

CITES COP15: ANNOUNCEMENT OF SPECIES PROPOSALS AND PROPOSED RESOLUTIONS, DECISIONS, AND AGENDA ITEMS BEING CONSIDERED BY THE UNITED STATES; OBSERVER INFORMATION

The United States, as a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), may submit proposed resolutions, decisions, and agenda items for consideration at meetings of the Conference of the Parties to CITES. The United States may also propose amendments to the CITES Appendices for consideration at meetings of the Conference of the Parties. The fifteenth regular meeting of the Conference of the Parties to CITES (CoP15) is tentatively scheduled to be held in Doha, Qatar, March 13-25, 2010.

With this notice, we describe proposed resolutions, decisions, and agenda items that the United States is considering submitting for consideration at CoP15; describe proposed amendments to the CITES Appendices (species proposals) that the United States is considering submitting for consideration at CoP15; invite your comments and information on these proposals; and provide information on how nongovernmental organizations based in the United States can attend CoP15 as observers.

Please note that we published an abbreviated version of this notice in the Federal Register on July 13, 2009, in which we simply listed each issue that the United States is considering for CoP15, but did not describe each issue in detail or explain the rationale for the tentative U.S. position on each issue.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international treaty designed to control and regulate international trade in certain animal and plant species that are now or potentially may be threatened with extinction. These species are listed in Appendices to CITES, which are available on the CITES Secretariat's website at <http://www.cites.org/eng/app/index.shtml>. Currently, 175 countries, including the United States, are Parties to CITES. The Convention calls for biennial meetings of the Conference of the Parties, which reviews its implementation, makes provisions enabling the CITES Secretariat in Switzerland to carry out its functions, considers amendments to the lists of species in Appendices I and II, considers reports presented by the Secretariat, and makes recommendations for the improved effectiveness of CITES. Any country that is a Party to CITES may propose for these meetings amendments to Appendices I and II, and resolutions, decisions, and agenda items for consideration by all the Parties.

I. Recommendations for Resolutions, Decisions, and Agenda Items for the United States To Consider Submitting for CoP15

In our **Federal Register** notice published on September 29, 2008 (73 FR 56605), we requested information and recommendations on potential resolutions, decisions, and agenda items for the United States to submit for consideration at CoP15. We received recommendations for resolutions, decisions, and agenda items from the following organizations: the Species Survival Network (SSN); TRAFFIC; the Whale and Dolphin Conservation Society (WDCS); and the World Wide Fund for Nature (WWF). We also received a comment from one individual.

We considered all of the recommendations of the above individual and organizations, as well as the factors described in the U.S. approach for CoP15 discussed in our September 29, 2008, **Federal Register** notice, when compiling a list of resolutions, decisions, and agenda items that the United States is likely to submit for consideration by the Parties at CoP15; and lists of resolutions, decisions, and agenda items for consideration at CoP15 that the United States either is currently undecided about submitting, is not considering submitting at this time, or plans to address in other ways. The United States may consider submitting documents for some of the issues for which it is currently undecided or not considering submitting at this time, depending on the outcome of discussions of these issues in the CITES Animals, Plants, and Standing Committees, or additional consultations with range country governments and subject matter experts.

We welcome your comments and information regarding the resolutions, decisions, and agenda items that the United States is likely to submit, currently undecided about submitting, or currently planning not to submit.

A. What resolutions, decisions, and agenda items is the United States likely to submit for consideration at CoP15?

1. Tigers

WWF and TRAFFIC noted the work the United States did on behalf of tigers at CoP14 and encouraged us to take a strong stand at CoP15 against all trade in tiger parts and derivatives, regardless of source, until such time as wild populations have increased and stabilized to the point that their survival is no longer threatened and enforcement initiatives have proven effective. Specifically, WWF and TRAFFIC have asked us to consider proposing a revision to Resolution Conf. 12.5 (*Conservation of and trade in tigers and other Appendix-I Asian big cat species*) that would incorporate relevant elements of the related decisions adopted at CoP14. We are likely to submit a document for consideration at CoP15 that would continue supporting a strong stance on tiger conservation and efforts to address illegal trade in tiger and other Asian big cat parts and derivatives in both range and consumer countries.

