

AMENDMENTS TO APPENDICES I AND II OF THE CONVENTION

A. PROPOSAL

Transfer of Ara militaris from Appendix II to Appendix I.

B. PROPONENT

The Argentine Republic.

C. SUPPORTING STATEMENT

1. Taxonomy

11. Class: Aves
12. Order: Psittaciformes
13. Family: Psittacidae
14. Species: Ara militaris (Linnaeus, 1766)
15. Common Names: English: military macaw
French: ara militaire
Spanish: Guacamayo verde
16. Code Numbers: 1318003008012001 (ISIS)

2. Biological Data

21. Distribution: The species comprises three subspecies and has disjunct populations in Mexico, Colombia, Venezuela, Ecuador, Peru, Bolivia, and Argentina.

Originally found in most of South central Mexico, it ranged from southern Sonora, Nuevo León and Chihuahua South to Oaxaca and Guerrero (Forshaw and Cooper, 1978). An apparently isolated population existed until the 1960's in southern Chiapas (Gardner, 1972; Ridgely, 1981). No sightings have taken place in Oaxaca and Guerrero since the 1930's, and in Chiapas, Gardner (1972) saw only three birds in 1963, and shot two birds at that time for scientific collections. No sightings have occurred since then (Ridgely, 1981). Overall, populations have declined, and the military macaw is considered common only in western Nayarit on the Pacific slope, although extensive population studies have not been carried out. At present, it occurs only as far South as the State of Mexico (Ridgely, 1981).

It may have also occurred in Guatemala in the 19th century, but there are no recent records (Ridgely, 1981).

Ridgely (1981) found that nowhere in South America are its numbers high or as high as those in Mexico. Only in the Santa Marta region of Colombia did Ridgely find it fairly common; he saw a flock of 80 birds in 1977 (see Forshaw and Cooper, 1978).

In northern Peru, it is considered uncommon to common wherever cliffs are available for nesting, and then only in sporadic and local numbers (O'Neill, 1981). No current data exist on its status in Venezuela, but Meyer de Schauensee and Phelps (1978) note that it is found in north-western Zulia at la Sierra de Perija, as well as in the Distrito Federal at San José de los Caracas. In Ecuador, it is now rare in the eastern foothills of the Andes; it was seen in flocks in Sangay National Park in August 1979 (Ridgely, in litt., 1979, in Nilsson and Mack, 1980). The distribution in Argentina apparently is rapidly declining. Nores and Yzurieta (1983), when conducting their study on large parrots, found it only in the region near Rio Itau North of Salta. In Bolivia, Nores and Yzurieta (1983) reported it more common, but still very rare; they saw flocks in Rio Piray and in the Santa Cruz Department South of Abapo. Lanning (1982), however, also saw birds near Huacareta and Villa Montes in Chuquisaca Department.

A.m. militaris (Linnaeus); occupies the tropical zone of Colombia, north-western Venezuela, eastern Ecuador, and northern Peru.

Colombia; the main range of the species in Colombia is to the West of the Andes, from the Dagua Valley to the middle Magdalena Valley and the Santa Marta region on the Venezuelan border. To the East of the Andes the species has been recorded from Putumayo (Meyer de Schauensee, 1964). A single bird was also recorded from Pico Rengifo, Sierra Macarena (Blake, 1962).

Ecuador; listed as occurring (Butler, 1979). Seen in flocks in Sangay National Park (Ridgely, in litt., 1979, in Nilsson and Mack, 1981).

Peru; occurs primarily to the East of the Andes, "apparently all along the base... but very local" (O'Neill, 1981), but has been regularly recorded as a temporary migrant at Taulis on the Pacific slope, normally in September and October (Koepcke, 1961).

Recorded from Fundo Sinchona, between Ucayali and Huallaga, Huanuco (Traylor, 1958).

Venezuela; two disjunct populations are found in Venezuela, one in North-West Zulia at la Sierra de Perija; and the other in the Distrito Federal at San José de los Caracas (Meyer de Schauensee and Phelps, 1978). Occurs in the Guatopo and Henry Pittier National Parks (Ridgely, in litt., 1979, in Nilsson and Mack, 1981).

