a result, there is no longer much breeding of these birds in the U.S. As a direct result of the listing of the Golden Conure under the ESA, the “living genetic Ark” for these birds that was maintained in various breeding programs, which would have continued to exist but for the ESA listing, is being lost. It is noteworthy that all parrot species listed as endangered under the ESA were listed as such prior to adoption of the WBCA when the U.S. allowed importation of these species into the U.S.

It is also noteworthy that U.S. aviculture of these species supports a myriad of other commercial activities which would be negatively impacted by this unwarranted uplisting.

**5. The proposal recognizes that international trade in the blue throated macaw has now virtually stopped, although local poaching remains a concern.**

*An ESA listing of the blue throated macaw will do nothing to protect or conserve the species in the wild. An ESA listing of the blue throated macaw will have no impact on their poaching or smuggling.* Although, it might, due to the decrease if not end of interstate commerce in this species increase smuggling and pressure on wild populations which captive breeding under the WBCA had addressed. It seems that this proposal proposes to kill the proverbial goose. An ESA listing of the blue throated macaw will do nothing to protect the species’ numbers in the wild, or protect its habitat, or encourage the government of its native land to conserve the species. As long as there are captive bred numbers of the species available to pet lovers and aviculturists in the U.S., the incentive for poaching and illegal trade for the U.S. will be non-existent. The proposal will promote, not cure the very problem of poaching and illegal trade.

*There is virtually no illegal importation of poached or smuggled blue throated macaws into the U.S. because is just not profitable to smuggle them into the U.S.* Since 1992 U.S. aviculturists have been able to breed sufficient numbers of the blue throated macaw to fill the demand for these birds in the U.S. Most of the U.S. pet-bird-owning public is aware of the risks involved with acquiring a smuggled bird, and few exotic bird buyers seek out or are willing to acquire a smuggled bird. Any reduction in price is just not worth the risk to the buyer or to the health of their other birds let alone the risk, *per se*, of the illegality of the activity. The pet-bird-owning public understands that a domestically bred, healthy, and well socialized pet bird is far preferable to a smuggled wild bird. The market for pet birds in the U.S. clearly shows that the U.S. pet-owning public prefers, and buys, domestically bred parrots.

It is truly ironic that proponents of this listing have engaged in a pre-1992 role reversal with AFA. Prior to the adoption of the WBCA, AFA was concerned that cutting off all legal importation would increase smuggling (a practice inimical to all responsible aviculturists, as it subjects their birds to diseases, let alone the illegality of it). Now, post WBCA, the proposed listing is concerned with smuggling in the post-WBCA U.S., when proponents of this listing and like-minded proponents of the WBCA assured Congress that would not be a problem in 1992.

**6. The Wild Bird Conservation Act (WBCA) entrusted U.S. aviculturists with the breeding of foreign species in the U.S. to replace the U.S. trade in wild caught birds.**

*Since 1992 aviculturists in the U.S. have met that challenge very successfully.* In 1992 the numbers of blue throated macaws, as well as many other parrot species, held in the U.S. were modest. *U.S. private and professional aviculturists, encouraged by the U.S. government, have developed successful breeding programs for this species, with the result that now the number of blue throated macaws held in the U.S. has increased.* U.S. private and professional aviculturists are now able to trade and sell birds among themselves and sell offspring as pets to support these activities without negatively impacting their breeding programs, and with no negative impact on this species in the wild.

*Both the Endangered Species Act and the Wild Bird Conservation Act were enacted for the purpose of both directly and indirectly assisting in the conservation of species in their native habitats. Private and professional aviculture serves as a valuable resource to those in other countries who seek to increase the numbers of their native birds by the use of captive breeding programs. Information and techniques developed by U.S. private and professional aviculturists have been crucial in the reintroduction of several species to the wild.*

According to U.S. professional aviculturist Rick Jordan, who has consulted with a number of foreign countries on captive breeding of parrots and has been published extensively on the subject, information and techniques developed by private and professional aviculturists have been used to successfully breed and reintroduce several species into their native lands. (See footnote 3).

