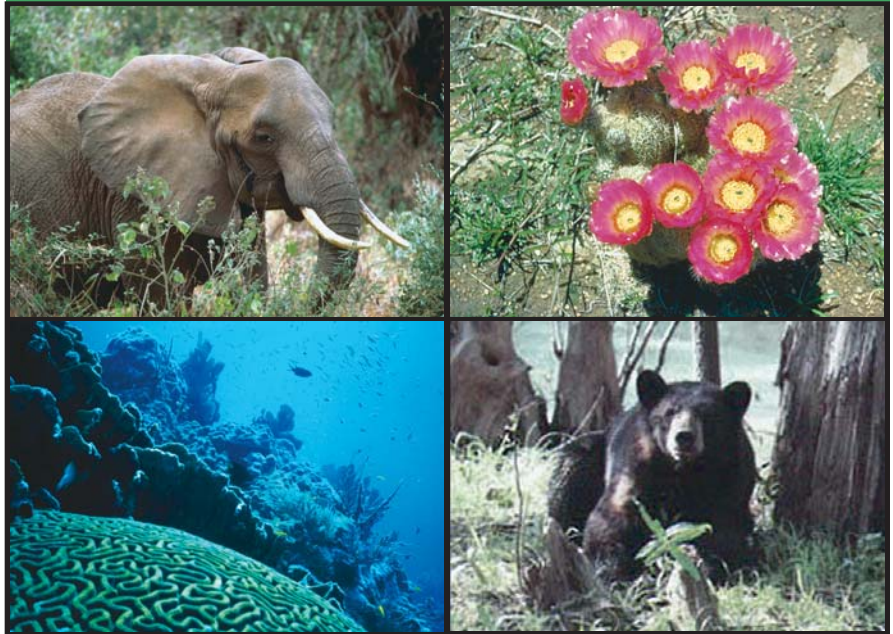


U.S. Fish & Wildlife Service

# U.S. CITES BIENNIAL REPORT

*2002-2003*



*The mission of the U.S. Fish & Wildlife Service is working with others to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of people.*



# U.S. CITES BIENNIAL REPORT

2002-2003



*African elephant*  
USFWS  
*Coral Reef*  
USFWS

*Barrel cactus*  
USFWS  
*Louisiana black bear*  
USFWS

**PREPARED BY:**  
DIVISION OF MANAGEMENT AUTHORITY  
U.S. FISH AND WILDLIFE SERVICE  
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*COP12 Plenary*  
Monica Farris/USFWS

*“Recognizing that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come”*

*CITES Preamble*

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# I. INTRODUCTION

Article VIII of CITES prescribes that each Party shall prepare periodic reports on its implementation of CITES and shall transmit to the Secretariat, in addition to an annual report, a biennial report on legislative, regulatory, and administrative measures taken to enforce the provisions of CITES. This U.S. biennial report covers the interval 2002-2003.

The regulations implementing CITES in the United States were issued on February 22, 1977 (50 CFR Part 23). To date, there have been twelve regular meetings of the Conference of the Parties to CITES (Berne, San Jose, New Delhi, Gaborone, Buenos Aires, Ottawa, Lausanne, Kyoto, Fort Lauderdale, Harare, Gigiri, and Santiago). The United States has implemented new CITES Resolutions in the United States by modification of internal policy and administration, promulgation of special rules, and revision of specific regulations. A general revision of U.S. regulations implementing CITES is underway and will reflect measures adopted by the Parties at their regular meetings through the 12<sup>th</sup> meeting of the Conference of the Parties (COP12-Santiago).

During 2002-2003, the United States has taken many active legislative, regulatory, and administrative measures in its implementation of the Convention. Provided on the following pages is a summary of some of the major measures that the United States took during this biennial period.



*Ladies Tresses Orchid*  
USFWS



*Lynx*  
USFWS  
*Green Sea Turtle*  
USFWS  
*Queen Conch Shell*  
USFWS



# II. ACTIVE MEASURES TAKEN BY THE UNITED STATES DURING 2002-2003 IN ITS IMPLEMENTATION OF CITES

## A. CITES IMPLEMENTING LEGISLATION IN THE UNITED STATES

REVISION TO U.S. REGULATIONS TO IMPLEMENT CITES: The U.S. Fish and Wildlife Service (USFWS) published a proposed rule in the *Federal Register* on May 8, 2000, to update the regulations that implement CITES in the United States. Since the existing regulations were finalized, the CITES Conference of the Parties (COP) has held ten meetings where Resolutions have been adopted. The USFWS proposes to incorporate certain applicable CITES Resolutions into 50 CFR Part 23, the U.S. CITES implementing regulations. Revised regulations will help the USFWS more effectively promote species conservation, fulfill its responsibilities as a CITES Party, and help those affected by CITES to understand how to conduct international trade in CITES-listed species.

In 2003, as it had been three years and two meetings of the COP since the proposed rule was published, the USFWS decided to prepare a new proposed rule to update the U.S. CITES-implementing regulations. When it is published in the *Federal Register*, this new proposed rule will respond to comments from the public on the proposed rule published in 2000, make appropriate changes to the rule based on these comments, and incorporate the recommendations made in CITES resolutions adopted through COP13. The USFWS plans to have the final rule updating the U.S. CITES-implementing regulations published by late 2006.

## B. COP12-RELATED ACTIVITIES

PUBLIC PARTICIPATION IN U.S. PREPARATIONS FOR COP12: The 12<sup>th</sup> meeting of the Conference of the Parties to CITES (COP12) was held 3-15 November 2002, in Santiago, Chile. Between 27 March 2002 and 31 October 2002, the USFWS published four notices in the U.S. *Federal Register*, designed to allow NGOs and the public to participate in the preparations of the U.S. Government for COP12. These notices provided information on the process for attendance of observers at COP12; provided the public with an opportunity, prior to the submission deadline of 6 June 2002, to comment on species listing proposals and other agenda items that the United States was considering submitting for consideration at COP12; provided the public with an opportunity, prior to the beginning of COP12, to comment on the tentative U.S. negotiating positions on the issues on the COP12 agenda; and announced two public meetings regarding COP12.

The first public meeting was held on 17 April 2002, in Washington D.C. At this meeting the public was provided further opportunity to comment on species listing proposals and other agenda items that the United States was at that time considering submitting for COP12. The second public meeting was held on 10 September 2002, also in Washington, D.C. At this meeting the public was provided further opportunity to comment on the tentative U.S. negotiating positions on the issues on the COP12 agenda.

Additionally, at COP12 in Santiago, the United States held evening briefings for the NGOs following each day's meeting sessions to discuss what occurred in those sessions.

The USFWS also held a public meeting on 13 December 2002, in Washington, D.C., to discuss the results of COP12.

REGIONAL COORDINATION IN PREPARATION FOR COP12: The United States attended the 7<sup>th</sup> Meeting of the Canada/Mexico/United States Trilateral Committee for Wildlife and Ecosystem Conservation and

Management, which was held 23-25 April 2002, in Nuevo Vallarta, Nayarit, Mexico. At the CITES Working Table at this meeting, Canada, Mexico, and the United States began regional preparations for COP12 by discussing potential COP12 agenda issues, as well as agenda items and proposals that each country was considering submitting for COP12. The United States also attended the CITES North American Regional Meeting in Puebla, Mexico, 2-4 October 2002, which was held specifically for regional preparations for COP12. Canada, Mexico, and the United States discussed all COP12-related issues at the meeting. There was thus extensive pre-COP12 coordination within the North American Region, and, when possible, regional positions were developed.

U.S. SUBMISSIONS FOR CONSIDERATION AT COP12: On 6 June 2002, the USFWS submitted the United States' species listing proposals, proposed resolutions, proposed decisions, discussion papers, and meeting agenda items to the CITES Secretariat for consideration at COP12, which was subsequently held 3-15 November 2002, in Santiago, Chile. The United States submitted nine species listing proposals. It also co-sponsored seven listing proposals submitted by other Party countries. In addition, the United States submitted six discussion papers for inclusion in the agenda at COP12.

U.S. APPROVES 26 OBSERVERS FOR COP12: In accordance with CITES Article XI, paragraph 7, the USFWS approved 26 national non-governmental organizations to attend COP12 as observers.

RESULTS OF COP12: COP12 was held 3-15 November 2002, in Santiago, Chile. The United States participated fully in the meeting. Of the 16 species listing proposals submitted or co-sponsored by the United States at COP12, 14 were adopted, one was rejected, and one was withdrawn. The six discussion papers submitted for consideration at COP12 resulted in the adoption by the Parties of at least eight new CITES Decisions. The Parties in North America elected the United States to continue as the North American Regional Representative on the CITES Standing Committee for the intersessional period between COP12 and COP13. The Standing Committee also re-elected the United States as its Chair, and Mr. Kenneth Stansell will continue to perform this function. In addition, the United States was elected as the alternate North American Regional Representative to the Animals Committee for the intersessional period between COP12 and COP13.

### **C. COP13-RELATED ACTIVITIES**

PUBLIC PARTICIPATION IN U.S. PREPARATIONS FOR COP13: The 13<sup>th</sup> meeting of the Conference of the Parties to CITES (COP13) is scheduled to be held 2-14 October 2004, in Bangkok, Thailand. On 19 June 2003, the USFWS began its public participation process for COP13 by publishing a notice in the U.S. *Federal Register* soliciting recommendations from the public for species proposals, proposed resolutions, proposed decisions, and agenda items for the United States to consider submitting for consideration at COP13. During 2004, leading up to COP13, USFWS will publish additional notices and hold several public meetings in order to engage NGOs and the public to participate in the preparations of the U.S. Government for COP13.

### **D. CITES PERMIT-RELATED ACTIVITIES**

CITES PERMIT APPLICATIONS HANDLED DURING 2002-2003: The USFWS Division of Management Authority (DMA) is responsible for the review and arbitration of all permits involved in the international movement of CITES-listed species. Through the two branches of Permits, along with some permitting responsibilities delegated to USFWS Law Enforcement regional offices and ports, over 13,700 CITES applications were received during 2002-2003, and over 250,000 telephone calls, e-mails, and faxes relating to CITES permitting questions were handled (see table below for types of CITES permits issued). Along with work involving other permitting processes under additional domestic legislation, such as the U.S. Endangered Species Act and the Marine Mammal Protection Act, DMA is actively involved in disseminating outreach materials, producing fact sheets, holding public meetings, and fine tuning the permitting process within the United States.

Table of CITES Permits Issued During 2002-2003

Type of Permits	Number of Permits Issued	Descriptions
Certificate of Scientific Exchange (new and renewed)	39	certificates issued to scientific institutions to allow the international movement of permanently accessioned specimens
Certificate of Artificially Propagated Plants	84	certificates issued to nurseries that are producing artificially propagated plants
Ginseng export applications (Artificially propagated and wild collected)	99	export permits issued under USFWS's State ginseng program
Mahogany re-exports	19	re-export permits for Appendix-II mahogany
Rosewood exports	30	exports of pre-Convention rosewood, primarily for guitar production
Other Plant applications	219	permits for plant related imports and exports not covered by other applications
Circus/Traveling exhibitions	320	permits and certificates issued to traveling exhibitions
Sport-hunted elephant trophies	250	import of sport-hunted elephant trophies from Africa (re-export permits are not allowed under domestic regulations)
Sport-hunted leopard trophies	1,547	import of sport-hunted leopard trophies from Africa
Sport-hunted white rhino	1	import of sport-hunted white rhinoceros trophies from South Africa
Marine mammals	6	CITES permits issued for marine mammals (in addition to CITES, there are other U.S. regulations involved in the international movement of marine mammals)
Pet bird exports/re-exports	347	permits and certificates issued for personally owned birds
General CITES applications	10,239	permits and certificates issued for commercial exports, scientific imports/exports, and all other situations involving CITES
TOTAL	13,011	

DMA, in an effort to provide better customer service, has developed a number of different applications specifically designed to address particular import/export activities. By establishing different applications, the questions that are presented to the applicant apply specifically to the activity for which they are requesting authorization. The establishment of these application types ensures that the proper questions are being answered by the applicant and minimizes the need to go back to the applicant for additional information during the review process carried out by DMA.

A very large portion of the applications that are received relate to the export or re-export of commercially traded Appendix-II specimens. Since the United States is one of the largest wildlife trading countries, with a large number of captive breeding facilities producing a vast number of birds, reptiles, and mammals, DMA must dedicate a large portion of its permitting staff to the processing of such applications. However, it is the smaller number of Appendix-I import and export applications that captures a significant portion of DMA's time. Such applications require more in-depth analysis, consultation with foreign Management Authorities, and communication with both applicants and species experts. This is particularly true when these Appendix-I species are also covered by other U.S. domestic laws with their own issuance requirements. An excellent example of this is giant pandas (*Ailuropoda melanoleuca*). With the incredible draw giant pandas have with the public, it takes greater efforts from DMA to make its required findings.

INTERNATIONAL COOPERATION: In an effort to ensure that the United States is issuing permits and certificates under CITES in a consistent manner and fulfilling its permitting requirements, DMA works closely with other CITES Management Authorities. This close coordination, carried out through the Branches of Permits, allows DMA to identify concerns and problems before CITES documents are issued. Such coordination ranges from informing another Management Authority what documents DMA has issued, to discussions of how and when documents can be issued.

One type of coordination is the work DMA is currently carrying out with the Japanese Management Authority. Under current Japanese regulations, a domestic import permit must be issued for all imports of wildlife, and confirmation that a valid CITES export permit was issued must be made prior to issuing the domestic import permit. In an effort to assist the Japanese, DMA provides their Management Authority with a monthly report of all export permits and certificates that the United States issued during that month. Another example of coordination regarding permitting issues was the discussions that DMA has had regarding turtle exports to China. China, in an effort to control the illegal imports of turtles into China, requested that all exporting countries issue export permits for all turtles, both CITES listed turtles and non-CITES turtles. Although DMA was unable to assist them in permitting non-CITES turtles, through discussions with the Chinese authorities, DMA was able to provide assistance in control of some of the turtle trade and a better understanding of how the United States handles the permitting process.