A m. mexicana (Ridgway); three disjunct populations occur in Mexico, one in the East, from Zacatecas South to the Estado de Mexico; another along the Pacific coast from Sonora as far South as Oaxaca; and another in southern Chiapas. The latter may originally have extended to Guatemala. Some authorities consider the races occurring in the West to be a separate subspecies (A. m. sheffleri).

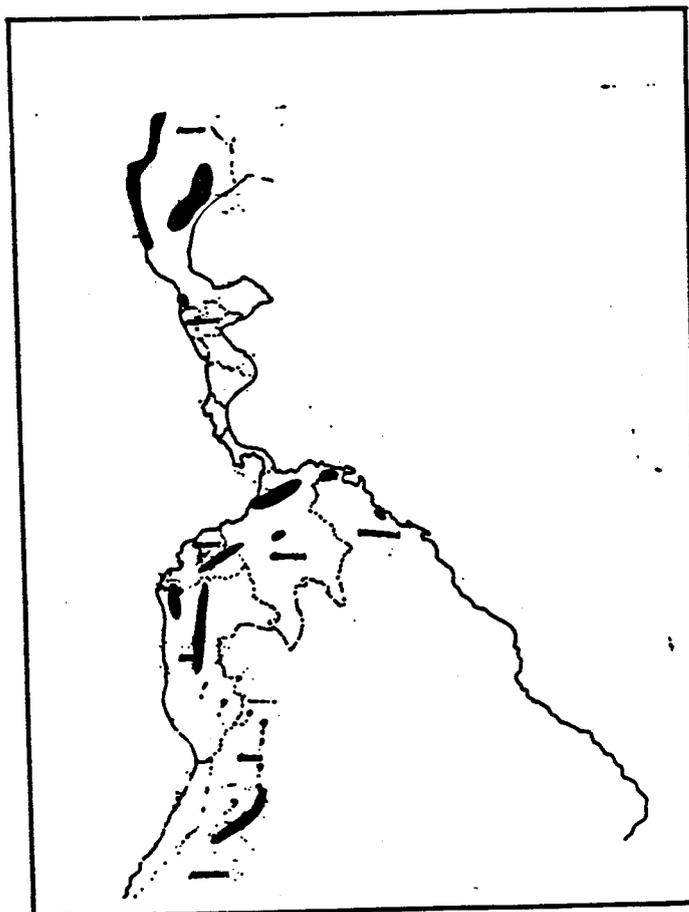
Guatemala; there are no recent records from Guatemala, although there is a 19th century account of this species' nesting in a ravine 40 km South of the Mexican border (see Gardner, 1972; Rowley, 1984).

Mexico: recorded from Tamaulipas (Sierra Madre, Rio de la Cruz); Mexico (Temascaltepec); Guanajuato; Zacatecas (Sierra Madre); Sonora (Quiriego); Sinaloa (Mazatlan, Presidio de Mazatlan, Plomosas, Coyoatlan, Escuinapa); Jalisco (San Sebastian, Barranca Beltran, Barranca Ibarra, Huamelula near Zapotlan, Agosto); Michoacan (South of Morelia); Colima (Manzanillo, Rio de la Armeria, Culeta); Guerrero (Acapulco); Oaxaca (mountains North-West of Tehuantepec); Nayarit (San Blas) (Ridgway, 1916). Stager (1954) found the species in Chihuahua, at Barranca del Cobre, and Gardner (1972) recorded a small population in southern Chiapas.

A. m. boliviana (Reichenow): restricted to tropical parts of Bolivia and extreme north-western Argentina. Only doubtfully distinct from A. m. militaris (Forshaw and Cooper, 1978).

Argentina: The only area where this subspecies still exists is around Rio Itau in northern Salta (Nores and Yzurieta, 1984a); Previously recorded from Jujuy (Nores and Yzurieta, 1984b).

Bolivia: recorded from Rio Azero, Chuquisaca (Bond and Meyer de Schauensee, 1943); Rio Surutu and near Masicuri, Santa Cruz; and Yacuiba, Tarija (Remsen et al., 1986); near Samaipata and Abapo, Santa Cruz (Nores and Yzurieta, 1984a); Huacareta and Villa Montes, Chiquisaca (Lanning, 1982, see Nores and Yzurieta, 1984b); the proposed Amoro National Park, Santa Cruz (Clarke, 1985).



