

Military and Great Green Macaws Final Listing Questions and Answers

What action is the U.S. Fish and Wildlife Service announcing?

The U.S. Fish and Wildlife Service (Service) is announcing a final rule to list the military macaw (*Ara militaris*) and the great green macaw (*Ara ambiguus*) as endangered under the Endangered Species Act (ESA). These two bird species are both endemic to Central and South America. Despite conservation efforts, these species' populations are in decline, primarily due to habitat loss, fragmentation and degradation; small population size; poaching; and regulatory mechanisms that are inadequate to prevent these threats throughout their ranges.

The final rule will publish in the *Federal Register* October 2, 2015, and will go into effect 30 days after publication on November 2, 2015.

Why are foreign species listed under the ESA?

The ESA requires the Service to list species as endangered if they are in danger of extinction now and as threatened if they are likely to become endangered in the foreseeable future, regardless of the country where the species is found.

To learn more about the Endangered Species program's Branch of Foreign Species, visit:

<http://www.fws.gov/endangered/what-we-do/international-activities.html>.

How does the ESA protect foreign species?

By regulating the activities of U.S. citizens and residents with regard to listed species whose native range is outside the United States, the ESA helps ensure people under U.S. jurisdiction do not contribute to the further decline of these species. Except by permit for specific purposes consistent with the ESA, it is unlawful for any person subject to the jurisdiction of the United States to:

- import into and export from the United States any listed species, or its parts or products;
- take (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect or to attempt any of these) listed species within the United States, its territorial waters or on the high seas;
- deliver, receive, carry, transport or ship listed species in interstate or foreign commerce in the course of commercial activity;
- sell or offer for sale in interstate or foreign commerce; or
- possess, sell, deliver, carry, transport or ship listed species taken in violation of the ESA.

What additional benefits does listing under the ESA afford a species?

In addition to the prohibitions on certain activities (see question above), the ESA authorizes the provisions of targeted financial assistance for the development and management of programs necessary or useful to the conservation of listed species in foreign countries. The ESA encourages conservation programs that benefit foreign-listed species and may provide assistance through training or personnel. The ESA also encourages international conservation of foreign-listed species through its enhancement permits provision.

What activities will require a permit?

For foreign endangered species, a permit under the ESA must be obtained from the Service's Division

of Management Authority to conduct any activities prohibited under the ESA. This includes:

- import into the United States,
- export from the United States,
- take within the United States, and
- interstate and foreign commerce.

Permits may be issued to carry out otherwise prohibited activities involving endangered and threatened wildlife species under certain circumstances. Regulations governing permits for endangered species are codified at 50 CFR 17.22. With regard to endangered wildlife, a permit may be issued for the following purposes: For scientific purposes, to enhance the propagation or survival of the species, and for incidental take in connection with otherwise lawful activities.

Will all prohibitions of the ESA apply to my military or great green macaw?

The ESA does restrict some activities, such as interstate sales, imports and exports, of listed species. The ESA does not restrict ownership, moving your personal pet across state lines for non-commercial purposes or intrastate sales (sales of listed species within a state where both the seller and buyer reside). 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 or both of these two macaws as a pet before a listing is finalized, other than selling your bird (see **Can I sell my military or great green macaw?**) 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 final listing date would fall under the ESA restrictions. It is possible, under certain conditions, to obtain a permit authorizing certain activities if you meet the issuance criteria.

Do I need a permit to keep my privately owned military or great green macaw?

Permits are not required for holding legally acquired military or great green macaws in captivity or for normal husbandry practices for maintaining the health of either of the two bird species.

Can I sell my military or great green macaw?

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 permit could be issued if a buyer can demonstrate the interstate sales of the bird enhance 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 ESA, 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 Service.

Will interstate movement of a military or great green macaw require a permit?

The ESA does not regulate the non-commercial movement (e.g., loans, transfers, donations, household moves) of lawfully acquired ESA-listed species from one state to another. No permit is required for you to travel or transport your pet military or great green macaw within the United States, provided you are not selling it. However, a prior authorization in the form of a permit now will be required if interstate movement will take place in the course of interstate commerce (selling a military or great green macaw across state lines or to a resident of another state).

Do I need a permit to travel with or transport my military or great green macaw into or out of the United States?

Yes, since both the military or great green macaw are listed in Appendix I of CITES, you would need a permit to travel or transport your bird into or out of the United States. Further, unless you can demonstrate for either the military or great green macaw 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 permit to move your bird into or out of the United States.

May I donate/ loan/ gift a military or great green macaw?

