

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA

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Fifteenth meeting of the Conference of the Parties  
Doha (Qatar), 13-25 March 2010

Interpretation and Implementation of the Convention

Exemptions and special trade provisions

Applications to register operations that breeds Appendix-I animal species in captivity for commercial purposes

REQUEST FROM THE UNITED STATES OF AMERICA REGARDING STEPHEN C. BROWN

1. This document has been prepared by the United States of America.\*
2. Resolution Conf. 12.10 (Rev. CoP14) has established a procedure to register operations that breed Appendix-I animal species for commercial purposes; once registered, such operations qualify for the exemption contained in Article VII, paragraph 4, of CITES, which allows specimens bred at such operations to be treated as if they are specimens of a species listed in Appendix II. In addition to providing guidelines on the information that a Management Authority should provide to the Secretariat to obtain and maintain the registration of a captive-breeding operation (Annex 1 of the Resolution), the Resolution establishes the mechanism under which the Secretariat should handle registration requests and the role the Parties have in the registration of an operation (Annex 2 of the Resolution).
3. In accordance with Resolution Conf. 12.10 (Rev. CoP14), a Management Authority that wishes to register a breeding operation submits an application to the Secretariat for consideration. Once the Secretariat can verify that the application meets the requirements of the Resolution, a Notification to the Parties is published announcing the proposed registration. The Parties have 90 days to respond to the Notification by submitting comments on the proposed registration of the operation. If any Party objects to the registration, the Secretariat will refer the documentation on the operation to the Animals Committee, which will respond to the objections within 60 days. The Secretariat would then facilitate a dialogue between the Management Authority that submitted the registration request and the objecting Party and provide an additional 60 days to resolve the objections. If the objections are not withdrawn or the identified problem(s) not resolved, the application would be postponed until it is decided by a two-thirds majority vote at the following meeting of the Conference of the Parties, or by postal procedures equivalent to those set forth in Article XV.
4. The United States supports the registration process established in Resolution Conf. 12.10 (Rev. CoP14). The proposed registration contained in Annex 1 was transmitted to the Secretariat on October 13, 2009, for consideration. Unfortunately, given the timing of the submission and the work that the Secretariat must carry out in preparation for the 15<sup>th</sup> meeting of the Conference of the Parties (CoP15), the Secretariat was unable to issue a Notification to the Parties on this registration request prior to the submission deadline for documents to be discussed at CoP15. Agenda items that have not been submitted by this date cannot be discussed at the upcoming meeting. The United States is concerned that if an objection were to be raised to the registration of this operation, and no resolution could be found to the objection, a final decision on the registration could be delayed until the next meeting of the Conference of the Parties (CoP16 in 2012 or 2013).

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\* The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat or the United Nations Environment Programme concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.

5. Therefore, on the recommendation of the Secretariat, the United States is submitting the attached registration directly to the Parties for consideration at CoP15.
6. Annex 1 of this document contains the information regarding the registration of Stephen C. Brown, Rockton, Illinois, United States of America, for *Falco rusticolus*. Annex 2 contains supporting documentation for this proposed registration. This is the same information that was submitted to the Secretariat on October 13, 2009, in the language in which it was submitted.
7. The Conference of the Parties is requested to take a decision regarding this registration.

#### COMMENTS FROM THE SECRETARIAT

The Secretariat has reviewed the application from this falcon-breeding operation and found that it complied with Resolution Conf. 12.10 (Rev. CoP14). It therefore recommends its inclusion in the *Register of operations that breed Appendix-I animal species for commercial purposes*.

APPLICATION TO REGISTER THE BREEDING OPERATION OF STEPHEN C. BROWN,  
AN OPERATION BREEDING APPENDIX-I ANIMAL SPECIES FOR COMMERCIAL PURPOSES:  
GYRFALCON (*FALCO RUSTICOLUS*)

1. Name and address of the owner and manager of the captive breeding operation:

Stephen C. Brown

9705 Clark Road

Rockton, Illinois 61072

2. Date of establishment: 1994

3. **Species bred:** Gyrfalcon (*Falco rusticolus*)

4. **Description of parental breeding stock:** Current breeding stock consists of 2.6 *Falco rusticolus*. The current breeding stock was bred in captivity in the United States between 1997 and 2004 and was purchased and/or transferred to the applicant from established breeders within the United States. Each bird has a closed U.S. Fish and Wildlife Service (USFWS) leg band in accordance with the U.S. Migratory Bird Treaty Act (MBTA), a stricter domestic measure. The list of the original parental breeding stock is attached (Annex 1).

