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MEMORANDUM

Activists Sue for Protection of 14 Species

From Brent W. Gattis, Senior Policy Adviser

The following announcement was drafted as an informative background to the recent AFA Legislative Alert disseminated by Genny Wall. If you wish to receive future Legislative Alerts, please contact AFAOffice@earthlink.net.

In the last issue of AFA Watchbird, I wrote to tell you of H.R. 669—the misguided piece of legislation against the aviculture community. Now unfortunately, this same animal rights community is suing the Secretary of the Interior and the Fish and Wildlife Service (FWS) to add fourteen species of parrots for protection under the Endangered Species Act (ESA).

The only real effect this suit will have is to burden aviculturists with an arbitrary permitting paperwork process for hundreds of thousand of animals in the United States. Make no mistake—these activists are not running to the aide of avian species in the wild by using sound science. They are suing the agency to encumber aviculturists and pet owners from owning these animals.

Two bird examples: the Golden Conure and the Vinaceous Amazon.

The few individuals that have these birds and are successful in propagation to several generations have lost interest in the species as there is no outlet for the offspring. By encumbering the owners and bottle necking the genetic lines of these species, we have only done a disservice to them. Free commerce has always been the best motivation behind entrepreneurs. Owners of valuable genetic stock have been warehousing their offspring when local markets and other permit holders are saturated with inventory. Once this occurs, those who are successful are only burdened by their success and stop breeding.

The Gouldian Finch is an example of where the birds are becoming extremely rare in the wild because of the loss of their natural food source and yet they are bred by the thousands in US aviculture annually.

The Scarlet-chested Parakeet once restricted by its ESA listing, has been unrestricted because of the success of aviculturists across America and the thousands of birds raised in captivity. With the volume of production, genetic

diversity is extremely important and can only be achieved when unencumbered commerce is allowed between breeders.

Captive birds are our property, not wild animals roaming freely in danger of man's encroachment on limited habitat. They are dependent on their keepers to have free movement of the species for their own betterment.

There are numerous species across the globe that have greater numbers in captivity than in the wild. If we are ever to return any of these birds to their native habitat we need to have the best possible gene diversity and the most robust specimens available to do so.

After the suit was filed, FWS issued a notice of findings for the possible ESA listing. Aviculturists and scientists who care for these animals are being asked to comment on the notice within 60 days (on or before Sept.14, 2009) without being given the opportunity to see or review any of the "science" provided to FWS by the activists to support their claims. We should all be extremely concerned that the ESA not be used as a tool by the animal rights community to

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enforce their agenda—that no one owns parrots or any other animals—upon other people. Adding a huge number of species that are not in need of protection to the endangered list does not concentrate on those animals needing the most help and does nothing but burden FWS.

We should all immediately write FWS to extend this comment period to allow sufficient time for aviculturists and scientists to provide FWS with the facts and the decision-making tools it needs on this arbitrary proposal. At the end of this article, I will provide you with the tools you need to comment on the proposal and to ask for an extension of the comment period.

Background

On January 29, 2008, the Friends of Animals (FOA) petitioned FWS requesting that fourteen specified parrot species be listed as endangered or threatened under the Endangered Species Act of 1973 (the Petition).

The species of parrots listed in the Petition include:

- Blue-throated Macaw (*Ara glaucogularis*);
- Blue-headed Macaw (*Propyrrhura couloni*);
- Crimson Shining Parrot (*Prosopiea splendens*);
- Great Green Macaw (*Ara ambigua*);
- Grey-cheeked Parakeet (*Brotogeris pyrrhoptera*);
- Hyacinth Macaw (*Andorhynchus hyacinthinus*);
- Military Macaw (*Ara militaris*);
- Philippine Cockatoo (*Cacatua haematuropygia*);
- Red-crowned Parrot (*Amazona viridigenalis*);
- Scarlet Macaw (*Ara macao*);
- Thick-billed Parrot (*Rhynchopsitta pachyrhyncha*);

- White Cockatoo (*Cacatua alba*);
- Yellow-billed Parrot (*Amazona collaria*); and
- Yellow-crested Cockatoo (*Cacatua sulphurea*).

On Oct. 27, 2008, FOA submitted a letter to then-Secretary of the Interior Dirk Kempthorne notifying him and FWS of the agency's failure to post a 90-day finding on the Petition.

On April 13, 2009, FOA filed a citizen suit against Secretary of the Interior Ken Salazar and FWS in the United States District Court for the District of Columbia for failure to act on the Petition. In the suit, FOA states that "commercial and scientific information" from Birdlife International, NatureServe, and the International Union for the Conservation of Nature's Red List was incorporated into the petition and gives substantial basis for the petition.

On July 14, 2009, FWS published a notice in the Federal Register entitled, "Notice of 90-Day Finding on a Petition to List 14 Parrot Species as Threatened or Endangered." 74 Fed. Reg. 33,957 (July 14, 2009). The notice does not include any of the "scientific information" referenced in the Petition.

Need for Information

The FWS notice requires that members of the public wishing to comment on the matter must do so by Sept. 14, 2009. However, many of the documents that public stakeholders would need to examine in order to conduct the type of thorough and comprehensive assessment needed to provide input simply have not been made available up to this point.

Without access to pertinent information, stakeholders will effectively be prevented from conducting the type of thorough and comprehensive

assessment needed to provide meaningful and informed input. This is particularly so with respect to scientific data provided to FWS, without which it is impossible for stakeholders to comment on the validity of that data.

Need for Action

To request an extension of the 30-day comment period on the FWS notice, in order for stakeholders to properly review all pertinent information prior to commenting, contact FWS at:

Douglas Krofta
Chief, Branch of Listing,
Endangered Species
U.S. Fish and Wildlife Service
4401 North Fairfax Drive,
Room 420

Arlington, VA 22203

RE: Extension of Comment Period
for Docket Number
FWS-R9-IA-2009-0016

To comment on the FWS notice, you may submit information by one of the following methods:

- Federal rulemaking Portal—www.regulations.gov. Search for Docket Number FWS-R9-IA-2009-0016 and follow the instructions for submitting comments on the webpage.
- U.S. mail or hand-delivery—
Public Comments Processing
Attn: FWS-R9-IA-2009-0016
Division of Policy and Directives
Management
U.S. Fish and Wildlife Service
4401 North Fairfax Drive,
Suite 222
Arlington, VA 22203

E-mail or fax submissions will not be accepted. All comments will be posted on www.regulations.gov. For questions or further information on the notice, contact Douglas Krofta at (703) 358-2105.