

Scarlet, Great Green, Military and Hyacinth Macaws 12-Month Finding and Proposed Rule

Frequently Asked Questions

Q: I understand that the Endangered Species Act (ESA) restricts a number of activities that can be done with a listed species. If the proposed macaw species are listed, will all of the prohibitions of the ESA apply to my bird?

A: The ESA does restrict some activities, such as interstate sales, imports, and exports, of listed species. The ESA does not restrict, however, ownership, moving your personal pet across state lines, or intrastate sales (sales of listed species within the state that both the seller and buyer reside). Therefore, if the macaw species are eventually listed under ESA protection, these prohibitions would apply. However, the ESA would not cover birds that were born before the listing goes into effect and have **not** entered into commerce (e.g., were bought or sold) after the listing goes into effect. These birds are called “pre-Act.” This would mean that if you own one of these four macaws as a pet before a listing is finalized, if that it is the outcome of this rule making process, you would not be restricted on what you could do with your bird, provided that you can document when you obtained your bird. Birds that are born, bought, or sold after the potential listing date would fall under the ESA restrictions. It is possible, under certain conditions, to obtain a USFWS permit authorizing certain activities if you meet the issuance criteria. For more information please see www.fws.gov/international.

Q: If the proposed four macaw species are listed, do I need a USFWS permit to travel within the United States with my macaw(s)?

A: There are no restrictions on traveling with or transporting legally obtained endangered species within the United States, provided these activities are not occurring as part of a commercial sale. In other words, no permit is required for you to travel or transport your pet macaw(s) within the United States, provided you are not selling your macaw(s).

Q: If the proposed macaw species are listed, do I need a USFWS permit to travel with or transport my macaw(s) into or out of the United States?

A: Yes, since the scarlet, great green, military and hyacinth macaws are listed in Appendix I of CITES, regardless of which subspecies or DPS of your scarlet macaw, you would need a permit to travel or transport your bird into or out of the United States. Further, unless you can demonstrate, in the case of scarlet macaw, via records or morphological characteristics, that your bird(s) originate from the non-listed DPS of *A. m. macao*, or, for all of the 4 macaw species, show that your bird is “pre-Act”, the protections and restrictions of the ESA would also apply to your bird. Permits under the ESA can only be issued for activities that benefit or enhance the survival of the species in the wild or for scientific research. Therefore, it may be difficult to obtain a USFWS permit to move your bird into or out of the United States. For more information on obtaining such a permit, see www.fws.gov/international. If we list intraspecific crosses and the southern DPS of *A. m. macao* as “threatened” based on similarity of their appearance to the entities currently proposed for listing, a USFWS permit would also be required to move any scarlet macaw (regardless of its origin) into or out of the United States, unless it qualified as “pre-Act”.

Q: If the proposed macaw species are listed, can I sell my macaw(s)?

A: While the ESA does not prohibit intrastate (within a state) sale of an endangered species, it does prohibit interstate (between states) commercial sale of endangered species, unless a buyer can demonstrate that such sales enhance the propagation or survival of the species, or is for scientific

research. Even birds that were born before any listing was to become final are covered by this provision of the ESA, because the “pre-Act” status of the bird would be lost as soon as the bird is offered for sale. A USFWS permit could be issued if a buyer can demonstrate the interstate sales of the bird enhances the propagation or survival of the species. Because interstate commerce of endangered species is generally prohibited, if you wish to sell your macaw(s), you would have to either sell the bird(s) to someone who resides within your home state, or apply for a permit for inter-state sale of your bird(s). In addition, to be in compliance with the Act, any advertisements for the sale of your birds should include a statement that no sale can be consummated until a permit has been obtained from the USFWS. For more information on obtaining such a permit, see www.fws.gov/international.

Q: If the proposed macaw entities are listed, can I continue to captive breed these species?

A: The ESA does not prohibit captive breeding of listed species. This means that you can continue to breed your birds. However, the ESA does prohibit interstate sales, imports, and exports without a USFWS permit. Therefore, if you intend to sell any progeny, you would either need to sell them within the state the birds were bred to someone residing in the same state or, if attempting to sell the birds outside the state where they were bred, the buyer would need to obtain an USFWS permit, which could be difficult to obtain. In addition, to be in compliance with the Act, any advertisements for the sale of your birds should include a statement that no sale can be consummated until a permit has been obtained from the USFWS. For more information on obtaining such a permit, see www.fws.gov/international.

Q: How can I tell if my scarlet macaw is a member of the subspecies or DPS proposed for listing, and therefore subject to requirements of the ESA if these entities are listed?

A: You can tell if your scarlet macaw is a member of one of the entities proposed for listing if you have records on the origin of your bird. However, without this information it may be difficult to tell. To help clarify this issue, we have requested information from the public on any morphological characteristics that can be used to distinguish scarlet macaws originating from different areas of the species’ range. If the origin of your scarlet macaw is not clear, then the Service would consider that the bird is listed as endangered and all of the requirements of the ESA will apply. If we determine that it is not possible to distinguish (1) intraspecific crosses (e.g., crosses between the two subspecies) from individuals of entities proposed in this document for listing, or (2) individuals of the southern Distinct Population Segment (DPS) of *A. m. macao* from those in the northern DPS of this subspecies, we may propose to list intraspecific crosses and the southern DPS of *A. m. macao* as “threatened” based on Similarity of Appearance to *A. m. cyanoptera*, and the northern DPS of *A. m. macao*. In that case, some or all of the requirements of the ESA will apply to all scarlet macaws.