

U.S. Fish & Wildlife Service

# U.S. CITES Biennial Report

*2000-2001*



*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

*2000-2001*



*American alligator*  
USFWS  
*Box turtle*  
© Corel Corp

*American ginseng*  
USFWS  
*River otter*  
© Corel Corp

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DIVISION OF MANAGEMENT AUTHORITY  
U.S. FISH AND WILDLIFE SERVICE  
DEPARTMENT OF THE INTERIOR**

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*COP9 Meeting*  
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*

# 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 2000-2001.

The regulations implementing CITES in the United States were issued on February 22, 1977 (50 CFR Part 23). To date, there have been eleven regular meetings of the Conference of the Parties to CITES (Berne, San Jose, New Delhi, Gaborone, Buenos Aires, Ottawa, Lausanne, Kyoto, Fort Lauderdale, Harare, and Gigiri). 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 10<sup>th</sup> meeting of the Conference of the Parties (COP10-Harare).

During 2000-2001, 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.



*Bald Eagle*  
USFWS  
*Sturgeon*  
USFWS

*Hedgehog cactus*  
Gary Henry/USFWS  
*Wolf*  
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## II. Active Measures Taken by the United States During 2000-2001 in its Implementation of CITES

### **A. CITES IMPLEMENTING LEGISLATION IN THE UNITED STATES**

#### **PROPOSED RULE TO REVISE 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 nine 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.

During the latter part of 2000 and 2001, the USFWS has been preparing the final rule to update the U.S. CITES-implementing regulations. When it is published in the *Federal Register*, this final rule will respond to comments from the public on the proposed rule discussed above, make appropriate changes to the rule based on these comments, and finalize the regulatory changes to 50 CFR Part 23.

### **B. COP11-RELATED ACTIVITIES**

**REGIONAL COORDINATION IN PREPARATION FOR COP11:** In February 2000, the United States hosted a regional meeting of the North American CITES Region in Washington, D.C. The purposes of this regional meeting was to prepare for the 11<sup>th</sup> meeting of the Conference of the Parties to CITES (COP11). All COP11-related issues were discussed, and the Management and Scientific Authorities of the United States, Canada, and Mexico participated actively in the meeting. There was thus extensive pre-COP11 coordination within the Region, and when possible regional positions were developed.

**U.S. SUBMISSIONS FOR CONSIDERATION AT COP11:** On November 12, 1999, 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 COP11, which was subsequently held April 10-20, 2000, in Gigiri, Kenya. The United States submitted 11 species listing proposals, four of which were co-sponsored by other CITES Party countries. It also co-sponsored four listing proposals submitted by other Party countries. The United States submitted one proposed resolution, one proposed decision, and three discussion papers. It also co-sponsored one discussion paper submitted by another Party country.

**RESULTS OF COP11:** COP11 was held April 10-20, 2000, at the United Nations Environment Programme (UNEP) Headquarters in Gigiri, Kenya. The United States participated fully in the meeting. At COP11, 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. Kenneth Stansell, from the USFWS, currently serves in that capacity. The Parties of North America also selected Dr. Susan Lieberman, from the USFWS (Scientific Authority), to continue as the North American Regional Representative on the CITES Animals Committee for the intersessional period between COP11 and COP12. The members of the Animals Committee elected her to continue as Vice-Chair of the Animals Committee.

[Note: Dr. Lieberman left the USFWS in mid-2001. As a result, Dr. Kurt Johnson, from the USFWS (Scientific Authority), was selected at the 17<sup>th</sup> meeting of the Animals Committee in July-August 2001 to replace Dr. Lieberman as the North American Regional Representative.]

### **C. COP12-RELATED ACTIVITIES**

#### **REQUEST FOR INFORMATION AND RECOMMENDATIONS ON AMENDMENTS TO THE CITES APPENDICES (SPECIES PROPOSALS) FOR COP12:**

On June 12, 2001, the USFWS published a notice in the *Federal Register* soliciting recommendations for amending Appendices I and II of CITES at the 12<sup>th</sup> regular meeting of the Conference of the Parties to CITES (COP12). The USFWS invited information and comments from the public on animal and plant species that should be considered as candidates for U.S. proposals to amend CITES Appendix I or II. The USFWS also requested information and comments from the public on the biological status of selected species identified in the notice. This was the first in a series of *Federal Register* notices that, together with announced public meetings, provide an opportunity for the public to participate in the development of the United States' negotiating positions for COP12.

#### **REQUEST FOR INFORMATION AND RECOMMENDATIONS ON RESOLUTIONS, DECISIONS, AND AGENDA ITEMS FOR CONSIDERATION AT COP12:**

On July 25, 2001, the USFWS published a notice in the *Federal Register* soliciting recommendations for potential resolutions, decisions, and agenda items for discussion at COP12. This was the second in a series of *Federal Register* notices that, together with announced public meetings, provide an opportunity for the public to participate in the development of the United States' negotiating positions for COP12.

#### **NOTICE ANNOUNCING PROPOSALS THAT THE UNITED STATES WAS CONSIDERING SUBMITTING FOR CONSIDERATION AT COP12:**

At the end of December 2001, the USFWS was in the process of preparing a notice for publication in the *Federal Register* announcing potential resolutions, decisions, amendments to the CITES Appendices, and other agenda items that the United States was considering submitting for consideration at COP12; and inviting public comment on these potential submissions. This notice was subsequently published on April 18, 2002. The notice also announced a public meeting to discuss the potential U.S. submissions, and provide information on how non-governmental organizations based in the United States can attend COP12 as observers. This was the third in a series of *Federal Register* notices which, together with announced public meetings, provide an opportunity for the public to participate in the development of the United States' negotiating positions for COP12.

### **D. CITES STANDING COMMITTEE ACTIVITIES**

#### **UNITED STATES ELECTED 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. Kenneth Stansell, from the USFWS, currently serves in that capacity.

**45TH MEETING OF THE STANDING COMMITTEE:** The United States sent a five-person delegation to the 45<sup>th</sup> meeting of the CITES Standing Committee (SC45), which was held in Paris, France, June 19-22, 2001. The interagency U.S. delegation included three representatives from the USFWS, one from the National Marine Fisheries Service (NMFS), and one from the U.S. Department of State. Since COP11 in April 2000, the United States has been the North American Regional Representative on the Standing Committee. Kenneth Stansell of the USFWS is currently 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 SC45. The Report covered the time period between the 42<sup>nd</sup> meeting of the Standing Committee (SC42 - September-October 1999) and SC45. 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.

**CITES IMPLEMENTATION COMMITTEE:** At SC45, the Standing Committee agreed that the Secretariat should, with the guidance of a working group, develop for consideration at the 46<sup>th</sup> meeting of the Standing Committee (SC46), a proposal for presentation at COP12 regarding the establishment of a committee or body that could deal with practical CITES implementation issues. From June 2001 through December 2001, the United States, an active member of the working group, aided the Secretariat in this effort by coordinating, with both the Secretariat and the working group, the preparation of a draft proposed resolution for consideration at SC46 in March 2002.

**TRADE IN TIME-SENSITIVE RESEARCH SAMPLES:** At SC45, the Standing Committee considered the outcome of the Animals Committee's examination of international transfer of research samples. A working group was formed to assist the Secretariat in developing recommendations, for consideration at COP12, on enforcement and implementation of trade in biological samples. The United States was an active member of the working group, which considered different procedural and legal options that allow for timely movement of biological samples, both for scientific research and for commercial trade in high-volume Appendix-II specimens.