5. Range State evidence that parental stock was obtained in accordance with the relevant national laws: The range of the gyrfalcon extends into the United States, being circumpolar in distribution.

The applicant has been licensed under the MBTA by the USFWS as a raptor breeder since 1994 (license number: MB784208-0), as well as being licensed under the MBTA as a master falconer (license number: MB668049-0). Ownership and breeding of all U.S.-native raptors is regulated under the MBTA, which requires annual propagation reports and<sup>1</sup> notification to the USFWS of any transfer or sale of birds. The applicant is in complete compliance with the MBTA and all other State and U.S. Federal Government regulations.

Under the MBTA, anyone who sells, donates, or otherwise transfers a raptor must report that activity to the USFWS by submitting a Form 3-186A<sup>1</sup>, "Migratory Bird Acquisition and Disposition Report." In addition to providing a copy of this report to the USFWS, copies are maintained by both parties of the transaction (i.e., the breeder and purchaser), and copies may be provided to the State wildlife agency(s) that regulates raptor propagation or falconry within the state(s) in which the buyer and seller reside.

The applicant's parental stock was acquired from other USFWS-licensed raptor breeders in the United States. All parental specimens are captive bred in the United States. For each of his parental stock, the applicant has provided the U.S. Management Authority with his copies of Migratory Bird Acquisition and Disposition Reports (USFWS Form 3-186A), which are completed at the time a bird is transferred or sold. These reports, which document the legal acquisition of specimens from other U.S. breeders/falconers, are submitted to the USFWS Migratory Bird Permit Office. Both parties to the transfer maintain copies of these reports. In addition to these reports, the applicant has provided the U.S. Management Authority with his USFWS raptor propagation annual reports for the years 1994, 1995, 2005, 2006, and 2007.

It should be noted that, under the MBTA, stock held under a falconry permit and stock held under a propagation permit must be maintained separately. Any transfer of birds from one stock to the other must be documented to the USFWS through the submission of a Form 3-186A. All of the applicant's stock of *F. rusticolus* is maintained under his propagation license. Copies of Form 3-186A, as well as breeder's statements are included in this application.

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<sup>1</sup> Form 3-186A is a reporting requirement; it is not a permit, and there is no requirement for the USFWS to authorize a transfer prior to the transfer occurring. Since copies of the report go to individuals or government agencies besides the USFWS, the USFWS would not have the ability to stamp all copies of the Form 3-186A, nor is it a requirement that any copies of the form be stamped or otherwise validated by a USFWS official, including the copy maintained by the USFWS. In addition, the USFWS did not require institutions requesting registration as a commercial breeding operation to obtain stamped copies for inclusion with their registration application.

6. Criteria for operations located in non-range States: Not applicable.
7. **Current stock held in addition to parental breeding stock:** Applicant currently maintains 2.6 *F. rusticolus*, all of which are breeding stock. All the birds listed in Attachment 1 are breeders or potential breeders.
8. **Information on the percentage of mortalities:** Since the establishment of this breeding operation, the applicant has obtained or disinvesting himself of a number of birds through legal transfers or sales. Between 2001 and 2009, there have been six mortalities of juvenile or adult birds that occurred at the applicant's facility. The deaths consist of two males, two females, and two juvenile gyrfalcons. Mortalities were spread across all age groups and occurred from unknown causes in the case of the juveniles, and by *Aspergillus* in the case of the adult birds.
9. Documentation that the species has been bred to second-generation offspring (F2) at the facility and a description of the method used: All of the breeding stock of gyrfalcons in this facility was acquired as at least F1 as indicated by the USFWS acquisition forms provided with the application. Of the eight founders, five were hatched at CITES-registered captive-breeding operations. Although the applicant has maintained a USFWS propagation license since 1994, he has not continually produced birds over this time period. In 2005, he began efforts to reinstate an active breeding program. In 2008, all of his parental stock was reproductively mature. In April of 2008, 11 eggs had been produced and more were expected based on the applicant double-clutching breeding pairs. However, due to a late season ice storm that caused an area-wide power outage, the eggs were lost. The applicant has since installed back-up generators at his facility to prevent such an occurrence in the future. In 2009, the applicant produced three healthy chicks.