22. Population: Very locally distributed but often common where it does occur. More numerous in northern Mexico than in South America. The population is probably smaller than that of any other wide-ranging macaw, but it has probably also declined less (Ridgely, 1981). It is, however, evident that the species once had a much larger distribution, and that especially in Argentina, Bolivia and Mexico the populations have declined considerably (Nores and Yzurieta, 1983 and 1984a; Ridgely, 1982).

Argentina: Nores and Yzurieta (1983) reported that the species was almost exterminated in Argentina, despite large areas of unaltered habitat. Said to be rare and in a critical condition (J. Navas, in litt., 1985, in WTMU unpubl. report to CITES, 1986).

Bolivia: Nores (in litt. to W. Belton, 1982, in WTMU unpubl. report to CITES, 1986) believed the species to be not uncommon in Bolivia. Said to be in danger of extinction in Bolivia because of capture for the commercial cage bird trade and habitat destruction (Nores and Yzurieta, 1983). The population was thought to be low and probably declining, although it was more common than in Argentina (Nores and Yzurieta, 1984a).

Colombia: said to be extremely local, but may be numerous where they occur (Ridgely, 1977, see Forshaw and Cooper, 1978). Todd and Carriker (1922) claimed that they were the most common macaws in the vicinity of Santa Marta. Ridgely (1981) reported that large roosting flights of 50-100 birds have been observed in this region. Hilty and Brown (1986) note that the species is fairly common on the northern slope of Santa Marta Mts., and elsewhere local and sporadic.

Ecuador: listed as occurring but with infrequent observations (Butler, 1979). Apparently rare in the eastern foothills of the Andes (Nilsson and Mack, 1980).

Guatemala: probably extinct (Gardner, 1972).

Mexico: said to be rather rare (Edwards, 1972). Ridgely (1981) considered that, although the species was very rare in the South, it remained quite numerous in the North-East and West. Decline in populations had been relatively slight, and large flights had been sighted in recent years in several areas on both slopes. Short (1974) reported seeing this species in small groups about every other day in southern Sonora. Van Rossem (1945) found it to be a common resident of the foothills and mountains of south-eastern Sonora. In Durango, Fleming and Baker (1963, see Forshaw and Cooper, 1978) recorded pairs or small groups of up to 20 birds. Ridgely (1977) reported that it was still quite common in Nayarit. It was reported as common in Colima (Schaldach, 1963). Nilsson and Mack (1980) pointed out that there were no recent records from Guerrero, and Ridgely (1981) stated that there was no incontrovertible record from Oaxaca, asserting that the species almost certainly no longer occurred in the state. However, Rowley (1984) has subsequently published a report of one pair of A. militaris nesting in Oaxaca in 1966. The isolated population in Chiapas was said to be on the verge of extinction in 1963, having declined from 40 to 30 pairs over a few years. This demise was hastened by the shooting

of two specimens (Gardner, 1972). Ridgely (1981) reported that the population in north-eastern Mexico remained larger. In 1975, he saw large flocks in eastern San Luis Potosi (see Forshaw and Cooper, 1978). In the Gomez Farias region of South-West Tamaulipas, Sutton and Pettingill (1942) recorded this species almost daily.

Peru: listed as ranging from rare to local and uncommon in humid montane forest (Parker et al., 1982). Described as uncommon to common wherever cliffs are available for nesting (O'Neill, 1981). Said to be seasonally common around Tingo Maria, Huanuco (Ridgely, in litt., 1979, in Nilsson and Mack, 1980). Occurs regularly as a seasonal visitor to Taulis on the Pacific slope, where a flock of 50 was once observed (Koeppcke, 1961).

Venezuela: no information.

23. Habitat: Favours canyons and steep wooded slopes in or adjacent to mountainous terrain, often ranging out onto more level terrain to feed. Nesting has been recorded in hollow trees but preferentially occurs in cliffs and ravines, and this may explain the patchy distribution (Ridgely, 1981).

Habitat loss in Mexico has been considerable and may partly explain the decline of this species in southern portions of its range since the 1930s. Military macaws are found in tropical lowland forests in Venezuela and Colombia, but are absent from this type of habitat in Mexico for unknown reasons. Habitat loss has also occurred in Peru and Ecuador on a large scale. Parker (in litt., 1986, in WTMU unpubl. report to CITES, 1986) considered that A. militaris was threatened by habitat destruction by farmers and tea planters on the eastern slopes of the Andes in Peru, although he cautioned that it may always have occurred locally in small numbers. In general, Ridgely (1982) states that greatly increased habitat destruction in recent years may be playing a role in the species' decline by reducing the numbers of areas where the species can feed.