STATE COORDINATION: One aspect of the permitting process is to determine legal acquisition of specimens. As part of its review, DMA consults with State wildlife management agencies regarding legal take of CITES-listed species and to ensure that any permit issued will not conflict with State programs. For American alligator (*Alligator mississippiensis*) for example, DMA ensures that permit conditions on U.S. Federal permits comply with State regulations for take, introduction, transportation and management. DMA regularly consults with State agencies regarding the transport of any injurious species prior to the issuance of any injurious wildlife permit. DMA's coordination with the States also extends to providing State wildlife agencies copies of permits that DMA has issued to their residents. This allows the State wildlife agencies to have a better understanding of what wildlife trade is occurring within their States and gives DMA an excellent opportunity to maintain good communication channels with the States.

## **E. CITES STANDING COMMITTEE ACTIVITIES**

### **UNITED STATES CONTINUES AS CHAIR AND NORTH AMERICAN REGIONAL REPRESENTATIVE ON THE STANDING COMMITTEE:**

At COP11 in April 2000, the Parties in North America elected the United States as the North American Regional Representative on the CITES Standing Committee for the intersessional period between COP11 and COP12. The United States was also elected by the members of the Standing Committee as the Chair of the Standing Committee. At COP12 in November 2002, the Parties in North America elected the United States to continue as the North American Regional Representative on the CITES Standing Committee for the intersessional period between COP12 and COP13. The United States also continues as the Chair of the Standing Committee for the intersessional period between COP12 and COP13. Kenneth Stansell, from the USFWS, continues to serve in that capacity.

**46<sup>TH</sup> MEETING OF THE STANDING COMMITTEE:** The United States sent a five-person delegation to the 46<sup>th</sup> meeting of the CITES Standing Committee (SC46), which was held 12-15 March 2002, in Geneva, Switzerland. The interagency U.S. delegation included three representatives from the USFWS, one from the National Marine Fisheries Service (NMFS), and one from the Department of State. Kenneth Stansell of the USFWS continued as Chair of the Standing Committee and Chaired this meeting.

As the Regional Representative, the United States prepared the North American Regional Report for presentation at SC46. The Report covered the time period between the 45<sup>th</sup> meeting of the Standing Committee (SC45 - June 2001) and SC46. It contained sections for the national reports of Canada, Mexico, and the United States. All three countries were in close contact in the preparation of the Report.

**49<sup>TH</sup> MEETING OF THE STANDING COMMITTEE:** The United States sent a six-person delegation to the 49<sup>th</sup> meeting of the CITES Standing Committee (SC49), which was held 22-25 April 2003, in Geneva, Switzerland. The interagency U.S. delegation included two representatives from the USFWS, one from the Department of State, one from the International Association of Fish and Wildlife Agencies (IAFWA), and two U.S. Congressional representatives. The United States continued as the North American Regional Representative on the Standing Committee. Kenneth Stansell of the USFWS continued as the Chair of the Standing Committee and Chaired this meeting.

As the Regional Representative, the United States prepared the North American Regional Report for presentation at SC49. The Report covered the time period between the 46<sup>th</sup> meeting of the Standing Committee (SC46 - March 2002) and SC49. It contained sections for the national reports of Canada, Mexico, and the United States. All three countries were once again in close contact in the preparation of the Report.

**CITES IMPLEMENTATION ISSUES:** At COP12, the United States submitted a discussion document on possible ways to address CITES implementation problems within the current budgetary constraints of the Convention. After discussion of this issue at COP12, the Parties adopted Decisions 12.23 and 12.24, aimed at evaluation and improved implementation of technical implementation issues. Decision 12.23 directs the Standing Committee to identify typical categories of technical implementation issues; act as a clearing house to direct implementation issues to the appropriate bodies so that such issues can be handled in a flexible, timely, and accountable manner; and report on the matter to COP13.

At SC49 in April 2003, the Standing Committee established a working group on technical implementation issues, with the United States named as the interim Chairman. The working group was given the mandate of making recommendations to the Standing Committee on the process for consideration of technical implementation issues in the future.

“MIKE”: During 2002-2003, the United States was engaged in a number of ways in the MIKE (Monitoring the Illegal Killing of Elephants) Program, which was first established by COP10 through Resolution Conf. 10.10. The United States is a member of the MIKE Subgroup of the Standing Committee. The United States also has provided significant funding to a number of MIKE-related projects in Africa, through the African Elephant Conservation Act. Information on the funding mechanisms associated with that Act, and details on projects the United States has funded (through the USFWS Division of International Conservation) are available on the USFWS Website, at <http://international.fws.gov/grants/grants.html>.

NATIONALLY ESTABLISHED EXPORT QUOTAS FOR APPENDIX-II SPECIES: At COP12, the United States submitted a discussion document related to the scientific basis for establishment and implementation of national export quotas for Appendix-II species and a second discussion document on implementation and monitoring of nationally established export quotas for Appendix-II species. The United States is a major importer of live wildlife and wildlife products covered by export quotas.

With respect to these two discussion documents, the Parties adopted Decisions 12.17, 12.18, and 12.72 at COP12. Decision 12.17 directs the Standing Committee to establish an intersessional Export Quota Working Group, with the goal of developing guidelines for Parties to establish, implement, monitor, and report national export quotas for CITES-listed species. Decision 12.72 directs the Standing Committee to consider the issue of improving the management of annual export quotas, and report to COP13.

At SC49 in April 2003, the Standing Committee established an intersessional Export Quota Working Group in accordance with Decision 12.17, comprising the six CITES regions, and including the United States.

#### **F. CITES ANIMALS COMMITTEE ACTIVITIES**

UNITED STATES ELECTED AS ALTERNATE NORTH AMERICAN REGIONAL REPRESENTATIVE ON THE ANIMALS COMMITTEE: At COP12 in November 2002, the Parties from North America selected Dr. Kurt A. Johnson, from the USFWS's Division of Scientific Authority (DSA), as Alternate Regional Representative for the Animal Committee for the intersessional period between COP12 and COP13. Following Dr. Johnson's departure from DSA, he was replaced by Dr. Javier Alvarez of DSA as Alternate Regional Representative.

18<sup>TH</sup> MEETING OF THE ANIMALS COMMITTEE: The United States sent a six-person delegation to the 18<sup>th</sup> meeting of the CITES Animals Committee (AC18), held in San Jose, Costa Rica, 8-12 April 2002. The interagency U.S. delegation included four representatives from the USFWS and two from NMFS. At the time of AC18, the United States (Dr. Johnson, from the USFWS) was the North American Regional Representative on the Animals Committee. The United States submitted one taxon review (orange-throated whiptail lizard) and draft guidelines for review of animal taxa in the CITES Appendices. Representatives from the U.S. Delegation participated in nearly all of the working groups at AC18.

19<sup>TH</sup> MEETING OF THE ANIMALS COMMITTEE: The United States sent a seven-person delegation to the 19<sup>th</sup> meeting of the CITES Animals Committee (AC19), held in Geneva, Switzerland, 18-21 August 2003. The interagency U.S. delegation included three representatives from the USFWS, three from NMFS, and one from the Caribbean Fisheries Management Council. The United States submitted documents on the conservation of saiga, periodic review of the CITES Appendices, implementation of the Appendix-II listing for seahorses (*Hippocampus* spp.), and progress made by the United States in developing and implementing the IPOA-sharks. The United States also participated in the meeting of the Nomenclature Committee, and was a member of eight working groups: significant trade in specimens of Appendix-II species; review of the criteria for amendment of Appendices I and II (chaired by the United States); periodic review of animal taxa in the Appendices (chaired by the United States); trade in hard corals; production systems; conservation of and trade in tortoises and freshwater turtles; conservation of seahorses; and conservation of and trade in sea cucumbers.

SIGNIFICANT TRADE REVIEW PROCESS: At AC18 and AC19, the United States continued to participate actively in the ongoing Significant Trade Review (STR) process. We provided funds, through the U.S. State Department voluntary contribution to the CITES Trust Fund, for the review of five chelonian species as part of Phase IV of the STR, and continued to facilitate the ongoing review of species in Phases IV and V, including: final categorization and recommendations for paddlefish (*Polyodon spathula*), lake sturgeon (*Acipenser fulvescens*), musk deer (*Moschus* spp.), cobra (*Naja naja*), and queen conch (*Strombus gigas*); consideration of four remaining sturgeon taxa (Atlantic sturgeon *Acipenser oxyrinchus*; white sturgeon *A. transmontanus*; Persian sturgeon *A. persicus*; and shovelnose sturgeon *Scaphirhynchus platyrhynchus*); and consideration of the five chelonian species mentioned above (South Asian box turtle *Cuora amboinensis*; yellow-marginated box turtle *C. flavomarginata*; Indochinese box turtle *C. galbinofrons*; Indian flapshell turtle *Lissemys punctata*; and flat-tailed spider tortoise *Pyxis planicauda*). The Animals Committee also decided to provide funds for the first country-based review of significant trade (for Madagascar). The North American Regional Representative from the United States reviewed the terms of reference for the contract for that project. In addition, at AC18, the United States participated in the drafting of proposed revisions to Resolution Conf. 8.9 (Rev.) - *Review of significant trade in specimens of Appendix-II species*. The revised draft resolution was subsequently adopted at COP12 as Resolution Conf. 12.8.

Phase V of the STR, addressed at AC19 in August 2003, represented the second review for queen conch under Resolutions Conf. 8.9 and 12.8. Regional forums for queen conch conservation include the Caribbean Regional Fishery Mechanism (CRFM), a coordinating body headquartered in Belize City by the Caribbean Community, and the International Queen Conch Initiative (IQCI) run out of the U.S. Caribbean Fishery Management Council (San Juan, Puerto Rico). In 2003, CRFM and the IQCI decided to collaborate and convene their memberships to discuss queen conch stock status, national management programs, and the draft Phase V CITES significant trade report. Objectives of the meetings included national updates on conch stock status, exchange of fisheries information, and joint review of the draft report for Phase V. The Deputy Secretary General of CITES (Dr. Jim Armstrong) and the CITES report author (Stephanie Thiele, TRAFFIC Europe) both attended the meeting on 11-12 June 2003 in Montego Bay, Jamaica. The U.S. Department of State and NMFS funded the meeting, and U.S. Government attendees included four experts from these agencies and the USFWS. Almost all countries in the Caribbean region were represented by one official from their CITES offices and one official from their domestic fisheries agency. This represented the first time that these government representatives had met in the same venue. By the close of the meeting, delegates had agreed on a number of recommendations, which ultimately guided development of the Phase V primary and secondary recommendations from the Animals Committee at AC19.

GUIDELINES FOR A PROCEDURE TO REGISTER AND MONITOR OPERATIONS THAT BREED APPENDIX-I ANIMAL SPECIES FOR COMMERCIAL PURPOSES: The United States continued to participate in the Animals Committee task of compiling a list of Appendix-I species that are critically endangered in the wild and/or known to be difficult to breed or keep in captivity, as directed to it by Decision 11.101. At AC18, the IUCN Crocodile Specialist Group (CSG) presented its report on the pilot project to compile three alternative lists of Appendix-I species that are considered difficult to keep or breed in captivity. CSG found that these lists would not differ significantly from the list of all reptile species currently listed in Appendix I. At AC18, the United States participated in the working group established to discuss issues contained in the CSG report. The focus was on how to determine which Appendix I species are “critically endangered in the wild and/or difficult to breed or keep in captivity.” Due to lack of consensus among working group members, it was agreed that further work was needed at COP12 on the registration of Appendix-I breeding facilities for commercial purposes. At COP12, the United States participated in a working group which agreed to adopt Resolution Conf. 11.14, with minor amendments. The working group also drafted a decision directing the Animals Committee to investigate the registration procedure, its problems, and its contribution to conservation of

Appendix-I listed species. The United States provided comments in this regard through its response to Notification to the Parties No. 2003/071.

REVIEW OF THE APPENDICES: The United States chaired a joint Animals Committee - Plants Committee working group on review of animal and plant taxa in the Appendices, tasked with developing guidelines for conducting future reviews of taxa in the Appendices, as well as a fast-track process.

TRADE IN HARD CORALS: The United States has been an active member of the Working Group established at AC15. Among other things, the Coral Working Group has been working on several issues in the stony coral trade such as characterizing exempt fossil corals and identifying taxa that cannot easily be recognized at the species level. The working group at AC17 noted little or no agreement or understanding on the proper and consistent application of CITES source codes for cultured corals, and thus the United States volunteered to prepare a report for AC18 on these codes for various types of coral production systems. After reviewing the U.S. report, the Coral Working Group proposed the following source codes: “w” for wild, maricultured or farmed corals; “f” for aquacultured corals; “c” for captive bred or cultured corals; and “r” for ranched corals. Specific definitions were given for each type of production system, and the Animals Committee accepted the group’s findings. The group also considered techniques and marking systems to distinguish cultured from wild-taken corals, and called for an ecosystem approach to the management of corals harvested for export. The AC18 working group also addressed: (1) use of the appropriate CITES articles in non-detriment findings; (2) recognition of coral at either the species or genus level; (3) taxonomic reference to corals; (4) identification guides; (5) distinguishing fossilized from non-fossilized corals; and (6) synergy with other initiatives and agreements. The group could not reach consensus on how to define “fossil” corals, and thus recommended continued work within the Animals Committee on this issue.