Those successful breedings and reintroductions include, but are not limited to, the Puerto Rican Parrot in Puerto Rico USA, the Kakapo and the Black Robin in New Zealand, the Socorro Island Dove, the Spix's Macaw in Brazil, the Slender-billed vulture and the White-backed vulture in India, the Whooping Crane in the US, the Echo Parakeet in the Mauritius Islands, the Mangrove Finch Program and the Floreana Mockingbird Program in the Galapagos Islands, the Great Green Macaw and Scarlet Macaw Captive Breeding programs in Costa Rica, the Scarlet Macaw, Military Macaw, and Amazon Breeding Center in Guatemala, and the California Condor Recovery project in California, USA. The re-establishment of successful reproducing populations of the Bald Eagle, Peregrine Falcon, Harris hawk, Aleutian goose, Bean goose, Lesser white-fronted goose, Wood duck, Masked bobwhite quail would not have been accomplished without the knowledge and input from experienced aviculturists.

*The pending proposal to list the blue throated macaw betrays that 1992 commitment by Congress and the FWS to U.S. aviculturists that, if importation of parrots into the U.S. ceased, then U.S. aviculturists*

***would be encouraged to breed these species for commercial purposes, including for sale as pets.***

Based on that 1992 promise, U.S. aviculturists developed, and now operate, successful domestic breeding programs, not only for the blue throated macaw, but many other species of exotic birds. The birds produced by these breeding programs satisfy the demand for these birds as pets, as well as provide birds to other breeders, to zoos and exhibitors, and to others. As previously mentioned, it also removes the incentive for poaching and smuggling. This proposal will destroy the successful breeding programs for the blue throated macaw that exist in the US, and will ultimately lead to the decline of their overall numbers. Unless the countries where these species are native are able to stop the decline of their habitat, and that is not likely to happen in the foreseeable future, their eventual extinction is a real possibility. U.S. aviculture has demonstrated that it is able to, and seeks to, avoid those unnecessary extinctions by breeding those birds in the U.S., and by assisting aviculturists in other countries who share that common interest. This proposal betrays the trust given to and met by U.S. aviculturists under the WBCA, as it removes the commercial incentive provided by the WBCA.

**7. There are blue throated macaws currently legally owned in the US. The proposed uplisting of the species would effectively end U.S. interstate commerce and trade in this species.**

***As previously noted, importation of wild parrots into the U.S. stopped in 1992 as a result of the Wild Bird Conservation Act (WBCA). Given the longevity of the blue throated macaw, it is likely that many of those parrots are still alive and thriving in the care of their owners.***

Those owners use the services of countless cage and food suppliers, toy manufacturers, pet shops, veterinarians, and others, who provide goods and services to the exotic bird industry. U.S. aviculture is no longer a “cottage industry” - it is a widespread and important business that employs many people and provides goods and services to many bird owners. Many people depend on U.S. aviculture for their livelihood. This proposal would end a significant part of that commerce, without any corresponding protection of the blue throated macaw.

**8. One undesirable effect that this uplisting proposal will have will be to severely curtail, if not end, U.S. captive breeding of the blue throated macaw, many of which are being bred by U.S. aviculturists both for breeding programs and for the pet trade.**

***The result of stopping the domestic breeding of the blue throated macaw in the U.S. will be that the total population of this species will no longer continue to increase, but, rather, their total populations will significantly decline. Unless there are successful conservation programs in its native land, the blue throated macaw will become extinct.***

U.S. domestic breeding of the blue throated macaw provides a “living genetic Ark” for the species - an Ark that can provide the genetic material needed to ensure the long term survival for the species, and that may ultimately provide the birds that are reintroduced to their native lands. Since, in the big picture, despite conservation efforts, relatively little is being done to preserve habitat for the species in its native habitat, and since it is likely, given the political and financial climate in that habitat, that those conditions

will continue for the foreseeable future, without these "living genetic Arks" for this species outside of its native land, the continued existence of the species is unlikely.

