

CATHY McMORRIS RODGERS  
5TH DISTRICT, WASHINGTON

COMMITTEES:  
NATURAL RESOURCES  
RANKING MEMBER, WATER & POWER

ARMED SERVICES  
EDUCATION AND LABOR

REPUBLICAN CONFERENCE  
VICE CHAIR  
DEPUTY WHIP

## Congress of the United States House of Representatives

COUNTIES:  
ADAMS  
ASOTIN  
COLUMBIA  
FERRY  
GARFIELD  
LINCOLN  
OKANOGAN  
PEND OREILLE  
SPOKANE  
STEVENS  
WALLA WALLA  
WHITMAN

February 23, 2010

Rowan Gould, Ph.D.  
Acting Director  
United States Fish and Wildlife Service  
Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Dr. Gould:

We are writing to make you aware of a situation involving the U.S. Fish and Wildlife Service (USFWS) and its obligations under the Convention on the International Trade of Endangered Species (CITES) and Title 50 of the U.S. Code of Federal Regulations pertaining to Wildlife and Fisheries. It has been brought to our attention that the USFWS is refusing to issue export permits to eligible captive bred raptor facilities contrary to the provisions set forth in 50 C.F.R. §23. In particular, 50 C.F.R. §23.36 specifies that a export permit may be issued for captive raptors bred for commercial purposes by non-registered facilities, as long as the importing country has agreed to issue a CITES import permit as long as the captive raptor is used for non-commercial purposes.

We are concerned that, during the review of applications for export permits, the USFWS Management Authority is refusing to defer to the specified non-commercial use determinations made by an importing country as required under CITES and § 23.36. Rather, the USFWS is arbitrarily introducing and enforcing an additional requirement in the transaction. Specifically, USFWS is requiring that the applicant demonstrate that a commercial element does not exist in any part of the export/import transaction – a requirement that does not currently exist in the regulations nor CITES. This new requirement ignores the critical role that importing nations play in the process.

At a time when our economy is stagnant and unemployment remains high, we can ill afford to stifle innovative trade. We urge you to direct USFWS Management Authority to immediately comply with its obligations under CITES and §23.36 by issuing those permits that meet the regulatory requirements.

1323 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-2006  
FAX: (202) 225-3392

10 NORTH POST STREET, SUITE 625  
SPOKANE, WA 99201  
(509) 353-2374  
FAX: (509) 353-2412

555 SOUTH MAIN  
COLVILLE, WA 99114  
(509) 684-3481  
FAX: (509) 353-2412

29 SOUTH PALOUSE STREET  
WALLA WALLA, WA 99362  
(509) 529-9358  
FAX: (509) 353-2412

[www.mcmorrisrodgers.house.gov](http://www.mcmorrisrodgers.house.gov)  
[www.mcmorrisrodgers.house.gov/facebook](http://www.mcmorrisrodgers.house.gov/facebook)

PRINTED ON RECYCLED PAPER

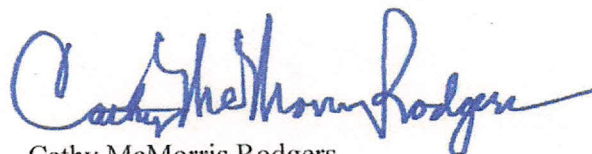


We would appreciate your immediate attention to this matter. If you have any questions, please do not hesitate to contact our offices.

Sincerely,



Doc Hastings  
Member of Congress



Cathy McMorris Rodgers  
Member of Congress