At AC19 in August 2003, the Coral Working Group continued to work on the proposed definition of CITES-exempt “fossil coral,” as per Decision 12.62. The United States participated actively on this working group, which involved extensive exchange of ideas between the marine ornamental industry, TRAFFIC, and the United Kingdom (Chair). The United States was insistent that “live rock” as defined in Resolution Conf. 11.10 is not a true fossil specimen, and the large and growing trade in live rock from developing countries poses an immediate threat to affected reef ecosystems. The U.S. participants thus would not agree to exempt live rock as a “fossil” as per the suggestion of other working group members. Ultimately, the Working Group could not agree on a practical means to distinguish fossil coral rock from non-fossil coral rock, and instead offered amendments to the annotation for corals in Appendix II to simply exempt all coral rock (except “live rock” as defined in Resolution Conf. 11.10). Associated changes in Resolution Conf. 12.3 were also offered for consistency with this new annotation.

CONSERVATION OF SEAHORSES AND OTHER MEMBERS OF THE FAMILY SYNGNATHIDAE: At AC18, the United States continued to participate in the working group on seahorses and other syngnathids. This working group was charged with implementing Decisions 11.153 and 11.97, regarding analysis of biological and trade data on these taxa. The United States provided financial support, through the U.S. State Department voluntary contribution to the CITES Trust Fund and NMFS, for the technical workshop on syngnathid trade held in the Philippines in May 2002. A representative of the USFWS participated in the workshop, and the United States reviewed the summary report and recommendations from that Workshop. Workshop participants also reviewed and endorsed a draft U.S. proposal to list all seahorses in Appendix II, followed by Animals Committee endorsement and eventual adoption at COP12.

In accordance with Decision 12.53, adopted at COP12, staff from the USFWS, along with representatives of NMFS, met in 2003 with representatives of the State of Florida Fish and Wildlife Conservation Commission regarding the CITES Appendix-II listing of *Hippocampus* seahorses (effective May 2004). The purpose of this meeting was to brief State personnel about CITES and



permitting requirements, learn about Florida licensing and monitoring programs, and discuss future collaboration on seahorse conservation. Florida has the only known U.S. fishery for seahorses, and USFWS data indicate that there are at least a moderate number of seahorse exporters in the State that will be affected by the Appendix-II listing of *Hippocampus* spp. At the meeting, Florida experts agreed to participate in the proposed U.S./Mexican workshop on the management of seahorse fisheries.

In September 2003, the United States and Mexico agreed to co-host an international workshop on the management of seahorse fisheries, as per Decision 12.53. This workshop, to be convened 3-5 February 2004, will involve 37 experts from the United States, the CITES Secretariat, NGOs, and relevant authorities from other countries with significant seahorse trade. Invited countries include Mexico, Brazil, India, Philippines, Thailand, Viet Nam, and China. CITES Parties that import or trans-ship large amounts of seahorses, including Indonesia, the European Community, and others, should benefit from the workshop proceedings. The workshop will be a venue to share information on management and monitoring strategies for seahorse fisheries, and other aspects of the Appendix-II listing of seahorses.

**TRADE IN FRESHWATER TURTLES AND TORTOISES IN SOUTHEAST ASIA:** At AC18, the United States participated in a working group on freshwater turtle and tortoise trade. The United States also provided financial support for the technical workshop on the conservation and trade of Asian freshwater turtles and tortoises held in Kunming, China, in March 2002. The North American Regional Representative (Dr. Kurt Johnson, from the USFWS) and another representative of the USFWS participated in the workshop. A number of recommendations emerged from the workshop and were formally endorsed by the AC, including a list of the 12 highest-priority taxa for CITES listing at COP12. The United States prepared and submitted species amendment proposals for eight of those taxa, while Germany submitted proposals for four. All of these proposals were adopted by consensus at COP12.

**TRADE IN *Tursiops truncatus ponticus*:** During 2002, the United States was an active participant in the informal contact group on this issue established at AC16. The United States was asked to coordinate a small contact group of cetacean experts to analyze the trade and taxonomic status of Black Sea bottlenose dolphins. At AC18, the United States submitted a report on the progress in implementing Decision 11.91 and 11.139, both of which called for improved data collection and trade analysis in Black Sea bottlenose dolphins. This report highlighted certain shortcomings in genetic analysis and trade data, but also noted regional calls for banning commercial trade in the taxon.

**QUEEN CONCH:** On 11-12 June 2003, the United States, in conjunction with Jamaica and the Caribbean Regional Fisheries Mechanism, hosted a meeting of the International Queen Conch Initiative countries in Montego Bay, Jamaica. The main purpose of this meeting was to discuss the draft report from the Secretariat on the Review of Significant Trade in queen conch (as per Resolution Conf. 12.8). The meeting comprised country reports, explanation of Resolution Conf. 12.8, discussion of the draft report of the Secretariat, and formulation of next steps for the major exporting nations. For the first time in the wider Caribbean, almost all countries were represented by an official from their CITES offices and an official from their domestic fisheries agencies. By the close of the meeting, delegates had agreed on a number of recommendations which would be passed to officials in each country and to the CITES Animals Committee. Delegates also pledged to make specific comments on the draft Secretariat report by the deadline of 30 June 2003, and to coordinate with their regional representatives on the Animals Committee prior to the August 2003 Animals Committee review of the report.

At AC19 in August 2003, the United States and Mexico were active participants in the working group on the Review of Significant Trade (Phase V - queen conch). This working group developed comprehensive recommendations (based in part on the Montego Bay recommendations) to improve the application of CITES Article IV in the exporting countries, which remain in effect as of the end of 2003.

Representatives from the USFWS and NMFS attended the 56<sup>th</sup> meeting of the Gulf and Caribbean Fisheries Institute in November 2003, in Tortola, British Virgin Islands, to explain the process and outcome of Resolution Conf. 12.8 on queen conch. Participants included NGOs, fisheries scientists, and fishery managers from the wider Caribbean.

FUNDING FOR PROJECTS: The United States provided significant funding in 2002-2003 for Animals Committee-related projects, through funds from the U.S. voluntary contribution to the CITES Trust Fund.

#### **G. CITES PLANTS COMMITTEE ACTIVITIES**

12<sup>TH</sup> MEETING OF THE PLANTS COMMITTEE: The United States sent a three-person delegation to the 12<sup>th</sup> meeting of the CITES Plants Committee (PC12), which was held 13-17 May 2002, in Leiden, The Netherlands. The interagency U.S. delegation included two representatives from the USFWS and one from the U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS). The United States attended the meeting as an observer Party. In preparation for the meeting, the United States prepared three documents: PC12 Doc. 9.2, "Trade in seeds"; PC12 Doc. 10.1, "Artificially propagated orchid hybrids"; and PC12 Doc. 20.1, "Review on the Genus *Taxus*." The United States also made a significant contribution to PC12 Doc. 17, "Guidelines for transport of live plants," and the United States requested an agenda item to allow for brief discussion and follow-up on "Illegal trade in *Paphiopedilum* spp."

13<sup>TH</sup> MEETING OF THE PLANTS COMMITTEE: The United States sent a two-person delegation to the 13<sup>th</sup> meeting of the CITES Plants Committee (PC13), which was held 12-15 August 2003, in Geneva, Switzerland. The U.S. delegation was active on numerous issues, including the review of the CITES listing criteria, review of existing resolutions pertaining to plants, evaluation of procedures for the Review of Significant Trade, and selection procedures for inclusion of species in the Review of the Appendices.

ALTERNATE REGIONAL REPRESENTATIVE: Following the departure of Dr. Bertrand Von Arx from the Canadian Scientific Authority after PC13, who was the Regional Representative to the Plants Committee, the North American Region met by teleconference and selected Dr. Patricia Davila of Mexico to replace Dr. Von Arx. The Region selected Mr. Robert Gabel, Chief of the U.S. Scientific Authority, as Alternate Regional Representative. These selections are to remain in place at least until COP13.

TRADE IN SEEDS: The United States has had longstanding difficulties with the interpretation of Resolution Conf. 11.11 regarding plants grown from exempt materials, particularly seeds of Appendix-II species, and does not consider such plants to meet the criteria for artificially propagated specimens contained in the resolution. The Secretariat had advised in the past that such specimens should be treated as artificially propagated. The United States presented a document at PC12 (PC12 Doc. 9.2) containing its concerns on this issue. The Plants Committee agreed that the current definition of artificially propagated specimens and treatment of plants grown from exempt materials is not dealt with adequately in the resolution, and there was general consensus that the resolution needed to be reviewed and rewritten. It was agreed that review of Resolution Conf. 11.11 would be part of the Plants Committee's work plan after COP12.

PLANT RESOLUTIONS WORKING GROUP: The Plants Committee established a working group at PC13 in August 2003, to review and revise, as appropriate, the language and terms used in Resolutions Conf. 9.19 and Conf. 11.11, pertaining to trade in plants. The United States chaired this intersessional working group, which consisted of both Management and Scientific Authorities of countries representing the three official languages of the Convention. Revisions to Resolution Conf. 9.19 were limited to clarification of wording used in the French and Spanish versions of the resolution. For Resolution Conf. 11.11, *Regulation of trade in plants*, the working group focused on clarifying and simplifying the resolution, especially with regard to the definition of "artificially propagated," but also examined other sections of the resolution. Draft revisions of both resolutions have been submitted by the working group for consideration at PC14 in February 2004.

**ARTIFICIALLY PROPAGATED ORCHID HYBRIDS:** At its 11<sup>th</sup> meeting in Langkawi, Malaysia (PC11), the Plants Committee had asked the United States and the American Orchid Society to draft a proposal for exempting artificially propagated hybrids of six orchid genera from CITES controls. The United States submitted a draft proposal at PC12 (PC12 Doc. 10.1). The proposal provided extensive background on the history of hybridizing of orchids and demonstrated that in excess of 95% of orchids in trade are artificially propagated. A vast majority of artificially propagated specimens are hybrids of the genera covered by the proposal (*Cattleya*, *Cymbidium*, *Dendrobium*, *Oncidium*, *Phalaenopsis*, and *Vanda*). The proposal was based on the concept that CITES allows for the differential treatment of hybrids relative to species, and the Parties have agreed that taxa traded largely as artificially propagated specimens should not be included in the Appendices. The Plants Committee endorsed the proposal as a way of removing from the Appendices a large portion of the trade in orchids that was not relevant to the conservation of species in the wild. The Committee asked the United States to finalize the proposal and present it for consideration at COP12. The proposal was submitted for COP12, but was amended at the COP to cover only *Phalaenopsis* spp.

**REVIEW OF THE GENUS TAXUS:** The United States had consulted extensively with range countries of *Taxus* spp. to determine the status and management of wild populations and the potential need or support for a listing of additional species in the Appendices. In addition, the United States had evaluated, based on range country input, whether the current listing of *Taxus wallichiana* in Appendix II is effective, since the traded commodity, the extract, is exempt from the listing. At PC12, it was agreed that the annotation to exempt the extract of *T. wallichiana* should be removed, and that additional species from the Indo-Chinese region should be listed, but not species from the Western Hemisphere or other regions (e.g., Europe). The Plants Committee recommended that the United States consider preparing a proposal for COP12. The United States was unable to prepare a proposal and advised China and India that no proposal would be forthcoming. However, the United States will consult with these and other range countries about a possible proposal for COP13.

**ILLEGAL TRADE IN PAPHIOPEDILUM SPP:** At PC11, the United States had submitted a document (PC11 Doc. 24.4) to raise awareness of the threat of illegal trade to the continued survival of species in the genus *Paphiopedilum*. The document contained background on recently discovered species, evidence of over-collection and extirpation of species, and the need for action to address this trade. The document also considered a number of recommendations that were endorsed by the Plants Committee. At PC12, the United States asked for time on the agenda to discuss this issue further, to determine if any action had been taken by the Secretariat or individual Parties, and to report on activities in the United States relative to these species.

**GUIDELINES FOR TRANSPORT OF LIVE PLANTS:** The Vice Chairman of the Plants Committee, Dr. Bertrand Von Arx (also North American Regional Representative), had coordinated a review of problems with transport of live plants to identify ways in which the Parties could improve the survival of plants in trade. The United States, particularly USDA/APHIS, provided significant input to this effort, which resulted in a number of recommendations to the Parties for expediting shipments and preventing losses due to inadequate documentation or other difficulties. At PC13 in August 2003, the Plants Committee welcomed the update of the IATA Perishable Handbook, which contained a new section with guidelines on transport of live plants. The United States volunteered to assist in the development of a standardized form to be used by importing countries for notifying countries of export/re-export of incidents when clearance of live plant shipments was delayed because of lack of compliance with the guidelines.

**MAHOGANY WORKING GROUP ACTIVITIES:** In 2002-2003, the United States continued to review U.S. imports of bigleaf mahogany (*Swietenia macrophylla*), with a view toward assessing implementation of the CITES listing of this species. At COP12, the Parties adopted a proposal submitted by the Governments of Guatemala and Nicaragua to include the neotropical populations of bigleaf mahogany in Appendix II. The new listing became

effective on 15 November 2003. Also at COP12, the mandate of the CITES Mahogany Working Group (MWG), which prior to COP12 had been to consider the effectiveness of Appendix-III listings, the status of the species, legal and illegal trade, and ways to increase the number of range States listing mahogany in Appendix III, was amended to include implementation of the Appendix-II listing.

As the Appendix-II listing of bigleaf mahogany includes plywood, a commodity not covered under the previous Appendix-III listing of the species, the United States submitted a document at PC13 in August 2003 (PC13 Doc. 10.4) proposing that the CITES Parties adopt the World Customs Organization's recognized definition of plywood to define mahogany plywood under CITES. The Plants committee endorsed this document.