**9. The proposed listing is based on concerns regarding the effects of local ownership and control of the blue throated macaw in its country of origin. This listing will do nothing to change this.**

***The listing of the blue throated macaw under the ESA will do nothing to conserve the blue throated macaw in the wild.***

That conservation work, and the politics involved with that work, remains under the control of the people who live in the lands where the species is native. As well intentioned as we may be here in the U.S., and as much as we may wish to help conserve species in the wild, we cannot force those countries, or their citizens, to do anything to conserve their own wildlife by listing any foreign species under the ESA.

Perhaps the very problem the proponents cite provides a vehicle for preserving the species in their native habitat. The local (in situ) keeping of these birds as pets, heightens the awareness of the value and importance of these birds. What the 1991 petition cites as a problem has been used by other countries as a tool for conservation and local pride. The proponents should be putting their financial and political resources behind this, not in stifling the propagation of the species.

**10. The proponents of the listing should be asking and supporting the country of origin to address their concerns, not threatening the FWS with litigation if a listing is not forthcoming.**

***The people in the country where the blue throated macaw is native must take steps to protect their own wildlife.***

The proposal recognizes that several individual, private conservation projects, and NGOs (which list, notably, *excludes* any agencies of the U.S. government) are currently involved in projects to protect the blue throated macaw in the wild. That is commendable, and we hope those efforts continue.

If the proponents of this listing (including the FWS and other organizations) truly wish to help protect the blue throated macaws who remain wild in their native land, they should be working with, and helping, the people and the government in that area to protect this species. For example, the "Rare Pride" native wildlife conservation programs conducted by RARE (formerly the Rare Center for Tropical Bird Conservation) (<http://www.rareconservation.org>) have been successful in encouraging local governments and local people to protect their own wildlife.

***No listing under the ESA will cause anyone in any country other than the U.S. to take any action to protect any species threatened with extinction.***

This proposed listing of the blue throated macaw is nothing more than a "feel good" proposal that suggests that the U.S. is "doing something" to help this species in the wild. Nothing could be further

from the truth.

***In reality this listing, which will do nothing to help wild species, is intended to do, and will do, tremendous damage to the successful breeding programs for the species in the U.S. This proposal is not a correct use of the ESA.***

**11. The proposal to list the blue throated macaw is contrary to the express findings of Congress and the express purpose for the ESA, as stated in the ESA itself. There is no basis for there to be any honest commitment for funding for the improvement of the blue throated macaw in its range.**

***The proposal is not a legally correct, defensible, or justified use of the ESA - in fact, it is an abuse of the spirit and stated intent of the ESA.***

The express findings and purposes of Congress regarding the purpose of the ESA are ignored by the proponents of this listing. Nothing in the proposal to list the blue throated macaw includes or suggests anything that will encourage any States or other interested parties (either in the United States or outside of the United States), to conserve the species, or to provide any means whereby the ecosystems upon which the species depends may be conserved.

The proposal does not request or suggest that any Federal financial assistance be provided or any system of incentives be put in place, or that any funds or resources whatsoever, from any source, public or private, be put to any uses that may help conserve this bird in the wild. No steps are suggested that may achieve the purposes of the treaties and conventions set forth in the ESA.

