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June 1, 2010

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Re: New Mexico Proposed Regulations of Non-Domestic Animals, Birds, and Fish  
Under Title 19 Natural Resources and Wildlife, Chapter 35 Captive Wildlife Uses,  
Part 7 Importation of Live Non-Domestic Animals, Birds and Fish

The American Federation of Aviculture (AFA) (see footnote 1) submits that there is insufficient scientific and/or commercial data to support the proposals that psittacine species, as well as the many species of birds that are commonly kept in captivity in New Mexico and throughout the United States (either as pets or as breeders), should be treated as non-domestic, or as dangerous, or as invasive, or as likely to cause harm to the economy, environment, protected wildlife, human health or safety in New Mexico.

AFA submits that all psittacine species, and other species of birds that are commonly kept as pets or as breeding stock in New Mexico and throughout the United States, should properly be included in Group 1 of the proposed "Director's Import List" as "domesticated animals", and "import permits" should not be required to import, possess, or breed these species.

The language contained in the proposed regulations and in the "Director's Import List", suggests that simple ownership of most non-native species is, by itself, somehow dangerous, or invasive, or likely to cause harm to the economy, environment, protected wildlife, human health and safety in New Mexico. The language further suggests that, by requiring "import permits" for non-native species, somehow the environment, protected wildlife, human health and safety in New Mexico, will be protected.

The proposed listing of commonly kept birds as species that will require "import permits" on the proposed "Director's Import List", in Groups 2, 3, or 4, will not serve to protect health or habitat in New Mexico, but it will result in harm not only the species of birds that are the subjects of the proposal, but to aviculture in New Mexico and the U.S. those who rely on aviculturists for current, correct, and humane assistance in keeping all of their birds.

AFA submits that any regulations which require permits for allegedly dangerous, invasive, or harmful animals should be science-based, and supported by reliable facts and data. Regulations should not be based upon speculation, unfounded assumptions, or personal philosophical views regarding animal ownership.

Neither the draft regulations proposed by the New Mexico Department of Game and Fish, nor the draft of the proposed "Director's Import List" cite any specific current or reliable scientific research or reports that support the proposed listing of any psittacine species or of any other species of birds that are commonly kept as pets or as breeding stock in New Mexico, in proposed Groups 2, 3, or 4.

Neither the draft regulations nor the draft of the proposed "Director's Import List" cite any current or reliable commercial information from anyone currently involved with the conservation or trade in these species required to support requiring permits for any psittacine species or any other species of birds that are commonly kept as pets or as breeding stock in New Mexico, or support listing any of these species in proposed Groups 2, 3, or 4.

The American Federation of Aviculture submits the following facts and data to support its position that all psittacine species, and other species of birds that are commonly kept as pets or as breeding stock in New Mexico should properly be included in Group 1 of the proposed "Director's Import List" as "domesticated animals".

1. Psittacine species and other species of birds that are commonly kept as pets or as breeding stock should be designated "domestic animals" under Section 19.35.7.7 S. of the Definitions under the proposed Regulations for Title 19, and no permit should be required for importation or possession.

Many psittacine species, and other bird species that are commonly bred and kept as pets in New Mexico, and they have become domesticated. Psittacine species and many other bird species have been tamed, raised, bred, and sold in captivity in New Mexico for many decades, as well as throughout the United States for many decades, and in other countries, for centuries.

Psittacine species that are now kept in New Mexico are mostly bred in captivity. Many are kept as pets, and some are used as breeding stock. They all depend on humans for their survival. They are not able to find food in the wild or avoid predators.

"Birds" are included in many formal definitions of "domestic animal".

Section 823.041 of Title XLVI of the Florida Statutes defines "domestic animal" as:

"*Domestic animal* shall include any equine or bovine animal, goat, sheep, swine, dog, cat, poultry, or other domesticated beast or bird."

The term "domestic animal" has been defined by the National Parks of Canada Domestic Animals Regulations, at §1 to include dependent beasts with backbones:

"*Domestic animal* means an animal of a species of vertebrates that has been domesticated by humans so as to live and breed in a tame condition and depend on humankind for survival."

Birds bred and kept in captivity should be treated as "domestic animals" and no "import permits" should be required to import, keep, or breed them.