The United States, as a major importer of mahogany, contributed \$60,000 in funding toward the 2<sup>nd</sup> meeting of the MWG, which was held 6-8 October 2003, in Belem, Brazil. The focus of the meeting was on implementation of the Appendix-II listing for bigleaf mahogany, including how range countries planned to make their non-detriment findings. The United States participated in the meeting, and submitted the document on mahogany plywood, endorsed at PC13, for consideration at the meeting. The MWG approved the definition and recommended that the United States submit a proposed revision to Resolution Conf. 10.13, *Implementation of the Convention for timber species*, on plywood for endorsement at PC14 in February 2004 and for consideration at COP13.

CYCADS: On 5 April 2003, the USFWS provided information to TRAFFIC-East/Southern Africa for the Significant Trade Review of cycads. Information was provided on *Cycas micronesia*, *Zamia amblyphyllidia*, *Z. integrifolia*, *Z. portoricensis*, and *Z. pumila*, which are native to the United States and its territories.

FUNDING FOR PROJECTS: The United States provided significant funding in 2002-2003 for Plants Committee-related projects, through funds from the U.S. State Department voluntary contribution to the CITES Trust Fund.

## **H. ACTIVITIES RELATING TO THE CITES LISTING CRITERIA**

REVIEW OF THE LISTING CRITERIA: Following the 46<sup>th</sup> meeting of the Standing Committee in March 2002, no further action was taken on the CITES listing criteria (i.e., review and revision of Resolution Conf. 9.24) until COP12. At COP12, the Parties adopted a decision directing the Animals and Plants Committees to continue a review of the listing criteria, with particular emphasis on evaluating their applicability to different taxa. The outcome of this review is to be reported at COP13, where possible amendments to Resolution Conf. 9.24 are to be considered. At SC49 in April 2003, the Standing Committee established that the Animals and Plants Committees should submit at SC50 a progress report on the review of the criteria. The Standing Committee also agreed that the review should focus on the finalization of the text in COP12 Com. I.3, and that the test of the applicability of the criteria should be conducted on a limited number of taxa to be selected by the Animals and Plants Committees.

At both PC13 and AC19 (held in August 2003), the United States was asked to chair the working groups on review of the criteria. At their respective meetings, the technical committees discussed and adopted a document prepared by the Chairman of the Plants Committee, in collaboration with representatives from the United Kingdom, United States, and Spain. This document proposed Terms of Reference and a schedule for the compilation of the review of the criteria. The Animals and Plants Committees also compiled a list of 24 animal, 16 plant, and 1 fungus species to be used by volunteering Parties to evaluate the applicability of the criteria and recommend specific changes to the COP12 Com. I.3 criteria, if necessary. The United States volunteered to evaluate the listing criteria using 8 animal and 3 plant taxa. The results of the reviews were submitted to the Chairmen of the Animals and Plants Committees in late November 2003.

## **I. CITES TRAINING**

**WORKSHOP OF NORTH AMERICAN SCIENTIFIC AUTHORITIES:** In April 2002, the CITES Scientific Authority of the United States, along with the CITES Authorities of Canada and Mexico, participated in a workshop in Nuevo Vallarta, Mexico. The purpose of the workshop was to discuss how the CITES Scientific Authorities of Canada, Mexico, and the United States operate and to improve collaboration.

**UNITED STATES PROVIDES CITES TRAINING IN CHINA:** A four-person USFWS team consisting of two representatives from International Affairs and a special agent and wildlife inspector from the Office of Law Enforcement traveled to China in June 2002. The team presented a seminar on wildlife import/export policies and procedures for trade monitoring and smuggling investigations. The U.S. delegation also had an opportunity to observe CITES enforcement efforts at Chinese ports of entry.

**ANTI-POACHING TRAINING SUPPORTS PROTECTION OF CITES SPECIES:** USFWS special agents supported anti-poaching training programs in nations where illegal take of wildlife continues to feed the illegal wildlife trade. USFWS Law Enforcement provided instructors for ongoing enforcement training programs sponsored by the U.S. Agency for International Development in Tanzania and the Galapagos Islands Marine Reserve. The USFWS also teamed with the U.S. National Park Service to conduct a resource protection training program at Kruger National Park in South Africa in June 2002. The course, which was attended by 28 law enforcement officers from South African national and provincial parks and the Endangered Species Unit of the South African national police, covered team tactics, undercover operations, and surveillance techniques.

**UNITED STATES CONDUCTS CITES TRAINING WORKSHOP IN KAZAKHSTAN:** The USFWS agreed to conduct a workshop in Kazakhstan, with funding from the U.S. Department of State, to provide participants from the governments of Kazakhstan and Uzbekistan with training on the implementation of CITES by Management and Scientific Authorities, and on wildlife investigation and inspection techniques by Law Enforcement. By conducting such training workshops, the U.S. Government helps to insure that the participating CITES Parties have the skills and abilities necessary to properly implement the CITES treaty. This clearly benefits both the participating countries and the United States.

The workshop was held 22-26 July 2002, in Almaty, Kazakhstan. The USFWS sent six representatives to conduct the workshop. A representative from the U.S. Department of State and the Head of Capacity Building for the CITES Secretariat were also part of the team of trainers. Forty-six participants attended the workshop: 43 from Kazakhstan and three from Uzbekistan. The participants included representatives from the CITES Management Authority, Scientific Authority, and Customs, as well as representatives of the Kazakhstan Ministry of Foreign Affairs.

**CITES TRAINING WORKSHOP FOR SCIENTIFIC AUTHORITIES IN THE CITES REGION OF CENTRAL AND SOUTH AMERICA AND THE CARIBBEAN:** In September 2002, a representative from the U.S. Scientific Authority traveled to Managua, Nicaragua, to participate in the CITES Training Workshop for Scientific Authorities in the CITES region of Central and South America and the Caribbean. During the four-day workshop, organized by the Capacity Building Unit of the CITES Secretariat and TRAFFIC-South America, participants from 21 countries heard presentations on and discussed the functions of CITES Scientific Authorities, the making of non-detriment findings, the setting of quotas, the significant trade review process, and wildlife production systems.

**TRAINING TARGETS WILDLIFE PROTECTION IN SUB-SAHARAN AFRICA:** In September 2002, USFWS special agents and a senior scientist from the USFWS's National Fish and Wildlife Forensics Laboratory conducted a two-week training course for African law enforcement officers at the International Law Enforcement Academy (ILEA) in Gaborone, Botswana. Thirty officers from Botswana, Tanzania, Zambia, Namibia, and South Africa (whose jobs ranged from covert operative to Customs inspector) completed the

Wildlife Investigators Course. The USFWS-developed course, which has now been added to the core curriculum at the Botswana training center, covered endangered species laws and CITES, as well as investigative techniques and procedures. The program was the first course of its kind presented by the ILEA network, which also operates training facilities in Thailand, Costa Rica, and Hungary. This new partnership promises an effective mechanism for delivering wildlife law enforcement training in Africa and possibly other global regions as well.

U.S. OFFICERS PARTICIPATE IN ENFORCEMENT FORUMS IN BRAZIL: Senior USFWS enforcement officers participated in the 1<sup>st</sup> South American Conference about the Illegal Trade of Wild Fauna, which was held in Brasilia the week of 2 December 2002. The conference, which was organized by REDESUL (the South American Network for Combating the Illegal Trade of Wild Fauna) and sponsored by the Brazilian Federal Police, Interpol, and the U.S. and British Embassies, attracted more than 60 attendees from enforcement agencies and non-profit wildlife conservation groups. USFWS agents presented briefings on models of action for combating wildlife crime, CITES enforcement, and wildlife protection legislation. While in Brazil, USFWS officers also met with the State Attorney General and State Prosecutor and Environmental Affairs Advisor in Sao Paulo and participated in a seminar on combating wildlife trafficking. More than 40 representatives from local, State, and Federal law enforcement agencies attended this meeting, which focused on U.S. and Brazilian efforts to protect wildlife.

USFWS ADDRESSES ENFORCEMENT ISSUES AT NORTH AMERICAN WORKSHOP: In January 2003, USFWS Law Enforcement officials participated in a transboundary law enforcement workshop sponsored by the Commission on Environmental Cooperation (a U.S./Canada/Mexico natural resource protection partnership). The workshop, which was held in Washington, D.C., looked at such issues as mutual legal assistance in criminal and civil matters, exchange of investigative data, and national and trilateral enforcement priorities. The program included a USFWS presentation on U.S. priority areas for wildlife law enforcement.

WORKSHOP TARGETS PLANT PROTECTION: USFWS Law Enforcement staff coordinated U.S. participation in a North American plant protection workshop sponsored by the North American Wildlife Enforcement Group. The workshop, which was held in Xalapa, Mexico, in February 2003, reviewed international and national protections for plants and focused on helping the U.S., Mexican, and Canadian officers in attendance improve their plant identification skills for species of global and regional concern. The U.S. delegation included inspectors from APHIS (which enforces CITES permit requirements for plants at U.S. ports of entry) and USFWS special agents, who investigate plant smuggling and violations of both U.S. and CITES protections for endangered plants.

CONTINUED WILDLIFE LAW ENFORCEMENT TRAINING IN AFRICA: In 2003, a team of USFWS special agents and forensic scientists provided a second wildlife investigative training course to 29 officers and investigators from six African countries at the ILEA in Gaborone, Botswana. Officers from Botswana Wildlife and Parks helped present and facilitate field exercises for the two-week program, which covered endangered species laws and CITES, intelligence gathering, crime scene processing, surveillance, undercover operations, interviewing and raid planning, and preparing cases for court.

UNITED STATES CONDUCTS CITES TRAINING WORKSHOP FOR CARIBBEAN NATIONS IN SAINT LUCIA: In September 2003, staff from the USFWS International Affairs and Law Enforcement programs participated in a CITES training workshop for CITES member nations from the Caribbean region. The workshop, which was held in Saint Lucia, was co-sponsored by the CITES Secretariat, USFWS, NMFS, and the Saint Lucia Ministry of Agriculture, Forestry and Fisheries. USFWS presentations covered implementation of CITES by Management and Scientific Authorities, improvement of domestic legislation, smuggling case examples, detection of document fraud, property disposition, and use of the CITES Appendices.

### ASIAN OFFICERS TRAINED IN WILDLIFE CRIME

INVESTIGATION: In September 2003, two USFWS special agents taught portions of an Asian regional training course on conducting wildlife crime investigations, which was presented in association with the Bangkok ILEA, the Wildlife Conservation Society, and WildAid. Held in Thailand at the ILEA training facility and Khao Yai National Park, the two-week course drew participants from Cambodia, China, Indonesia, Malaysia, the Philippines, Singapore, Thailand, and Vietnam. Students included administrators and staff from police agencies, customs, and CITES Management and Scientific Authorities, forest and park rangers, and biologists. Instruction in Bangkok on CITES and wildlife identification skills was followed by a week of hands-on training in investigative techniques conducted in the field in Khao Yai National Park.

### USFWS SUPPORTS ONGOING WILDLIFE LAW ENFORCEMENT

TRAINING PROGRAMS: During 2002-2003, USFWS special agents continued to serve as instructors for two ongoing wildlife law enforcement training programs sponsored by the U.S. Agency for International Development. A five-person team conducted anti-poaching enforcement training for 35 game protection officers in Tanzania. Another USFWS-led training team provided marine resource protection training to 19 Tanzanian coastal law enforcement officers. A USFWS agent served as an instructor for the third in a series of wildlife protection training programs for law enforcement officers in the Galapagos National Park and Marine Reserve in Ecuador. Students completing this most recent course included 25 park officers and three Ecuadorian environmental policemen.

### CITES ENFORCEMENT TRAINING PROVIDED TO MEXICAN

BORDER INSPECTORS: In 2003, USFWS wildlife inspectors in El Paso, Texas, conducted a CITES enforcement training program for PROFEPA border inspection officers working in Ciudad Juarez and Chihuahua. Instruction on identifying species common in the U.S./Mexico wildlife trade was also provided.

### USFWS SUPPORTS MARINE ENFORCEMENT TRAINING IN

MICRONESIA: A USFWS special agent based in Hawaii served as an instructor for a marine enforcement training workshop held in 2003 in Pohnpei, Federated States of Micronesia. The training program, which was sponsored by WildAid, was designed to help Pohnpei State officers improve safeguards for marine resources in newly designated protected areas in what is currently a relatively healthy coral reef ecosystem.

## **J. LAW ENFORCEMENT ACTIVITIES**

STRENGTHENING U.S. CITES ENFORCEMENT CAPACITY: During the reporting period, the USFWS Office of Law Enforcement worked to maintain and improve its CITES enforcement infrastructure and core investigative and inspection capabilities. Accomplishments in these areas appear below.

USFWS RESTORES INVESTIGATIVE STAFFING: The USFWS continued efforts to rebuild its wildlife investigative capability, which had eroded in the late 1990s as a result of flatline budgets and increased operating costs. Thirty-five new special agents hired in July 2001 to fill longstanding vacancies in the agency's criminal investigator ranks completed classroom training in March 2002 and reported to their first duty stations. In September 2002, another 25 new agents were hired to fill some of the program's remaining vacancies and reported to their first duty stations in the spring of 2003.

WILDLIFE INSPECTION NET EXPANDS: The USFWS expanded its wildlife inspection capabilities during the reporting period. In March 2002, the agency began operating Anchorage, Alaska as a designated port with additional staff to inspect and clear CITES shipments. Inspection services were re-established in San Juan, Puerto Rico; staff was added at Detroit, Michigan, where the opening of a new international terminal increased the number of international passenger flights; and the USFWS stationed an inspector at the border port of Champlain, New York.

Late in 2003, the USFWS Law Enforcement program received funding to add nine additional wildlife inspectors along U.S. borders with Canada and Mexico to police North American wildlife trafficking and establish two new “designated ports” for wildlife trade (Memphis, Tennessee, and Louisville, Kentucky). Enhancement of the agency’s land border operations will help address a number of CITES trade issues, including the smuggling of birds from Mexico and Central America, regulation of the wildlife leather industry (which utilizes a number of CITES Appendix II species), and increased trafficking of Asian arowanas across the U.S./Canadian border. Late in 2003, the agency began working on the regulatory process required to designate the ports of Memphis and Louisville; both cities serve as hubs for major international express mail companies. The introduction of inspection services at these locations will help USFWS Law Enforcement address the growing use of express mail as a vehicle for wildlife smuggling.