It is clear that the only thing that this listing will accomplish is to carry out the political agenda of proposing parties, which is to prevent the interstate commerce inside the United States in the species which is the subject of the proposed listing. Nothing is contained in the proposal to even suggest how, or why, such a prohibitive act will benefit the blue throated macaw, ***because there is nothing in the proposal that will benefit the blue throated macaw.***

**12. There is no evidence in the proposal to list the blue throated macaw to indicate that there is any honest commitment for funding for the improvement of this species in its range.**

***A basic premise of the ESA for listing of a foreign species as "Endangered" is to commit funds for the improvement of their condition and conservation in the wild, either through captive breeding programs or protection of the species and their habitat in the wild. Both of those important factors are remarkably absent from the proposal to list the blue throated macaw.***

Although the ESA specifically encourages such financial or personnel assistance, this proposal neither requests nor suggests that the Secretary, or anyone else, public or private, render such assistance to anyone try to help conserve the blue throated macaw in its native land.

For example, the Golden Conure, Lear's macaw, Spix's Macaw and several other foreign parrot species

have been subjects of the ESA since its inception in the 1970's, yet, to date, no funds from United States agencies (FWS or otherwise) have been spent on any of these species with regard to their conservation in their native range. Furthermore, the Spix's macaw conservation committee, headed by the Brazilian government and CITES Management Authority, is constantly seeking funding for the conservation of several ESA listed Brazilian species.

***We must ask the obvious questions - Why hasn't the U.S. funded Conservation programs for these ESA listed foreign species? Why has the U.S. instead opted to add more foreign species to the ESA list, when they do not plan to, and do not have the resources to, support conservation programs for listed foreign species as directed by the ESA?***

**13. The proposed listing of the blue throated macaw does nothing to “conserve” the species as that term is defined in the ESA.**

***This proposal is contrary to the stated intent of the ESA to conserve species.***

The ESA defines the terms "conserve", "conserving", and "conservation" as meaning “to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this chapter are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.” (16 USC 1532(3) ).

***The proposal neither provides nor suggests anything that will help manage or conserve the blue throated macaw in its native habitat.***

The proposal simply seeks to achieve the immediate result of stopping U.S. interstate trade in blue throated macaws that are captive bred within the United States, and to ultimately to stop the breeding of this species in the United States, with the ultimate goal being the achievement of the philosophical agenda by some groups of stopping ownership of birds in the U.S. That outcome will achieve nothing to conserve the blue throated macaw in the wild. In fact, that outcome will serve to reduce overall numbers of this species. The proposal will do nothing to bring this species to the point, or allow this species to reach the point, at which “the measures provided pursuant to this chapter are no longer necessary”.

**14. While the FWS or proponents of this uplisting might state that there is a program in place, i.e., the Captive Bred Wildlife program (CBW), to allow interstate trade in this species, two realities are well recognized about the CBW program: a) it is a dismal failure due to the necessity of dealing with bureaucracy; and b) the CBW program does not recognize commerce in ESA species as pets.**

***The science and art of aviculture is most successful when more people participate, when more species are successfully bred, when more birds can be freely sold and traded, and when more funds can be generated and used to support breeding programs and true conservation efforts.***

The CBW failed to encourage aviculturists to pursue their avocation because of its restrictive provisions. The CBW has made many aviculturists so frustrated that they have left the field. This outcome is unacceptable to anyone who wants to see endangered and threatened birds continue to exist.

Because the CBW does not allow progeny of captive breeding programs to be sold as pets, the CBW was doomed to fail from its outset. Unless breeders can sell excess offspring as pets, then eventually they find that they cannot continue their programs. They cannot afford to continue to maintain a glut of domestically bred birds that they cannot place or sell. Eventually, when all other CBW participants suffer the same effects of a glut of progeny, they also can no longer afford to participate in the program. A program with no participants is no program at all.

**15. The result of uplisting will be the sale of U.S. breeder stock into the pet trade and the cessation of captive breeding in the blue throated macaw in the U.S., or the hybridization of this species to avoid its classification as endangered.**

***If the birds that are presently being bred are listed under the ESA, and if their progeny cannot be sold as pets, it is likely that the presently held breeder stock will be sold off as pets. It is a simple fact of business that breeders cannot afford to maintain flocks of birds if they cannot sell or trade the progeny.***

Also, it is a concern of AFA that some breeders could turn to hybridization of formerly pure species in order to meet the demand for birds as pets. A hybrid of a species listed under the ESA is not subject to the ESA, and may be freely sold and traded in commerce.

