

American Federation of Aviculture, Inc. P. O. Box 91717 Austin, Texas 78709

Phone: 512-585-9800 Fax: 512-858-7829

August 20, 2014

Hard copy mailed via USPS Priority Mail

PDF copy emailed to: managementauthority@fws.gov

Director, Fish and Wildlife Service
Division of Management Authority - Branch of Permits
U.S. Fish & Wildlife Service Headquarters
MS: IA
5275 Leesburg Pike
Falls Church, VA 22041-3803

Re: Endangered and Threatened Wildlife and Plants - Petition of American Federation of Aviculture and Affiliates to Delist the Golden Conure (guaruba guarouba) from the List of Endangered Species under the Endangered Species Act (7 U.S.C. § 136, 16 U.S.C. § 1531 et seq.).

Dear Sirs,

The American Federation of Aviculture, on our own behalf and on behalf of our Affiliates, hereby submits the attached petition to delist the Golden Conure (guaruba guarouba) from the List of Endangered Species under the Endangered Species Act (7 U.S.C. § 136, 16 U.S.C. § 1531 et seq.).

Our position and request for this debiting is supported by the best scientific and commercial data currently available as noted in the attached petition.

We request that the Service review the status of the Golden Conure, and promptly issue a finding that the debiting of the Golden Conure from the List of Endangered Species under the Endangered Species Act is warranted.

Alternatively, if the Service deems that the debiting of the Golden Conure is not warranted, then we request that the Golden Conure be down-listed to Threatened status, with a special rule, as has been provided for the Salmon-Crested Cockatoo (Cacatua malaccensis), with the same or substantially similar import and export and interstate commerce provisions that have been provided for the Salmon-Crested Cockatoo, as more fully described at:

American Federation of Aviculture, Inc. August 20, 2014

Re: Endangered and Threatened Wildlife and Plants - Petition of American Federation of Aviculture and Affiliates to Delist the Golden Conure (guaruba guarouba) from the List of Endangered Species under the Endangered Species Act (7 U.S.C. § 136, 16 U.S.C. § 1531 et seq.).

2

http://www.regulations.gov/#!documentDetail;D=FWS-R9-IA-2009-0056-0017

The American Federation of Aviculture, Inc. stands ready to assist FWS in crafting reasonable and effective solutions to problems facing endangered species. This particular debiting (or down-listing) is reasonable and will help the Golden Conure survive as a species.

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, and you can reach Ms. Wall by mail at 24031 El Toro Road, Suite 200, Laguna Hills, CA 92653, or by email to gwlawco@aol.com or by telephone to (949) 574-4079.

Generew Wall

Very truly yours,

AMERICAN FEDERATION OF AVICULTURE, INC.

Nancy Speed,

Mancy Speed

President Legislative Vice President

Genevieve Wall, Rick Jordan,

Conservation Chair

cc: Roddy Gabel, Chief, Division of Management Authority

cc: The Honorable Sally Jewel, Secretary of the Interior

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.

American Federation of Aviculture, Inc. August 20, 2014

Re: Endangered and Threatened Wildlife and Plants - Petition of American Federation of Aviculture and Affiliates to Delist the Golden Conure (guaruba guarouba) from the List of Endangered Species under the Endangered Species Act (7 U.S.C. § 136, 16 U.S.C. § 1531 et seq.).

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.

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.

Petition of the American Federation of Aviculture and Affiliates to Delist the Golden Conure from the List of Endangered Species under the Endangered Species Act

1. Introduction

The American Federation of Aviculture and its affiliates petition the US Fish and Wildlife Service (FWS) to expeditiously remove the Golden Conure (*Guaruba guarouba*) from the list of Endangered Wildlife under the Endangered Species Act (ESA), as amended.

We show in this petition that the original listing of the Golden Conure as Endangered was not done in accordance with the procedures required by the ESA in Section 4(a). As a result, this species, the other psittacine species that were improperly listed, and indeed <u>all</u> of the 159 taxa that were improperly listed should be removed from listing as Endangered under the ESA until such time as a proper evaluation of the status of each species can be performed.

Furthermore, we show that the present status of the Golden Conure clearly demonstrates that the species cannot be properly classified at present as either Endangered or even Threatened under the ESA. This further supports our request that the species be immediately delisted from under the ESA.