**"MIKE":** During 2000-2001, 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>.

**RESOLUTIONS THAT ARE DIFFICULT TO IMPLEMENT:** CITES Decision 11.136, adopted at COP11, directs the Secretariat to analyze all information it receives from the Parties regarding problems with the implementation of existing Resolutions and to prepare a document for the first meeting of the Standing Committee in 2002, outlining its findings and proposing solutions where appropriate. The Secretariat issued CITES Notification No. 2001/058, which invited Parties to provide the Secretariat with comments on CITES resolutions that are

not implemented or that are difficult to implement. In response to this Notification, the United States undertook a review of the 77 current resolutions to determine its ability to implement each of them. On November 21, 2001, the United States submitted its response to the Secretariat, listing resolutions for which it has implementation problems and those that it is either not implementing or is only implementing in part.

#### **E. CITES ANIMALS COMMITTEE ACTIVITIES**

UNITED STATES ELECTED TO CONTINUE AS NORTH AMERICAN REGIONAL REPRESENTATIVE ON THE ANIMALS COMMITTEE: At COP11 in April 2000, the Parties of North America elected Dr. Susan Lieberman, from the USFWS (Scientific Authority), to continue as the North American Regional Representative on the CITES Animals Committee for the intersessional period between COP11 and COP12. The members of the Animals Committee also elected her to continue as Vice-Chair of the Animals Committee. [Note: Dr. Lieberman left the USFWS in mid-2001. As a result, Dr. Kurt Johnson, from the USFWS (Scientific Authority), was selected at the 17<sup>th</sup> meeting of the Animals Committee in July-August 2001 to replace Dr. Lieberman as the North American Regional Representative.]

ANIMALS AND PLANTS COMMITTEE MEETINGS IN THE UNITED STATES: The USFWS hosted meetings of the CITES Animals and Plants Committees in the United States, December 7-15, 2000, at its National Conservation Training Center (NCTC) in Shepherdstown, West Virginia. A joint meeting of the Animals and Plants Committees was held December 7-9, to discuss the review of the CITES listing criteria (Resolution Conf. 9.24). The separate meetings of the Animals Committee (the 16<sup>th</sup> meeting - AC16) and the Plants Committee (the 10<sup>th</sup> meeting - PC10) followed, from December 11-15. The USFWS was very proud to host these highly successful meetings at NCTC — the first meetings of the Animals and Plants Committees in the history of CITES to be held in the United States.

17TH MEETING OF THE ANIMALS COMMITTEE: The United States sent a five-person delegation to the 17<sup>th</sup> meeting of the CITES Animals Committee (AC17), which was held July 30 - August 3, 2001, in Hanoi, Viet Nam. The interagency U.S. delegation included three representatives from the USFWS, one from NMFS, and one from the U.S. Department of State. The United States is currently the North American Regional Representative on the Animals Committee, and Kurt Johnson from the USFWS represented North America at the meeting. The United States submitted two taxon reviews (peregrine falcon and orange-throated whiptail lizard) for the agenda item Review of Animal Taxa in the Appendices and a review of coral mariculture activities for the agenda item Trade in Hard Corals.

REVIEW OF THE APPENDICES: At the 15<sup>th</sup> meeting of the CITES Animals Committee (AC15), held in Madagascar July 5-9, 1999, the United States offered to review the listing of four taxa in the CITES Appendices, as part of an ongoing process. Those taxa are: *Saiga tatarica*, *Falco peregrinus*, *Dermochelys coriacea*, and the order Antipatharia. Questionnaires were sent to all range states for these taxa, and the U.S. Scientific Authority prepared detailed analyses of the status of the species, in the context of CITES Resolution Conf. 9.24. Those documents were submitted to the Secretariat and subsequently discussed at AC16 (December 2000). During 2001, the United States served as coordinator for an inter-sessional contact group on Review of Animal Taxa in the Appendices, and has been working on tasks resulting from deliberations at AC17. The United States has begun development of guidelines for conducting reviews of taxa in the Appendices, and has monitored progress made on taxon reviews agreed to by other Parties, organizations, or individuals.

TRADE IN TIME-SENSITIVE RESEARCH SAMPLES: At AC16, the United States participated in a working group to examine issues related to the international transfer of time-sensitive research samples. The working group identified the types of samples in trade; categorized the purposes and recipients of such transfers; and evaluated the need to expedite the transfer of samples. The Animals Committee submitted its conclusions to the Standing Committee. The United States coordinated on this issue within the North American Region, particularly with Mexico, and with several U.S. research institutions.

TRADE IN FRESHWATER TURTLES AND TORTOISES IN SOUTHEAST ASIA: In response to discussions at AC15, the United States and Germany co-sponsored a document that was submitted to COP11 on this issue. The U.S. Scientific Authority provided funding towards a workshop on the Asian turtle trade held in Cambodia in December 1999, which was well received and led to fruitful discussion and adoption of two Decisions at COP11. These Decisions were that the Secretariat convene a technical workshop on the trade in freshwater turtles and tortoises, and that the Animals Committee include Appendix-II turtle and tortoise species traded to Asia in the significant trade process. The Animals Committee established a working group on the issue at its 16<sup>th</sup> meeting (AC16) in December 2000. The United States has been an active member of the Working Group and is active both in Animals Committee discussions on this issue (based on Decision 11.93), and in preparations for the technical workshop on this issue (based on Decision 11.150). The United States also provided significant funding to enable the technical workshop to take place, through funds from the U.S. voluntary contribution to the CITES Trust Fund. The workshop was held March 25-28, 2002, in Kunming, China.

TRADE IN *Tursiops truncatus ponticus*: In response to Decision 11.91, adopted at COP11, requesting that the Animals Committee evaluate this issue, the United States submitted a document addressing the biological status of and trade in the species, for consideration at AC16 in December 2000. During 2001, the United States was an active participant in the informal contact group on this issue established by AC16.

CONSERVATION OF SEAHORSES AND OTHER MEMBERS OF THE FAMILY SYNGNATHIDAE: During 2000, in response to discussions and Decisions adopted at COP11, the Chief of the U.S. Scientific Authority and North American Regional Representative on the Animals Committee, coordinated with Project Seahorse and other NGOs involved with the conservation of syngnathids. Working in cooperation with the Secretariat and Project Seahorse, the Regional Representative submitted a document for consideration at AC16, dealing with implementation of Decision 11.97. The United States continues to work with interested Parties and NGOs in the implementation of Decision 11.97. The United States also provided significant funding (\$22,000) for the technical workshop called for in Decision 11.97, through funds from the U.S. voluntary contribution to the CITES Trust Fund.

TRADE IN HARD CORALS: The United States has been an active member of the Working Group established at AC15, and continued during and after AC16, to consider aspects of the trade in hard coral. This led to adoption of Resolution Conf. 11.10 at COP11. The U.S. Scientific Authority participates actively in this Working Group, and coordinates with other U.S. Government offices (particularly NMFS), as well as Mexico and Canada on this issue.

SIGNIFICANT TRADE REVIEW: The United States continues to participate in the Significant Trade Review process warranted between meetings of the Animals Committee. The United States provided funding for the review of five chelonian species, and reviewed the Terms of Reference for the country-based significant trade review for Madagascar.

FUNDING FOR PROJECTS: The United States provided significant funding (\$45,000) for Animals Committee-related projects, through funds from the U.S. voluntary contribution to the CITES Trust Fund.

#### **F. CITES PLANTS COMMITTEE ACTIVITIES**

PLANTS COMMITTEE MEETING IN THE UNITED STATES: The USFWS hosted the 10<sup>th</sup> meeting of the CITES Plants Committee (PC10) in the United States, December 11-15, 2000, at its National Conservation Training Center (NCTC) in Shepherdstown, West Virginia. [See the discussion above in the section on CITES Animals Committee activities.]

11TH MEETING OF THE PLANTS COMMITTEE: The United States sent a four-person delegation to the 11<sup>th</sup> meeting of the CITES Plants Committee (PC11), which was held September 3-7, 2001, in Langkawi, Malaysia. The interagency U.S. delegation included three 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.