3. Trade Data

31. National Utilization: The military macaw is probably utilized as a pet throughout its range (Ridgely, 1977).

Ridgely (1981) considered that man has had little impact on populations of A. militaris in Mexico, and that the declines were due to unknown natural causes. According to Ridgely, trade appeared to have had little effect, even in Mexico, where it was heaviest. The species was considered a pest by farmers in the Gomez Farias region of Mexico (Sutton and Pettingill, 1942). Schaldach (1963) reported that little or no hunting of this species was carried out in Colima. Collecting for the pet trade was said to be threatening A. m. boliviana with extinction in Argentina and possibly Bolivia. It is trapped with nooses in Bolivia, and one trapper claimed to have caught about 50 military macaws (Nores and Yzurieta, 1983).

32. Legal International Trade: Well-known in captivity, although the numbers held locally as pets or involved in international trade are much smaller than for most other large macaws (Ridgely, 1982).

Minimum net imports reported to CITES from 1981 to 1984 varied from 352 in 1982 to 51 in 1984 (see Table 1) (WTMU unpubl. report to CITES, 1986). The main importing countries were the United States, Sweden and F.R. Germany. The majority of exports originated in Bolivia, although in 1982 Mexico was the main exporter (see Table 2) (WTMU unpubl. report to CITES, 1986). Ridgely (1981) claimed that Mexico was the major exporter of A. militaris prior to 1980. Figures supplied by the Santa Cruz Regional wildlife management authority indicate the exports of this species from Bolivia totalled 1,246 from 1980 to 1983, suggesting that the CITES reports may have underestimated the trade (WTMU unpubl. report to CITES, 1986).

In the early 1970s, the U.S. Fish and Wildlife Service published several reports on the importation of birds, indicating Colombia as South America's largest exporter of military macaws to the U.S. market (82 birds in 1970 and 34 in 1971) (G. Nilsson, in litt., 1986). Overall, the U.S. has provided the largest market for military macaws of any consumer country, and its imports increased markedly in the early 1980s. Trade data for the U.S., however, is incomplete for the years 1974 through 1979, but it is known that 126 military macaws were imported into the U.S. during this period (see Table 3) (G. Nilsson, in litt., 1986). The figures for imports to the U.S. recorded in its CITES Annual Reports are apparently in some cases much lower than the actual trade. Nilsson (1985), using government quarantine mortality forms, reported 644 military macaws imported by the U.S. during 1981 to 1984 (1981: 282; 1982: 205; 1983: 157; and 1984: 0), thus indicating that the CITES reports have underestimated the trade. 528 of these birds originated in Bolivia, 115 in Mexico, and one in Guatemala (Nilsson, 1985). Preliminary U.S. data show that in 1985, it imported at least 27 military macaws, 20 of which came from Guyana where the species does not occur (Bolivia: 4; Guyana: 20; and Mexico: 3) (Jorgenson and Thomsen, 1986).

According to G. Nilsson (in litt., 1986), almost all birds imported into the U.S. have been adults, indicating that most nesting sites may be inaccessible to bird trappers. Some "baby" macaws have been imported illegally, however, according to the U.S. Department of Justice, which notes that 15 "baby" military macaws smuggled into the U.S. from Mexico in 1979 were offered for sale (Nilsson and Mack, 1980).

Japan, another major importer of cage birds, apparently imported two military macaws in 1981, both from Paraguay, a country in which the species does not occur (Roet and Milliken, 1985). These imports did not show up in Japan's CITES Annual Reports. Furthermore, two military macaws were seen during a pet store survey in Japan in 1982, which could have been the same birds (Roet and Milliken, 1985).

Illegal trade in this species has only been reported by the U.S. Mexico has been the source of most forfeited or seized military macaws as well as of many specimens imported into the U.S. quarantine stations prior to Mexico's 1982 export ban. These birds, however, were not legally exported from Mexico (Ramos and Inigo, 1985). Ridgely (1977) states that military macaws are smuggled regularly across the Mexican border into the U.S. to avoid costly U.S. quarantine.