Both of these effects are undesirable and betray any alleged commitment to these species or to their conservation which any of the proponents may claim to have.

**16. The proponents of this uplisting have an agenda a philosophical position against ownership of exotic avian species, especially as pets. This proposal is bad as science and worse as politics.**

***Basing uplisting of species upon philosophy is an abuse of any system in government which requires its basis in commerce or science.***

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The proponents of this listing have espoused the philosophical view that animals have rights and should be free of interference by man:

“So the rights advocate asks that we relinquish the idea that other animals can be bought, sold, and treated as things. This is not the same thing as asking for better treatment; the rights advocate demands something infinitely more valuable — freedom.”

<http://www.friendsofanimals.org/programs/animal-rights/index.html>

Many “animal rights” advocates believe that animals should not be bought or sold, and that they should not be owned as “property”. It is evident that the true purpose of the pending ESA proposal is not to conserve or protect the blue throated macaw in the wild, but to stop the sale of the species in the U.S. If this proposed listing goes forward, it is likely that many other similar petitions will be filed with the FWS by “animal rights” activists, to first list some or all of the other parrot species, then to list other species of other kinds that are bought and sold or otherwise in commerce, so that the ultimate goal of stopping the sale and trade in these species in the U.S. can be achieved.

While “animal rights” organizations and their contributors certainly have the right to their moral and political views, they do not have the right to use the ESA and FWS or the corruption of the political process to force those moral and political views on the majority of those who do not hold those views.

There is no room for a political agenda in what is supposed to be a scientifically based standard. The ESA should not be used as a weapon to harm or destroy private and professional aviculture based on ideological views and ill-conceived policies that are not supported by science, or by the political agenda of opponents of the private ownership of birds and other animals.

**17. The following quote should itself suffice to guide the FWS to deny this proposed listing:**

“It is about ensuring that scientific data [are] never distorted or concealed to serve a political agenda and that we make scientific decisions based on facts not ideology”

---- Barack Obama, President of the United States, March 9, 2009, upon signing the stem cell research funding bill. [http://www.whitehouse.gov/the\\_press\\_office/Removing-Barriers-to-Responsible-Scientific-Research-Involving-Human-Stem-cells/](http://www.whitehouse.gov/the_press_office/Removing-Barriers-to-Responsible-Scientific-Research-Involving-Human-Stem-cells/)

**In conclusion:**

American Federation of Aviculture, Inc.

March 10, 2013

Re: FWS-R9-ES-2012-0034 - Endangered and Threatened Wildlife and Plants - Blue-throated macaw (*Ara glaucogularis*) - Proposed rule, 12-month finding re species as Endangered

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***With the lack of sufficient current scientific or commercial data to support the uplisting, the lack of commercial trade in the blue throated macaw, the lack of trade into the US, the substantial negative effect the proposal will have on U.S. commerce and conservation of this species through captive breeding programs which will be destroyed by the uplisting, and the failure of a contemporaneous commitment to any conservation of the blue throated macaw in its range, this proposal fails on both a scientific as well as commercial basis.***

***For all of these reasons the American Federation of Aviculture, Inc. requests that the proposal to list the blue throated macaw (*Ara glaucogularis*) as endangered under the ESA, as proposed in the referenced Notice FWS-R9-ES-2012-0034 - Endangered and Threatened Wildlife and Plants - Blue-throated macaw (*Ara glaucogularis*) - Proposed rule, 12-month finding, and that the FWS renews its commitment to support and not interfere with private U.S. breeding programs of these and other parrot-like species.***

If the FWS insists on proceeding with listing the blue throated macaw under the U. S. ESA, then, at a minimum, the American Federation of Aviculture requests that the FWS list the blue throated macaw as “threatened”, and that the FWS adopt a “special rule” that will allow aviculturists to continue to breed, trade, and sell the blue throated macaw within the U.S.