REVIEW OF THE GENUS *Guaiacum*: At COP11, the CITES Parties concluded that a review of the genus *Guaiacum* should be conducted to clarify the current taxonomy of this genus as it is most widely understood; resolve how species within the genus may be distinguished from each other when in trade; and assess the status in the wild, status in trade and threats to the species. In the latter half of 2000, at the request of the U.S. Scientific Authority, graduate students in the University of Maryland Program on Conservation Biology contributed to this review by investigating the status in the wild, status in trade, and threats to *Guaiacum* species in Mexico. The U.S. Scientific Authority forwarded the results of the study to the Plants Committee, and the students gave a presentation of the results of the study at PC10 in December 2000. The Plants Committee was very supportive, and asked the students to continue their work. A Working Group consisting of Mexico, Costa Rica, and the United States was formed to provide guidance for the study. The Secretariat provided funds donated by the Netherlands and the United States of America for the study. During 2001, the students worked closely with Mexico to carry out their study. The results were presented at PC11 in September 2001.

REVIEW OF SEVERAL U.S. PLANT SPECIES CURRENTLY LISTED IN THE CITES APPENDICES: In the latter half of 2000, the U.S. Scientific Authority completed an assessment of the status of *Astrophytum asterias* with respect to the current CITES listing criteria, as requested by the Management Authority of Switzerland. The results of the assessment indicate that this species continues to qualify for Appendix I based upon its restricted range in southern Texas and the continuing threat of collection from the wild. These findings were also provided to the Chairman of the Plants Committee, and the issue was discussed at PC10 in December 2000. During 2001, the U.S. Scientific Authority assessed the status of the following species, in light of discussions at COP11: *Dudleya traskiae*, *Sclerocactus mariposensis*, *Shortia galacifolia*, *Lewisia maguirei*, and *L. serrata*.

NOMENCLATURE OF THE GENUS *Taxus*: In the latter half of 2000, the U.S. Scientific Authority received a request to clarify the taxonomy and nomenclature of the genus *Taxus*, especially *Taxus yunnanensis* and *Taxus baccata*, as they relate to the Himalayan yew (*Taxus wallichiana*), which is listed in CITES Appendix II. In addition, the U.S. Scientific Authority sought clarification on how parts and derivatives of these yew species and the Chinese yew (*Taxus chinensis*) can be distinguished from one another in international trade. The United States provided a paper outlining its specific concerns with respect to CITES implementation for *Taxus wallichiana* for consideration at PC10.

At PC10, the Plants Committee requested that the United States and China conduct a review of the conservation status of *Taxus wallichiana*. During 2001, the United States focused on this and related Asian species in the genus *Taxus* due to taxonomic uncertainties yet to be resolved by the Nomenclature Committee. The results were presented for discussion at PC11. The USFWS led an examination of trade in all species of *Taxus* to determine if additional species should be included in Appendix II, and whether traded commodities derived from *Taxus* species are readily recognizable and should be subject to CITES control. The USFWS produced a document for PC12 to address the recommendations in paragraphs 20 and 21 of PC11 Doc. 22.

ORCHIDACEAE REVIEW: At PC10 in December 2000, the Plants Committee established a Working Group to determine how to proceed with the review of the family Orchidaceae. The USFWS conducted this project for the North American Region in collaboration with the American Orchid Society (AOS). The results were discussed at PC11 in September 2001. During the remainder of 2001, the USFWS worked with AOS to lead the establishment of a process for exempting 'supermarket plants' of orchids from CITES controls and drafted a proposal with AOS for presentation at PC12.

CACTUS DELISTING PROPOSAL: The USFWS analyzed the potential implications of a proposal drafted by Switzerland to delist several morphologically distinct species of cacti. The results were discussed at PC11 in September 2001.

TIMBER BROCHURE: In 1997, during the 10<sup>th</sup> meeting of the Conference of Parties (COP10), the CITES Timber Working Group recommended to the COP that a brochure be developed to educate timber producers and consumers about CITES and its role in regulating the timber trade. A brochure intended to meet this need was developed by the U.S. Department of Agriculture's Forest Service in 1999. Over 30,000 copies were distributed to CITES Parties during 2000.

MAHOGANY WORKING GROUP ACTIVITIES: Preliminary results of a review of U.S. bigleaf mahogany (*Swietenia macrophylla*) imports conducted in 2000 indicated that at least one quarter of sawn mahogany imported into the United States, representing more than 17 million dollars per year, were not accompanied by the proper documentation (Blundell and Rodan 2001<sup>1</sup>). In 2001, the United States continued to review U.S. bigleaf mahogany imports, with a view toward assessing implementation of the listing of this species in Appendix III. The United States, as a major importer of mahogany, attended the 1<sup>st</sup> meeting of the Mahogany Working Group in Santa Cruz, Bolivia, in October 2001. At the meeting, the United States presented its national report of its imports of bigleaf mahogany (*Swietenia macrophylla*).

#### IMPLEMENTATION ISSUES RELATED TO APPENDIX-III

TIMBER SPECIES: The United States submitted a document on this issue for discussion at PC11. The document included five recommendations to help the Parties implement new Appendix-III timber listings.

GINSENG MONITORING PROJECT: During 2000-2001, the U.S. Scientific Authority worked with scientific researchers, the U.S. States, and other U.S. Federal agencies (National Park Service, U.S. Forest Service, and U.S. Geological Survey/Biological Resources Division (USGS/BRD)) to establish a long-term nationwide monitoring program for wild

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<sup>1</sup> Blundell, A. and B. Rodan. 2001. United States Mahogany Imports and the Efficacy of CITES Appendix III. A technical study by the National Center for Environmental Assessment, US Environmental Protection Agency.

American ginseng (*Panax quinquefolius*). This monitoring program involves the establishment of survey plots across most States where wild ginseng is currently harvested, which will be surveyed annually. The data gathered will be analyzed to determine whether current levels of harvest are sustainable and whether further harvest restrictions are necessary. As a result of these efforts, Dr. Jim McGraw (Plant Population Biologist at West Virginia University) received a grant from the USGS/BRD's Species at Risk Program to begin implementing (in summer 2000) such monitoring in the eight States with the highest levels of harvest.

In addition to monitoring, the USFWS also funded research at West Virginia University to examine, among other things, the status of wild ginseng in West Virginia; the utility of some population indices currently being used by the U.S. Scientific Authority to assess the status of wild populations of ginseng; the importance of timing of harvest season; and the possible effects of deer browsing and dispersal of seeds by deer and turkey.

GOLDENSEAL RESEARCH: A study of the distribution, abundance, and effects of harvest on goldenseal (*Hydrastis canadensis*), conducted by West Virginia University, received funding during 2000-2001 under the USGS/BRD's Species at Risk Program, with the support of the U.S. Scientific Authority. Results from this project were provided to USFWS in 2001.

PLANT CONSERVATION ALLIANCE MEDICINAL PLANT WORKING GROUP: During 2000-2001, the U.S. Scientific Authority facilitated the Medicinal Plant Working Group (MPWG), a group of representatives from industry, Government, academia, Native American tribes, and environmental organizations allied to conserve medicinal plants native to the United States under the umbrella of the Plant Conservation Alliance (PCA). The PCA is a consortium of 10 U.S. Federal Government member agencies and over 165 non-Federal cooperators that serves as the North American Plant Specialist Group of the IUCN Species Survival Commission. The MPWG's primary focus is to facilitate action on behalf of medicinal plants native to the United States that are of particular conservation concern, to balance biological and commercial needs and, in the long term, minimize the need for regulatory intervention. Since its inception in June 1999, membership in the PCA-MPWG has grown to over 210 individuals from at least 38 states and tribes and eight foreign countries. Participation is open to anyone who is interested.