At a minimum, if the FWS refuses to completely remove the Golden Conure from listing, the petitioners then petition the FWS to reclassify the Golden Conure from "Endangered" to "Threatened" with a Special Rule put in place to include the Golden Conure among the species in the parrot family to which 50 CFR 17.41(c) applies, including the provision that certain acts in interstate commerce of Golden Conures may proceed without a permit under the Act. Such final special rule, if listing of the species as "Threatened" is deemed appropriate, would allow import and export of certain Golden Conures and interstate commerce of this species without a permit under the ESA.

In more detail, this special rule would apply, require, and allow the following. It would apply to all commercial and noncommercial international shipments of live Golden Conures and parts and products, including the import and export of personal pets and research samples. It would allow a person to import or export a specimen that was held in captivity prior to the date this species was listed under the ESA or that was captive-bred, provided the import is authorized under CITES and the WBCA and export is authorized under CITES. The terms "captive-bred" and "captivity" used in the final special rule are defined in the regulations at 50 CFR 17.3 and refer to wildlife produced in a controlled environment that is intensively manipulated by man from parents that mated or otherwise transferred gametes in captivity. The special rule would apply to birds captive-bred in the United States and abroad. Import and export of specimens that have been held in captivity prior to the date this species was listed under the ESA or that were captive-bred would be allowed without a permit under the ESA provided the provisions of CITES and the WBCA are met. With respect to captive-bred specimens, the CITES export permits would need to indicate that the specimen was not taken from the wild by using a source code on the face of the permit other than U (unknown) or W (taken from the wild). If the specimen was taken from

the wild prior to the date this species was listed under the ESA, the importer or exporter would need to demonstrate that the Golden Conure was taken from the wild prior to that date. Under the special rule, a person would need to provide records, receipts, or other documents when applying for permits under CITES and the WBCA to show the specimen was held in captivity prior to the date this species was listed under the ESA.

Scientific and common name of the species: According the IUCN nomenclature [1], the presently accepted scientific name for this species is *Guaruba guarouba* known in English as Golden Parakeet, Golden Conure, and, in US aviculture, the Queen of Bavaria Conure. In the US Fish and Wildlife Species ECOS (Environmental Environmental Conservation Online System) profile page the species is listed as Golden parakeet, *Aratinga guarouba*. [2] Any of these shall be considered synonyms for the purpose of this petition. Other names listed in the BirdLife International species fact sheet for this species shall also be considered synonyms. [3]

2. BACKGROUND

On May 22, 1975, the Fund for Animals, Inc. (Fund), an animal rights organization against keeping most species of animals in captivity or as pets, submitted a petition to the FWS to list as Endangered under the ESA 216 taxa of animals and plants that were listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and that did not already appear on the U.S. Lists of Endangered Wildlife and Plants (Lists). The Fund contended that signature and ratification of CITES by the United States was an acknowledgment of the endangered status of these species and that they therefore should appear on the Lists pursuant to the Act [4].

In response to this petition, the Golden Conure (and the other species mentioned in the petition) was proposed by the FWS to be listed as "Endangered" under the ESA. In the "Proposed Endangered Status for 216 Species Appearing on Convention on International Trade" (Federal Register, vol. 40, 44329-44333, Sept 26, 1975, [5]) the FWS wrote that responding to the petition would be a large undertaking because of its "involving (1) the preparation of necessary status information on these species, (2) the preparation of environmental assessments and (3) consultations with States, foreign countries and others as required by the Endangered Species Act." In this publication in the Federal Register they requested submittal to them of written comments regarding this proposed action.

The Final Ruling was published in the Federal Register of June 14, 1976 (Federal Register vol. 41, 24062-24067 [6]) "Endangered Status for 159 Taxa of Animals." One hundred fifty nine species, including the Golden Conure, were decreed listed as Endangered under the ESA. In the FWS summary of comments received in reply to the first proposal, there is no mention that any comments were received for any of the psittacine species, including the Golden Conure. There is also no evidence that any of the above mentioned required status information was acquired in any other way for any of the psittacine species; instead, FWS apparently used for their listing decisions for psittacines (as well as other species not the subject of this petition) the fact that they happened to be on Appendix I of CITES — which only indicated that international trade might be deleterious to the species and should be regulated, not that the

species was actually in "danger of extinction throughout all or a significant portion of its range" as required by the ESA in Sec. 3(6). It is thus clear that the listing as Endangered of the Golden Conure and other psittacine species (and all other listed species) was not properly undertaken and should immediately be declared null and void until a proper review of the status of each of the taxa is undertaken by the FWS.