2. Appendix-III timber listings annotated to include only the national populations of the listing countries

At the 17th meeting of the CITES Plants Committee (PC17 – April 2008), the Committee discussed Document PC17 Doc. 16.4, submitted by the United States, entitled *Problems regarding population-specific Appendix-III timber listings*. This document outlined inconsistencies and resultant problems the United States has observed in the implementation of Appendix-III timber listings annotated to include only the national populations of the listing countries. Such Appendix-III listings include Spanish cedar (*Cedrela odorata*), annotated to include only the national populations of Colombia, Guatemala, and Peru; black rosewood (*Dalbergia retusa*), annotated to include only the national population of Guatemala; and Honduras rosewood (*D. stevensonii*), also annotated to include only the national population of Guatemala.

After discussion of PC17 Doc. 16.4, the Plants Committee agreed to request that the Secretariat prepare a Notification to the Parties asking whether other Parties had encountered issues similar to those observed by the United States. The Secretariat issued this Notification in July 2008, asking Parties to respond directly to the U.S. Management Authority. We only received two responses to the Notification. Therefore, we subsequently contacted the Management Authorities of a number of key Party countries in hope of obtaining additional information about implementation of Appendix-III listings of timber species annotated to cover only the national populations of the listing countries.

The countries we contacted included the listing countries of Spanish cedar, several other range countries of this species, and several major importing countries of the species. We received six responses to these direct communications. In reviewing all of the responses, it is clear that implementation of Appendix-III listings annotated to include only the national populations of the listing countries has been and continues to be inconsistent, with regard to both CITES document requirements and the reporting of trade in CITES annual reports. Some non-listing range countries require that exports of the listed species be accompanied by CITES certificates of origin whereas others do not; some major importing countries require that imports of the listed species from non-listing range countries be accompanied by CITES certificates of origin and others do not; and some countries report in their annual reports trade in the listed species when the trade is from non-listing countries whereas other countries do not report such trade.

The United States submitted a document for PC18 (March 2009), in which we invited the Plants Committee to discuss methods for facilitating a uniform approach among the Parties for the control and reporting of Appendix-III species listings annotated to include only the national populations of the listing countries. In this document, we recommended that the Plants Committee consider the value of submitting a proposal to the 15th meeting of the Conference of the Parties (CoP15) to delete Recommendation a) iv) from Resolution Conf. 9.25 (Rev. CoP14) (regarding Appendix-III listings), which we believe may be encouraging Parties considering Appendix-III timber listings to include only their national populations in the listings, and add language to direct the CITES Secretariat to consult with countries who request such listings to ensure that the listings will achieve the level of control and cooperation with other range countries intended.

At PC18, the Plants Committee supported the U.S. document but recommended that, because this is a CITES implementation issue involving an interpretation of the Convention, the United States submit a document on the issue for consideration at the upcoming 58th meeting of Standing Committee (SC58). Therefore, the United States plans to submit a document similar to its PC18 document for consideration at SC58. The United States is considering submitting a discussion document on this issue for CoP15, and may also submit for consideration at CoP15 a proposal to make the changes to Resolution Conf. 9.25 (Rev. CoP14) outlined above.

3. Coral nomenclature

We are encountering difficulties associated with the reporting of scientific names for CITES-listed coral specimens. To help clarify what is required on CITES documents, the United States

is likely to submit proposed changes to Resolution Conf. 12.3 (Rev. CoP14), entitled *Permits and certificates*, to indicate that taxonomic names of corals on CITES permits and certificates should comply with the list currently available in CITES Notification to the Parties No. 2003/020. The United States also plans to submit a draft decision directing the Animals Committee to update the list of coral taxa contained in Notification No. 2003/020.

B. On what resolutions, decisions, and agenda items is the United States still undecided, pending additional information and consultations?

1. Impacts of climate change on CITES-listed species

WWF and TRAFFIC suggested submission of a document to initiate dialogue on how CITES might incorporate impacts of climate change in future deliberations, or how Parties could incorporate climate change resilience into their non-detriment findings. Climate change poses a significant challenge for wildlife conservation, and we are committed to addressing this challenge. We recognize that species' abundance and distribution are dynamic, relative to a variety of factors including climate, and that as climate changes, the abundance and distribution of wildlife and plants will also change. The United States is currently undecided about submitting a document pending further discussions and additional information on how this issue might be addressed effectively within CITES.

2. Asian snake trade

The United States is considering submitting a discussion document on the conservation issues associated with and management of the snake trade in Asia. The international and domestic trade in snakes in Asia provides important economic benefits to the region and is an important source of medicinals, food, leather, and other products. The United States is a large importer of some snake products. However, relatively little attention has been paid to evaluating and understanding the conservation implications of this trade, which involves both wild-caught and farm-raised animals. Regular reports of confiscations of international snake shipments also indicate a pervasive illegal and undocumented trade to supply consumer demand. If the United States decides to submit a document, it will focus on opening a dialogue with other Parties, potentially by calling for a workshop to discuss these issues, a process similar to one recently used to examine the freshwater and terrestrial turtle trade.