MEDICINAL PLANT ANNOTATIONS WORKING GROUP: At PC10 in December 2000, the Plants Committee established this Working Group to address specific recommendations identified in Document PC10.8.4. The USFWS coordinated input from Working Group members and presented a document on this subject for discussion at PC11.

CITES PLANT PRODUCTION SYSTEMS: At PC11, the regional representatives on the Plants Committee were tasked with acting as focal points for the collation of information pertaining to the various plant production processes. The USFWS compiled information on the plant production systems utilized in the United States, which it provided to Dr. Bertrand Von Arx of Canada, the North American regional representative on the Plants Committee.

IDENTIFICATION SHEETS: The United States is currently developing CITES Identification Sheets for the following 11 plant species, as identified in CITES Doc. 11.11.3, presented by the Identification Manual Committee at COP11: *Agave arizonica*, *Agave victoriae-reginae*, *Dudleya stolonifera*, *Dudleya traskiae*, *Fouquieria columnaris*,



*Fouquieria fasciculata*, *Fouquieria purpusii*, *Lewisia maguirei*,  
*Lewisia serrata*, and *Nolina interrata*.

**FUNDING FOR PROJECTS:** The United States provided significant funding (\$45,000) for Plants Committee-related projects, through excess funds from the U.S. State Department voluntary contribution to the CITES Trust Fund.

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

**REVIEW OF THE LISTING CRITERIA:** During 2000-2001, the United States was actively engaged in implementation of Decision 11.2, regarding the review of the criteria for amendment of Appendices I and II (Resolution Conf. 9.24). The Chief of the U.S. Scientific Authority during 2000-2001, as regional representative to the Animals Committee, was selected by the Chair of the Animals Committee to serve on the Criteria Working Group (CWG). She attended the first meeting of the CWG in Canberra, Australia, in August 2000, and the second meeting of the CWG in Spain in May 2001. The United States coordinated regularly with the Scientific Authorities of Mexico and Canada on the listing criteria revision (both animal and plant issues), and provided input reflecting all of the North American Parties. The United States submitted extensive comments in response to Notification to the Parties No. 2000/51, on the listing criteria.

The USFWS hosted the second joint meeting of the CITES Animals and Plants Committees in the United States, December 7-9, 2000, at its National Conservation Training Center (NCTC) in Shepherdstown, West Virginia. The joint meeting was held to discuss the review of the CITES listing criteria; all three countries of North America participated actively in discussions at that meeting. The U.S. Scientific Authority and NMFS have been active in collaboration between CITES and the United Nations Food and Agriculture Organization on this topic. The United States also provided comments on the report of the Chairmen of the Animals and Plants Committees and the Chairman of the Criteria Working Group, as requested in CITES Notification to the Parties No. 2001/37.

## **H. CITES TRAINING**

### **LAW ENFORCEMENT TRAINING AND EQUIPMENT**

#### **DONATION SUPPORT AFRICAN WILDLIFE CONSERVATION:**

In July 2000, USFWS special agents presented law enforcement training to 25 criminal investigators from 11 African nations participating in the Lusaka Agreement Task Force. The task force was established in 1997 to carry out the provisions of the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora. Officers assigned to this unique investigative unit may cross national boundaries to pursue poachers of African wildlife. The training provided by the USFWS covered procedures for law enforcement operations ranging from road blocks and arrests to raids and undercover investigations. The instructors reviewed techniques for collecting evidence, analyzing crime scenes, interviewing witnesses, and preparing courtroom testimony.

The USFWS also facilitated the donation of more than \$40,000 worth of essential outdoor gear and equipment to support the Lusaka Task Force's enforcement efforts in southern and central Africa. These goods — which were provided by Cabela's, a major U.S. outdoor retailer, and the Safari Club International, a nonprofit hunting and conservation organization — helped meet basic needs for the task force.

### **TRAINING FOCUSES ON NORTH AMERICAN TROPHY TRADE**

**ENFORCEMENT:** In August 2000, USFWS special agents, wildlife inspectors, and forensic scientists served as instructors at a "trophy

trade” seminar in Monterey, Mexico, sponsored by the Commission for Environmental Cooperation’s North American Wildlife Enforcement Group (NAWEG). The U.S. delegation provided overview briefings on such subjects as CITES trade controls for trophy species, inspection procedures, fraud and smuggling techniques, species identification, and forensic analysis in addition to covering U.S. laws and regulations for the more than 70 participating wildlife law enforcement officers from Canada, Mexico, and the United States.

MASTERS COURSE IN SPAIN: The Chief of the USFWS Division of Scientific Authority was invited in November 2000 as a lecturer at the CITES Master Course in Baeza, Spain. She lectured on many different Scientific Authority-related issues, including the role of the U.S. Scientific Authority, and how non-detriment findings are made in the United States.

LAW ENFORCEMENT TRAINING IN BOKOR NATIONAL PARK, CAMBODIA: From December 4-17, 2000, the USFWS with the Ministry of Environment of Cambodia, Wildaid, and the Wildlife Conservation Society held a training course sponsored by Wildaid for rangers and protected area directors from Bokor National Park and six other parks and sanctuaries. Also among the trainees and trainers were representatives of the Cambodian Wildlife Protection Office and the Forest Crime Monitoring Unit. USFWS assisted with the anti-poaching section of the course which focused on how to effectively and efficiently patrol in and around protected areas. Modules included patrol and navigation techniques, weapons safety, wildlife crime scene analysis, and wildlife investigation.

UNITED STATES CONDUCTS CITES TRAINING WORKSHOP IN BELIZE: February 19-23, 2001, the USFWS, with assistance from APHIS, conducted the workshop in San Ignacio, Cayo, Belize, to provide participants from the governments of Belize, the Bahamas, Barbados, and Jamaica with training that included: implementation of CITES by Management and Scientific Authorities, identification of specimens of CITES-listed plant and wildlife species by inspection officials, and plant and wildlife inspection techniques. A grant from the U.S. Department of State provided the necessary funding. By conducting this training workshop, the U.S. Government helped insure that the participating CITES Party countries have the necessary skills and abilities to properly implement the CITES treaty.

Participants in the workshop agreed that they had come away with a better understanding of CITES and a better ability to implement the CITES treaty. The participation in the workshop has opened up good channels of communication in Belize between the Management Authority and members of the Scientific Authority, the Agricultural Health Authority, and Customs, and should enhance CITES implementation in Belize. It has also opened up good channels of communication among the participating countries. The Management Authority of Belize intends to follow-up with a national workshop to disseminate the information learned at the CITES training workshop to a larger audience of Belizean nationals to further improve the implementation of CITES in Belize.

CORAL WORKSHOP: With funding assistance from the U.S. Department of State, NMFS, assisted by the U.S. Scientific Authority and the U.S. Department of State, convened a workshop in Indonesia in April 2001, to: 1) discuss the status of stony coral trade, international concerns, and existing mechanisms to regulate the trade and conserve resources; and 2) develop guidance on best practices in coral collection, resource management, and resource monitoring to ensure that the trade is sustainable. Participants included government officials (Fishery Management Authorities and CITES Management and Scientific Authorities), international NGOs, industry representatives, coral reef

scientists, and a multi-stakeholder international organization developing a certification scheme for marine ornamentals (MAC). Representatives from coral exporting nations (Indonesia, Fiji, Solomon Islands, Viet Nam, and Vanuatu), major importing countries (the United States and the European Union), and countries that harvest coral for domestic use only (Australia) also participated.