**TRADE MONITORING ENHANCEMENTS INTRODUCED:** During 2002, the USFWS completed development and pilot testing of “eDecs” - a new Internet-based system for declaring wildlife imports and exports. The system, which was made available for use by all importers and exporters at all USFWS-staffed ports in March 2003, speeds shipment declaration and clearance, facilitates communication between the import/export community and USFWS enforcement staff, and promotes compliance with CITES and U.S. wildlife laws. By the end of 2003, over 50% of declarations were filed electronically.

**FORENSICS LABORATORY EXPANDS ANALYTIC CAPABILITIES:** In September 2002, the National Fish and Wildlife Forensics Laboratory was re-accredited by the American Society of Crime Laboratory Directors - a hard-to-achieve professional standing that requires meeting 125 demanding standards for laboratory operations. During the reporting period, USFWS, State, and international investigators enforcing the CITES treaty had access to new lab capabilities in the areas of computer and video forensics. Lab scientists developed new techniques for determining the geographic source of bear species and identifying species based on hemoglobin analysis. They also began using laser scanning technologies to build a collection of digital reference standards for morphological identification of bones, skulls, and other animal parts.

**NEW INTELLIGENCE UNIT SUPPORTS U.S. CITES ENFORCEMENT:** USFWS Law Enforcement undertook efforts to improve intelligence gathering and analysis - capabilities that have become increasingly important given the global scope and growing sophistication and organization of wildlife crime. In 2002, USFWS Law Enforcement established and staffed an intelligence unit to support the investigation of wildlife trafficking and other crimes. Initial efforts focused on building national and international agency contacts to aid in the development of wildlife trade intelligence information. Staff also explored the application of a variety of analytical tools and developed a pilot computer database program to facilitate the collection, storage, and analysis of wildlife trade information.

Efforts to monitor the reptile trade, for example, allowed intelligence analysts to alert USFWS officers about shipments of mata mata turtles smuggled from South America and set the stage for the arrest of an individual in Washington State. Liaison with the United Kingdom’s National Wildlife Crime Intelligence Unit yielded timely information about a suspicious shipment of reptiles from Tanzania that transited the United Kingdom; USFWS inspectors in Los Angeles met the shipment on arrival, confirmed the suspected CITES violations, and seized 93 protected chameleons. In another case, analysis of the commercial spider trade revealed a smuggling scheme involving German nationals who were bringing shipments of protected tarantulas into the United States using false CITES documents.

**INTERAGENCY TRAINING EXPANDS U.S. CITES ENFORCEMENT:** USFWS wildlife inspectors have always worked closely with other U.S. inspection agencies to monitor trade and travelers at airports, ocean ports, and land borders. USFWS Law Enforcement expanded efforts to provide “cross training” on wildlife trade regulations to officers from these other U.S. entities (most of which are now part of the Department of Homeland Security’s Bureau



of Customs and Border Protection [CBP]). As a result, more than 4,000 new CBP inspectors received training in wildlife import/export enforcement in 2003 - four times as many as were trained the previous year.

**INSPECTIONS AND INVESTIGATIONS:** The enforcement of CITES and the interception of illegal wildlife trade remained a mission priority for USFWS Law Enforcement. USFWS wildlife inspectors monitored U.S. wildlife trade for CITES compliance and intercepted illegal shipments of CITES-protected species. USFWS special agents conducted criminal investigations of individuals and companies attempting to exploit protected wildlife resources.

**MONITORING WILDLIFE TRADE:** The USFWS's wildlife inspection program remained the Nation's front-line defense against illegal wildlife trafficking. USFWS wildlife inspectors stationed at 32 ports and border crossings processed more than 123,000 wildlife shipments in 2002 and more than 136,000 in 2003. Selected program accomplishments for the reporting period include:

- Inspectors in Boston intercepted a shipment containing \$1.4 million worth of illegally imported caviar, the largest seizure ever of this type at that location.
- Significant commercial quantities of caviar were seized at the ports of New York, Miami, Houston, Los Angeles, and Chicago; inspectors in the latter city apprehended 20 airline employees smuggling caviar into the United States during 2002.
- A high-fashion jewelry and accessory retail company in New York paid \$43,000 in civil penalties for CITES violations tied to eight shipments that included products made from lizard, alligator, coral, and vicuña.
- Multiple U.S. retailers dealing in imported reptilian leather goods paid fines for CITES violations ranging from \$3,000 to \$11,000 as a result of USFWS inspection efforts at New York's John F. Kennedy International Airport.
- A Florida woman who was caught returning from Peru with four endangered ocelot skins, additional ocelot parts, and a primate skull was sentenced in July 2002 to six months monitored home confinement and two years probation.
- Inspectors working out of Tampa, Florida, pursued cases involving the unlawful importation of CITES-listed butterflies from Peru and seized a large collection of Solomon Island butterflies exported from Denmark in violation of CITES.
- A six-month enforcement blitz at the international airport in Houston resulted in the apprehension of 13 individuals smuggling sea turtle eggs into the United States.
- An outfitter who used a fraudulent CITES permit to "cover" a shipment of sport-hunted trophies that came into Dallas/Fort Worth, Texas, from Cameroon was fined \$7,000.
- CITES enforcement efforts along the U.S./Mexico border in Arizona and Texas resulted in the interception of multiple desert bighorn sheep trophies and commercial shipments of reptilian leather goods imported without CITES permits.
- Smuggling attempts foiled in San Francisco included the interception of a mail parcel from China containing \$15,000 worth of bear bile hidden in cigarette packs.
- Inspectors in Los Angeles seized a shipment containing 447 live chameleons and day geckos exported from Madagascar with illegal CITES permits. The reptiles had an estimated "street value" of more than \$83,000.
- A man traveling from Indonesia was caught bringing two king birds-of-paradise (which died in transit), two lesser birds of paradise, two pygmy lorises, and 50 glass bottles containing orchid seedlings into the United States via Los Angeles. He pleaded guilty to smuggling and was sentenced to six months in prison and a \$25,000 fine.
- A woman was caught crossing the U.S./Mexico border in San Diego, California, with 30 live Amazon parrots hidden in the hollowed-out rear seat of her vehicle.
- Inspectors in Portland, Oregon, intercepted a shipment of 985 pounds of white sturgeon that was being exported to Canada without the required CITES permit.
- An individual who was caught crossing the U.S./Canada border in Blaine,

Washington, with four CITES Appendix-I Madagascar radiated tortoises was arrested after USFWS inspectors determined that he was already wanted for wildlife smuggling. He pleaded guilty to charges related to the illegal importation of 80 Asian arowanas and was sent to prison for one year.

- Inspectors in Anchorage, Alaska, intercepted a commercial shipment containing 35 elephant carvings invoiced as stone carvings and figurines from China and seized a shipment of pool cues from Japan after determining that many were made from elephant ivory.
- Inspectors at Los Angeles International Airport stopped a man who was smuggling 16 live CITES-protected birds from Vietnam worth more than \$3,500. The birds, which were taped up and concealed in socks and badminton birdie tubes in the man's suitcase, were en route to a pet shop in Los Angeles' Chinatown.
- Inspectors in Los Angeles also detected numerous violations involving the importation of live CITES-listed corals collected from Indo-Pacific reefs. Commercial importations of live CITES coral accounted for about 35 percent of the live wildlife trade at this port of entry.
- When inspectors in Blaine, Washington, looked at a shipment of live black bears coming in from Canada for use in the film industry, they discovered 166 pounds of marijuana and \$178,000 in U.S. currency concealed in a hidden compartment in one of the cages. The USFWS notified Customs officers, who seized the bears, drugs, and cash.
- Acting on an anonymous tip, USFWS officers in New York foiled a woman's attempt to smuggle 32 birds, including CITES-listed parrots, from the United States to Russia.
- Officers working out of Buffalo and Boston caught the same individual smuggling Asian arowanas (an endangered fish species) into the United States from Canada. Another subject was arrested for the same crime in Vermont.
- At Baltimore Washington International Airport, USFWS monitoring of flights from Africa resulted in the seizure of 40 pounds of bushmeat being smuggled into the country by two passengers.
- USFWS officers in Houston stopped the unlawful importation of 22 pieces of carved elephant ivory. The ivory items were covered in a painted paper-mache material and hidden in a shipment of similarly painted wooden carvings.
- USFWS officers in Houston helped the Centers for Disease Control trace three shipments of Gambian rats identified as the source of the first ever monkeypox outbreak in the United States.
- USFWS staff in El Paso alerted Mexican authorities about an illegal shipment of 2,000 caiman skins. The shipment, worth an estimated \$114,000, was seized in Mexico.
- Inspectors in Atlanta intercepted four unlawful shipments of bushmeat arriving from Africa. Seized contraband included smoked primate carcasses and maggot-infested smoked wild rats.
- A man who tried to smuggle more than 200 Fly River turtles, Indian star tortoises, and monitor lizards into the United States from Singapore by express mail was sentenced in Florida to serve 37 months in prison. The defendant, who pleaded guilty to smuggling, conspiracy, and Lacey Act violations, shipped the protected reptiles in packages labeled as magazines and book samples.
- Agents in Texas secured the abandonment of more than \$20,000 worth of shark parts, including numerous sets of jaws and teeth, unlawfully imported from Australia.
- In San Antonio, Texas, agents uncovered a boot smuggling conspiracy involving brokers, boot dealers, and a boot store in Atlanta. The boots, assembled in Mexico, were made from ostrich, caiman, python, and cobra skin.
- A rancher in Alaska, who unlawfully imported 21 wood bison from Canada for use in a commercial sport hunting operation, was fined \$10,000 and donated the wildlife to a public wildlife educational exhibition facility in Portage, Alaska.

**CAVIAR COMPANY AND PRESIDENT SENTENCED:** In January 2002, a New York caviar company and its president were sentenced after pleading guilty to multiple charges of conspiracy, interstate trafficking, smuggling, and false labeling. The USFWS investigation documented numerous illegal

business dealings, including the sale of paddlefish roe as Russian caviar, the smuggling of Beluga caviar, and the sale of roe from unlawfully taken paddlefish. The company, whose clients included some of the Nation's best known gourmet food dealers, was fined \$110,000. The firm's president will go to prison for two years and must pay \$23,596 in unpaid Customs duties and a \$26,404 fine.

#### JUDGE INCREASES PRISON SENTENCE FOR CAVIAR

**SMUGGLER:** The prison term of a convicted caviar smuggler who was the major defendant in the first U.S. criminal prosecution upholding the 1998 CITES listing for sturgeon was deemed too lenient and was increased from 20 to 48 months after the government successfully appealed the original sentence. In 1999, the man was found guilty of conspiracy, smuggling, and wildlife violations; he and a business associate paid off-duty airline employees to smuggle suitcases packed with caviar into the United States. Business records revealed that his company sold 21,000 pounds of caviar during a seven-month period in which he had legally imported only 88 pounds of roe.

#### CAVIAR COMPANY PRESIDENT SENTENCED: A USFWS

investigation of illegal caviar trade sent the president of a Miami caviar company to prison for 41 months for his role in organizing and running a large-scale roe trafficking network. The man, who pleaded guilty to charges of conspiracy, smuggling, and money laundering, spearheaded a "suitcase" smuggling operation that unlawfully took more beluga caviar out of Russia in one year alone than the country's entire export quota. Paid couriers picked up suitcases pre-packed with black market roe in Europe for delivery in Miami; false labels were also used to "disguise" illegally imported caviar as roe from Atlantic lumpfish, an unprotected species. In addition to the prison sentence, the defendant also forfeited \$36,000 and \$860,000 worth of caviar.

**SUITCASE SMUGGLER SENT TO PRISON:** A Russian citizen was sentenced to 30 months in prison for smuggling 98.2 pounds of sturgeon caviar into the United States in violation of CITES; he was also convicted for making false statements. The defendant and two other Russian nationals arrived in Miami, Florida, from Moscow in August 2001 and submitted false Customs declarations stating they were not importing wildlife products. A canine detection team discovered 37 tins of caviar, valued at between \$40,000 and \$80,000, concealed in their luggage. The two other defendants served six and seven-month prison terms for their role in the smuggling attempt.

**FLORIDA MAN CAUGHT WITH CONTRABAND ROE:** USFWS officers at Miami International Airport apprehended a Florida resident who tried to smuggle 110 pounds of Russian caviar into the United States when he returned to the country on a flight from Frankfurt, Germany. The subject was sentenced to 13 months in prison and two years of supervised release.

**IVORY SMUGGLERS SENT TO PRISON:** Two individuals arrested for running one of the largest elephant ivory smuggling rings ever on the U.S. West Coast were found guilty and sentenced to prison terms of one year and six months. The smuggling operation was uncovered when USFWS and U.S. Customs officers intercepted two shipments containing approximately 250 pounds of raw and worked ivory. The shipments, which were imported from Nigeria via Los Angeles International Airport, had been declared as handicrafts and furniture. Ivory pieces were concealed in beaded cloth and whole tusks were found inside pieces of furniture. Charges in the case included smuggling and conspiracy.

#### FINES, RESTITUTION ASSESSED IN IVORY/SEA TURTLE

**SMUGGLING CASE:** In San Francisco, the subjects of a USFWS investigation that documented the smuggling of two mounted green sea turtles and 119 ivory carvings valued at over \$100,000 were sentenced to pay \$190,000 in fines and \$99,000 in restitution. The three, who imported some of the contraband goods concealed in a shipment of furniture and ceramic vases that originated in China, pleaded guilty to felony smuggling and Lacey Act violations. The restitution money will support conservation work by two California-based organizations, the Sea Turtle Restoration Project and Wildlife Care.