A minimum of 157 birds were imported into the U.S. through commercial quarantine stations between 1979 and 1982 (G. Nilsson, in litt., 1986). An additional 200 military macaws were seized or reported smuggled by confessed smugglers between 1978 and 1981 (Table 4) (Nilsson and Mack, 1980; Nilsson, 1981). Almost all the latter birds were said to have originated in Mexico. Ramos and Inigo (1985) noted that the military macaw had been legally protected in Mexico since at least 1979. The U.S. Lacey Act prohibits importation of wildlife protected in their country of origin and, apparently, the many Mexican birds were imported illegally under this Act. In addition, the U.S. Fish and Wildlife Service's Law Enforcement Division reports that their repeated requests to the Mexican Government for information about laws and regulations pertaining to wildlife have been, for the most part, ignored (G. Nilsson, in litt., 1986). Ramos and Inigo (1985) also comment on the haphazard enforcement of wildlife protection laws in Mexico. Furthermore, Mexico is not a party to CITES, adding further complications to law enforcement efforts.

Data on confiscated birds are fragmentary and not readily available. The information contained here is derived mainly from the U.S. Department of Justice's newsletters which were not published after 1981. (Pages from pertinent newsletters containing information on smuggling of military macaws are attached as Annex I). The largest reported single seizure of military macaws occurred in April 1980, when 50 birds were seized as they were smuggled from Mexico; 11 birds were dead on seizure and the remaining were quarantined and later auctioned off by the U.S. Department of Agriculture (Nilsson, 1981).

Over the years 1981 to 1984 at least 67 military macaws were traded from countries in which the species does not occur; for example, 36 from Uruguay (WTMU unpubl. report to CITES, 1986). Only four of these birds were reported as captive-bred.

34. Potential Trade Threats:

341. Live Specimens: Bolivia may reopen its wildlife trade when the present export ban is lifted (in 1989), and export could resume at previous levels, thus presenting a threat to the species' survival in South America. The Bolivian Wildlife Society (PRODNA) has reported that Bolivian bird dealers have stockpiled 300,000 birds in anticipation of a lifting of the export ban. It is not known how many of these birds are military macaws. The extent of illegal shipments leaving Bolivia or other countries, or through other countries such as Guyana, Paraguay, and Uruguay to Europe and Japan, is not known.

The U.S. Department of Justice reports that an estimated 150,000 birds, mainly parrots, are smuggled into the U.S. every year from Mexico alone (Thomsen and Hemley, 1986). It is unknown how many of these are military macaws.

342. Parts and Derivatives: Nil.

4. Protection Status

41. National:

Argentina; prohibited from trade under Resolucion No. 62 of 14 March 1986.

Bolivia; prohibited from all hunting and trade under Decreto Supremo No. 16605 of 20 June 1979. The validity of this listing has been questioned, but all exports of live wildlife were prohibited from 1 May 1984 by separate resolution (through 1989).

Colombia; commercial hunting and export of all birds has been prohibited since 1973 under Resolucion No. 849.

Ecuador; all exports of indigenous wildlife have been prohibited since 1983, except for educational or scientific purposes.

Guatemala; all wildlife exports, capture, and hunting suspended as of 24 March 1986.

Mexico; not a Party to CITES. Commercial export and import of most wildlife have been prohibited since 1982.

Peru; all commercial hunting and export of wildlife in and from the Selva region East of the Andes has been prohibited since 1973.

Venezuela; with few exceptions, all hunting and export of indigenous wildlife has been prohibited since 1970.

42. International: Listed in CITES Appendix II in 1981; effective 1 October 1981.

43. Additional Protection Needs: There is little quantitative evidence to indicate that the trade has yet had a major impact on Mexican populations, but some recent observers do believe that a decline in at least the north-eastern population - that closest to the U.S. bird market - is discernible (J. Arvin, pers. comm., in Ridgely, 1982). Contrary to his conclusions in 1981, Ridgely (1982) concludes that some controls need to be placed on the trade in this species, especially from Mexico, and notes that, in particular, a greater effort needs to be made to curb illegal smuggling. The American Ornithologists' Union classified the military macaw as endangered in Mexico (Anon., 1973). Furthermore, Nores and Yzurieta (1983) recommend the subspecies A. m. boliviana be protected under CITES Appendix I as it is in danger of extinction because of capture for commercial trade and habitat destruction.