**USFWS HOSTS BILATERAL STURGEON WORKSHOP:** In July 2001, the USFWS Office of Law Enforcement sponsored a three-day U.S.-Russian Sturgeon Workshop, which brought together scientists, fisheries managers, industry representatives, and law enforcement officers from both nations to examine the complex issues involved in conserving sturgeon and working to create a sustainable caviar trade. Participants reviewed the status of sturgeon stocks; examined the problems involved in DNA identification of caviar source species; looked at labeling issues; and discussed trade problems with “counterfeit” caviar from various sources, including U.S. paddlefish. The workshop provided an unprecedented forum for both information exchange and frank discussion between U.S. and Russian authorities involved in managing and policing the caviar trade and upholding CITES protections for sturgeon species.

**CITES ENFORCEMENT TRAINING WORKSHOP IN TAIWAN:** TRAFFIC East Asia Taipei conducted a CITES enforcement training workshop on Taiwan, October 15-19, 2001. Participants in the workshop included representatives of various government entities on Taiwan that deal with trade in CITES-listed species. Trainers for the workshop included representatives of TRAFFIC East Asia Taipei; as well as one representative each from the governments of Canada, South Africa, the United Kingdom, and the United States. The U.S. trainer (from the USFWS) provided the participants with training on: overview of CITES, CITES permitting process, and how to read the CITES Appendices.

## **I. LAW ENFORCEMENT ACTIVITIES**

During 2000-2001, the United States investigated and prosecuted numerous cases involving smuggling or trafficking of CITES wildlife and plants. Taxa involved in smuggling cases included Asian arowanas, queen conch, bear, Tibetan antelope, sturgeon, and various reptiles and insects. Provided below are highlights of some of these cases:

**FORMER CURATOR OF REPTILES AND AMPHIBIANS AT THE SAN DIEGO ZOO SENTENCED:** On February 17, 2000, the U.S. Department of Justice issued a news release announcing that, on February 17 in Federal district court in San Diego, California, defendant Earl Thomas Schultz was sentenced to serve three years probation, 30 days in community confinement, six months home detention, and ordered to pay \$74,307.96 in restitution and a \$200.00 special assessment. Schultz pled guilty on August 3, 1999, pursuant to a plea agreement to two felony charges — one count of wire fraud, and one count of theft concerning programs receiving Federal funds.

Schultz was charged by Information filed on July 29, 1999. According to the Information, Schultz, who was the Curator of Reptiles and Amphibians at the San Diego Zoo, defrauded the Zoo of his honest services and of money and property worth more than \$70,000 over the course of approximately five years. Specifically, the Information alleged that Schultz misapplied funds, to his own personal use and benefit, that were derived from sales of Zoo reptiles. The Information further alleged that Schultz obtained advance funds from the Zoo purportedly for business-related travel and the acquisition of various products for the Zoo. Schultz allegedly converted a substantial portion of these funds to his personal use and benefit, submitting false vouchers, invoices, and other documents to the Zoo to account for the funds he had converted.

#### REPTILE TRAFFICKER PLEADS GUILTY AND IS

SENTENCED: On March 7, 2000, the U.S. Department of Justice issued a news release announcing that, on March 7, Phillip David Langston, of Naples, Florida, pled guilty to conspiring to smuggle and selling a large variety of reptile species including caiman lizards, dwarf caimans, frog-headed turtles, galliwasp, giant tree frogs, Gibba turtles, green anacondas, Haitian boas, Haitian dwarf boas, Haitian vine boas, mata mata turtles, red-tailed boas, rhinoceros iguanas, twistneck turtles, white-lipped mud turtles, and yellow-footed tortoises. Langston specifically acknowledged selling approximately 60 rhinoceros iguanas (native to Haiti and the Dominican Republic), which is a species currently threatened with extinction and listed in Appendix I of CITES. Many of the other species he trafficked in, including the anacondas, boas, caiman lizards, dwarf caimans, and yellow-footed tortoises, are listed in CITES Appendix II. The U.S. Government and the defendant agreed that the retail market value of the reptiles listed in the conspiracy charge was at least \$120,000. Langston further admitted that, as part of his scheme to smuggle reptiles into the United States, he established a “breeding farm” in Peru for the purpose of making it appear that wild-caught Amazon specimens, protected under U.S. and Peruvian law, were instead captive-bred.

On September 8, 2000, the U.S. Department of Justice issued a news release announcing that Langston was sentenced on that date to 15 months in jail and a period of two years supervised release thereafter. He was also required to surrender his U.S. Fish and Wildlife import-export license.

#### CAVIAR SMUGGLER SENTENCED TO PRISON TERM AND

FINED: On June 12, 2000, the U.S. Department of Justice issued a news release announcing that, in the first case upholding international protection for declining wild sturgeon populations, caviar importer Eugeniusz Kozcuk of Stamford, Connecticut, was sentenced to 20 months in a Federal prison and fined \$25,000 by the U.S. District Court Judge in the Eastern District of New York on June 6, 2000. Kozcuk also forfeited \$70,000 and 2,000 pounds of caviar worth more than \$2 million.

Kozcuk had been found guilty in November 1999 of conspiracy, smuggling, and violating the Lacey Act, a Federal law protecting wildlife taken, transported, or sold in violation of any U.S. or foreign law, or treaty for which the U.S. is a signatory. He and a business associate paid off-duty airline employees to smuggle suitcases packed with caviar into the United States, where they were intercepted by Federal investigators in October 1998. Business records revealed sales of 21,000 pounds of caviar during a seven-month period when only 88 pounds of caviar were legally imported. Wieslaw Rozbicki was convicted of a felony Lacey Act violation, and Polish national Andrzej Lepkowski pled guilty to conspiracy to smuggle wildlife.

BIRD IMPORTER SENTENCED TO PRISON: On June 7, 2000, the USFWS issued a news release announcing that Johanne Flikkema, of Flikkema Aviaries in Fenwick, Ontario, was sentenced to six months in prison and fined \$7,500 for illegally importing birds to the United States from Canada. The sentence, the first imprisonment under the Wild Bird Conservation Act of 1992, was handed down on June 1, 2000, by Judge William M. Skretny in U.S. District Court in Buffalo.

Flikkema pled guilty in February 2000 to two felony charges for illegally importing protected wild African finches into the United States through Canada in violation of both U.S. and Canadian law. The birds were sold to stores and individuals in the United States. One felony charge was mandated by the Wild Bird Conservation Act, the second was for making false statements.

#### SHAHTOOSH DEALERS PLEAD GUILTY IN LANDMARK CASE:

On July 10, 2000, the USFWS issued a news release announcing that, on July 9, several importers of shahtoosh shawls made from the hair of the Tibetan antelope (*Pantholops hodgsonii*), a rare and highly protected species (listed in CITES Appendix I), entered guilty pleas in Federal court in Newark, New Jersey, marking the first criminal prosecution in the United States for the illegal sale of smuggled shahtoosh shawls. Navarang Exports of Bombay, India, entered a guilty plea to smuggling shahtoosh shawls into the United States in violation of the Endangered Species Act and CITES. Also entering guilty pleas were Linda Ho McAfee, a Hong Kong resident and former president of Cocoon North America, formerly of Cliffwood, New Jersey, and now of New York City; and Janet Mackay-Benton of New Egypt, New Jersey, former marketing director for Cocoon. Both women pled guilty to violating the Endangered Species Act in March 1995, by exporting nearly 100 shawls intended for sale at a fashion boutique in Paris, France.

According to the pleas, between September 1994 and March 1995, Navarang, whose president is Iqbal Memon, brought 308 shahtoosh shawls into the United States with Cocoon operating as its U.S. agent for importation, exportation, and distribution of the shawls. In addition to the CITES and Endangered Species Act violations, the two organizations declared that the shawls were woolen (cashmere), significantly understating their value, and paid only \$1,041 in import duty. Based on a realistic retail value of \$246,400 for the shawls, Navarang and Cocoon underpaid duty to the U.S. Customs Service by nearly \$32,000. Navarang was fined \$5,000 and placed on probation for five years. Ho McAfee was sentenced to serve one year probation and pay \$31,729 in restitution to the U.S. Customs Service. Mackay-Benton received the same probation and restitution sentence as Ho McAfee and was also fined \$10,000.