In addition, Section 4(c)(2) of the ESA requires that the status of each species on the lists of Endangered and Threatened Wildlife be reviewed at least every 5 years to determine whether any species should be removed from the list (delisted), reclassified from endangered to threatened (downlisted), or reclassified from threatened to endangered (uplisted). Since this has not been done over the 38 years that the species has been listed, review of the status of the species is long overdue.

3. JUSTIFICATION FOR DELISTING OR DOWNLISTING

Until 2012, BirdLife International and the International Union for the Conservation of Nature (IUCN) classified the species as "endangered." The IUCN has rigorous and objective criteria that it uses to classify species into the categories that include Extinct, Extinct in the Wild, Critically Endangered, Endangered, Vulnerable, Near Threatened, Least Concern, Data Deficient, and Not Evaluated which under IUCN usage of the term [7] means (emphasis by underlining is ours):

ENDANGERED (EN)

A taxon is Endangered when the best available evidence indicates that it meets any of the following criteria (A to E), and it is therefore considered to be facing a very high risk of extinction in the wild:

- A. Reduction in population size based on any of the following:
- 1. An observed, estimated, inferred or suspected population size reduction of ≥ 70% over the last 10 years or three generations, whichever is the longer, where the causes of the reduction are clearly reversible AND understood AND ceased, based on (and specifying) any of the following: (a) direct observation
- (b) an index of abundance appropriate to the taxon
- (c) a decline in area of occupancy, extent of occurrence and/or quality of habitat
- (d) actual or potential levels of exploitation
- (e) the effects of introduced taxa, hybridization, pathogens, pollutants, competitors or parasites.
- 2. An observed, estimated, inferred or suspected population size reduction of \geq 50% over the last 10 years or three generations, whichever is the longer, where the reduction or its causes may not have ceased OR may not be understood OR may not be reversible, based on (and specifying) any of (a) to (e) under A1.
- 3. A population size reduction of ≥nbsp;50%, projected or suspected to be met within the next 10 years or three generations, whichever is the longer (up to a maximum of 100 years), based on (and specifying) any of (b) to (e) under A1.
- 4. An observed, estimated, inferred, projected or suspected population size reduction of $\geq 50\%$ over any 10 year or three generation period, whichever is longer (up to a maximum of 100 years in the future), where the time period must include both the past and the future, and where the reduction or its causes may not have ceased OR may not be understood OR may not be reversible, based on (and specifying) any of (a) to (e) under A1.

- B. Geographic range in the form of either B1 (extent of occurrence) OR B2 (area of occupancy) OR both:
- 1. Extent of occurrence estimated to be less than 5000 $\rm km^2$, and estimates indicating at least two of a-c:
- a. Severely fragmented or known to exist at no more than five locations.
- b. Continuing decline, observed, inferred or projected, in any of the following:
- (i) extent of occurrence
- (ii) area of occupancy
- (iii) area, extent and/or quality of habitat
- (iv) number of locations or subpopulations
- (v) number of mature individuals.
- c. Extreme fluctuations in any of the following:
- (i) extent of occurrence
- (ii) area of occupancy
- (iii) number of locations or subpopulations
- (iv) number of mature individuals.
- 2. Area of occupancy estimated to be less than 500 km², and estimates indicating at least two of a-c:
- a. Severely fragmented or known to exist at no more than five locations.
- b. Continuing decline, observed, inferred or projected, in any of the following:
- (i) extent of occurrence
- (ii) area of occupancy
- (iii) area, extent and/or quality of habitat
- (iv) number of locations or subpopulations
- (v) number of mature individuals.
- c. Extreme fluctuations in any of the following:
- (i) extent of occurrence
- (ii) area of occupancy
- (iii) number of locations or subpopulations
- (iv) number of mature individuals.
- C. Population size estimated to number fewer than 2500 mature individuals and either:
- 1. An estimated continuing decline of at least 20% within five years or two generations, whichever is longer, (up to a maximum of 100 years in the future) OR
- 2. A continuing decline, observed, projected, or inferred, in numbers of mature individuals AND at least one of the following (a-b):
- (a) Population structure in the form of one of the following:
- (i) no subpopulation estimated to contain more than 250 mature individuals, OR
- (ii) at least 95% of mature individuals in one subpopulation.
- (b) Extreme fluctuations in number of mature individuals.
- D. Population size estimated to number fewer than 250 mature individuals.
- E. Quantitative analysis showing the probability of extinction in the wild is at least 20% within 20 years or five generations, whichever is the longer (up to a maximum of 100 years).