2. Psittacine species should not be considered a "dangerous animal" under Section 19.35.77.7.P, or as an "invasive animal" under Section 19.35.7.7 U., or as an "undesirable animal" under Section 19.35.7.7.DD, of the Definitions under the proposed Regulations for Title 19

There is no scientific evidence that psittacine species are dangerous, either to humans or other animals. Psittacine species (and many other birds kept in captivity) are prey animals, not predators. Their response to predatory behavior is to attempt to fly off if they are threatened - they do not attack or provoke fights with other species. Birds are not venomous. Although they sometimes respond with a nip or a bite if they are handled incorrectly by humans (they react as though they are defending themselves from a predator), psittacine bites do not inflict much damage, and they are not aggressive. Psittacines (and other captive bred birds) do not present a risk to the health, safety or well-being of the public or other animals including native wildlife, domestic pets or livestock.

There is no scientific evidence that psittacine species, in particular, are invasive or that they pose a threat to the economy, environment, protected wildlife, human health or safety in New Mexico.

On the contrary - despite the fact that many psittacine species have been kept in captivity for many decades in New Mexico, and have had the opportunity to escape into the wild, no psittacine species has become invasive, and no psittacine species has established a feral population in New Mexico. Most psittacines require warm temperatures. If, on the rare occasion that a captive psittacine might escape and fly into the wild of New Mexico, it would quickly succumb to predators or starvation. While the now-extirpated Thickbill parrot had been found in the temperate mountains of the Southwest, keep in mind that the attempted

reintroduction of the Thickbilled parrot to Arizona in the early 1980s failed when all of the birds were either taken by predators or starved.

There is no scientific evidence that psittacine species have adverse impacts to health, management, or safety in New Mexico.

3. Data provided by the National Audubon Society demonstrates that no parrots have been observed flying free in the State of New Mexico during the last 109 years. Parrots pose no threat to the health or habitat of New Mexico.

In order to document the presence of species of birds in the wild, the National Audubon Society conducts an annual count of birds observed in the habitat of the 50 United States as well as in many territories and countries outside of the U.S. Audubon has made its data for the Christmas count from 1900 through 2009 (the last 109 years) available on its website. See the Audubon Christmas Bird Count information at <http://www.audubon.org/bird/cbc/>

In the last 109 years Audubon has documented 50 species of parrots in its counts worldwide.

*The data of Audubon indicates that there have been NO PARROTS counted in the wild in New Mexico for the last 109 years. The downloaded data for the 50 parrots species counted by Audubon during the entire 109 period is submitted in chart form with this letter. The count of parrots in New Mexico for that entire 109 year period is ZERO.*

Although parrots have been imported into New Mexico, kept as pets in New Mexico, and bred in New Mexico for many decades, they have not established any feral populations in the State. A track record of *109 years of parrots' absence from the wild of New Mexico* clearly indicates that they are not invasive or dangerous and do not present a known risk to the health, safety or well-being of the public, domestic livestock or to native wildlife and their habitats.

4. Neither the C.I.T.E.S. Appendices nor the U.S. Endangered Species Act List should be used as criteria to determine whether or not a species can be imported into, or be possessed in, the State of New Mexico.

No species, simply because of its inclusion in any C.I.T.E.S. Appendix, or on the United States Endangered Species Act (US ESA) list, should be included in a list of non-native species which cannot be imported into, or possessed in, New Mexico.

*C.I.T.E.S. (the Convention on International Trade in Endangered Species) and the United States Endangered Species Act (US ESA) are not designed to indicate whether or not a species is*

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*dangerous or invasive.*

Species included on the C.I.T.E.S. Appendices are often placed there to enhance the monitoring capabilities of exporting countries, and not necessarily because that species is rare or endangered in the wild. In fact, many psittacine species now listed on the C.I.T.E.S. appendices are not rare at all; some are even considered pest species in their native habitats.