3. Appendix-I breeding operations

The United States is considering submitting a document proposing amendment of Resolution Conf. 12.10 (Rev. CoP14), entitled *Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes*. Resolution Conf. 8.15 (repealed) instituted a registration system in which applications to register breeding operations were referred to the Parties only if the species involved was not already included in the register for another operation. This registration system was revised in 2000 with the adoption of Resolution Conf. 11.14, which included a recommendation that the Secretariat notify all Parties of all applications received and allowing the Parties an opportunity to object to those applications, regardless of whether the species was already included in the register for another

operation. The resolution has since been revised three times, but continues to require notification of the Parties for all applications to register breeding operations. The United States is evaluating whether Resolution Conf. 12.10 (Rev. CoP14)) represents the most efficient use of resources and timeliness of processing in terms of notifying Parties of the receipt of applications by the Secretariat, and is considering submitting a document addressing this question.

C. What resolutions, decisions, and agenda items is the United States not likely to submit for consideration at CoP15, unless we receive significant additional information?

1. Resolution on units used on CITES permits and in CITES Annual Reports

WDCS urged the United States to consider developing a resolution for submission to CoP15 that details the need to accurately and adequately describe on CITES permits and in CITES annual reports both the types of specimens in trade and the quantities of specimens in trade. WDCS stressed that the accurate recording on permits and in annual reports of the descriptions of specimens and the quantities of specimens is crucial for such data to be utilized in estimating the impacts of trade on the wild populations of CITES-listed species. They recommended that Parties should report their CITES trade using two units of measurement so that, when granting permits for parts and derivatives (such as skins, hunting trophies, carvings, or pieces), Parties would indicate both the quantities of the permitted specimens and one standard unit of measure, such as weight, volume, or some size measurement that can be readily and objectively confirmed.

We agree that providing complete and accurate specimen descriptions and quantities on CITES permits is essential. We also agree that accurately recording such data in CITES annual reports is crucial if such data are to be meaningfully used in estimating the impacts of trade on the wild populations of CITES-listed species. However, we do not believe that it is necessary to submit a draft resolution for CoP15 that details the need to accurately and adequately describe on CITES permits and annual reports the types of specimens in trade and the quantities of specimens in trade.

As noted by WDCS in their comments, CITES Resolution Conf. 11.17 (Rev. CoP14) on national reports already recognizes “the importance of the annual reports and biennial reports as the only available means of monitoring the implementation of the Convention and the level of international trade in specimens of species included in the Appendices.” This resolution also urges Parties to submit their annual reports in accordance with the *Guidelines for the preparation and submission of CITES annual reports*, and the *Guidelines* provide specific instructions for standardized reporting of specimen descriptions, units of measure, and quantities.

Likewise, the instructions and explanations for the standard CITES permit form provided in Annex 2 of Resolution Conf. 12.3 (Rev. CoP14) on permits and certificates recommend that detailed information be provided in Block 9 describing the permitted specimen, and that the quantity and unit of measure be provided in Block 11 and conform to the *Guidelines for the preparation and submission of CITES annual reports*.

It has been a difficult process for CITES to get the Parties to harmonize their permits and the

information provided on them. It has also been difficult to get Parties to submit accurate, timely, and standardized annual reports. However, over the past several years, we have observed a marked improvement in both, and recording of specimen descriptions, units of measure, and quantities has become more consistent. We believe that the additional burden of requiring the reporting of CITES trade using two units of measurement indicating both the quantities of the permitted specimens and one standard unit of measure, such as weight, volume, or some size measurement would, rather than clarifying the trade data and making it more useful, make the trade data more confusing and less standardized. Therefore, the United States is not likely to submit a resolution for consideration at CoP15 that details the need to accurately and adequately describe on CITES permits and in annual reports both the types of specimens in trade and the quantities of specimens in trade.

2. Development and implementation of regional management plans for the African grey parrot (*Psittacus erithacus*)

SSN welcomed recommendations that resulted from the inclusion of the African grey parrot (*Psittacus erithacus*) in the Review of Significant Trade. However, they voiced concern that the CITES Secretariat did not appear to be making progress in implementing Decisions 14.82 to 14.85 with regard to the development and implementation of regional management plans for the species. The United States fully supports these decisions and the need to develop regional management plans for the species. However, we recognize that the Secretariat's ability to take the lead in preparing such plans is contingent upon external funding, and therefore, the United States is unlikely to submit a document for consideration at CoP15 expressing disappointment in the lack of progress that has been made to date. Nonetheless, we will continue to call on Parties and nongovernmental organizations to provide money to support the development of management plans.