In 2013, the species was downlisted by Birdlife International [3] and the IUCN [1] from Endangered to Vulnerable (also see [7] for classification criteria for Vulnerable, NearThreatened, and Least Concern) because a review of recently available information indicated its population was considerable larger than previously believed. The Birdlife International Fact Sheet for the species [3] indicates the listing as

Vulnerable was "precautionary" in nature, thus indicating a downlisting to NearThreatened or even Least Concern could have been considered but apparently was too large a step down for the evaluators.

3. ADDITIONAL BIOLOGICAL INFORMATION

All of this following information has been quoted or summarized from Reference [3], which is substantially the same as in Reference [1]. Those References should be considered additional supplementary information for this petition. Particularly relevant information for this petition to delist has been underlined by the petitioners.

<u>Distribution and Population (see Figure)</u>

Guaruba guarouba is endemic to Brazil, where most records come from between the Tocantins, lower Xingú and Tapajós rivers in the Amazon Basin of Pará. There are additional records from adjacent northern Maranhão, Rondônia, Mato Grosso), and Amazonas. It is <u>described as 'not uncommon'</u> around the municipality of Paragominas. It was previously estimated to number fewer than 2,500 individuals; however, more recent information suggests the population is larger than this. Based on the results of surveys along the Tapajós river, a very conservative extrapolation of 1 individual per 16 km² in 174,000 km² of suitable habitat within the known Extent of Occurrence gives an estimate of c.10,875 individuals (...), thus it is now placed in the band 10,000-19,999 individuals.

Population justification

The population was previously estimated to number 1,000-2,499 individuals, based on an assessment of known records, descriptions of abundance and range size. However, recent information suggests the population may be larger than this. The species has been recorded at several additional locations (...) and a recent survey along the Tapajós river ... indicated that it was as common in the study area as other, non-threatened Psittacids. The population in this study area (a strip of c.340 km along the Tapajós river, western Pará), which encompasses no more than 5% of the total area of suitable habitat for the species, was estimated at 500 individuals, representing the largest known population. A highly conservative extrapolation of 1 individual per 16 km² across 174,000 km² of suitable habitat within the known Extent of Occurrence gives an estimate of c.10,875 individuals On the basis of this information, the population is placed in the band for 10,000-19,999 individuals, assumed to include c.6,600-13,400 mature individuals.

<u>Trend justification</u>

This species is suspected to lose 23.3-30.9% of suitable habitat within its distribution over three generations (22 years) based on a model of Amazonian deforestation.... Given the susceptibility of the species to hunting and/or trapping, it is therefore suspected to decline by \geq 30% over the next three generations. It should be noted, however, that this may be rather precautionary, as trapping of this species for trade (although extensive in the past) is no longer thought to have a significant impact on the wild population In addition, its level of forest-dependence is regarded as not as high as some non-threatened Psittacids in the region....

Ecology

It is apparently nomadic in lowland humid forest. In the dry season, it frequents the canopy of tall "terra firme" (not flooded) forest but, in the breeding season, appears to inhabit clearings with few scattered trees. Tree-cavities are used for nesting and roosting. It feeds on fruit, berries, seeds and nuts and, seasonally, on crops (especially maize, which ripens immediately before fledging). Breeding generally occurs between December and April, but has been noted in October. Breeding is apparently communal, with several females contributing two or three eggs to each nest and several adults caring for the young. Up to nine young have been recorded in a nest in the wild, and up to 14 in captivity.

Threats

Habitat destruction and fragmentation as a result of road construction, subsequent development and settlement, with accompanying illegal logging, are threats in the east of its range. Selective logging of primary hardwoods removes suitable roosting and nesting cavities.... However, the species is not as forest-dependent as several other non-threatened Psittacid species in the region, and it is capable of commuting between multiple forest-patches and moving around non-forest landscapes In addition, the majority of remaining suitable habitat is not as fragmented as originally thought and much of this is under protection Nevertheless, projected rates of deforestation within its range, based on forecasts of infrastructure development done in 2006, suggest that the species will be impacted over the coming decades It has been extensively trapped for trade, but, although some illegal trade persists, this is no longer a major concern as trade is now usually within the substantial captive population, and does not have a significant impact on the wild population....

