

A brief report on the illegal cage-bird trade in southern Florida: a potentially serious negative impact on the eastern population of Painted Bunting (*Passerina ciris*)

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Abstract

Populations of Painted Bunting (*Passerina ciris*) have been declining annually over the past 35 years. A cursory survey indicates that illegal trapping of Painted Buntings for a black market cage-bird trade is widespread in southeastern Florida. Coupled with other negative factors confronting the eastern population, the trapping of buntings for the cage-bird trade may, in time, produce dire results for this native songbird. Law enforcement personnel need to continue to monitor the illegal activity of trapping native passerines for the local songbird market and to continue to arrest those who support it.

Background

The North American Breeding Bird Survey data from 1966–1999 show an annual declining trend in populations of Painted Bunting (*Passerina ciris*) of 2.9% range-wide (Robbins et al. 1986, Robbins et al. 1989, Sauer and Droege 1992, Pardieck and Sauer 2000, Sauer et al. 2000). The eastern population of Painted Bunting breeds in a rather narrow corridor from the vicinity of Beaufort, North Carolina through Titusville, Florida (Sykes and Holzman 2005) and winters in the southern half of Florida, Cuba, the northern Bahamas, and possibly the Yucatan Peninsula (Robertson and Woolfenden 1992, Stevenson and Anderson 1994, Howell and Webb 1995, Raffaele et al. 1998, White 1998, Garrido and Kirkconnell 2000). This eastern population is a highly ranked Species of Concern by the states of Georgia, Florida, South Carolina, North Carolina, as well as Partners in Flight (Hunter et al. 1993). The eastern Painted Bunting has recently been classified as a “Watch List Species” (moderately abundant or widespread with declines or high threats) in *Partners in Flight North American Landbird Conservation Plan* (Rich et al. 2004). A research project entitled *Annual Survival in the*

Southeastern Coastal Breeding Population of the Painted Bunting (P. W. Sykes, W. Kendall, and J. Meyers, in ms.) is in progress, and its results are currently being analyzed. In tandem with this survival study, the authors made a brief survey of the illegal cage-bird trade in southeastern Florida. Our findings indicate that this trade may be contributing to the decline of Painted Buntings (together with habitat degradation and loss, predation, and brood parasitism), but to what degree is unclear. The cage-bird trade is also a problem in Cuba (Sykes et al., in prep.).

The trapping of Painted Buntings for the cage-bird trade probably dates back at least to the early 1700s (Latrobe 1835), and John James Audubon (1841) reported it in the early 1800s. Since the early 1900s, when laws were passed in the United States to protect native songbirds, such activity has been illegal. Painted Bunting and other native birds are protected at the federal level by the Lacey Act of 1900 and amendments of 1981, 1984, and 1988, and the Migratory Bird Treaty Act of 1916 (expanded in 1936 and 1972). Both acts are administered mainly by the U. S. Fish and Wildlife Service. The species is also protected under Florida Statute 372.922, Chapter 39-4.001, of the state Administrative Code, for which the Florida Fish and Wildlife Conservation Commission is the enforcement agency. In addition, most cities, towns, and communities in Florida now have laws protecting songbirds within their jurisdictions.

Recent evidence of captive Painted Buntings in southeastern Florida (as well as in Cuba) prompted our brief surveys. For instance, during the morning of 30 March 2003, a local Audubon Society member discovered a trap east of Krome Avenue in an undeveloped part of Miami-Dade County. The trap contained an adult male Painted Bunting and a Gray Catbird (*Dumetella carolinensis*), which

quickly were released. The trap (Figure 1) was removed from the site and is now in the possession of Sykes. Six people in a dark pickup truck and a white sport utility vehicle were apparently involved with trapping at this site. The incident was promptly reported to Florida Fish and Wildlife Conservation Commission law enforcement personnel, but no one was apprehended at that time. The license plate of the pickup was recorded, and it was subsequently learned that it had been switched with that of another vehicle.

Methods

Because Painted Buntings have in recent decades been favored as cage-birds mostly in the Latino community, we restricted our efforts to small independent pet shops, flea markets, and similar operations in Miami-Dade County, Florida. (We made the assumption that stores of the major pet-shop chains would not risk the legal implications, financial costs, and bad publicity generated by the sale of protected native birds.) An Internet search located 85 small pet shops in the Miami metropolitan area. We selected a total of 26 shops (12 in Hialeah, one in Naranja, 10 in Miami, and three in Opa-locka), plus a regular flea-market-like gathering that features several species of finch-like birds. Each establishment was visited once in late January 2004 to see if Painted Buntings were present. At each shop, we simply observed the operations. At several shops, we asked a few questions in Spanish to obtain some key information, but otherwise tried to remain as inconspicuous as possible.