3. Imposition of a zero export quota for species from Parties for which trade suspensions have been recommended in relation to the Review of Significant Trade

SSN raised the issue of the establishment of zero export quotas for those species subject to a Standing Committee recommendation to suspend trade. SSN recommended that the United States pursue action on the issue, but did not specifically suggest submission of a decision or an amendment to the applicable resolution (Resolution Conf. 14.7, *Management of national established export quotas*). The United States participated in the Standing Committee's Export Quota Working Group (EQWG), which was not reauthorized at CoP14, and supported the adoption of Resolution Conf. 14.7. While the issue of zero export quotas was raised in the deliberations of the EQWG, the United States believes that the questionable practice of setting and reporting a nationally established export quota for a species subject to a recommendation to suspend trade would be covered under paragraph 18 of the resolution.

Paragraph 18 notes that if a nationally established export quota with technical problems or lacking clarity is reported to the Secretariat, it is the Secretariat's responsibility to engage the reporting Party to resolve the problem and/or develop the necessary clarifications. The United States believes that the reporting of an export quota for a species that is subject to a recommendation to suspend trade would constitute a "technical problem" and, therefore, would

fall under this procedure. CoP14 was concluded in June 2007, and at the time of the preparation of this notice, only one and a half years have elapsed in which the terms of this resolution have been implemented. We intend to monitor the implementation of this procedure in the resolution, and, if significant problems or shortcomings in its implementation are identified, the United States will consider submitting a document on this issue for CoP16.

4. Scientific basis for making non-detriment findings

SSN recommended that the United States submit a document on making non-detriment findings (NDFs) for the import of specimens included in Appendix I, and export of specimens of species included in Appendices I and II. This document would emphasize the importance of sound science in making NDFs. CITES requires scientific NDFs for all exports and introductions from the sea of Appendix-I and -II species, and for all imports of Appendix-I species. The United States is committed to making science-based NDFs based on biologically sound information and data. We agree that the conservation of species subject to international trade would benefit greatly from increased attention by the CITES Parties as to the bases for NDFs. Toward this objective, the United States supported the decision at CoP14 to hold an NDF workshop. We participated on the Steering Committee in charge of the International Expert Workshop on NDFs and financially supported the workshop, which was held in November 2008 in Mexico. Mexico provided a detailed report with recommendations to the 18th meeting of the Plants Committee (PC18) and the 24th meeting of the Animals Committee (AC24). The NDF Workshop Report and its recommendations will also be considered at CoP15. Since this report will continue to focus action and attention on the making of NDFs based on sound science, the United States is unlikely to submit a document, but rather will engage in and support the actions of the technical committees on the NDF Workshop Report and recommendations.

II. Recommendations for Species Proposals for the United States To Consider Submitting for CoP15

In our **Federal Register** notice of September 29, 2008 (73 FR 56605), we requested information and recommendations on potential species proposals for the United States to consider submitting for consideration at CoP15. We received recommendations from the following organizations for possible proposals involving 46 taxa (5 families, 7 genera, and 34 individual species) and 5 general animal groups (furbearers, ungulates, freshwater turtles, sharks, and other fish): the Animal Welfare Institute; Defenders of Wildlife; the Humane Society of the United States (HSUS); Humane Society International (HSI); the International Union for Conservation of Nature Species Survival Commission (IUCN/SSC) Tortoise and Freshwater Turtle Specialist Group; the Mid-Atlantic Turtle and Tortoise Society; the Ocean Conservancy; the Pew Institute for Ocean Conservation Science; Sea Web; SSN; TRAFFIC; WDCS; and WWF. We have undertaken initial assessments of the available trade and biological information on all of these taxa. Based on these assessments, we made provisional determinations of whether to proceed with the development of proposals to list or delist species, or transfer them from one Appendix to another. We made these determinations by considering the quality of biological and trade information available on the species; the presence, absence, and effectiveness of other mechanisms that may preclude the need for a CITES listing (e.g., range country actions or other international agreements); and availability of resources. Furthermore, our assignment of a taxon

to one of these categories, which reflects the likelihood of our submitting a proposal, included consideration of the following factors, which reflect the U.S. approach for CoP15 discussed in our September 29, 2008, **Federal Register** notice:

(1) Is it a native U.S. species that is or may be significantly affected by trade, or if it is a currently listed U.S. species, does the listing accurately reflect the biological and trade status of the species?