ELEPHANT IVORY SMUGGLER SENTENCED TO PRISON: On August 9, 2000, the USFWS issued a news release announcing that Bayo Namory, a citizen of the Ivory Coast residing in New York City, was sentenced on August 3, 2000, to serve 12 months and one day in prison for smuggling elephant ivory carvings. The investigation was prosecuted by Attorney Julie Meyers of the Eastern District of New York, and was a joint investigation between the USFWS and the U.S. Customs Service, with assistance from the New York State Department of Environmental Conservation.

The case began on January 26, 2000, when agents from the USFWS and the Customs Service received information from British Customs officers that ivory carvings might be concealed with a shipment of African handicrafts in transit from the Ivory Coast to the United States. Upon arriving at JFK International Airport, 72 ivory carvings were intercepted, many disguised in a sand and lacquer-like substance and painted to resemble stone carvings. The smuggled ivory pieces have an appraised value of more than \$200,000 in New York City's African art market.

Namory was arrested on February 2, 2000, attempting to pick up the shipment. He was indicted on March 1 by a Federal grand jury in the Eastern District of New York on two counts of smuggling elephant ivory in violation of CITES, the African Elephant Conservation Act (AECA), and the Lacey Act. On April 14, 2000, Namory pled guilty to one count of smuggling elephant ivory in violation of CITES and the AECA.

#### REPTILE SMUGGLER PLEADS GUILTY TO MULTIPLE FELONY CHARGES AND RECEIVES SENTENCING:

On December 13, 2000, the USFWS issued a news release announcing that Keng Liang "Anson" Wong, a well known international wildlife dealer who

spent nearly two years in a Mexican prison fighting extradition to the United States, pled guilty (on December 13) in Federal court in San Francisco to 40 felony charges stemming from 1992 and 1998 Federal indictments for trafficking in some of the most rare and endangered reptile species on earth. The charges include money laundering, conspiracy, smuggling, and violations of the Lacey Act, a U.S. wildlife protection law that prohibits trade in animals protected under Federal, State, or international law, and the making of false statements concerning wildlife shipments. The maximum penalty for money laundering is 20 years in prison and a \$500,000 fine; the remaining charges each carry a maximum penalty of five years in prison and a \$250,000 fine.

Some of Wong's black market dealings, which involved the unlawful importation and sale of more than 300 protected reptiles native to Asia and Africa between 1996 and 1998, were documented by an undercover USFWS investigation that successfully infiltrated the illegal reptile trade. That investigation revealed that Wong spearheaded an international wildlife smuggling ring that illegally imported exotic reptiles by concealing them in express delivery packages, airline baggage, and large commercial shipments of legally declared animals. A number of the species involved, such as Komodo dragons and plowshare tortoises, already on the brink of extinction, occur only in very limited, geographically isolated habitats.

On June 8, 2001, the U.S. Department of Justice issued a news release announcing that Wong was sentenced in Federal court in San Francisco to 71 months incarceration and a fine of \$60,000.

**CAVIAR COMPANY, CORPORATE OFFICERS SENTENCED FOR ILLEGAL TRADE, FRAUD SCHEME; LANDMARK FINE**

**ASSESSED:** On February 21, 2001, the USFWS issued a news release announcing that U.S. Caviar & Caviar, Ltd. was fined \$10.4 million — the most ever in a U.S. wildlife trafficking case — and that Hossein Lolavar, the company's former owner and president, was sentenced to 41 months in prison in Federal court in Greenbelt, Maryland, on February 20, 2001, in connection with a USFWS investigation of illegal caviar trade. In July 2000, U.S. Caviar pled guilty to 22 federal charges and Lolavar to 12, including multiple felony counts of conspiracy, smuggling, making false statements, submitting false wildlife records, and mail fraud, as well as violations of the Endangered Species Act and Lacey Act.

Also sentenced on February 20, 2001, were U.S. Caviar sales manager Faye Briggs, who ran a caviar label-making business at the company's Rockville, Maryland, headquarters, and Ken Noroozi, the president of a caviar export firm operating out of the United Arab Emirates. Briggs will serve 21 months in prison and Noroozi 15 for their participation in a five-year smuggling operation that involved caviar with a retail value of more than \$7.5 million, one of the largest value wildlife trafficking schemes ever uncovered by the USFWS.

U.S. Caviar, which claimed to one of the Nation's largest importers of sturgeon roe from the Caspian Sea and counted airlines and gourmet grocery chains among its customers, admitted importing tons of black market caviar from the United Arab Emirates using forged Russian caviar labels. The labels, which caught the eye of a USFWS wildlife inspector clearing shipments at Baltimore-Washington International Airport, made it look as if the roe had been produced and exported by a large, legitimate Russian caviar supplier. However, it had actually been smuggled out of Russia or other countries bordering the Caspian Sea. The forged labels were produced at U.S. Caviar's Rockville headquarters, where at least 5,000 were manufactured. They were sent to the United Arab Emirates for use on shipments destined for the United States.

The company and its co-defendants forged wildlife documents, including Russian health certificates, to further authenticate their shipments. The shipments were also accompanied by false permits, customs documents, invoices, and packing lists.

U.S. Caviar smuggled real beluga caviar — a Caspian Sea variety that ranks as the world's most expensive — into the United States by labeling the tins as less valuable caviar, filing false declarations, and using false invoices understating the value of the caviar to avoid paying the higher customs duty required. Lolavar, Briggs, and their company also operated a domestic mail fraud scheme that sold eggs from domestic paddlefish and shovelnose sturgeon (commonly called hackleback) to U.S. customers as authentic Russian sevruga caviar, also a highly prized Caspian Sea roe.

**CAVIAR SMUGGLER PLEADS GUILTY: WILDLIFE INSPECTORS FOUND 1,700 POUNDS IN MISLABELED**

**CONTAINERS:** On March 30, 2001, the USFWS issued a news release announcing that Grigori Oudovenko, age 39, pled guilty in U.S. District Court, Eastern District of New York, for attempting to smuggle 2.5 million dollars worth of caviar into the United States, according to Tom Healy, special agent in charge of law enforcement for the USFWS in the Northeast. A Russian citizen, Oudovenko is president of MNA Atlantic, a caviar exporting firm with offices in St. Petersburg and Moscow, Russia, and in New York City. The osetra caviar and sevruga caviar, less expensive than the more well known beluga caviar, were in a container with dried fish and labeled to match the rest of the shipment, according to Healy. USFWS special agents and inspectors discovered the illegal shipment in July 2000, at the Port of Newark, New Jersey. On July 6, 2001, Oudovenko was sentenced to serve 27 months in Federal prison.

**LOS ANGELES CLOTHIER PAYS \$175,000 FOR SELLING SHAHTOOSH SHAWLS: ISSUES PUBLIC SERVICE**

**ANNOUNCEMENT PER SETTLEMENT TERMS:** On May 29, 2001, the U.S. Department of Justice issued a news release announcing that, on that date, a Los Angeles clothier agreed to pay a \$175,000 civil settlement for importing and selling Shahtoosh shawls made from the Tibetan antelope (*Pantholops hodgsonii*). The Tibetan antelope is listed under Appendix I of CITES. The agreement settled Government allegations that from 1994 through 1996 Maxfield Enterprises, Inc. and its owner and operator, Thomas Perse, imported, purchased, possessed, sold and delivered Shahtoosh shawls, in violation of the law. The civil fine to be paid by Maxfield was one of the largest ever under the Endangered Species Act and the Lacey Act. The settlement agreement was also unique in that it required Maxfield, at its cost, to publish a public service announcement spotlighting the plight of the Tibetan antelope in a major U.S. fashion magazine. That announcement, which appeared in the October 2001 issue of *Harper's Bazaar* at an estimated cost of \$50,000, included an explanation of international prohibitions on the Shahtoosh trade and a statement of contrition.