Results

In our survey of 26 pet shops, we found only one Painted Bunting offered for sale, at a shop in the Allapattah area of Miami. Following our purchase of this bird, for \$12.00, the clerk stated: “Don’t show it to anyone because it is

against the law," or words to that effect. We measured, aged, sexed, and banded the bunting with a unique color-band combination before releasing the bird into a Princeton, Florida neighborhood, which supports a small population of wintering Painted Buntings. At the time of its release, the bunting was in good condition, with no sign of worn plumage, and all the nails were sharp-tipped, indications that it had been caught fairly recently. We observed this bird three weeks later in the area where it had been released. While only one Painted Bunting was found for sale at a pet shop during our search, we were told at several other pet shops that they could get us a "mariposa" (the Cuban name for the Painted Bunting) if we were ready to buy. One shop owner said that adult male Painted Buntings were selling for \$55, with females or subadult males selling for \$35 each. Adult male Indigo Buntings (*P. cyanea*) were being sold for \$45 each. We found Indigo Buntings, all brown-plumaged, for sale at one pet shop and at an open-air market. This clearly indicates there is a black market for Painted and Indigo Buntings in southeastern Florida.

On 25 January 2004, we visited an open-air gathering in southeastern Hialeah, where birds (mainly finches) were shown; some birds were for sale. This informal event takes place every Sunday morning on the north side of Hialeah Drive with its intersection with NE 9th Court. Cages with birds were displayed along both sides of NE 9th Court and in parking lots behind nearby buildings. An estimated 50–60 people were present while we were there, all men, and all Spanish-speaking. One individual was selling birds from the rear of a van. He kept the rear door of the van closed except when showing his birds to prospective buyers or making a sale. However, he set on the sidewalk next to his van a cage that contained two adult male Painted Buntings. Later, from across the street we watched him sell the more brightly plumaged male and another unidentified bird from out of the van. A second individual in a sport utility vehicle was showing his bird inventory using a digital video camera.

Traps for catching small birds, identical or similar to the trap shown in Figure 1, were relatively easy to locate in southeastern Florida. We found one displayed at the open-air event in Hialeah along with a much smaller

trap made of hardware cloth. Traps such as that shown in Figure 1 were found at three pet stores visited: one shop had seven on display, and another had three. We were told these traps sell for \$75–85 each.

We later learned of a conversation in Spanish that was overheard at a large permanent indoor flea market just east of Tampa in Hillsborough County, Florida. A customer asked a flea market stall operator (who was selling primarily birds, bird cages, and cage-bird supplies) how she might purchase a "mariposa." The response was that he had none at that locality, but could obtain one in several days.

In early March 2004, we turned over all the information that we had collected in Florida to the Division of Law Enforcement, U. S. Fish and Wildlife Service at the Regional Office, Atlanta, Georgia, and the field office at Miami, Florida. On 29 August 2005, the U. S. Department of Justice, U. S. Fish and Wildlife Service, U. S. Environmental Protection Agency, and Florida Fish and Wildlife Conservation Commission jointly announced the unsealing in Miami of a twenty-one count indictment charging six Miami-Dade County residents with illegally dealing in protected species of migratory birds. The six indicted were charged with the unlawful sale and offering for sale of Indigo and Painted Buntings, Blue Grosbeaks

(*Guiraca caerulea*), and Northern Cardinals (*Cardinalis cardinalis*) between 24 October 2004 and 11 July 2005. According to statements in court, the charged individuals conducted regular sales activities almost every Sunday at an informal market on Hialeah Drive. Undercover officers made direct purchases of birds from the various defendants during the months-long investigation, which was dubbed Operation Bunting. Juries in Miami found all six defendants guilty on the 21 counts of unlawfully selling and offering for sale the four species of songbirds listed above, in violation of the Migratory Bird Treaty Act, Title 16, United States Code, Sections 703 and 707 (U.S. Department of Justice Press Release, 3 Feb 2006; <<http://www.usdoj.gov/us20/fls/060203-01.html>>). Each of the 21 trafficking indictments is punishable by up to two years in prison and a \$250,000 fine (U.S. Department of Justice News Release, 29 August 2005).

The six defendants appeared before three U.S. District Court judges for sentencing between 12 January and 13 March 2006. Defendant No. 1 pled guilty on one felony count and received one year of supervised release, \$100 special assessment, and \$648 in restitution to Florida Fish and Wildlife Conservation Commission (FFWCC). Defendant No. 2 pled guilty to three felony counts and received one year probation for each count to run



Figure 1. This is a trap used to illegally capture Painted Buntings and other small passerines in southern Florida. Such traps may be mass-manufactured somewhere in the United States. Photograph by Paul W. Sykes, Jr.

concurrently and a \$300 special assessment. Defendant No. 3 pled guilty to one felony count and received three years probation, \$2000 in fines, \$100 special assessment, and \$1650 in restitution to the FFWCC. Defendant No. 4 pled guilty on two felony counts and received three years probation, \$2000 in fines, \$200 special assessment, and \$544 in restitution to FFWCC. Defendant No. 5 pled guilty to one felony count and received three years probation, \$8290 in fines, \$400 special assessment, and \$6000 or so in restitution to FFWCC. Defendant No. 6 was found guilty on four felony counts and received three years probation and \$400 special assessment (Federal Wildlife Officers Association Web Site; <<http://www.fwoa.org/>>).