(2) Is it a native U.S. species that is not at this time significantly impacted by trade within the United States, but is being significantly impacted elsewhere in its range?

(3) Is it a foreign species, not native to the United States, but which is or may be significantly affected by trade, and the United States is a significant component of the trade (i.e., as an importing country)?

(4) Is it a species for which the United States is neither a range country nor a country significantly involved in trade, but for which trade is a serious threat to the continued existence of the species, other mechanisms are lacking or ineffective for bringing trade under control, and action is urgently needed?

Below, we have provided the actions that the United States is considering taking for CoP15 with regard to all of the species proposals recommended by the public, as well as possible species proposals we have been developing on our own.

We welcome your comments, especially if you are able to provide any additional biological or trade information on these species. For each species, more detailed information is on file in the Division of Scientific Authority than is presented in the summary below. We delineate what additional information we are seeking or have sought to assist us in making our decision.

A. What species proposals is the United States likely to submit for consideration at CoP15?

The United States is likely to develop and submit proposals for the following taxa. For some of the species below, particularly those not native to the United States, additional consultations with range countries and subject matter experts are proceeding (see discussion), and final decisions are pending, based on the outcomes of those consultations and any additional information received. Furthermore, one of these proposals has arisen from the Review of the Appendices by the CITES Plants Committee.

Plants

1. Flasked seedlings – Amendment of the annotation for Appendix-I orchid species to make it consistent with the language in Resolution Conf. 11.11 (Rev. CoP14) pertaining to flasked seedlings

The United States is considering a proposal to amend the annotation in the CITES Appendices

for Appendix-I orchid species to limit the exemption for flasked seedlings to only those specimens that have been artificially propagated in accordance with the definition provided in Resolution Conf. 11.11 (Rev. CoP14). Such an amendment would make this exemption in the annotation consistent with the recommendation for the exemption of flasked seedlings of Appendix-I orchids found in Resolution Conf. 11.11 (Rev. CoP14). Currently, the annotation for Appendix-I orchids is as follows: “*For all of the following Appendix-I species, seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers are not subject to the provisions of the Convention.*” This annotation was adopted via the CITES postal procedures between CoP8 (1992) and CoP9 (1994). Resolution Conf. 11.11 (Rev. CoP14) contains a section on flasked seedlings of Appendix-I orchids, with a recommendation adopted at CoP13 (2004) that reads as follows: “*Recommends that flasked seedlings of orchid species included in Appendix I obtained in vitro, in solid or liquid media, and transported in sterile containers, be interpreted as being exempt from CITES control only if they have been artificially propagated in accordance with the definition provided above, taking into account the provisions of Article VII, paragraph 4, and Article I, paragraph (b) (iii), and agreeing to a derogation from Resolution Conf. 9.6 (Rev.) for this exemption.*”

We believe that the language in the resolution reflects the original intent that the exemption of flasked seedlings of Appendix-I orchids would not affect wild populations because they would only be grown from artificially propagated seed. The United States submitted a document on this issue for PC18 (PC18 Doc. 11.5) to seek the guidance of the Plants Committee on the advisability of submitting a proposal for CoP15 to amend the annotation to the listing of Appendix-I orchids so that it is consistent with the recommendation in Resolution Conf. 11.11 (Rev. CoP14) regarding the exemption of flasked seedlings. At PC18, the Plants Committee endorsed the United States submitting such a proposal for CoP15. Therefore, the United States is likely to do so.

Corals

2. Red and pink coral (*Corallium* spp. and *Paracorallium* spp.) – Inclusion in Appendix II

SeaWeb, TRAFFIC North America, and WWF recommended that the United States propose listing all *Corallium* and *Paracorallium* species (red and pink coral) in Appendix II. The United States proposed the genus *Corallium* for inclusion in Appendix II at CoP14. The proposal failed to gain the necessary two-thirds majority for adoption at that meeting because there were concerns about implementation of an Appendix-II listing of this genus. The entire genus, rather than individual species, was proposed because identifying individual species of dead *Corallium* and *Paracorallium* is extremely difficult. *Corallium* and *Paracorallium* species are found throughout the world’s oceans at depths ranging from 20 to 400 meters. Although the full extent of *Corallium* and *Paracorallium* distribution is currently unknown, the genera appear to be in all tropical, subtropical, and temperate oceans.