The species' range and habitat do not fall within national parks boundaries in several of the countries to which it is native. This is most critical in Bolivia and Mexico, where its habitat is unprotected in most of the species' range. In Argentina, additional parks are needed in what remains of the species' range. At present, the capture of wild birds in these countries continues in spite of legislation prohibiting it. This is likely to continue until the species receives protection from commercial trade on international markets.

5. Information on Similar Species

The military macaw is quite similar to Buffon's or great green macaw (*Ara ambigua*), from which it differs in its deeper overall coloration, particularly its deeper green head, red frontal band and blue lower back, rump and upper tail coverts. The most outstanding colour difference, however, occurs in the tail feathers (Abramson, 1986). The Buffon's central and lateral tail feathers show a number of different colours. The feather portion close to the quill tip is red-orange, then orange and greenish-yellow, ending in a turquoise tip (Abramson, 1986). The lateral feathers, in addition, have a bright gold area on the median portion, and the size of the Buffon's feathers in both length and width are larger (Abramson, 1986). By contrast, the military macaw has deep reddish-brown tail feathers, tipped in deep turquoise (Abramson, 1986). Some authorities consider these two species to be the same species.

In 1985, the CITES Parties placed *A. ambigua* in CITES Appendix I. A similar listing for the military macaw would be consistent to protect these two species. Also, many import authorities are likely to be unable to tell the two species apart.

6. Comments from Countries of Origin

No information.

7. Additional Remarks

71. The military macaw was proposed for listing in Appendix II by the U.S. at the third meeting of the Conference of the Parties (New Delhi, 1981), but the proposal was superseded by the inclusion of PSITTACIFORMES spp. in Appendix II (see pp. 998-1000, Proceedings of the Third Meeting of the Conference of the Parties, Volume II).

72. The Significant Trade Study carried out by the Wildlife Trade Monitoring Unit (WTMU) for the CITES Technical Committee (see WTMU unpubl. report to CITES, 1986) concludes that the military macaw is a "possible problem" species in terms of trade, and that all trade needs to be carefully monitored to assess the effect on the species in the wild.

73. While the trade in the military macaw has been discussed in terms of numbers of birds involved, it is important to the value of these birds as a major incentive for the trade. Information available indicates that bird trappers earn between US\$ 2 and US\$ 5 per bird, while exporters receive between US\$ 200 and US\$ 500 per bird (G. Nilsson, in litt., 1986). In the United States retail sales range from US\$ 650 to US\$ 1,500 per bird (G. Nilsson, in litt., 1986). The declared value for 20 military macaws imported to the United States from Guyana in 1985 was US\$ 3,735 (J. Thomsen, pers. comm., 1986).

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Table 1. Minimum imports of live A. militaris reported to CITES, 1981 to 1984 (from WTMU unpubl. report to CITES, 1986).

<u>Country</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>
Austria	-	-	1	-
Canada	12	17	3	-
China	-	-	5	-
F.R. Germany	15	37	21	-
France	-	-	-	10
Italy	-	-	-	36
Japan	-	-	1	-
Korea	-	-	-	5
Sweden	-	98	1	-
Switzerland	1	5	1	-
United States	82	185	105	3
Unknown	-	10	-	-
TOTAL	110	352	138	54

Source: CITES Annual Reports

Table 2. Reported countries of origin or export for exports of live A. militaris reported to CITES, 1981 to 1984 (from WTMU unpubl. report to CITES, 1986).

<u>Country</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>
Bolivia	106	129	132	2
Ecuador	-	-	-	11
Mexico	-	212	1	-
Venezuela	-	3	1	1
Belgium *	-	2	-	-
Dominican Republic *	1	-	-	-
F.R. Germany *	-	3	-	-
Guyana *	-	5	5	-
Hong Kong *	-	-	2	-
Uruguay *	-	-	-	36
United States *	-	-	3	4
Unknown	4	-	2	-