*C.I.T.E.S. is an international treaty that regulates trade between countries. Contrary to common belief, C.I.T.E.S. does not prohibit all trade (international export or importation) of C.I.T.E.S. listed species.* The purpose of C.I.T.E.S. is to ensure that trade in species of plants and animals that are listed as endangered or threatened species in their countries of origin can be carried out in a way that is sustainable, so that their remaining populations in their countries of origin will not be negatively impacted by trade. See the C.I.T.E.S. Factsheet submitted with this letter. See also the C.I.T.E.S. website at <http://www.cites.org/eng/disc/how.shtml>

C.I.T.E.S. allows international trade in endangered and threatened species, including species listed in the C.I.T.E.S. Appendices II and III, if that trade is sustainable and if the requirements for the C.I.T.E.S. Appendices are complied with. C.I.T.E.S. even allows international trade in Appendix I species (threatened with extinction) in circumstances where the trade will not be detrimental to the survival of the species.

Trade within the United States of captive bred species is not regulated by C.I.T.E.S. The proposed New Mexico regulations do nothing to ensure that international trade in foreign species is sustainable or to assist the conservation of those species in their countries of origin.

Including C.I.T.E.S. Appendix birds in Groups 2, 3, or 4 of the proposed Director's Import List, simply because they are C.I.T.E.S. listed, is not warranted.

*The US ESA is a United States federal law originally intended to protect native U.S. species.* Under the US ESA, the U.S. Fish & Wildlife Service maintains a list of native species that need to be protected here in the United States. *The US ESA has been expanded to include some foreign species, and now the ESA list also includes foreign species that need to be protected in their countries of origin.* However, in order for a foreign species to be US ESA listed, the US ESA requires that funds and efforts be expended by the U.S. in order to ensure that, if a foreign species is listed under the federal ESA, the species can be protected in its country of origin. The proposed New Mexico regulations do nothing to ensure that any native New Mexico species (or any species native to the U.S.) are protected, or that any foreign species are protected in their countries of origin.

Including US ESA listed non-native birds in Groups 2, 3, or 4 of the proposed Director's Import List, simply because they are US ESA listed, is not warranted.

5. As a result of the 1992 United States Wild Bird Conservation Act, almost all psittacines now in New Mexico are captive bred, and are not "imported". Their presence in the state does nothing to threaten New Mexico health or habitat.

Since 1992 virtually no psittacine species have been imported into the United States, or into New Mexico, from outside of the United States. The Wild Bird Conservation Act of 1992 prohibits the importation into the United States of any CITES listed Parrot (Psittacine) except under very special exceptions such as Cooperative Breeding Programs.

If imported under a cooperative program, specimens cannot be sold or transferred in commercial trade without specific permissions from the United States Fish and Wildlife Service. Virtually all specimens of parrots entering into interstate trade within the United States are now of captive-bred origins. Older wild-caught stock from the 60's, 70's, and 80's generally do not make good pets and are most often to be found in the hands of breeders. Many of the older wild-caught stock have died of old age. Since the wild-caught genetic material is "rare" it is often documented and specimens are often (but not always) marked with leg bands or micro chips.

The birds that have been bred in New Mexico, or that were imported into New Mexico from other states within the United States, pose no threat to the health or habitat of New Mexico. They should be exempt from "import permit" requirements, and should be listed on the "Director's Import List" in Group 1.

6. The Wild Bird Conservation Act (WBCA) entrusted U.S. aviculturists with the breeding of these 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 birds of the petitioned species, as well as many other parrot species, held in the U.S. were more modest. U.S. private and professional aviculturists, encouraged by the U.S. government, have developed successful breeding programs for these species, with the result that now the numbers of these species held in the U.S. have increased substantially. 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 those 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 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 2).

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 Macaws 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.

If most non-native birds are placed in Groups 2, 3, and 4, the pending proposals will effectively prohibit the possession of most non-native birds in New Mexico. That result will betray that 1992 commitment by Congress and the USFWS 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, many successful domestic breeding programs for these petitioned parrots and 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. That promise also removes the incentive for poaching and smuggling.

This proposal will destroy the successful breeding programs for the potentially prohibited species that exist in New Mexico, 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, which includes bird breeders in New Mexico, 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 thousands of members of each of these species currently legally in the US. The proposed restrictions on the importation into, and possession of, these species in New Mexico would negatively impact U.S. interstate commerce and trade in these species.