WOMAN SENTENCED FOR SMUGGLING SEA TURTLE EGGS: In November 2002, a Federal judge sentenced the last member of a family-run smuggling syndicate that illegally brought thousands of sea turtle eggs into the United States from El Salvador. The woman, who was caught smuggling 2,880 Olive Ridley sea turtle eggs into Houston, Texas, in April 2000, will spend six months in prison followed by three years probation. In August 2000, her sister was also arrested in Houston and was charged with smuggling 1,524 eggs and 5,000 units of illegal prescription drugs. USFWS investigators had previously apprehended two other members of the same family, who were smuggling sea turtle eggs into the country via Los Angeles.

USFWS BREAKS UP REPTILE SMUGGLING RING: A two-year investigation conducted by USFWS Law Enforcement in conjunction with the Australian Customs Service resulted in the elimination of a syndicate involved in the smuggling of high value reptiles from Australia and Mexico. The reptiles were brought into the United States by various methods, including use of express mail shipments and a private plane with hidden compartments. A leader of the syndicate was indicted and convicted in San Francisco, California.

BIRD SMUGGLER SENTENCED: A Miami resident caught bringing 40 Appendix II Cuban finches into the United States was sentenced to three months home confinement and two years probation. He must also perform 100 hours of community service and was barred from importing or exporting wildlife. The man, who was arrested in Miami, entered the United States from Cuba with \$4,000 worth of birds strapped to his legs and hidden under his pants.

RARE BIRD RETURNED TO BRAZIL: On 22 December 2002, the USFWS returned an extremely rare Spix's macaw to Brazil. The bird, an Appendix-I species which was probably smuggled into the United States years ago, was transferred to USFWS Law Enforcement for repatriation by an individual in Colorado who had apparently kept it as a pet for a number of years. Native only to a tiny area in northern Brazil, the Spix's macaw is now believed to be extinct in the wild and is extremely rare in captivity. The bird returned by the USFWS will become part of an official captive breeding project in Brazil, where scientists are working to reestablish the species in the wild.

INTERNATIONAL CYCAD SMUGGLERS CONVICTED: A USFWS undercover investigation confirmed that the Earth's rare plant species are indeed being plundered in large numbers for the global black market trade. The smuggling exposed by the USFWS, which focused primarily on CITES Appendix-I species, virtually spanned the globe, involving cycads and orchids from more than 20 different countries and profiteers on four continents. Some of the plundered cycad specimens were plants approaching 100 years old; many came from government-protected lands off limits to collectors. During 2002, three South Africans and one Australian arrested as a result of this investigation were convicted of various felony counts in U.S. courts. Another subject located in Southern California who received many of the illegal cycads pleaded guilty to violating the Endangered Species Act. The USFWS also assisted the governments of South Africa, Australia, and Zimbabwe in their prosecution of subjects identified as participants in the illegal trade of Appendix I cycads.

BRAZILIAN APPENDIX-III BIGLEAF MAHOGANY HELD AT U.S. PORTS: Since February 2002, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), the agency responsible for inspecting and clearing CITES plant shipments into and out of the United States, has held a total of 50 shipments of Brazilian bigleaf mahogany (*Swietenia macrophylla*) at U.S. designated ports of entry due to questions about the validity of the accompanying Brazilian export permits and the legality of the mahogany. These shipments totaled 8,958.065 cubic meters of wood. The holds began following a meeting in January 2002 in Washington, D.C., between officials of the USFWS and IBAMA, the Brazilian CITES Management Authority. At that time IBAMA told the USFWS about Brazil's Regulatory Order No. 17, effective October 22, 2001, that suspended logging, transport, and trade of bigleaf mahogany, imposed due to legality concerns. IBAMA also informed the USFWS that Brazilian courts had granted injunctions to several Brazilian timber exporters against the export

prohibition. This forced IBAMA to issue permits to those companies. IBAMA asked the United States to help stem the illegal trade in this species as they appealed the injunctions. In response to this and the fact that many of the CITES export permits accompanying shipments of bigleaf mahogany from Brazil were not completely endorsed by Brazilian inspection officials, APHIS began to hold Brazilian mahogany shipments in February 2002. Such shipments were only released when the CITES Management Authority of Brazil confirmed that the permits were valid and the mahogany was legally acquired.

For each of the 50 shipments, the USFWS, the U.S. CITES Management Authority, communicated with IBAMA to verify the accompanying CITES permits' validity and the legality of the mahogany. After numerous communications with IBAMA during 2002 and 2003, and after a study conducted by IBAMA to determine the legal origin of mahogany in shipments that have been exported from Brazil during 2002, the U.S. Government received information from IBAMA verifying the legality of the mahogany and the validity of the accompanying permits for 38 full shipments and 2 partial shipments from the original total of 50. These shipments, totaling 5,915.947 cubic meters of wood, have been released.

Also, the United States sent a delegation to Brazil during the first week of October 2002, to gather information from IBAMA about the status of the shipments still on hold at that time and to determine a course of action with regard to future shipments that may be imported into the United States from Brazil.

Effective 1 June 2003, APHIS refused entry into the United States of any shipment of Brazilian bigleaf mahogany that had been on hold for 180 days or more, and for which IBAMA had not declared in writing to the United States Government that the accompanying Brazilian CITES export permit is valid and that the mahogany in the shipment was legally acquired. In all, 10 full shipments and 2 partial shipments, totaling 3,042.118 cubic meters of wood, were refused entry. The U.S. importers of these shipments were given the option of returning them to Brazil at their own expense.

As of the end of 2003, the status of the shipments refused entry into the United States is as follows: 5 full shipments and 1 partial shipment, totaling 118.328 cubic meters of wood, were re-exported by the U.S. importers. APHIS issued forfeiture action on the remaining 5 full shipments and 1 partial shipment, totaling 2,923.790 cubic meters of wood.

**CAVIAR COMPANY OWNER IMPRISONED, FINED FOR SMUGGLING:** In April 2003, the owner of a company that had been the largest U.S. importer of caviar in recent years was sentenced to serve 21 months in prison and pay a \$400,000 fine after pleading guilty to six felony Lacey Act counts involving illegal trafficking in Russian and American caviar. The subject was charged with smuggling an unknown quantity of caviar into and out of the United States. Use of fraudulent documents and false labeling facilitated this large-scale smuggling operation, which laundered Russian caviar through Poland. The man must also give up ownership of the caviar company (which was bringing in \$12.5 million in profits each year) and his well-known New York City restaurant.

**CAVIAR DEALER PLEADS GUILTY TO MULTIPLE FELONIES:** A businessman who headed up three New York based caviar companies pleaded guilty in July 2003 to four felony counts and agreed to a sentence of between 57 to 71 months in prison. The man, who failed to appear in court to enter a plea in March 2001, was a fugitive until USFWS and FBI agents successfully tracked him down and arrested him in October 2002. In his guilty plea, he admitted to conspiring to commit securities fraud, mail fraud, and wire fraud; committing securities fraud; smuggling caviar; and submitting a false loan application.

**U.S. PROTECTS CITES-LISTED NATIVE FISH:** The 1998 extension of additional protections for sturgeon species under CITES has prompted an upsurge in the illegal take and sale of U.S. caviar-producing species, including paddlefish, short-nosed sturgeon, and the endangered pallid sturgeon. USFWS Law Enforcement is working not only to police U.S. caviar importations but

also to protect native CITES species from unlawful exploitation in the domestic caviar trade. In April 2003, agents arrested five individuals from Russia and other Eastern block nations after they were indicted for illegally trading in caviar from paddlefish and sturgeon that had been unlawfully harvested from U.S. lakes and rivers in Tennessee and Kentucky. The five, who owned caviar companies in New York and Los Angeles, have been charged with conspiracy and violating the Lacey Act; the caviar that they sold unlawfully was often falsely labeled as Russian caviar.

These arrests followed the convictions of eight other individuals and four U.S. businesses whose illegal caviar dealings were exposed by the USFWS investigation. Results from those prosecutions included the spring 2003 sentencing of the two owners of a Tennessee caviar business who were found guilty of conspiracy and six felony Lacey Act charges for illegal trafficking in paddlefish and paddlefish roe. One was sentenced to two years in prison, while the other will spend 21 months in prison; each was fined \$25,000.

**ARTIFACT DEALER SENT TO PRISON:** In June 2003, the owner of two Florida businesses specializing in the sale of Amazonian tribal artifacts was sentenced to 40 months in prison and three years of supervised release in connection with the smuggling and sale of CITES-protected wildlife from Brazil. The defendant, who must also pay \$9,425 in restitution to USFWS Law Enforcement and forfeit all seized wildlife items, pleaded guilty to three felony counts - smuggling, obstruction of justice, and violating the Lacey Act. Contraband in the case included jaguar teeth and feathers from blue and gold macaws, red and green macaws, scarlet macaws, and great egrets. The three-year covert investigation of the man's business dealings was coordinated with the Brazilian Federal Police's wildlife protection unit.

**THREE CHARGED FOR WILDLIFE TRAFFICKING:** In October 2003, a Federal grand jury in Hawaii returned a 12-count indictment against a tribal artifacts dealer from Honolulu and his brother, who lives in Oregon. Both men were charged with one count of conspiracy to smuggle CITES-protected wildlife and endangered species body parts. The dealer was also charged with seven counts of smuggling protected wildlife and three felony Lacey Act violations for the sale of endangered species illegally imported into the United States. The indictment also alleges that the dealer advertised wildlife body parts over the Internet and sold hornbill ivory to a USFWS agent through an online auction site. Other items smuggled included parts from orangutans, clouded leopards, and leopards. A third defendant - a Maryland resident and well-known ivory expert - was charged in September 2003 with four misdemeanor violations of the Endangered Species Act.

**SNAKE SMUGGLING CASE WRAPS UP:** In June 2003, a subject who arranged for a Madagascan national to smuggle 27 live Madagascar tree boas, a CITES Appendix-I species, into the United States in January 1996 was sentenced to pay \$50,000 in restitution to the National Fish and Wildlife Foundation and spend 18 months on probation. The boas, which were hidden in the courier's luggage along with two live venomous non-protected snakes, were discovered and seized by a USFWS wildlife inspector in Chicago.

**TWO PLEAD GUILTY IN LEOPARD SKIN CASE:** Two men indicted in connection with the illegal importation and interstate sale of two leopard skins pleaded guilty in a case that began when a police dog reacted to a package at the Tallahassee Airport express mail facility. The package contained two fresh leopard skins, which had been shipped to a Florida resident by a native of Cameroon with an address in Washington, D.C. The USFWS completed a controlled delivery of the skins, and a search of the Florida man's residence uncovered 17 grams of hashish, \$13,080 in cash, and drug packaging materials and equipment. Both men were sentenced in August 2003; they must serve six months house arrest and three years of probation and pay \$1,250 in fines. The subject linked to drug trafficking was also prosecuted by the State of Florida, which ordered him to forfeit the \$13,080 found at his residence.

**IMPORTER SENTENCED FOR MEDICINAL TRAFFICKING:** A businessman in Oakland, California, who was investigated by the USFWS, was sentenced to spend four months in prison and pay a \$10,000 fine for medicinal trafficking. Agents showed that the man had imported hundreds of medicinals

labeled to contain rhino and tiger, raw herbs without CITES permits, herbs subject to quarantine, and patented medicines that contained drugs controlled by U.S. laws. A month after his sentencing, USFWS inspectors in San Francisco intercepted a shipment that was destined for his business; it contained contraband seal products and other medicinals made from CITES-protected wildlife.

**BEAR BILE SHIPMENT INTERCEPTED:** Inspectors in San Francisco intercepted a shipment containing 50 vials of unlawfully imported dried bear bile, each holding 5 grams. A controlled delivery to the consignee (a woman who lives in Los Angeles) led to the seizure of five more vials. The subject (an undocumented alien) was indicted for smuggling, but pleaded guilty to a lesser charge. The case was turned over to U.S. immigration authorities since the woman is in the United States illegally.

**SEA TURTLE PROTECTION “BLITZ” SNARES EGG SMUGGLERS:** To stem trafficking in sea turtle eggs, USFWS wildlife inspectors in Houston organized and conducted an interagency enforcement blitz that targeted “high risk” flights arriving from Central America. This effort resulted in the seizure of 557 sea turtle eggs from 20 passengers and allowed USFWS staff to alert Customs and Border Protection officers to this ongoing smuggling problem and train them in procedures for making and processing egg seizures.

**QUEEN CONCH SMUGGLERS FOILED IN TEXAS:** A USFWS wildlife inspector in Brownsville, Texas, seized two large shipments of queen conch shells that were being smuggled into the United States by sea. The owner of the vessel involved in the first case was fined \$2,500 and forfeited 516 shells that had been collected from Honduran waters. The second interdiction, which occurred in November 2003, involved the seizure of 23,823 shells unlawfully imported from Haiti. An 18-wheeler and dump truck were needed to transport the shells to the warehouse where they will be held pending final disposition of the case. The shells, which have a wholesale price of more than \$21,000, would have fetched some \$43,000 in the U.S. retail market.

**BIG CAT TRAFFICKING CASE SECURES FUNDS FOR TIGER CONSERVATION:** A USFWS investigation into the sale and killing of captive-bred tigers and leopards for the trophy and animal parts trade saw those convicted pay \$226,000 in restitution to the National Fish and Wildlife Foundation’s “Save the Tiger Fund” to support efforts to safeguard endangered species in the wild. Sixteen individuals and one business were successfully prosecuted in the case; in addition to restitution payments, total penalties included 80 months of prison sentences, 46 years of probation, and \$75,000 in fines. The USFWS investigation, which exposed a loosely knit network of animal dealers and taxidermists trafficking in big cats, helped prompt passage of a new law intended to discourage the growing number of these animals that are now privately owned in the United States.