The primary threats to *Corallium* and *Paracorallium* species are overharvesting for the precious coral trade and the destructive practices used in bottom-tending fishing gear. The only U.S. precious coral fishery is based in Hawaii and is currently reduced due to the prohibitive cost of the fishery’s selective harvest requirements (i.e., use of submersibles). However, the United

States is the primary importer of worked and raw precious corals (including *Corallium* and *Paracorallium* species) for curios and jewelry. Much of the trade of red and pink corals comes from the Mediterranean. The United States convened a workshop in Hong Kong to discuss biological, fisheries, and trade data for Corallidae and to consider implementation and enforcement issues associated with a possible CITES listing. The United States is planning to continue these discussions at another workshop to be held in the Mediterranean prior to CoP15.

Mammals

3. Bobcat (*Lynx rufus*) – Removal from Appendix II

At CoP13 and CoP14, the United States submitted proposals to remove the bobcat from Appendix II. Although the U.S. proposal was not approved (at CoP13 we withdrew the proposal, and at CoP14 the proposal failed to gain the necessary two-thirds majority for adoption), we have been working with the European Union (EU), the primary importers of bobcat furs, to resolve issues they have raised related to the identification of the *Lynx* species in trade. Both the Eurasian lynx (*L. lynx*) and the Iberian lynx (*L. pardinus*) are strictly protected under the EU Habitats Directive, although trophy hunting is allowed in certain Member countries. Import of the Eurasian lynx into the EU for commercial purposes is prohibited because the species is listed in Annex A of the EU regulations. The bobcat is listed in Annex B of the EU regulations, and therefore, proof of legal origin can be requested for trade of bobcat products in the EU, which enables enforcement authorities to ensure that the specimens for sale are not, for example, from a Eurasian lynx. A concern of the EU is that illegally harvested Eurasian lynx could end up in products of EU manufacturers and be sold as bobcat or North American lynx (*L. canadensis*) fur. We reported at AC24 (April 2009) on the outcome of a meeting we had with the EU countries in October 2008, and, leading up to CoP15, will continue consultation with other Parties and develop identification techniques and materials that will address identification concerns. At this time, the United States plans to propose to remove the bobcat from Appendix II at CoP15, while also evaluating the possibility of an Appendix-III listing for the species throughout its range, should the proposal to remove it from Appendix II succeed.

B. On what species proposals is the United States still undecided, pending additional information and consultations?

The United States is still undecided on whether to submit proposals for CoP15 for the following taxa. In some cases, we have not completed our consultations with relevant range countries. In other cases, we expect meetings to occur in the immediate future at which participants will generate important recommendations, trade analyses, or biological information on the taxon in question. See the discussions below for more details. We have delineated what additional information we are seeking or have sought to assist us in making our decision.

Plants

1. Cedars (*Cedrela* spp.) – Inclusion in Appendix II

WWF and TRAFFIC recommended that the United States propose the genus *Cedrela* for inclusion in Appendix II because the United States is a key consumer, and they believe that inclusion in Appendix II would support range countries. Spanish cedar (*C. odorata*) is a highly valuable timber species that occurs in seasonally dry forests of Central and South America, and the Caribbean region. In 2001, Colombia and Peru included their populations of Spanish cedar in Appendix III, and in 2008, Guatemala included its population in Appendix III. The listings of Spanish cedar include logs, sawn wood, and veneer sheets.

At CoP14, Germany, on behalf of the EU, proposed the inclusion of the genus *Cedrela* in Appendix II, which included Spanish cedar plus all other species in the genus for look-alike reasons. Although the proposal was withdrawn at the CoP due to opposition by most range countries, an Action Plan was adopted and information generated by the Action Plan is being vetted through the Plants Committee. A document was prepared for further discussion at PC18, which requested the Plants Committee to decide and propose relevant recommendations for submission at CoP15.

At PC18, the Plants Committee decided that the available information on *Cedrela* spp. was insufficient to conclude whether the Appendix-II listing criteria were met by the genus. The Plants Committee recommended, among other things, that range countries that had not yet submitted information on the status of the genus be encouraged to do so. At this time, the United States remains undecided about whether to propose inclusion of *Cedrela* spp. in Appendix II.