Conservation Actions Underway

CITES Appendix I and II, managed under the Association of Zoos and Aquaria's Parrot Taxon

Advisory Group and protected under Brazilian law (and has been proposed as the national bird of

Brazil). A campaign tackling bird trade in Bolivia may help curtail international trade. A

population is relatively well-protected in Tapajós National Park, and a remnant population may

survive in Gurupi Biological Reserve. Jamari National Forest is poorly protected and has suffered

pressure from squatters, loggers and poachers in the past. Conservation of this species in

reserves is problematic because of its apparent nomadism.

Conservation Actions Proposed

Conduct surveys to search for previously unknown populations, especially in the south and west of its range. Ensure the de facto protection of Gurupi Biological Reserve. Maintain the integrity of Tapajós National Park. Protect and manage land between existing protected areas to facilitate nomadic movements. Enforce legal restrictions on trade, especially in internal markets. Further develop the captive breeding programme.

4. SUMMARY

The information quoted in this petition demonstrates that the initial listing of the Golden Conure as "Endangered" in 1976 was invalid because it was made without appropriate evaluation of the best scientific and commercial evidence available, as is required by the Endangered Species Act. Along with 248 other species, it was simply listed in response to a petition by an animal rights (not animal conservation) organization. Furthermore, we found no evidence that the listing of the Golden Conure as Endangered had ever been reviewed by FWS personnel in the 38 years it has been listed. Such reevaluation at least every 5 years is required by the ESA.

In 2012 a review by BirdLife International and accepted by the IUCN of the conservation status of the Golden Conure provided substantial scientific and commercial evidence that the Golden Conure does not qualify as Endangered under the meaning of the ESA and probably not even as Threatened under the meaning of the Act. We summarize in the following paragraphs the conservation status of the Golden Conure according to the factors listed in Section 4(a)(1) of the ESA.

(A) Destruction, modification, curtailment of habitat:

The eastern part of the species' range has been deforested but much of the rest of its range is in sustainable use and protected status. However, according to BirdLife International, "the species is not as forest-dependent as several other non-threatened Psittacid species in the region, and it is capable of commuting between multiple forest-patches and moving around non-forest landscapes.... In addition, the majority of remaining suitable habitat is not as fragmented as originally thought and much of this is under protection." A graphical overview of the status of the species' range is given in the Figure. Note in particular that the Amazon Protected Areas Program (ARPA)[8] is increasing protection of extensive areas in the known range of the species and nearby areas in which the Golden Conure may be found. Fortunately, habitat modification/destruction is not likely to be a serious threat to the species in the future. Hence Factor A is not presently a significant factor imperiling the existence of the species.

(B) Overutilization for commercial...purposes:

Overutilization for trade has now declined to unimportant levels, as Birdlife International reports that "although some illegal trade persists, this is no longer a major concern as trade is now usually within the substantial captive population, and does not have a significant impact on the wild population." According to aviculturists queried in the United States, the species is easily bred and thus Brazilian breeders are likely to be able to supply demand for the species. In fact, BirdLife International and IUCN recommend enhanced captive propagation of the species. The factor of overutilization is no longer a significant problem for the species.

- (C) Disease or predation

 Neither has ever been reported as a significant factor with this species
- (D) Inadequacy of existing regulatory mechanisms

It is generally agreed that Brazil has one of the most extensive set of environmental laws in the world, but their effectiveness is admittedly compromised through inadequate implementation and enforcement. This appears to have been gradually improving over the decades through the establishment and funding of environmental institutes and internationally supported projects such as ARPA mentioned above. A positive tone was evidenced by a UNEP/Interpol assessment "The Environmental Crime Crisis":

Brazil is probably one of the world's leading countries in a wide enforcement effort to reduce illegal deforestation by tackling the full criminal chain and their networks. Deforestation in Brazil's Amazon reached its lowest level in 2012, since monitoring of the forest began in 1988. It went down by 64–78%, depending upon estimates, primarily as a result of a coordinated enforcement approach using satellite imagery and targeted police operations and investigations. This was supported by large-scale efforts through REDD and other initiatives to strengthen the participatory processes of indigenous peoples, stake holders and alternative livelihoods. Many parts of the world could learn from the measures and actions undertaken by Brazil.

