



American Federation of Aviculture, Inc.
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February 10, 2011

Re: New Hampshire - Fish & Game Regulations re possession and/or importation of the Monk Parakeet

The American Federation of Aviculture, Inc. (AFA) (see footnote 1) submits that there is insufficient current scientific and/or commercial data to support the current prohibition of possession or importation of the Monk Parakeet (*Myiopsitta monachus*) in New Hampshire.

The Monk Parakeet has been, and is, commonly kept in captivity in New Hampshire and throughout the United States (either as a pet or as a breeder), and should be considered a domestic pet bird. The Monk Parakeet should not be considered dangerous, invasive, or as likely to cause harm to the economy, environment, protected wildlife, human health or safety in New Hampshire.

AFA submits that the Monk Parakeet, which is commonly kept as a pet or as breeding stock in New Hampshire and throughout the United States, should properly be considered as a "domesticated animal", and the possession and importation of this species should not be prohibited in New Hampshire.

Simple ownership of most non-native species is not, by itself, somehow dangerous, or invasive, or likely to cause harm to the economy, environment, protected wildlife, human health and safety in New Hampshire.

The New Hampshire Fish and Game's prohibition on the possession or importation of the Monk Parakeet has not served to protect health or habitat in New Hampshire. If the current Fish and Game regulations are now going to be enforced, it will result in harm not only to the Monk Parakeets that are the subjects of the restrictions, but to aviculture in New Hampshire and the U.S. and to those who rely on aviculturists for current, correct, and humane assistance in keeping all of their birds.

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

The present regulations contained in New Hampshire Fish and Game Wildlife Rules in CHAPTER FWS 800 THE IMPORTATION, POSSESSION AND USE OF ALL WILDLIFE Statutory Authority: ESA 207:14, ESA 211:62-e, ESA 211:64 and ESA 212:25 do not cite any specific current or reliable scientific research or reports that support the existing prohibition on the possession or importation of the Monk Parakeet.

The American Federation of Aviculture submits the following facts and data to support its position that the possession and importation of the Monk Parakeet, which is commonly kept as a pet or as breeding stock in New Hampshire, should not properly be prohibited.

1. The Monk Parakeet, which is commonly kept as a pet or as breeding stock should be designated a "domestic animal" in New Hampshire, and the importation or possession of the Monk Parakeet should be allowed in New Hampshire.

The Monk Parakeet is commonly bred and kept as a pet in New Hampshire, and it has become domesticated. The Monk Parakeet has been tamed, raised, bred, and sold in captivity in New Hampshire for many decades, as well as throughout the United States for many decades.

The Monk Parakeets that are now kept in New Hampshire have been 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 of New Hampshire or avoid predators.

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

Section 823.041 of Title XVI 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."

As a bird bred and kept in captivity, the Monk Parakeet should be treated as a "domestic animal" and there should be no restrictions on its possession or importation in New Hampshire.

2. The Monk Parakeet should not be considered a "dangerous animal" or as an "invasive animal" or as an "undesirable animal"

There is no scientific evidence that the Monk Parakeet is dangerous, either to humans or other animals. Monk Parakeets (and all other 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). The Monk Parakeet bites do not inflict much damage, and they are not aggressive. The Monk Parakeet (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 the Monk Parakeet is invasive in New Hampshire or that they pose a threat to the economy, environment, protected wildlife, human health or safety in New Hampshire.

On the contrary - despite the fact that many Monk Parakeets have been kept in captivity for many decades in New Hampshire, and have had the opportunity to escape into the wild, the Monk Parakeet species has not become invasive or established a feral population in New Hampshire. If, on the rare occasion that a captive Monk Parakeet might escape and fly into the wild of New Hampshire, 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 Hampshire.

3. Data provided by the National Audubon Society demonstrates that no Monk Parakeets have been observed flying free in the State of New Hampshire during the last 110 years. Monk Parakeets pose no threat to the health or habitat of New Hampshire.

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 2010 (the last 110 years) available on its website. See the Audubon Christmas Bird Count information at <http://www.audubon.org/bird/cbc/>

In the last 110 years Audubon has documented 50 species of parrots in its counts worldwide.

The data of Audubon indicates that there have been *NO MONK PARAKEETS COUNTED IN THE WILD IN NEW HAMPSHIRE FOR THE LAST 110 YEARS*. The downloaded data for the 50 parrots species counted by Audubon during the entire 110 period is submitted in chart form with this letter. *The count of Monk Parakeets in New Hampshire for that entire 110 year period is ZERO.*

Although parrots have been imported into New Hampshire, kept as pets in New Hampshire, and bred in New Hampshire for many decades, they have not established any feral populations in the State. A track record of 110 years of parrots' absence from the wild of New Hampshire 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, crops, domestic livestock or to native wildlife and their habitats.

4. While not controlling with respect to the Regulators in the State of New Hampshire, the following quote may serve to guide the New Hampshire Department of Fish and Game regarding prohibitions on the possession and/or importation of any species kept in captivity in New Hampshire:

"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/

See footnote 2

In conclusion:

For all of these reasons, and especially because (1) there is a glaring lack of scientific or commercial data to support the prohibition on possession and/or importation of Monk Parakeets in the State of New Hampshire (either as pets or as breeders), we suggest that the Monk Parakeet should not be treated as dangerous, or as invasive, or as likely to cause harm to the economy, environment, protected wildlife, crops, human health or safety in New Hampshire, and (2) the fact that that no parrots have been observed flying free in the State of New Hampshire during the last 110 years and they are are not a threat to New Hampshire health or habitat, we recommend that there should be no prohibition in New Hampshire on the possession or importation of the Monk Parakeet.

American Federation of Aviculture

February 10, 2011

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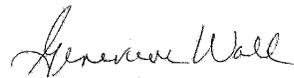
Page 5

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

We look forward, on behalf of the many residents of New Hampshire who enjoy the companionship of their pet birds, including their Monk Parakeets, and on behalf of those who breed birds in New Hampshire and throughout the U.S. both for pet purposes and for conservation purposes, to the Director and the New Hampshire 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 gwallawco@aol.com, or by telephone to (949) 584-4079.

Very truly yours,



Genevieve Wall

Legislative Vice President, American Federation of Aviculture, Inc.

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 that 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

Footnote 2

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

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 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;

© 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 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.

© 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/