2. Cliff spurge (*Euphorbia misera*) – Removal from Appendix II

The cliff spurge (*Euphorbia misera*) was reviewed as part of the Periodic Review of the Appendices, a CITES process whereby CITES-listed species are reviewed for the appropriateness of their listing. Through this process we have determined that cliff spurge may not qualify for listing in Appendix II, according to the criteria outlined in Resolution Conf. 9.24 (Rev. CoP14). Cliff spurge was listed in Appendix II of CITES in 1975. It is native to the United States and Mexico, with the majority of the population ranging in Mexico. The species is vulnerable to external threats due to intrinsic factors, including a limited distribution, a small number of occurrences, and low reproductive output. The primary threats to cliff spurge in the United States are habitat destruction, the “edge effect” for certain populations (whereby species on the edge of the range are naturally more rare but also more vulnerable to genetic shifts and local extirpation), and possibly domestic trade.

There has been no CITES-recorded international trade in specimens of this species since the 1990s, nor does there appear to be international trade in its seeds. However, whole specimens are traded in domestic specialty markets and trade in seeds of the species are exempt from CITES permitting requirements. While there have been no reports of illegal wild collection, wild populations are not closely monitored, and we are unaware of the commercial availability of cultivated stock. So that we may determine the potential effect that removing this species from Appendix II would have on wild populations, further consultation is required with Mexico on the biological status of their wild populations, and with field experts to fully understand the current global status, trade, and any possible look-alike issues.

Mollusks

3. Nautilids (*Allonautilus* spp. and *Nautilus* spp.) – Inclusion in Appendix II

HSUS and HSI recommended that the United States propose the genus *Nautilus* and the genus *Allonautilus* for inclusion in Appendix II because the species in these genera are slow-growing and late-maturing, with a low reproduction rate and low recovery potential, making them susceptible to overharvest. These species are native to western Pacific and Indo-Pacific coastal reefs, including the U.S. territory, American Samoa. Population declines have been reported in areas where intensive fisheries exist or have existed. The species appear to be unable to re-colonize localities from which they have been extirpated and captive breeding has not produced viable offspring beyond the hatchling stage.

The primary threats to the Nautilidae family are commercial harvest and habitat loss or degradation throughout its range. The species are internationally traded as shell products, jewelry, unworked shell, trim, and live specimens, for the curio and tourist markets, and possibly for the aquarium and pet trade. More than 579,000 specimens were imported into the United States between 2005 and 2008, reported mainly from the Philippines, Indonesia, and China. Approximately 99 percent of these specimens are reported as wild-harvested. As the National Marine Fisheries Service (NMFS) continues to gather information from various external experts and agency staff, a preliminary analysis suggests that endemic species such as *N. belauensis*, *N. stenomphalus*, *N. macromphalus*, and *N. repertus* may be subject to overfishing and may warrant inclusion in Appendix II. *Allonautilus* are increasingly found for sale in Indonesia. *Allonautilus* (which is sympatric with *N. pompilius* in Papua New Guinea) is extremely rare and may warrant protection. More common species might be sustainably utilized if regulated locally.

CITES could provide regulation of international trade, complementing national and local management. The United States is undecided about whether to propose these species for inclusion in Appendix II, pending consultations with range countries, and we seek additional information about the species' biological and trade status to assist in our decision making.

Fish

4. Tope shark (*Galeorhinus galeus*) – Inclusion in Appendix II

HSUS and HSI recommended that the United States propose the tope shark (*Galeorhinus galeus*) for inclusion in Appendix II. Tope sharks are found in temperate waters globally. There is a long history of exploitation in most parts of its range; the species is in demand for liver-oil, meat, and fins. Most stocks of tope shark are shared between several range countries, and in most regions are seriously depleted. Only a small number of countries have achieved successful management. A capacity-building workshop for the species is being developed to train managers from countries where coastal shark fisheries are not being managed. The tope shark may meet the criteria for listing in CITES Appendix II; however, further consultation with range countries is required to better understand its population status, threats to the species, and trade impacts. As a result, the United States remains undecided about proposing to include the species in Appendix II, pending consultations with range countries and the availability of additional information.

5. Shortfin mako shark (*Isurus oxyrinchus*) – Inclusion in Appendix II

HSUS and HSI recommended that the United States propose the shortfin mako shark (*Isurus oxyrinchus*) for inclusion in Appendix II. Shortfin mako sharks are primarily harvested for fins and meat. Fins are traded internationally. Recently completed stock assessments for shortfin makos in the Atlantic Ocean were inconclusive. According to these assessments, biomass in 2007 ranged from 47 percent to 73 percent of the biomass at pre-exploitation levels. New biological information may support the probability that the stock could be below the biomass that supports maximum sustainable yield. The shortfin mako shark may meet the criteria for listing in CITES Appendix II; however, further consultation with range countries is required to better understand its population status, threats to the species, and trade impacts. As a result, the United States remains undecided about proposing to include the species in Appendix II, pending consultations with range countries and the availability of additional information.