**SIX ARRESTED FOR PLANT TRAFFICKING:** On July 24, 2001, the USFWS issued a news release announcing that, on July 20, 2001, USFWS special agents arrested six persons charged with crimes related to the illegal importation of internationally protected cycads. Cycads, which resemble palms or tree ferns, are a small group of primitive-looking plants whose ancestors date back more than 200 million years. They are protected under CITES and certain species face threats in the wild from habitat loss and over-collection. Many of the smuggled cycad species are listed in CITES Appendix I and generally cannot be commercially traded. The smuggled plants also include some Appendix-II species. Peter H. Heibloem of Queensland, Australia, and Ernest J. Bouwer of Sandton, South Africa, were arrested on July 20 and charged with 15

counts of conspiracy, smuggling, and making false statements in an indictment unsealed that day in U.S. District Court in San Francisco. According to the indictment, Heibloem, Bouwer, and three others charged - John H. Baker of Gauteng, South Africa, Ian S. Turner of Harare, Zimbabwe, and Rolf Kyburz of Queensland, Australia - sent approximately \$542,000 worth of protected cycads to the United States from South Africa, Australia, and Zimbabwe. The indictment alleged that the men used invalid CITES permits for the shipments and falsely labeled many of the plants shipped to cover up the lack of a valid permit. Baker, Turner, and Kyburz remain at large outside the United States. Also charged in the indictment and arrested on July 20 was Donald Joseph Wiener of Mexico. He was alleged to have knowingly purchased approximately \$200,000 worth of these cycad plants from Heibloem. Rolf D. Bauer of Johannesburg, South Africa, and Jan Van Vuuren of Centurion, South Africa, also arrested on July 20, were charged with conspiracy, smuggling, and making false statements in a separate 29-count indictment unsealed in U.S. District Court in San Francisco. According to the indictment, these two men sent more than \$300,000 worth of protected cycads to the United States from South Africa. They allegedly used invalid CITES permits for the commercial shipments and falsely labeled many of the plants to cover up the lack of a valid permit. Jose "Pepe" Portilla of Ecuador was also arrested on July 20. Charged with smuggling in a one-count complaint in U.S. District Court in Los Angeles, Portilla allegedly sent 10 protected cycads to the United States.

The USFWS investigation also resulted in charges against three individuals accused of trafficking in protected orchids. Antonius Juniarto of Surabaya, Indonesia, and Iwan Kolopaking of Jakarta, Indonesia, were indicted in the Northern District Court of California on 21 counts of conspiracy, smuggling, and false statements related to the shipment of CITES Appendix-I orchids into the United States from Indonesia. Both remain at large. According to this indictment, the two men sent multiple packages of orchids through the mail with customs declarations falsely identifying the contents as toys. A separate indictment in the Northern District of California charged Terence Leung of Hong Kong with four counts of smuggling related to shipments of CITES Appendix-II orchids from Hong Kong into the United States. Leung also remains at large. The maximum penalty for each of the charges against these men is five years in prison and a \$250,000 fine.

One prosecution in this investigation was completed in 2001. In September 2001, Jose Portilla pled guilty to one felony count of smuggling and was sentenced to pay a \$2,500 fine. [Note: The other five individuals arrested were sentenced at various times during 2002.]

**IVORY COAST CITIZEN CONVICTED IN NEW YORK FEDERAL COURT:** On August 1, 2001, the USFWS issued a news release announcing that Oumar Keita, of Abidjan, Ivory Coast, was convicted in the Federal Court of the Eastern District of New York for attempting to smuggle 57 African elephant (*Loxodonta africana*) ivory carvings valued at more than \$150,000 into the United States at JFK International Airport. Keita was sentenced to serve 11 months and 10 days in prison following his conviction on charges brought for violations investigated by the U.S. Attorney's Office for the Eastern District, the U.S. Customs Service, and the USFWS. The case was another in a continuing effort by Federal authorities to clamp down on illegal smuggling of endangered animals, including the African elephant, whose protection is assured by laws under CITES, the U.S. Endangered Species Act, and the U.S. African Elephant Conservation Act.

**VIRGINIANS SENTENCED, FINED FOR SELLING WILDLIFE, HUMAN REMAINS:** On November 15, 2001, the USFWS issued a news release announcing that Courtney C. Smith Jr., of Highlands Springs,



Virginia, was sentenced to two years in prison, fined \$17,575 and required to forfeit two vehicles, while his corporation, Courtney C. Smith Jr. Limited, and his son, Courtney C. Smith III, received probation and fines after pleading guilty before a U.S. District Judge in Alexandria, Virginia, to charges relating to illegal sale of protected wildlife and Native American human remains. During a two-year undercover investigation that ranged from Virginia to California, USFWS agents purchased and seized wildlife from the men and the corporation valued in excess of \$80,000. Mounts and parts included a white rhinoceros head, a black leopard, grizzly bears, black bears, gray wolves, bobcats, and migratory birds, all protected species. In a parallel investigation, the National Park Service purchased Native American remains sold in violation of the Native American Graves Protection and Repatriation Act.

## **J. PUBLIC EDUCATION EFFORTS**

### **THE RHINOCEROS AND TIGER CONSERVATION ACT OF 1998: REQUEST FOR PUBLIC INPUT INTO THE DEVELOPMENT AND EXECUTION OF AN EDUCATIONAL OUTREACH**

**PROGRAM ACTION PLAN:** The Rhinoceros and Tiger Conservation Act of 1994 was amended in 1998 to prohibit the sale, importation, or exportation of products labeled or advertised as containing rhinoceros or tiger products, and to carry out an associated educational outreach program. Prior to developing and carrying out such a program, the USFWS sought input and guidance from the public on the necessary components of such an effort. To guide this effort, the USFWS developed a draft interim educational plan with the goals of a long-term plan clearly identified. However, the action items proposed were only for a short time frame until the USFWS could meet with the public and solicit input for the development of future action items.

On April 20, 2000, the USFWS published a notice in the *Federal Register* requesting public comments and input on the draft Educational Outreach Program Interim Action Plan and seeking partnerships to carry out the final plan. The notice also announced two public meetings to discuss the draft Plan and requested modifications for future activities under a long-term plan.

The two scheduled public meetings were held as follows: the first was held on May 18, 2000, 1:30-4:30 p.m., at the College of Insurance, 101 Murray Street, New York, New York; and the second was held on June 4, 2000, 1:30-4:30 p.m., at the Galleria Park Hotel, 191 Sutter Street, San Francisco, California.

### **UNITED STATES WORKS WITH ITS TRADITIONAL MEDICINE**

**COMMUNITY:** During 2000-2001, 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.

**CITES UPDATE:** The USFWS produces a periodical 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 2000-2001, the USFWS produced, distributed, and posted nine editions of its CITES Update.

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

**NOTICE OF INTENT TO INCLUDE SEVERAL NATIVE U.S. SPECIES IN APPENDIX III OF CITES:** On January 26, 2000, the USFWS published a proposed rule in the *Federal Register* proposing to

include the Alligator snapping turtle (*Macroclemys temminckii*) and all species of map turtles (*Graptemys* spp.) in CITES Appendix III. These species are all native to the United States. The United States has not yet requested the Secretariat to include any of these species in Appendix III.