Source: CITES Annual Reports

Note: *) species does not occur there

Table 3. U.S. imports of A. militaris 1970-1984

Exporting Country	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	Total
Argentina																
Bolivia							1	1	5	2	5	242	129	157	2	544
Colombia	82	34	2													118
Ecuador																
El Salvador										10	1				1+	1
Guatemala	2	3								11	9	1				26
Guyana														5		5
Italy									1		1					2
Mexico		1			1				109*	119*	50*	54*	79			413
Nicaragua									1							1
Panama		1								22						23
Paraguay		10	83**													93
Venezuela													3+	1+	1+	5
Unknown								6	8	10						24
U.S. via another country															3 } 1+ }	4
Total	84	49	85	0	1	0	1	7	124	174	66	297	212	163	8	1271

+ Privately owned pet birds

* Mexican smuggled macaws included in totals

** Possibly misidentified birds

Sources: 1970-1974 - U.S. Department of Interior Wildlife Reports
 1975-1980 - U.S. Department of Interior forms 3-177, and smuggling data from U.S. Customs Service & U.S. Dept. of Justice
 1981-1984 - U.S. Department of Agriculture quarantine forms 17-13; U.S. Dept. of Justice smuggling data (1981 only); U.S. CITES Reports 1981-1984

Note: data compiled by Greta Nilsson of the Animal Welfare Institute, Washington D.C.

Table 4. Smuggling of A. militaris Reported by the United States, 1978 to 1981.

<u>Year</u>	<u>Description</u>	<u>No. Birds</u>	<u>Disposition of Birds</u>
1978	Attempted smuggling	30	Dead at Tijuana Airport
1978	Confessed smuggling	15	Sold in the USA
1978	Seized from owner	7	Return. to owner in Mi.
1978	Seized at Calif. border	7	Euthanized
1979	Seized at Calif. border	2	Euthanized
1979	Seized at Calif. border	3	Euthanized
1979	Seized in south Arizona	14	Euthanized
1979	Seized at Calif. border	1	Euthanized
1979	Seized at Calif. border	2	Euthanized
1979	Seized at Calif. border	7	Euthanized
1979	Confessed smuggling	32	Birds sold in Arizona
1979	Birds offered to informant	15	Unknown ("baby" macaws)
1980	Seized at Calif. border	50	11 birds dead, rest quarantined and sold
1981	Seized at Calif. border	15	Quarantined and sold
TOTAL		200	

Sources: U.S. Customs Service records, 1978-1979
U.S. Department of Justice Newsletters, 1980-1981

Forest Service Permit for Montana Roadbuilding Challenged

Montana Wilderness Association, et al., v. United States Forest Service, et al., Civ. No. CV-79-29-B (D. Montana). This case involves a challenge to the grant of a special use permit by the Forest Service to Burlington Northern, Inc. allowing Burlington Northern to construct access roads to its property across Forest Service land for logging purposes. Among the many issues raised by plaintiffs is the claim that road construction would jeopardize grizzly bears. At the recent hearing in this case defendants maintained that the area in question -- the Gallatin Canyon Area of the Gallatin National Forest -- is not good or heavily used grizzly habitat and that restrictions on the road permit adequately protect the bears in the area from jeopardy. Dorothy Burakreis and Peter Coppelman of the General Litigation Section represented the defendants at the hearing and have responsibility for the case.

Bald Eagle Suit Dismissed

Sheroke v. Andrus, et al., No. 80-977 (D.D.C.). The District Court for the District of Columbia recently granted defendants' motion to dismiss this action for failure to state a claim. As reported previously, plaintiff had contended that the Endangered Species and Bald and Golden Eagle Protection Acts required designation of "critical habitat" for bald eagles in northern Idaho. Attorneys from the Wildlife Section handled the case.

SEIZURES, FORFEITURE, AND SALES

Recent Bird Sales

On July 30, the Customs Service auctioned off approximately 70 seized birds at the San Ysidro, California Customs House. Purchasers including pet dealers and individuals paid ~~\$0,500~~^{\$10,900} for 39 macaws, a substantial sum but well below the appraised value of the birds. The remainder of the birds, including parrots, amazons, parakeets and toucanets, sold for approximately \$2,700.

(2,681)

Compromise Reached in Bird Seizure

The Fish and Wildlife and Customs Services recently reached a compromise agreement with Mr. Bill Dew of International Avian Imports concerning over 150 birds seized upon import from Singapore. Since the import documents appear to be in order for certain of those birds, the agencies have agreed to their release. The agencies will retain approximately 50 birds--Goffin cockatoos and galerita tritons--having a retail value of \$40,000. The eventual disposition of the retained birds has not yet been determined.

