

Laws Pertaining To The Possession And Transportation Of Natural Fly Tying Materials

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The following international and local laws have generally been implemented to protect certain species of wildlife from commercial trade or demands and other forms of exploitation that could threaten their continuing survival in the wild. However, they also are designed to provide guidance in their various lawful uses, including commercial, such that their potential for continuing survival will be enhanced, if not assured.

Endangered Species Act - 1973:

The ESA protects endangered and threatened species from take and harm in the US, other than for scientific, educational and conservation purposes. These species generally cannot be used for fly tying.

Migratory Bird Treaty Act - 1918:

“The MBTA was determined to put an end to the commercial trade in birds and their feathers that, by the early years of the 20th century, had wreaked havoc on the populations of many native bird species.” The MBTA prohibits take of raptors, songbirds and waterfowl in North America, but does allow take of certain waterfowl and other migratory bird species during legal hunting seasons. Feathers of lawfully taken, wild migratory birds (ducks, geese, snipe etc.) may be used for fly tying but not sold.

Bald and Golden Eagle Protection Act - 1940:

The BGEPA protects bald and golden eagles, alive or dead, or their parts, nests or eggs from take, possession or commerce.

CITES - 1975:

The Convention on International Trade in Endangered Species (CITES) is an agreement that 151 countries have entered into as parties, to protect many species of animals and plants to ensure that commercial demands do not threaten their survival in the wild. It regulates trade in listed species and hybrids, including parts and products, through a system of permits. Commercial export and re-export of grey jungle fowl and exotic pheasant species are regulated through permits issued under this agreement. Re-export permits are required for transporting imported CITES protected animal parts across international borders.

Marine Mammal Protection Act - 1972:

Southern fur seals and polar bears are protected under CITES; however, northern species of fur seals are not. Both seals and polar bears are legally harvested in parts of the world, making their furs commercially and legally available in some countries for use in fly tying. The MMPA, however, prohibits the purchase, sale, import and export of seals, polar bears and their parts in the United States. The possession of seal and polar bear furs is not legal in the US, unless of a pre-1972 source.

State Laws:

State laws generally allow the take, possession and sale of game bird and mammal parts (i.e. deer, muskrat, pheasant and other gallinaceous birds) when taken by lawful means, such as during established hunting and trapping seasons. Wild migratory waterfowl and other migratory game birds taken during established hunting seasons may be possessed and used for fly tying, but are prohibited from sale. Migratory waterfowl and other migratory game birds that are raised on permitted game farms or raised as domestic poultry (i.e. mallards) may be sold commercially. Exotic birds that are not listed as endangered or threatened or protected as migratory birds, but are considered as pets and/or livestock (i.e. peacock, parrots, ostriches etc.) may be possessed and sold. Bird species such as starlings, English sparrows and some corvids are considered pest species and are not protected.

Lacy Act – 1900:

The Lacy Act prohibited game taken illegally in one state to be shipped across state boundaries contrary to the laws of the state where taken. This law has become a very effective tool for enforcing laws of individual states and the federal government. However, it was relatively ineffective during the early 20th century in stopping interstate shipments, largely due to huge profits enjoyed by market hunters and lack of officers to enforce the law. These early failures eventually lead to passage of the MBTA.

Recommendations:

1. Purchase all fly tying materials only from established commercial dealers within the United States.
2. Do not transport CITES protected animal parts across international borders without proper re-export permits, and do not purchase CITES protected animal parts from foreign dealers or individuals without such purchases being accompanied with proper export permits.
3. Do not purchase, sell, export, import or possess marine mammal furs unless of a pre-1972 origin.
4. Document origin of pre-1972 marine mammal materials you may possess with a notarized affidavit.

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