IMPORTATION AND INTERSTATE MOVEMENT OF CERTAIN LAND TORTOISES: On March 22, 2000, APHIS published an interim rule in the *Federal Register* prohibiting, until further notice, the importation into the United States and interstate movement of the following species of land tortoises: leopard tortoise (*Geochelone pardalis*), African spurred tortoise (*Geochelone sulcata*), and Bell's hingeback tortoise (*Kinixys belliana*). These prohibitions are necessary to prevent the introduction and spread of exotic ticks known to be vectors of heartwater disease, an acute infectious disease of ruminants. The prohibitions seek to provide protection against an outbreak of heartwater disease in domestic and wild populations of ruminants in the United States.

DETERMINATION OF THREATENED STATUS FOR THE CONTIGUOUS U.S. DISTINCT POPULATION SEGMENT OF THE CANADA LYNX: The USFWS published a final rule in the *Federal Register* on March 24, 2000, determining threatened status under the U.S. Endangered Species Act for the contiguous U.S. distinct population segment of the Canada lynx (*Lynx canadensis* - included in CITES Appendix II), with a special rule. This population segment occurs in forested portions of the States of Colorado, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, Oregon, Utah, Vermont, Washington, and Wisconsin. The contiguous U.S. distinct population of the lynx is threatened by the inadequacy of existing regulatory mechanisms. Current U.S. Forest Service Land and Resource Management Plans include programs, practices, and activities within the authority and jurisdiction of Federal land management agencies that may threaten lynx or lynx habitat. The lack of protection for lynx in these Plans render them inadequate to protect the species. The effective date of this threatened status was April 24, 2000.

FINDING ON PETITION TO LIST TIBETAN ANTELOPE: The USFWS published a notice in the *Federal Register* on April 25, 2000, announcing the 90-day finding that a petition to list the Tibetan antelope (*Pantholops hodgsonii* - included in CITES Appendix I) as endangered under the U.S. Endangered Species Act throughout its range has presented substantial information indicating that the action may be warranted. As such, the USFWS initiated a status review of the species.

FINAL RULE DOWNLISTING THE YACARÉ CAIMAN: The USFWS published a final rule in the *Federal Register* on May 4, 2000, reclassifying the yacaré caiman (*Caiman yacare*, also known as *Caiman crocodilus yacare* - included in CITES Appendix II) from its current endangered status to threatened status under the U.S. Endangered Species Act, because the current endangered listing does not correctly reflect the present status of this species. The USFWS also listed the common caiman (*Caiman crocodilus crocodilus* - included in CITES Appendix II) and the brown caiman (*Caiman crocodilus fuscus* - included in CITES Appendix II) as threatened by reason of similarity of appearance.

The yacaré caiman is native to Argentina, Brazil, Paraguay, and Bolivia, and the other two caiman occur in Mexico and Central and South America. All three taxa are listed in Appendix II of CITES, which allows for international commercial trade in these species. Listing the two taxa as threatened by reason of similarity of appearance assists in protecting the

yacaré caiman by facilitating wildlife inspections of shipments at the ports of entry and detection of illegal shipments.

A special rule for these three caiman populations allows U.S. commerce in their skins, other parts, and products from individual countries of origin and countries of re-export if certain conditions are satisfied for those countries prior to exportation to the United States. These conditions largely pertain to the implementation of a CITES Universal Tagging System Resolution for crocodylian skins as well as provisions intended to support sustainable management of wild populations of the above three caiman taxa. In the case where tagged caiman skins and other parts are exported to another country, usually for tanning and manufacturing purposes, and the processed skins and finished products are exported to the United States, the rule prohibits importation or re-exportation of such skins, parts, and products if the USFWS determines that either the country of origin or re-export is engaging in practices that are detrimental to the conservation of caiman populations.

#### USFWS WITHDRAWS APPROVAL OF POLAR BEAR

POPULATION FOR THE IMPORT OF TROPHIES: The USFWS published an emergency interim rule in the *Federal Register* on January 10, 2001, revising the regulations, effective immediately, to withdraw approval of the M'Clintock Channel population of the polar bear (*Ursus maritimus* - included in CITES Appendix II) for the import of trophies. Polar bears sport hunted in this population after May 31, 2000, the close of the 1999-2000 Canadian hunting season, were not eligible for import. This action was necessary because the Canadian Wildlife Service provided new information that shows the M'Clintock Channel population no longer meets the import requirements of the Marine Mammal Protection Act.

USFWS'S REVISED CITES APPENDICES NOW AVAILABLE ON THE WEB: In February 2001, the USFWS revised its version of the CITES Appendices to include the amendments adopted at COP11. With this revision, the USFWS's version is now current. It is available on the USFWS Website at <http://international.fws.gov/cites/cites.html>.

HAWKSBILL SEA TURTLE RANGE STATES DIALOGUE: At the initiative of several countries in the Wider Caribbean, the CITES Secretariat organized the first Hawksbill Sea Turtle Dialogue meeting for range countries, hosted by the Government of Mexico. The United States attended the meeting, in Mexico City, May 15-17, 2001. The U.S. delegation included USFWS, NMFS, the State of Florida, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Close cooperation on a number of sea turtle conservation projects continues between the United States and Mexico. The United States provided significant funding (\$45,000) to enable the meeting to take place, through excess funds from the U.S. State Department voluntary contribution to the CITES Trust Fund, and funding contributed by NMFS to the Secretariat.

MOLECULAR SYSTEMATICS FOR IDENTIFICATION OF CYPRIPEIDOID ORCHIDS IN INTERNATIONAL TRADE: In March 2001, the U.S. Geological Survey/Biological Resources Division (USGS/BRD) provided funding for a study entitled "Molecular Systematics for Identification of Cyprapedioid Orchids in International Trade." The study, which began in 2001, uses molecular genetic techniques and DNA markers to provide diagnostic tools for the identification of specific genera within the Cyprapedioid orchid subfamily, and the identification of species and hybrids of specific CITES Appendix I and II orchid species. The results of this research will provide a quick method of distinguishing Appendix I and II Cyprapedioid orchid specimens in international trade.

**RHINOCEROS AND TIGER CONSERVATION FUND:** The U.S. Congress created the Rhinoceros and Tiger Conservation Fund to strengthen habitat and ecosystem management, develop protected areas, support surveys and monitoring, and increase resources for anti-poaching efforts, wildlife inspection and forensic work. The Fund also supports educational efforts to increase public awareness of the plight of these species, decrease conflicts between them and humans, and encourage use of substitutes for their body parts and products in traditional medicine. The USFWS review and funding of proposals submitted under the Fund is ongoing.

**GREAT APE CONSERVATION ACT:** In 2000, the U.S. Congress passed the Great Ape Conservation Act. This Act established the Great Ape Conservation Fund to assist with the conservation of five groups of primates: gorillas, chimpanzees, bonobos, orangutans, and gibbons. In fiscal year 2001, the Congress appropriated \$748,000 to conserve these species. These funds provide numerous opportunities to develop partnerships with natural resource agencies, academic institutions, local community groups, governmental and non-governmental entities, and individuals committed to partnering for the benefit of conserving the world's remaining great apes. Several grants have been or soon will be awarded under the Fund for great ape conservation programs in Asia and Africa.

**NAFTA CEC:** During 2000-2001, USFWS offices coordinated closely with counterparts in Mexico and Canada on programs of the NAFTA (North American Free Trade Agreement) CEC (Center for Environmental Cooperation). The Scientific and Management Authorities of the three countries coordinated on NAFTA CEC programs that relate to plant and animal trade within the region (not limited to CITES-listed species).

**TRADE IN ALIEN INVASIVE SPECIES:** Although not specifically a CITES issue, the United States is very active on this critical conservation issue, and works closely with Mexico and Canada.



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