**ORCHID SMUGGLER SENTENCED:** A Hawaii man who pleaded guilty to smuggling CITES Appendix I orchids must forfeit the highly valuable plants involved in the case; spend six months in home detention and three years on probation; and pay a \$1,000 fine. The USFWS investigation showed that the man was importing and selling one of the rarest orchid species in the world - a lady slipper orchid native only to one national park in Borneo.

## **K. PUBLIC EDUCATION EFFORTS**

**CITES UPDATE:** The USFWS produces a periodic news letter called the CITES Update, which provides the latest information relative to the CITES treaty. The USFWS distributes each edition of the CITES Update to a mailing list of over 700 CITES Cooperators from other U.S. Government agencies, State governments, NGOs, industry, academia, and the general public. It also posts each edition on its Website. During the period from January 2002 through December 2003, the USFWS produced, distributed, and posted 4 editions of its CITES Update.

**USFWS PROMOTES CITES COMPLIANCE BY BIG GAME HUNTERS:** USFWS outreach on CITES Law Enforcement to U.S. hunters who travel overseas to pursue their sport helped promote understanding of and compliance with CITES protections for a range of big game species. In March

2002 and again in January 2003, USFWS Law Enforcement and International Affairs representatives staffed an outreach booth at the Safari Club International's annual convention. Efforts focused on explaining U.S. and CITES requirements for importing and exporting big game trophies. In Anchorage, Alaska, USFWS wildlife inspectors presented outreach briefings in 2002 and 2003 to U.S. hunters who were flying to Russia to pursue bears and other big game species. Seizures of unlawfully imported trophies and wildlife souvenirs at that port of entry have dropped as more hunters understand and obey CITES requirements and U.S. wildlife protection laws and regulations.

USFWS SPONSORS MEDICINAL WORKSHOP: USFWS International Affairs and Law Enforcement staff worked with the World Wildlife Fund, the Wildlife Conservation Society, the International Fund for Animal Welfare, and WildAid to organize and present a symposium on protecting medicinal plants and animals used in traditional Chinese medicine (TCM). Held in New York City on 8 September 2002, this "Consensus Conference" promoted open dialogue among conservationists and TCM educators and practitioners, many of whom are also involved in importing or selling products made from wildlife. Conference participants, who included faculty members from eight U.S. acupuncture schools as well as representatives from professional organizations, industry, non-profit conservation groups, and Federal and State agencies, worked together to identify seven action goals to promote conservation in the TCM community. Efforts are underway to develop a formal conservation curriculum for use in schools of acupuncture and to add questions addressing wildlife issues to the national certifying exam for practitioners. Other goals include organizing a national cross-disciplinary meeting on conservation of TCM species and exploring global third party certification of herbs used in TCM.

TRILATERAL MEETING FOCUSES ON PUBLIC PARTICIPATION: In February 2002, the USFWS hosted a Trilateral Conference on Wildlife Enforcement Activities and Public Participation to explore existing and potential avenues, mechanisms, and partnerships for citizen participation in wildlife enforcement issues in Canada, Mexico, and the United States. Held in Washington, D.C., the three-day meeting was sponsored by the Commission on Environmental Cooperation and the North American Wildlife Enforcement Group. Participants included officials from U.S., Canadian, and Mexican wildlife enforcement and resource management agencies and representatives from an array of North American conservation organizations.

TRAINERS TRAINED TO PROMOTE WILDLIFE TRADE EDUCATION: The USFWS sponsored a two-day "train the trainer" course for the "Suitcase for Survival" education program (a public/private wildlife trade outreach partnership) at the Denver Zoological Gardens in Denver, Colorado. The course taught educators and outreach specialists working at natural resource agencies, zoos, nature centers, and other organizations how to use the "Suitcase for Survival" curriculum and "hands on" wildlife products to teach the public about the devastating impact of the illegal wildlife trade. The USFWS supplies most of the wildlife items used in this educational effort. "Suitcase for Survival" is a cooperative outreach program involving USFWS Law Enforcement, the World Wildlife Fund, Traffic North America, the American Zoological and Aquarium Association, and the National Fish and Wildlife Foundation.

UNITED STATES WORKS WITH ITS TRADITIONAL MEDICINE COMMUNITY: Between January 2002 and December 2003, the USFWS continued to work with the U.S. traditional medicine community through the community's pre-existing educational infrastructure. The USFWS continued to raise awareness about the use of endangered species in traditional medicines, in keeping with its commitment to community ownership of this issue.

The USFWS International Affairs and Law Enforcement programs teamed with the World Wildlife Fund (WWF) and International Fund for Animal Welfare (IFAW) to present a symposium on the use of protected species in traditional Chinese medicine (TCM) at the October 2003 TCM World Foundation conference in New Jersey. This outreach effort targeted U.S. practitioners of TCM and emphasized U.S. and international protections for



endangered species and alternatives to their use in TCM. The USFWS also continued working with non-profit conservation groups to develop a formal conservation curriculum for use in U.S. schools of acupuncture. This partnership, which includes the Wildlife Conservation Society, IFAW, and WildAid, also hopes to secure the addition of questions addressing wildlife issues on the national certifying exam for these non-traditional healthcare professionals.

**U.S. GOVERNMENT PROVIDES OUTREACH ON IMPLEMENTATION OF THE APPENDIX-II LISTING OF BIGLEAF MAHOGANY:** At COP12 in November 2002, the Parties adopted a proposal submitted by the Governments of Guatemala and Nicaragua to include the neotropical populations of bigleaf mahogany (*Swietenia macrophylla*) in Appendix II. The United States supported the proposal. The new listing did not become effective until 15 November 2003. During the year between the adoption of the proposal and effective date of the Appendix-II listing, the U.S. Government provided extensive outreach to the U.S. timber industry and the general public to ensure that the United States would be able to effectively implement the listing.

In March 2003, a representative of APHIS attended a Conference of the International Wood Products Association (IWPA) and gave a presentation on the CITES requirements in the United States for implementing the Appendix-II listing of bigleaf mahogany. In April 2003, the USFWS sent a letter to over 350 U.S. mahogany importers and re-exporters, providing information about the implementation in the United States of this Appendix-II listing. The USFWS also posted this letter on its Website and worked with the IWPA and the Hardwood, Plywood & Veneer Association (HPVA) to have it posted on their Websites as well. Also in April 2003, the USFWS published an article in its CITES Update about implementation of the bigleaf mahogany Appendix-II listing in the United States. This CITES Update was distributed to a mailing list of over 700 CITES Cooperators from other U.S. Government agencies, State governments, NGOs, industry, academia, and the general public. In August 2003, the USFWS prepared a Fact Sheet containing information about the CITES requirements of this Appendix-II listing. The USFWS posted this Fact Sheet on its Website and has been providing it upon request to the public. In September 2003, a representative of APHIS attended a Conference of the HPVA and gave a presentation on the CITES requirements in the United States for implementing the Appendix-II listing of bigleaf mahogany. In October 2003, the United States, as a major importer of mahogany, participated in the 2<sup>nd</sup> meeting of the CITES Mahogany Working Group. The meeting focused on implementation of the Appendix-II listing for bigleaf mahogany. The United States contributed \$60,000 for the meeting. Also in October 2003, the USFWS sent a second letter to over 350 U.S. mahogany importers and re-exporters, this time informing them about the U.S. interim policies regarding acceptance of CITES mahogany documents before, on, and after 15 November 2003, and regarding mahogany plywood. As with its April 2003 letter, the USFWS also posted this letter on its Website and worked with the IWPA and HPVA to have it posted on their Websites. Finally, in November 2003, the USFWS established a new timber Web page, providing information on CITES-listed timber species, with a particular emphasis on mahogany.

**U.S. CITES WEBSITE:** The USFWS has continued to develop and improve its CITES Website at <http://international.fws.gov>. Among other items, the site contains the CITES treaty, CITES Fact Sheets, lists of CITES Party countries and non-Parties, a directory of Management and Scientific Authorities in Party countries and of equivalent authorities in non-Parties, copies of recent CITES Updates (see above), a COP12 page, and links to the CITES Secretariat's Website. In late 2003, three new sections were established on the USFWS CITES Website; one devoted to permits, one on timber, and one on American ginseng.

**USFWS PROMOTES CONSERVATION AT FOOD SHOW:** At the invitation of the National Association for the Specialty Food Trade, USFWS International Affairs and Law Enforcement participated as an "educational exhibitor" at the 2003 East Coast Fancy Food Show, which was held in New York City on 30 June - 2 July 2003. USFWS representatives discussed CITES protections and U.S. laws and regulations governing the import of CITES-

listed wildlife foods that range from caviar to queen conch meat. The trade show was attended by an array of food industry representatives, including many involved in the import and sale of caviar.

NEW EDUCATIONAL CAMPAIGN SUPPORTS CONSERVATION OF CARIBBEAN SPECIES: The USFWS and WWF/Traffic North America produced a new public outreach brochure to promote conservation awareness among tourists visiting the Caribbean. This publication, which encourages travelers to check wildlife protection laws before buying wildlife items in the Caribbean, was made available at the beginning of the fall 2003 tourist season. A media campaign to promote its distribution secured coverage of wildlife trade issues in such major U.S. newspapers as the *Washington Post*, *Wall Street Journal*, and *USA Today*. The brochure was produced in both English and Spanish.

PUBLIC BULLETINS ALERT TRADE COMMUNITY TO CITES CONCERNS: During 2002-2003, the USFWS Law Enforcement program successfully used its public bulletin system to keep U.S. wildlife importers and exporters informed about changes in CITES requirements. Bulletins were issued via the Internet, posted at ports of entry, and sent to the National Customs Brokers Association for distribution to member companies. This notification network was used to inform the U.S. trade community about identification requirements for CITES-listed hard corals and the imposition and lifting of trade restrictions on CITES species from various countries.

#### L. NATIONAL COLLABORATIVE EFFORTS

INTERGOVERNMENTAL STURGEON QUOTAS: In accordance with CITES Decision 11.58, the United States submitted intergovernmental quotas for four Acipenseriformes species in December 2002. After consulting all 50 States to obtain information on current regulations and harvest/management schemes and contacting the Management Authority of Canada, anticipated commercial export data for 2003 were provided to the CITES Secretariat for white sturgeon (*Acipenser transmontanus*), green sturgeon (*A. medirostris*), Atlantic sturgeon (*A. oxyrinchus*), and lake sturgeon (*A. fulvescens*).

In accordance with Resolution Conf. 12.7, the United States submitted intergovernmental quotas for the same four Acipenseriformes species in December 2003. After again consulting all 50 States to obtain information on current regulations and harvest/management schemes and contacting the Management Authority of Canada, anticipated commercial export data for 2004 were provided to the CITES Secretariat for these four species.

MICRA: In January 2003, representatives from the U.S. Scientific and Management Authorities participated in the annual Mississippi Interstate Cooperative Resource Association (MICRA) Paddlefish/Sturgeon Committee meeting. MICRA is an organization of 28 State natural resources departments, several Federal agencies (including the USFWS) and Indian tribes dedicated to improving interjurisdictional river resource management in the Mississippi River basin. The MICRA Paddlefish/Sturgeon Committee was established in 1992 to promote the conservation, management, and enhancement of paddlefish and sturgeon resources in the Mississippi River basin. Scientific and Management Authority personnel provided updates on international trade in native sturgeon and on the outcome of sturgeon discussions at COP12, including revisions to the caviar labeling resolution.

2003 AMERICAN GINSENG MEETINGS: In February 2003, the USFWS hosted a two and a half day meeting with representatives of the States and other Federal agencies to discuss the status and management of American ginseng (*Panax quinquefolius*) and the U.S. CITES export program for the species. The workshop provided an important opportunity for participants to air concerns and work cooperatively in developing recommendations to improve the management of wild ginseng populations.

In May 2003, the USFWS held a public meeting in Lexington, Kentucky, with the assistance of the Kentucky Department of Agriculture, to obtain information from the general public on American ginseng. About 40 persons attended the meeting, primarily representing ginseng dealers and growers (i.e., persons who produce some form of cultivated ginseng). The day-long

meeting yielded significant information on research and outreach needs, as well as information on the production systems used for American ginseng and practical experience with the species. Information derived from this public meeting will be used in developing the necessary findings required for exports of American ginseng, and for guiding future actions to ensure that exports are derived from sustainable harvest programs.

**U.S. CITES EXPORT TAGGING PROGRAM:** The United States cooperates with its States and Indian Tribes and Nations in utilizing a tagging program for the exports of skins of the following Appendix-II species: bobcat (*Lynx rufus*); river otter (*Lontra canadensis*); Alaskan lynx (*Lynx canadensis*); Alaskan wolf (*Canis lupus*); Alaskan brown bear (*Ursus arctos*); and American alligator (*Alligator mississippiensis*). [Polar bear trophies are also tagged in limited numbers under the Marine Mammal Protection Act.] The USFWS initiated this program over twenty years ago to streamline the USFWS's CITES permit issuance process for the exports of skins of these species. The USFWS currently cooperates with 45 States and six Indian Tribes/Nations that have instituted approved harvest programs. The USFWS approves a State or Indian Tribe/Nation for inclusion in the CITES Export Tagging Program when it can make the two CITES findings based on that State's or Tribe/Nation's harvest program. Each approved State or Tribe/Nation applies CITES tags, provided by the USFWS, to all skins of approved species taken in that State or Tribe/Nation. The tags serve as evidence that the skins were legally taken and that their export will not be detrimental to the survival of the species. During 2002, the USFWS issued about 500,000 tags. Between January 2002 and December 2003, the USFWS approved one additional Indian Nation for exports of bobcat and river otter; a second Indian Nation for exports of bobcat, and two States for the exports of river otter.

