

Wildlife Service; telephone (703) 358–2093; fax (703) 358–2280.

SUPPLEMENTARY INFORMATION:

Background

This proposed rule would amend the regulations implementing aspects of the Wild Bird Conservation Act (WBCA), which was signed into law on October 23, 1992. The WBCA limits or prohibits imports of exotic bird species to ensure that their wild populations are not harmed by trade. It also encourages wild bird conservation programs in countries of origin by ensuring that all imports of such species into the United States are biologically sustainable and not detrimental to the survival of the species. A final rule published in the **Federal Register** on November 16, 1993 (58 FR 60536), implemented the prohibitions stipulated in the WBCA and provided permit requirements and procedures for some allowed exemptions.

Import quotas were established for CITES-listed bird species for the year immediately following enactment of the WBCA, from October 23, 1992, to October 22, 1993. Those quotas were announced in the **Federal Register** on December 4, 1992 (57 FR 57510). In that same notice, we informed the public that, after that year, the importation of all exotic bird species listed in the CITES Appendices would be prohibited unless the species was listed in an approved list, or unless the species was a member of one of the ten families of birds specifically exempted from the WBCA. A notice published on March 30, 1993 (58 FR 16644), solicited public comments and announced a public meeting, held April 15–16, 1993, to receive input for developing regulations to implement some of the provisions of the WBCA. We received input, both at the meeting and in writing, from a broad cross-section of the interested public. During the year in which import quotas for CITES-listed bird species were in place, we published two notices in the **Federal Register**, one on April 16, 1993 (58 FR 19840), and one on August 10, 1993 (58 FR 42573), announcing species for which the quotas had been met and no further individual birds could be imported.

Since the publication of the final rule of November 16, 1993, imports of all CITES-listed birds (as defined in the final rule) are prohibited, except for (a) species included in an approved list; (b) specimens for which an import permit has been issued; (c) species from countries that have approved sustainable-use management plans for those species; or (d) specimens from approved foreign captive-breeding

facilities. We published a proposed rule in the **Federal Register** on March 17, 1994 (59 FR 12784), that would implement procedures for the establishment of an approved list of captive-bred species listed in the CITES Appendices that could be imported without a WBCA permit, provide criteria for including non-captive-bred (wild-caught) species in the approved list, and provide criteria for approval of foreign captive-breeding facilities.

As the result of a lawsuit filed on February 15, 1994, and a resultant District Court Order that found a portion of the regulation in the November 16, 1993, **Federal Register** invalid, we announced in the **Federal Register** on May 24, 1994 (59 FR 26810), that all exotic birds listed in Appendix III of CITES would also be covered by the automatic import moratorium of the WBCA, regardless of their country of origin. A proposed rule was published on June 3, 1994 (59 FR 28826), to promulgate that regulatory change, and the final rule was published on December 2, 1994 (59 FR 62254).

On December 2, 1994 (59 FR 62255), we published a final rule implementing procedures for the establishment of an approved list of captive-bred species listed in the CITES Appendices that could be imported without a WBCA permit; the approved captive-bred species were those for which it had been determined that trade involved only captive-bred specimens.

A final rule published on January 24, 1996 (61 FR 2084), implemented procedures for the establishment of an approved list of non-captive-bred (wild-caught) species listed in the CITES Appendices that could be imported. The list of approved non-captive-bred species is contained in 50 CFR 15.33(b). For wild-caught CITES-listed birds to be on the approved list, we must determine that CITES is being effectively implemented for the species for each country of origin from which imports will be allowed, CITES-recommended measures are implemented, and there is a scientifically based management plan for the species that is adequately implemented and enforced. The scientifically based management plan must: (a) Provide for the conservation of the species and its habitat; (b) include incentives for conservation; (c) ensure that the use of the species is biologically sustainable and is well above the level at which the species might become threatened; (d) ensure that the species is maintained throughout its range at a level consistent with its role in the ecosystem; (e) address factors that include illegal trade, domestic trade, subsistence use, disease, and habitat

loss; and (f) ensure that the methods of capture, transport, and maintenance of the species minimize the risk of injury or damage to health. For a species with a multinational distribution, we must also consider (a) whether populations of the species in other countries will be detrimentally affected by exports from the country requesting approval; (b) whether factors affecting conservation of the species are regulated throughout its range so that recruitment and/or breeding stocks will not be detrimentally affected by the proposed export; (c) whether the projected take and export will detrimentally affect breeding populations; and (d) whether the projected take and export will detrimentally affect existing enhancement activities, conservation programs, or enforcement efforts throughout the species' range. A species and country of export listed in 50 CFR 15.33(b) may be approved for three years, after which time the Service will have an opportunity to consider renewal of the approval.

On August 10, 2000, we published a notice of receipt of application for approval in the **Federal Register** (65 FR 49007), which announced the receipt of a petition from the Management Authority of Argentina, Dirección de Fauna and Flora Silvestre, for approval of a sustainable-use management plan for the blue-fronted amazon parrot (*Amazona aestiva*) in Argentina. We accepted comments on that application until October 11, 2000. Although we have used information received to date in formulating this proposed rule, we will address previously received comments as well as any new comments in our final rule.

Criteria for Approval of Species for Importation (50 CFR 15.32)

Section 15.32(b)(1) Whether the Country of Export Is Effectively Implementing the Convention

Argentina has been a Party to CITES since 1981 and has established two Management Authorities and two Scientific Authorities. Designation of competent CITES authorities is crucial for effective implementation of the Convention and ensures that the country has the necessary regulatory and technical infrastructure for the issuance of CITES documents and for making the required findings for the issuance of those documents. Argentina received a Category 1 rating in the CITES National Legislation Project. As directed in this project, the CITES Secretariat made this determination following a thorough review of Argentina's CITES implementing