As previously noted, importation of wild parrots into the U.S. stopped in 1992 as a result of the Wild Bird Conservation Act (WCBA). One band manufacturer has recently reported that they have sold more than 1.25 Million leg bands for parrots in the U.S. since 1992. For various reasons, not all bird breeders band their birds for identification purposes. If banded birds, unbanded birds, microchipped birds, and tattooed birds are all included in the count, the number of birds bred by aviculturists in the United States since 1992 would be a multiple (in the millions) of that number. Given the longevity of many species of parrots, it is likely that many of those parrots are still alive and thriving in the care of their owners. Those millions of 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 in New Mexico depend on U.S. aviculture for their livelihood.. This proposal would end a significant part of that commerce, without any corresponding protection of native or non-native species.

8. One undesirable effect that proposal will have will be to severely curtail, if not end, New Mexico captive breeding of the potentially prohibited species, many of which are being bred prolifically by aviculturists both for breeding programs and for the pet trade.

The result of stopping the domestic breeding of these species in New Mexico, and elsewhere in the United States if other states use New Mexico as a model create their own prohibitive regulations, will be that the total populations of these species will no longer continue to increase, but, rather, their total populations will significantly decline. Unless there are successful conservation programs in their native lands, these species will become extinct.

US domestic breeding of these species provides a "living genetic Ark" for these species - an Ark that can provide the genetic material needed to ensure the long term survival for these

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 these species in the countries where these species are native, and since it is likely, given the political and financial climate in those countries, that those conditions will continue for the foreseeable future, without these "living genetic Arks" for these species outside of those countries, the continued existence of those species is unlikely.

Removing New Mexico breeders from the flotilla that makes up this "living genetic Ark" will do nothing to protect health or habitat in New Mexico, but will contribute to the eventual decline of the potentially prohibited species.

9. While not controlling with respect to the Regulators in the State of New Mexico, the following quote may serve to guide the New Mexico Department of Game and Fish to list psittacine species and other non-native birds kept in captivity in New Mexico in List 1:

"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/)

See footnote 3

In conclusion:

For all of these reasons, and especially because (1) there is a glaring lack of scientific or commercial data to support the proposals that psittacine species, as well as the many other species of birds that are commonly kept in captivity in New Mexico and throughout the United States (either as pets or as breeders), should be treated as dangerous, or as invasive, or as likely to cause harm to the economy, environment, protected wildlife, human health or safety in New Mexico, (2) the fact that C.I.T.E.S. and US ESA listings are not relevant to determine whether or not species should be included on the Director's Import Lists, (3) the fact that that no parrots have been observed flying free in the State of New Mexico during the last 109 years and they are are not a threat to New Mexico health or habitat, and (4) the fact that the federal WCBA has effectively stopped the importation of most parrots and other species of birds into the United States, the American Federation of Aviculture recommends that all species of parrots and the other species of non-native birds that are commonly kept

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in captivity in New Mexico should be placed on the Director's Import List in Group 1, and no "import permits" should be required to import, keep, or breed those species.

The American Federation of Aviculture, Inc. stands ready to assist the New Mexico Department of Fish and Game in crafting reasonable and effective regulations to protect New Mexico's wildlife.

We look forward, on behalf of the many residents of New Mexico who enjoy the companionship of their pet birds, and on behalf of those who breed birds in New Mexico and throughout the U.S. both for pet purposes and for conservation purposes, to the Director and the New Mexico Department of Fish and Game 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 Legislative Vice President, Genevieve Wall, Attorney at Law. You can reach Ms. Wall by mail at 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) 584-4079.

Very truly yours,



Jim C. Hawley, Jr.  
President, American Federation of Aviculture, Inc.



Genevieve Wall  
Legislative Vice President, American Federation of Aviculture, Inc.

cc: Christopher.Chadwick@state.nm.us

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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

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

Rick Jordan, professional aviculturist, Chair of AFA CITES Committee

Janice Boyd, PhD, Chair of AFA Conservation and Research Committee

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.

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Footnote 3

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

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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;

(c) 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

American Federation of Aviculture

June 1, 2010

Re: New Mexico Proposed Regulations of Non-Domestic Animals, Birds, and Fish  
Under Title 19 Natural Resources and Wildlife, Chapter 35 Captive Wildlife Uses,  
Part 7 Importation of Live Non-Domestic Animals, Birds and Fish

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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.

(c) 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-and-Agencies-3-9-09/](http://www.whitehouse.gov/the_press_office/Memorandum-for-the-Heads-of-Executive-Departments-and-Agencies-3-9-09/)