Loans or gifts of ESA listed species across state lines, where neither party receives any financial benefit, are not considered interstate commercial activity under the ESA and therefore are not regulated under the ESA. There is nothing in the ESA that would prohibit you from loaning, possessing, displaying, donating or receiving donated or loaned a military or great green macaw provided they were lawfully acquired.

However, regulations that implement the ESA make it unlawful to import, export, take, transport, sell, purchase or receive in interstate or foreign commerce any species listed as endangered or threatened. If you seek to engage in those activities in the future, please contact the Service prior to making plans. There is no formal certification process to authorize the donation or receipt of a military or great green macaw, however the Service does recommend you obtain and maintain any records or documentation that demonstrate the origin and chain of ownership of the wildlife.

How do I apply for a permit for an exception to conduct otherwise prohibited activities with a military or great green macaw for purposes consistent with the ESA?

For import, export, interstate, and foreign commerce, and take, submit application 3-200-37 to the Division of Management Authority (address below), available from <http://www.fws.gov/forms/3-200-37.pdf>. Under section 10 of the ESA and 50 CFR 17.22 otherwise prohibited activities with ESA-listed wildlife including import/export/interstate and foreign commerce are authorized only via permit, provided they meet strict criteria and are for scientific purposes or to enhance the propagation or survival of the species.

What is Captive-Bred Wildlife (CBW) registration?

CBW registration holders are authorized by the general permit at 50 CFR 17.21(g) to conduct recurring interstate commerce and take activities that would otherwise be prohibited under the ESA with living, exotic wildlife born and held in captivity in the United States for conservation breeding purposes

consistent with the ESA. The program was developed to streamline federal permit requirements for eligible activities.

A CBW registration may be issued only when applicants demonstrate activities with covered wildlife will serve the principal purpose of enhancing the propagation or survival of the species, particularly through conservation breeding, and that they have appropriate qualifications, experience, facilities, and sufficient space. This includes those holding surplus stock as part of Species Survival Plan or other bona fide conservation breeding program. Authorized activities may be conducted only with other registrants who are authorized for the same species. Registrants must report activities and current ESA-listed inventory to the Service each year.

For more information, see the Service's fact sheet on CBW registration:

<http://www.fws.gov/international/pdf/factsheet-captive-bred-wildlife-and-endangered-species-act-2014.pdf>.

How do I apply for CBW registration?

Submit application form 3-200-41, available from <http://www.fws.gov/forms/3-200-41.pdf>, with the processing fee. Instructions are on the form.

Are current CBW registrants already covered for a military or great green macaw?

No. No current CBW registrants are covered for these species because no permit requirement existed until the effective date of this final regulation.

Should CBW registrants who hold a military or great green macaw apply to amend their CBW registration?

Yes. CBW registrants who currently hold a military or great green macaw and intend to conduct interstate commerce should apply to amend their CBW registrations by submitting application form 3-200-41 (**see above**) prior to the effective date of the ruling on November 2, 2015. Applicants should provide documentation that demonstrates the military or great green macaw in their collection meet the criteria for CBW registration, and their staff expertise and facilities are appropriate for military or great green macaw conservation breeding.

Applicants do not need to submit information about other species already authorized under their CBW registration; however, they may apply to add species beyond the military or great green macaw on the same amendment application. Wildlife must meet the criteria for the CBW program. Applicants should not use form 3-200-52 to amend a CBW registration.

What about zoos, sanctuaries and other facilities that hold a military or great green macaw? Will they need a permit to continue to hold these animals?

Permits are not required to hold legally acquired a military or great green macaw in captivity or for normal husbandry practices for maintaining the health of the animal. However, if a facility wishes to engage in interstate or foreign commerce, take (such as research activities that may harass or harm the animal), or import or export activities with a military or great green macaw, a prior authorization in the form of a permit will be required (**see below**). Facilities seeking to engage in interstate commerce for the purpose of conservation breeding may meet the criteria for CBW registration.

How do I apply for a permit, and who do I contact for questions regarding permits?

Permit applications may be obtained from the Service's website or by contacting the Service's Division of Management Authority. Applicants should allow at least 90 days for processing of any application involving an endangered species. For additional information on permits, or to submit an application, please contact:

U.S. Fish and Wildlife Service
Division of Management Authority
5275 Leesburg Pike (MS: IA)
Falls Church, Virginia 22041
Phone: 703-358-2104 or 1-800-358-2104
Fax: 703-358-2281
Email: managementauthority@fws.gov
<http://international.fws.gov>
<http://permits.fws.gov>

The final rule will be available upon publication in *Federal Register* at www.fws.gov/policy/frsystem/default.cfm by clicking on the 2015 Final Rules link under Endangered and Threatened Wildlife and Plants.

For more information on these species, please visit: <http://www.fws.gov/angered/what-we-do/parrots.html>.