The “special rule” proposed in the FWS August 9, 2011 Notice in the Federal Register is a start in that direction. The rule needs to be strengthened to ensure that American aviculturists are not prevented from continuing to breed, trade, and sell the blue throated macaw within the United States.

***The American Federation of Aviculture, Inc. stands ready to assist FWS in crafting reasonable and effective solutions to problems facing endangered species. This particular proposed listing is not a reasonable solution that will help solve any problem that this species face in its native land.***

The lack of sufficient current scientific and commercial data to support this uplisting, and the commercial and scientific data which contradicts it, suggests that this proposal is exactly what it appears to be - political and ideological agenda cloaked as science and commercial justification.

We look forward, on behalf of the millions of citizens of the U.S. who enjoy the companionship of their pet birds and on behalf of those who breed birds in the U.S. both for pet purposes and for conservation purposes, to the Secretary and the Fish and Wildlife Service recognizing and acting on our concerns.

If you have any questions, or if we can be of further assistance, please do not hesitate to contact our Conservation Chair, Rick Jordan, or our Legislative Vice President, Genevieve Wall, Attorney at Law. You can reach Mr. Jordan by email at [afaoffice@earthlink.net](mailto:afaoffice@earthlink.net), and you can reach Ms. Wall by mail at

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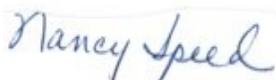
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23521 Paseo de Valencia, Suite 304-B, Laguna Hills, CA 92653, or by email to [gwlawco@aol.com](mailto:gwlawco@aol.com) or by telephone to (949) 574-4079.

Very truly yours,

AMERICAN FEDERATION OF AVICULTURE, INC.



Nancy Speed,  
President



Genevieve Wall,  
Legislative Vice President



Rick Jordan,  
Conservation Chair

**Footnote 1:**

**The American Federation of Aviculture (AFA)** is a nonprofit national organization established in 1974, whose purpose is to represent all aspects of aviculture and to educate the public about keeping and breeding birds in captivity. AFA supports public and private programs that are designed to support conservation of birds in the wild.

AFA represents the interests of more than 10,000 people who are our members and members of our affiliated clubs and affiliated businesses. AFA has a broad membership consisting of bird breeders, pet bird owners, veterinarians, pet/bird store owners, bird product manufacturers, and many other people who are interested in the future of birds and aviculture and who own and breed the many species of birds in aviculture. There are millions of U.S. households who keep birds.

AFA promotes and encourages the humane husbandry, care, and breeding of birds. While AFA speaks to and for the interests of the birds themselves, AFA also speaks to and for the interests of the millions of U.S. households and individuals who own birds, the thousands of businesses and professionals who provide those bird owners with goods and services, and the birds and families who rely on the continued existence of those businesses and professionals not only for their own livelihood, but so that they will all be able to continue to humanely keep their birds.

Our members, affiliates, and associates in aviculture in the United States own and maintain many hundreds of separate species of exotic birds. AFA recognizes that there is no “one-size-fits-all” husbandry program for the humane keeping, breeding, care, and husbandry of the many species of exotic birds currently kept by aviculturists worldwide. AFA is proud to include in its membership many experts who have long term, hands-on experience with many species of birds, and who can, and do, provide the public and our government with current reliable information regarding the humane keeping, breeding, care, and husbandry of exotic birds.

While some “humane” organizations may claim to have the knowledge necessary to keep birds in a humane manner, without extensive hands-on experience keeping, breeding, and caring for the birds that they purport to speak for and about, any claims by “humane” organizations to know what is “best” for birds are simply opinions and speculation.