**USFWS COOPERATES WITH THE STATES IN TAG STUDY:** Funded by a USFWS grant, a study was contracted to and recently completed by Southwick Associates, Inc. to evaluate U.S. CITES tag performance, especially those used on American alligator (*Alligator mississippiensis*) skins. This study was a collective effort between the International Association of Fish and Wildlife Agencies (IAFWA), individual State wildlife agencies, and the USFWS. The purpose of the project was to identify additional potential CITES tag vendors who can produce acceptable tags and to conduct a preliminary evaluation of the various security tags now on the market. Primary recommendations from the research are to: increase the contract from two years to three or more years (this may increase interest among other vendors to participate in the bidding process, and may possibly make it financially worthwhile for them to develop improved tags); and include bar coding to future tag specifications.

## **M. CONSERVATION FUNDING**

**MULTINATIONAL SPECIES CONSERVATION FUNDS:** The Multinational Species Conservation Funds consist of five programs created to fulfill direct congressional mandates to conserve populations of and habitats for neotropical migratory birds, African and Asian elephants, great apes, rhinoceroses, and tigers. Four of these programs involve CITES-listed species: the African Elephant Conservation Act of 1989, Rhinoceros and Tiger Conservation Act of 1994, Asian Elephant Conservation Act of 1997, and the Great Ape Conservation Act of 2000. These programs provide direct support to range countries through broad-based partnerships with national governments, NGOs, and other private entities for on-the-ground activities to conserve these species and their habitats.

The USFWS administers the Multinational Species Conservation Funds. During the period from January 2002 through December 2003, the USFWS granted a total of \$8,587,797 for various projects around the world in support of conservation of African and Asian elephants, rhinoceroses, tigers, and great apes. Listed below is a breakdown of this project funding by species group:

African elephants:	54 projects granted a total of \$2,884,485 in funding
Asian elephants:	39 projects granted a total of \$1,860,673 in funding
Rhinoceroses and Tigers:	71 projects granted a total of \$2,110,387 in funding
Great apes:	51 projects granted a total of \$1,732,252 in funding

## **N. OTHER U.S. CITES-RELATED ACTIVITIES**

U.S. SUBMITS ITS 2000-2001 CITES BIENNIAL REPORT: Article VIII of CITES prescribes that each Party shall prepare periodic reports on its implementation of CITES and shall transmit to the Secretariat, in addition to an annual report, a biennial report on legislative, regulatory, and administrative measures taken to enforce the provisions of CITES. On 18 September 2002, the USFWS submitted to the CITES Secretariat, the U.S. biennial report covering the interval 2000-2001. This report summarized some of the major legislative, regulatory, and administrative measures taken by the United States during this biennial period in its implementation of CITES.

U.S. SUBMITS ITS 2001 AND 2002 CITES ANNUAL REPORTS: Article VIII of CITES prescribes that each Party shall prepare annual reports on its trade in CITES-listed species. On 13 December 2002, the USFWS submitted, directly to the UNEP World Conservation Monitoring Centre (UNEP-WCMC) in electronic format, the U.S. CITES Annual Report datafile for 2001. The file (100,269 data records) contained data on all U.S. trade with the rest of the world in CITES-listed species of fauna and flora during 2001. On 29 October 2003, the USFWS submitted, directly to the UNEP-WCMC in electronic format, the U.S. CITES Annual Report datafile for 2002. The file (104,848 data records) contained data on all U.S. trade with the rest of the world in CITES-listed species of fauna and flora during 2002. The data in the 2001 and 2002 U.S. CITES Annual Reports represent, whenever possible, actual trade and not just numbers of CITES permits issued.

ARGENTINA PETITION FOR APPROVAL OF A SUMP: The Wild Bird Conservation Act of 1992 (WBCA) limits or prohibits import of exotic bird species into the United States in order to ensure that wild populations are not harmed by international trade. Since 1993, all imports of CITES-listed birds into the United States have been prohibited except under certain exemptions. One of the exemptions provided under the WBCA is for the import of specimens from an approved sustainable use management plan (SUMP) for the species. The USFWS is currently reviewing a petition submitted by the Management Authority of Argentina for approval of a SUMP for the blue-fronted amazon parrot (*Amazona aestiva*). In January 2003, two USFWS biologists traveled to Argentina to meet with the program directors and observe Argentina's program. On 6 August 2003, the USFWS published a proposed rule in the *Federal Register* to allow the import of blue-fronted amazon parrots from Argentina's SUMP into the United States. The USFWS received numerous public comments in response to the proposed rule and is currently analyzing those comments in order to determine how to proceed with regard to Argentina's petition.

WBCA COOPERATIVE BREEDING PROGRAMS: As noted above, imports into the United States of all CITES-listed birds are prohibited except as provided under certain exemptions. One of the exemptions provided under the WBCA is for the import of specimens to be used in an approved cooperative breeding program for the species. The purpose of cooperative breeding programs is to enhance or promote the conservation of the species in the wild or establish a self-sustaining population of the species in captivity in the United States. The USFWS approved five new cooperative breeding programs in 2002. Although no new programs were approved during 2003, a number of existing programs continue to make progress in establishing self-sustaining captive populations of the approved species. Most of the approved cooperative breeding programs are for species of raptors and psittacines.

FAO/CITES COLLABORATION: Representatives from the U.S. Management and Scientific Authorities also participated in discussions on the establishment of a Memorandum of Understanding (MoU) between CITES and FAO at the 8<sup>th</sup> session of the FAO Sub-Committee on Fish Trade of the Committee of Fisheries in Bremen, Germany in February 2002. Participants there called for greater collaboration between CITES and FAO on marine fisheries issues, and the United States chaired a working group that articulated a workplan to address certain elements of CITES and its applicability to commercial fisheries. The group also suggested ways to expedite species proposal review prior to future COPs. This work eventually led to the adoption of CITES Decision 12.7 at COP12, calling for the establishment of an MoU between CITES and FAO. In February 2003, a

fisheries biologist from the U.S. Scientific Authority attended the 25<sup>th</sup> FAO Committee of Fisheries (COFI) meeting and participated in a working group on the development of a Memorandum of Understanding (MoU) between CITES and FAO. On 6 May 2003, the CITES Secretariat issued Notification to the Parties No. 2003/030, inviting Parties to provide written comments on a draft MoU developed by the Chairman of the Standing Committee and the Secretariat. The USFWS responded to the Notification with a letter supporting the tone and substance of the draft MoU.

**DOMINICA TECHNICAL CONSULTATION:** In June 2002, biologists from the USFWS, the NMFS, and the University of Houston traveled to Dominica to consult with national officials on CITES and the coral trade. Dominica requested this bilateral work, after learning of difficulties in exporting aquacultured corals to U.S. businesses. During the seven day visit, biologists conducted three days of underwater survey work on Dominica's coral reefs, visited a commercial aquaculture facility, and advised Dominican officials on next steps. Extensive reports were prepared by the U.S. team and provided to the Dominican government.

**CARIBBEAN HAWKSBILL SEA TURTLE DIALOGUE:** In May 2002, the United States attended the Second Hawksbill Turtle Range States Dialogue meeting in George Town, Cayman Islands. The six-person delegation included representatives from the USFWS, NMFS, and the State of Florida. The meeting was convened by the CITES Secretariat to strengthen cooperation in management of hawksbill sea turtles (*Eretmochelys imbricata*) by Caribbean range States and territories, and, if possible, reach consensus on the many difficult hawksbill issues raised at COP11 in April 2000. Discussions also included a hawksbill downlisting proposal to be submitted by Cuba for consideration at COP12.

**NOTICE ON PROPOSAL TO RECLASSIFY THE ARGALI FROM THREATENED TO ENDANGERED:** On 22 May 2002, the USFWS published a notice in the *Federal Register* announcing the withdrawal of a proposed rule to reclassify the argali (*Ovis ammon* - included in CITES Appendices I and II) from threatened to endangered under the Endangered Species Act, as proposed on 27 April 1993. The special rule allowing importation of sport-hunted trophies from those countries was also retained. The withdrawal was based on two factors. First, the two lawsuits challenging the original listing and special rule were defeated or dismissed, thereby eliminating our strong concern over the adequacy of existing regulatory mechanisms related to import of sport-hunted trophies from Kyrgyzstan, Mongolia, and Tajikistan. Second, a review of information compiled over the past eight years (i.e., since the proposed rule was published) in relation to the five listing factors under the Act, indicated that the argali is properly classified as threatened in Kyrgyzstan, Mongolia, and Tajikistan.

**FINAL RULE RECLASSIFYING THE VICUNA FROM ENDANGERED TO THREATENED:** On 30 May 2002, the USFWS published a notice in the *Federal Register* reclassifying the vicuña (*Vicugna vicugna* - included in CITES Appendices I and II) in Argentina, Bolivia, Chile, and Peru from endangered to threatened under the U.S. Endangered Species Act (ESA). The recently introduced population of Ecuador, treated as a distinct population segment under the ESA in accordance with the USFWS's Policy on Distinct Vertebrate Population Segments, will remain listed as endangered. The final rule also established a special rule allowing the importation into the United States of legal fiber and legal products produced with fiber from vicuña populations listed as threatened under the ESA and in Appendix II of CITES, if certain conditions are satisfied by the exporting (i.e., range country) or re-exporting country. Importation into the United States of legal fiber and legal products made from fiber that originated from threatened, Appendix II vicuña populations will require valid CITES export permits from the country of origin and also the country of re-export, when applicable.

**PETITION TO LIST BELUGA STURGEON:** The USFWS published a notice in the *Federal Register* on 20 June 2002, announcing the 90-day and 12-month findings for a petition received from Caviar Emptor, a consortium of three NGOs, including the Natural Resources Defense Council, the Wildlife Conservation Society, and SeaWeb, to list the beluga sturgeon (*Huso huso* -

included in CITES Appendix II) under the U.S. Endangered Species Act. In the notice, the USFWS noted that the petition presented substantial information indicating that listing this species may be warranted. As required under the Endangered Species Act, further review of all available scientific and commercial information was conducted and the USFWS also found that listing this species was warranted, initiating a status review of the species. Based on the conclusions of this review, on 30 July 2002, the USFWS published in the *Federal Register* a proposed rule to list the beluga sturgeon as endangered pursuant to the Endangered Species Act. In the proposed rule, the USFWS sought data and comments from the public on this proposal.

In response to four specific requests, the USFWS held a public meeting on the proposed rule to list the beluga sturgeon as endangered on 5 December 2002. In order to accept comments during, and resulting from, the meeting, the USFWS extended the comment period on the proposed rule through 28 December 2002. In March 2003, the USFWS received a report from the CITES Secretariat on the status of beluga sturgeon in the Caspian Sea. This report, *All-Caspian Sea Sturgeon Stock Survey of 2002*, was relevant to making a final determination under the Endangered Species Act. Therefore, on 2 July 2003, the USFWS published a notice in the *Federal Register* re-opening the comment period on the listing proposal for 60 days and extending the period for making a final determination to 31 January 2004. This extension was made in order to allow time to solicit additional population data, submit the report for independent peer review, and seek public comments regarding the new information.

**PROPOSED RULE TO LIST THE DUGONG POPULATION IN PALAU AS ENDANGERED:** On 2 December 2002, the USFWS published a proposed rule in the *Federal Register* announcing the re-opening of the comment period on the proposed listing of the population of dugong (*Dugong dugon* - included in CITES Appendix I) in the Republic of Palau as endangered under the Endangered Species Act. The comment period was re-opened to request additional information and comments from the public regarding the proposed rule.

**RHINOCEROS AND TIGER CONSERVATION ACT:** The U.S. Congress created the Rhinoceros and Tiger Conservation Act to assist in the conservation of rhinoceroses and tigers by supporting and providing financial resources for the conservation programs of nations whose activities directly or indirectly affect rhinos and tigers. Later amendments to the Act provided for the development and implementation of an educational outreach program and outlined the prohibitions relating to the sale of rhino and tiger parts in the United States. During 2002, the USFWS participated in two workshops on Traditional Chinese Medicine (TCM), that were attended by TCM students and practitioners. The USFWS presentations focused on the Rhinoceros and Tiger Conservation Act and the need to develop alternatives to the use of endangered species in TCM. In addition, the USFWS continues to review proposals and provide grants under the Act.

**FREE TRADE AGREEMENT:** As part of Free Trade Agreement (FTA) negotiations in the United States, the USFWS is contributing to an interagency Environmental Assessment of wildlife trade and policy with various countries. The USFWS completed summaries for Singapore, Chile, and Morocco, and prepared reports for the Central American countries of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. These assessments summarize trade of CITES-listed species between those countries and the United States and provide an overview, for each particular country, of its wildlife legislation, including CITES implementation, trade enforcement, and other relevant wildlife activities and issues.

**CAPTIVE WILDLIFE SAFETY ACT:** On 19 December 2003, the President signed the Captive Wildlife Safety Act (CWSA). The CWSA amends the Lacey Act by adding prohibitions that make it illegal to import, export, buy, sell, transport, receive, or acquire, across State lines or the U.S. border, live lions, tigers, leopards, snow leopards, clouded leopards, cheetahs, jaguars, and cougars (all of which are protected by CITES) or any hybrid of these species, unless certain listed exceptions are met. These exceptions include any person who is: 1) licensed and inspected by the U.S. Department of Agriculture's

Animal and Plant Health Inspection Service (APHIS) under the Animal Welfare Act, with respect to any of these cat species for the purpose of animal exhibition, as a dealer, or for research; 2) a State college, university or agency, State-licensed wildlife rehabilitator, or State licensed veterinarian; 3) an accredited wildlife sanctuary that regularly cares for and maintains facilities for any of these cat species or; 4) registered and inspected by APHIS under the Animal Welfare Act and has custody of any of these cat species solely for the purpose of expeditiously transporting those specimens between other exempted persons.

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