Probation Revoked in Light of Further Bird Charges

United States v. Martin, (S.D. Cal.). On September 2, bird dealer James Lawrence Martin had his probation revoked after a hearing at which the District Court for the Southern District of California found that Martin was again dealing in birds for which he had no proper records. Martin pled guilty in 1979 to violating 18 U.S.C. 2232, a misdemeanor offense covering destruction of property to prevent seizure. He was sentenced to serve 60 days of a one year sentence and ordered to keep careful records. In July 1980, Customs agents discovered and seized 32 fledgling birds--yellow naped amazons, red lored amazons and yellow-headed amazons-- for which Martin could produce no adequate records. As a result, the Court revoked Martin's probation and ordered him to serve the remaining 305 days of his term. AUSA David Doyle of San Diego handled the case.

Recent Convictions

United States v. Rives, (S.D. Cal.). Following a trial in which the facts were stipulated, the district court found Rives guilty of smuggling over 250 parrots into the United States in violation of 18 U.S.C. 545. As we reported in our second issue, all of the parrots died from Exotic Newcastle Disease. Rives was sentenced on August 25 to serve six months of a three year term, followed by five years probation. San Diego AUSA Eve Birmingham handled the case which was developed by Customs and Agriculture agents.

United States v. Nieto-Tapia, (S.D. Cal.). Nieto-Tapia, whose indictment for smuggling 50 military macaws was reported in our second issue, pled guilty to violating 18 U.S.C. 545. On July 21, he was sentenced to serve three months of a two year term, followed by three years probation. San Diego AUSA Judy Hayes handled the case.

United States v. Domy; United States v. Korn, (D. Ariz.). The defendants in these prosecutions, reported in our last issue, recently pled nolo contendere to charges that they had imported over 100 iguanas in violation of the Lacey Act. Domy received a six month suspended sentence, a three year probationary term, and a \$1,000 fine. Korn received a six month suspended sentence, an 18 month probationary term, and a \$500 fine. Phoenix AUSA Roger Dokken had primary responsibility for the prosecutions.

United States v. Burns, (N.D.N.Y.). This perjury prosecution, reported in our last issue, recently led to the conviction of Janet Burns for giving false testimony to a Grand Jury in connection with a wildlife investigation. She was sentenced on August 25 to a six month suspended sentence, one years probation and a \$10,000 fine. Syracuse AUSA Gustave Di Bianco handled the case.

Land and Natural Resources Division Journal
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PROSECUTION	WILDLIFE	CONVICTION	SENTENCE
<p><u>United States v. David Rives,</u> (S.D. Cal.) No. 800-222</p> <p>3-count indictment: 18 U.S.C. 545</p>	<p>Over 250 yellow-naped parrots infected with Newcastle disease</p>	<p>Pled guilty to violating 18 U.S.C. 545</p>	<p>3 years, 6 months to be served; 5 years proba- tion</p>
<p><u>United States v. Emmett Carrigan</u> (D. Minn. 1980) No. 6-79-69</p> <p>5-count indictment: 3 MBTA, 16 U.S.C. 703, counts; 1 Eagle Act, 16 U.S.C. 668; count; 1 ESA, 16 U.S.C. 1538, count</p>	<p>Bald eagle, broad- winged and red-tailed hawks</p>	<p>Pled guilty to ESA count, 1 MBTA count</p>	<p>1-year term on ESA count, 2 years on MBTA count to serve consecutive to ESA term</p>
<p><u>United States v. Castro Nieto-Tapia,</u> (S.D. Cal.) No. 800-261</p> <p>2-count indictment: 18 U.S.C. 371, 18 U.S.C. 545</p>	<p>50 military macaws</p>	<p>Pled guilty to violating 18 U.S.C. 545</p>	<p>2 years, 3 months to be served; 3 years proba- tion</p>
<p><u>United States v. Donald Hughes,</u> (S.D. Cal.) No. 79-19</p> <p>Indictment included 18 U.S.C. 641, 16 U.S.C. 1338 charges</p>	<p>100 wild horses</p>	<p>Conviction on 1 conver- sion count, 18 U.S.C. 641, 2 Wild Horse Act counts, 16 U.S.C. 1338</p>	<p>Conversion: 18 months Wild Horse Act: 5 years probation</p>