Charges were also filed against three pet shops in the Miami-Dade County area for selling protected native songbirds and apparently were linked to the ring of those trapping (American Bird Conservancy, *Bird Calls* 10.1: 8, March 2006). We have no further details on these three cases.

Discussion

From our perspective, the sentences and fines the six convicted felons received amounted to little more than a slap on the wrist and the costs of doing business. The sentences for the six felons totaled 12.5 years, all on probation, and all the various fines combined amounted to only \$22,147. This is interesting, as each of the 21 felony counts could bring up to a \$250,000 fine apiece if the maximum had been given, but the total of all the fines for the six convicted felons was only 8% of the maximum for one felony count. Although we do not know the actual costs for the government agencies to carry out their investigations, make arrests, and cost for the trials, we venture to say the combined total of all fines was a rather small percentage of the overall costs to bring the six individuals to justice. The question remains: Were the penalties sufficient to stop these convicted felons and others from trapping and selling songbirds in the future within the United States?

Based on our rather cursory survey of bird markets, plus additional information provided to us by an eyewitness to other events, we suspect that the trapping of Painted Buntings, Indigo Buntings, and other songbirds for the cage-bird trade is widespread in southeastern Florida. While the aforementioned situation probably involved Painted Buntings and other colorful passerines trapped in Florida, the demand is such that the illegal trapping could be expanded to include the breeding grounds from northeastern Florida northward. Male Painted Buntings are highly territorial for much of the

breeding season from mid-April through mid-July (Lowther et al. 1999). Trapping efforts to capture Painted Buntings in Cuba, Mexico, and elsewhere in Middle America target mostly the adult males (E. Iñigo-Elias, pers. comm.), and this is probably the case in Florida as well.

The style of trap (Figure 1) used to capture Painted Buntings and other songbirds is the same or similar to those used widely by bird trappers throughout Cuba (E. Iñigo-Elias, pers. comm.). In Florida, this style of trap is precision-made, and we suspect those we have observed have been manufactured somewhere in the state, based upon the materials used in manufacture. The trap is generally used with a live bird inside as a decoy to attract other males. This type of trap is quite efficient in capturing birds in Cuba. In the province of Pinar del Rio, Cuba, Eduardo Iñigo-Elias (pers. comm.) witnessed three trappers using a large series of these traps (hanging from wires strung between poles) capture approximately 700 adult male Painted Buntings in one weekend in early May 2004. The trap can also be used on the ground or hung from a shrub or tree.

Given the efficiency of this trap, we are gravely concerned that, in addition to the trapping of Painted Buntings on their wintering grounds in Florida, trapping might be conducted on the breeding grounds, particularly if stepped-up law enforcement makes the illegal trapping in southeastern Florida too risky. Given the territorial behavior of the males during the breeding season, a bird trapper could place a trap on a male's territory and catch that individual in a matter of minutes and then move on to the next territorial bird. By so doing, male Painted Buntings of the eastern population could literally be vacuumed from their territories in their rather narrow, limited breeding range along the Atlantic coast (see Sykes and Holzman 2005). Such activity could be conducted with little chance of detection. Therefore, it is extremely important that the land management and law enforcement agency personnel with Painted Bunting habitats within their areas of jurisdiction be aware of, and on the alert for, this possible threat. Also, the birding community, and the general public using these areas, should be made cognizant of the problem during the warmer months, when eastern Painted Buntings are present on the breeding grounds along the Atlantic coast from northeastern Florida north to southeastern North Carolina. Any suspicious activities should be immediately reported to the appropriate agency with details (license numbers, de-

scription of vehicles, people involved, etc.), so that quick action can be taken to apprehend individuals attempting to trap Painted Buntings.

The Painted Buntings along the Florida coast from the Georgia border south to Cape Canaveral have declined for as yet unknown reasons in recent years. Is it possible that this decline is in part due to illegal trapping. The situation is in need of investigation. Given the large and increasing human population of Florida, and given its demographics, the demand for Painted Buntings as pets could be substantial and may well increase in the future. The necessary laws and statutes already exist, but greater vigilance by the public and increased law enforcement effort is required. A robust educational outreach program is needed in Florida and perhaps elsewhere to curb the trade in wild-caught colorful songbirds as pets as well as the cultural traditions that support such trade.

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