Aviculturists who maintain the many species of exotic birds now in captivity in the U.S. have the extensive knowledge and expertise required to keep, breed, and care for birds in captivity. Aviculturists serve an important role in the preservation of species, and in some cases aviculturists are the only hope for the long term survival of many of those species at risk for extinction in their native lands.

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## Footnote 2

### **On May 9, 2009 President Obama signed a Memorandum for the Heads of Executive Departments and Agencies, which directs as follows:**

THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release March 9, 2009

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Scientific Integrity

Science and the scientific process must inform and guide decisions of my Administration on a wide range of issues, including improvement of public health, protection of the environment, increased efficiency in the use of energy and other resources, mitigation of the threat of climate change, and protection of national security.

The public must be able to trust the science and scientific process informing public policy decisions. Political officials should not suppress or alter scientific or technological findings and conclusions. If scientific and technological information is developed and used by the Federal Government, it should ordinarily be made available to the public. To the extent permitted by law, there should be transparency in the preparation, identification, and use of scientific and technological information in policymaking. The selection of scientists and technology professionals for positions in the executive branch should be based on their scientific and technological knowledge, credentials, experience, and integrity.

By this memorandum, I assign to the Director of the Office of Science and Technology Policy (Director) the responsibility for ensuring the highest level of integrity in all aspects of the executive branch's involvement with scientific and technological processes. The Director shall confer, as appropriate, with the heads of executive departments and agencies, including the Office of Management and Budget and offices and agencies within the Executive Office of the President (collectively, the "agencies"), and recommend a plan to achieve that goal throughout the executive branch.

Specifically, I direct the following:

1. Within 120 days from the date of this memorandum, the Director shall develop recommendations for Presidential action designed to guarantee scientific integrity throughout the executive branch, based on the following principles:

(a) The selection and retention of candidates for science and technology positions in the executive branch should be based on the candidate's knowledge, credentials, experience, and integrity;

(b) Each agency should have appropriate rules and procedures to ensure the integrity of the scientific process within the agency;

© When scientific or technological information is considered in policy decisions, the information should be subject to well-established scientific processes, including peer review where appropriate, and each agency should appropriately and accurately reflect that information in complying with and applying relevant statutory standards;

(d) Except for information that is properly restricted from disclosure under procedures established in accordance with statute, regulation, Executive Order, or Presidential Memorandum, each agency should make available to the public the scientific or technological findings or conclusions considered or relied on in policy decisions;

(e) Each agency should have in place procedures to identify and address instances in which the scientific process or the integrity of scientific and technological information may be compromised; and

(f) Each agency should adopt such additional procedures, including any appropriate whistleblower protections, as are necessary to ensure the integrity of scientific and technological information and processes on which the agency relies in its decisionmaking or otherwise uses or prepares.

2. Each agency shall make available any and all information deemed by the Director to be necessary to inform the Director in making recommendations to the President as requested by this memorandum. Each agency shall coordinate with the Director in the development of any interim procedures deemed necessary to ensure the integrity of scientific decisionmaking pending the Director's recommendations called for by this memorandum.

3. (a) Executive departments and agencies shall carry out the provisions of this memorandum to the extent permitted by law and consistent with their statutory and regulatory authorities and their enforcement mechanisms.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

© This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

4. The Director is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

[http://www.whitehouse.gov/the\\_press\\_office/Memorandum-for-the-Heads-of-Executive-Departments-](http://www.whitehouse.gov/the_press_office/Memorandum-for-the-Heads-of-Executive-Departments-)

and-Agencies-3-9-09/

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### Footnote 3

#### **Examples of Avicultural Successes/assists for wild bird conservation.**

**Rick Jordan, professional aviculturist, Chair of AFA CITES Committee - present**

**Janice Boyd, PhD, Chair of AFA Conservation and Research Committee -2009**

**Puerto Rican Parrot, Puerto Rico USA:** Placed on the ESA in 1967, when there were an estimated 70 birds. In 1969 efforts were started towards recovery of the species in the wild. These efforts were unsuccessful. FWS started a captive breeding effort in 1972 when the population was estimated at 16 individuals. Breeding success was very low until professional aviculturists were brought in to advise the program (statement made by several of the present active participants in the FWS and DNER programs). At the end of the 2009 breeding season the population had reached over 300 individuals at two aviaries and two wild populations. Additional release sites are being identified. Without the information provided by private aviculturists, the population in captivity would not have flourished.