Breeding techniques are methods that have been commonly and successfully used by falcon breeders throughout the world. Breeding pairs copulate naturally, although some birds are artificially inseminated. When the male fails to copulate with the female, semen is obtained from an imprinted male and inserted into the female. The females are allowed to sit on the eggs for the first 12 days, at which time the eggs are removed and placed into incubators. After the eggs hatch and the chicks are 5 days old, they are returned to the mother to be raised. Mr. Brown has been a licensed falcon propagator since 1995 and has been successful with using these standard techniques. In addition, the applicant previously bred *Falco peregrinus* and produced four chicks.

10. If the operation has only bred the species to the first generation, documentation showing that the husbandry methods used are the same as, or similar to, those that have resulted in second-generation offspring elsewhere: Although the applicant has only produced one generation at his facility, he is using husbandry techniques that are widely recognized for producing second-generation offspring. These techniques are the same ones used by other CITES-registered operations, including by Dan Konkel (CITES registration A-US-503),
11. **Past, current, and expected annual production of offspring:** The applicant's operation produced four peregrine falcons in 1995. The applicant has now successfully produced three gyrfalcon chicks in the 2009 breeding season, corresponding with his parental stock becoming reproductively mature. The applicant expects to produce about seven offspring per year.
12. **Anticipated need for, and source of, additional specimens to augment breeding stock to avoid deleterious inbreeding:** This program is not anticipating any need to broaden the gyrfalcon gene pool currently held. However, if birds were needed to avoid deleterious inbreeding in the future, the applicant would obtain additional stock from other USFWS licensed breeders within the United States or legally imported birds. Any imported specimens would only be obtained from CITES-registered breeding operations. Accurate breeding records will continue to be maintained to ensure out crossing of related birds.
13. Type of product exported: Live birds.
14. **Description of marking methods:** Each specimen is banded with a seamless aluminum numbered leg band issued by USFWS. Leg band numbers are unique for each bird. This information is recorded for parents and offspring to facilitate husbandry decisions.
15. **Description of inspection and monitoring procedures to be used by the CITES Management Authority:** The applicant will apply to the U.S. CITES Management Authority for all export permits for progeny produced at the facility. He will also submit an annual report listing the total number of birds at the facility, number of offspring produced, mortalities, and other acquisition or dispositions of the birds. This will allow the U.S. Management Authority to monitor activities in the breeding facility. In addition, the applicant may receive unannounced visits from USFWS personnel (e.g., Division of Law Enforcement, Division of Management Authority, Division of Scientific Authority, Office of Migratory Birds) who will report their findings to the CITES Management Authority.

16. **Description of housing facilities:** The facility meets the definition of a controlled environment. The breeding operation consists of 6 imprint chambers (4 chambers 14 by 8 by 8 ft. high, 1 chamber 14 by 9 by 8 ft. high, 1 chamber 14 by 14 by 8 ft. high) and 4 natural breeding chambers (16 by 17 by 10 ft. high). The imprint chambers are double-roofed and the breeding chambers are half-open (with screen). The front of the chambers faces an enclosed wire walkway with double door entrances to prevent escapes. All chambers are locked, as is the access walkway. In the event of a bird escaping from a room, it would be trapped in the walkway. The chamber ceilings allow fresh air to circulate as well as provide natural sunlight. All birds are free flighted.

The breeding operation has a very large incubation capacity. Currently, the facility maintains three Rollex incubators and one China Prairie incubator with a capacity of 100 eggs. There are two K Pads for raising babies and one brooder used on occasion.

The facilities food source is coturnix quail. These quail are readily available from two commercial producers/suppliers, Brad Mitchell in South Dakota and Rodger Johnson in Minnesota. A skilled avian veterinarian, Dr. Pat Retig, with the Raptor Center in St. Paul, Minnesota, is readily available if any medical issues arise.

17. **Strategies used by the breeding operation to contribute towards the conservation status of wild populations of this species:** This breeding program will reduce reliance on the wild population for falconry and breeding purposes. Therefore, the operation will make a meaningful contribution according to the conservation needs of this species.
18. **Assurance that the operation is humane:** All falcons are kept in rooms large enough to allow them to fly short distances. The facilities are well ventilated. All birds have access to natural sunlight and water for bathing and drinking. There is little human interaction with paired falcons except for routine maintenance and veterinary procedures. A veterinary facility and/or raptor rehabilitation facilities are available nearby. Therefore, the operation will be conducted in a humane manner

Current Parental Stock Housed by Mr. Brown at His Facility

*Falco rusticolus*

USFWS Band Number	Hatch Year	Sex
RX084699	2003	F
RX084542	2002	M
RW088241	2000	M
RX083901	2002	F
RX084383	2004	F
RX084380	2004	F
RX082175	1998	F
RX082555	1997	F