Thus one can say the existing regulatory mechanisms in place to protect the Golden Conure and its habitat do exist and can be expected to improve over time. The most important issue will be protection of habitat, but all indications point towards promising developments and the species itself is flexible in its habitat usage and willingly makes local migrations between suitable localized habitats. Hence Factor D is not an issue with the Golden Conure.

E. Other natural or manmade factors affecting its continued existence

The review by BirdLife International and the IUCN of the status of the Golden Conure indicated that manmade factors are actually *improving* the continued existence of the species because of extensive captive breeding in Brazil, in the United States, and possibly elsewhere.

5. CONCLUSIONS

According to the Endangered Species Act, an "endangered species" is an animal (or plant) listed by regulation as being in danger of extinction throughout all or a significant portion of it range. A "threatened species" is any animal (or plant) likely to become endangered in the foreseeable future throughout all or a significant portion of its range. Five factors are given that need be considered in deciding if a species is a candidate for listing under the Act.

At the time of listing in 1976, none of these factors were considered. Hence the Golden Conure was erroneously listed under the Act and should be immediately removed until such time as a proper consideration of the factors indicates that the species qualifies for listing. But the species does not qualify for listing. None of the factors that the ESA requires be considered to establish if a species be placed on the ESA Threatened or Endangered Lists indicate that the species is threatened or endangered under the meaning of the Act. While the IUCN now considers the species to be Vulnerable under its categorization rules, the Birdlife International Fact Sheet for the species [3] indicates the listing as

Vulnerable was "precautionary" in nature, thus indicating a downlisting to NearThreatened or even Least Concern could have been considered but apparently was too large a step down for the evaluators.

The petitioner(s) thus request that the Golden Conure, *Guaruba guarouba* be removed as expeditiously as possible from listing as Endangered under the ESA and that all previously required permitting requirements for domestic interstate trade be removed.

If the petition to remove from listing is not granted, the petitioners then request that the species be downlisted to "Threatened" under the Endangered Species Act and a special rule be established to include the Golden Conure among the species in the parrot family to which 50 CFR 17.41(c) applies, including the provision that certain acts in interstate commerce of Golden Conures may proceed without a permit under the Act. Such special rule, if listing of the species as "Threatened" is deemed necessary, would allow import and export of certain Golden Conures and interstate commerce with this species without a permit under the ESA.

6. THE PETITIONERS

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.

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.

6. References

- [1] http://www.iucnredlist.org/details/22724703/0 BirdLife International 2013. Guaruba guarouba. The IUCN Red List of Threatened Species. Version 2014.1. www.iucnredlist.org. Downloaded on 21 June 2014.
- [2] http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B05B Downloaded 30 June 2014.
- [3] http://www.birdlife.org/datazone/speciesfactsheet.php?id=9847. BirdLife International (2014) Species factsheet: Guaruba guarouba. Downloaded from http://www.birdlife.org on 30 June 2014.
- [4] As quoted in [5], as a copy of the actual petition could not be obtained from either the Fish and Wildlife Service or the Humane Society of the US, which took over the Fund for Animals in 2005.
- [5] http://ecos.fws.gov/docs/federal register/fr71.pdf Downloaded 21 June 2014.
- [6] http://ecos.fws.gov/docs/federal register/fr103.pdf Downloaded 21 June 2014.
- [7] http://www.iucnredlist.org/static/categories criteria 3 1#critical Downloaded on 21 June 2014.
- [8] http://news.mongabay.com/2014/0521-hance-arpa-funding.html
- [9] "The Environmental Crime Crisis," 2014 http://www.unep.org/unea/docs/rracrimecrisis.pdf
 Downloaded 20 June 2014.

Figure. Map of the known present and former range of the Golden Conure. The species is likely to exist in additional unsurveyed areas. (Upper panel, [3]). The lower panel shows the protection status of the Amazonian Biome, with the known distribution of the Golden Conure outlined. Note significant portions of its range and areas outside its range in which it is likely to be found have sustainable use or protected status and that considerable additional lands have been added by the multi-nation, multi-institution Amazon Protected Areas Program (ARPA) [8]