**Kakapo, New Zealand:** Early “hands-off” approach to recovery in the wild was unsuccessful. Only translocations to safe islands, plus active interventions to increase breeding success kept this bird from going extinct. One of the most successful portions of the conservation program for the Kakapo was the avicultural consultations and assistance. A native New Zealander, Pauline Colpman worked with biologist to learn the biology of the species by studies in captivity of chicks hatched at the Auckland zoo. Don Mertin has delivered this species from extinction by using all methods available to him, including captive breeding and hand rearing.

**Black Robin, New Zealand:** The most successful technique employed during the recovery efforts of the Black Robin was surrogate incubation and rearing. Both techniques perfected by captive breeders. The black robin would not survive today in the wild if not for the biology learned from captivity.

**Socorro Island Dove:** Saved from extinction through people’s interest in it as an aviary bird. The late Dr. Luis Baptista recognized the importance of captive breeding and invited participation during this critical program. Today this species exists solely due to the intervention of captive breeders.

**Spix’s Macaw, Brazil:** Now extinct in the wild, captive breeding is the only chance for the future survival of the Spix’s macaw. Numbers perilously low in captivity have been bolstered in the past ten

years through intense study and captive breeding efforts in Qatar, the Philippines, Sweden, Germany, and Spain. All holders of Spix's macaws are now part of the captive breeding effort to save the species and reintroduce it back into the wilds of Brazil. Several avicultural and conservation organizations have banded together and purchased the land where the habitat of the Spix's macaw is being restored for a future reintroduction.

**Slender-billed vulture and White-backed vulture, India:** Captive breeding efforts are now being used to bolster the dwindling populations in the wild in India. These two vultures are more endangered than the Indian Tiger. Only through captive breeding efforts will these two species survive.

**Whooping Crane, US:** Almost exclusively saved from extinction through captive breeding, aviculture, and experimental artificial insemination. Most whooping cranes flying free today are descendants of captive bred birds.

**Echo Parakeet, Mauritius Islands:** Once perilously low numbers in the wild has been bolstered with the assistance of professional aviculturists. Captive breeding, surrogate placements, and release have saved this species from sure demise.

**The Mangrove Finch Program, Galapagos Islands** and the **Floreana Mockingbird Program** are recent additions to the Captive Breeding Programs in Galapagos. After much preparation, both programs are now underway. Both bird species have reached critical population sizes (about 80 for Mangrove Finches and 140 for the Floreana Mockingbird). Captive breeding and the subsequent release of young is considered the best management option for these species.

**Great Green Macaw and Scarlet Macaws Captive Breeding in Costa Rica:** Over the past 15 years, multiple aviculture breeding centers have bred hundreds of scarlet macaws and nearly 100 great green macaws through at least F2 in both species. (Zoo Ave, ASOPROLAPA, Asociación Amigos de las Aves, Jardin Zoo La Marina, others). Reintroduced populations of scores of captive bred birds have been established in at least 5 locations where they are successfully breeding. Aviculture experts from the USA and Europe have been constant advisers in the past and continue doing so today.

**Macaw and Amazon Breeding Center in Guatemala:** Aviarios Mariana has bred hundreds of macaws (in particular scarlet and military) and Amazons (in particular yellow naped) through F2 in a private aviary in Guatemala and is now working with Wildlife Conservation Society-Guatemala and rescue center ARCAS on developing a scarlet macaw reintroduction program. U.S. aviculturists have served and continue to serve as employees and advisors to these efforts.