6. Longfin mako shark (*Isurus paucus*) – Inclusion in Appendix II

HSUS and HSI recommended that the United States propose the longfin mako shark (*Isurus paucus*) for inclusion in Appendix II. Longfin mako sharks are harvested for fins and meat, and fins are traded internationally. Currently, there is not enough information available to evaluate whether the longfin mako shark meets the criteria for inclusion in Appendix II of CITES. However, the species may meet the criteria for listing in Appendix II because of its similarity of appearance to the shortfin mako shark (*I. oxyrinchus*). Further consultation with range countries is required to better understand its population status, threats to the species, and trade impacts. As a result, the United States remains undecided about proposing to include the species in Appendix II, pending consultations with range countries and the availability of additional information.

7. Porbeagle shark (*Lamna nasus*) – Inclusion in Appendix II

The Ocean Conservancy, TRAFFIC, and WWF recommended that the United States propose the porbeagle shark (*Lamna nasus*) for inclusion in Appendix II. The porbeagle shark is a coastal and oceanic shark that inhabits the surface to bottom waters of the North and South Atlantic, Southern Pacific, Southern Indian, and Antarctic Oceans. This species was proposed for inclusion in Appendix II by Germany on behalf of the EU at CoP14. The proposal failed to gain the necessary two-thirds majority for adoption at that meeting. A joint assessment will be conducted by the International Convention for the Conservation of Atlantic Tunas (ICCAT) and International Council for the Exploration of the Sea (ICES) in June 2009. Pending the results of the assessment, the porbeagle shark may meet the criteria for listing in CITES Appendix II. Further consultation with range countries is also required to better understand threats to the species and trade impacts. As a result, the United States remains undecided about proposing to include the species in Appendix II, pending consultations with range countries and the availability of additional information.

8. Freshwater sawfish (*Pristis microdon*) – Transfer from Appendix II to Appendix I

HSUS and HSI recommended that the United States propose the freshwater sawfish (*Pristis microdon*) for transfer from Appendix II to Appendix I. At CoP14, the United States proposed that all sawfish species (Pristidae spp.) be included in Appendix I. After negotiation, the United States accepted an amendment from Australia for all sawfishes except the freshwater sawfish to be included in Appendix I, and for the freshwater sawfish to be listed in Appendix II. Since then, the Government of Australia convened a workshop to examine all information relevant to the status of the freshwater sawfish. Results of the workshop have not yet been made public. The level of allowable take under a non-detriment finding has not been established by the Australians since CoP14, and the mortality rates associated with securing live sawfishes for noncommercial purposes is unknown. The United States is undecided about whether to propose the transfer of the freshwater sawfish from Appendix II to Appendix I, affording it the same protection as all other members of the family Pristidae. While this species may qualify for Appendix I of CITES, we will work with Australia and other range countries to determine whether to propose this change in the listing of the species.

9. Hammerhead sharks (*Sphyrna* spp.) – Inclusion in Appendix II

HSUS and HSI recommended that the United States consider proposing inclusion of all species of hammerhead sharks (*Sphyrna* spp.) in Appendix II. Hammerhead sharks have a circumglobal distribution in coastal warm, temperate, and tropical seas. Species can occur from the shore to over-continental and insular shelves to adjacent deep water. The apparent primary threats to this taxon are targeted and bycatch fisheries. Hammerhead sharks are harvested primarily for fins and are the second most abundant species in the international fin trade. The IUCN Red List assessment lists hammerheads as endangered globally. Some species meet the criteria for inclusion in Appendix II. However, the United States is undecided about whether to propose the inclusion of all or some species of hammerhead sharks in Appendix II, pending consultation with range countries. Such consultation is required to better understand the hammerheads' population status, threats to these species, and trade impacts.

10. Spiny dogfish (*Squalus acanthias*) – Inclusion in Appendix II

The Ocean Conservancy, as well as TRAFFIC and WWF, recommended that the United States propose the spiny dogfish (*Squalus acanthias*) for inclusion in Appendix II. This proposal was made by Germany on behalf of the EU at CoP14, based on overfishing of Northeast Atlantic stocks. It failed to gain the necessary two-thirds majority for adoption at that meeting. In the United States, the directed fishery has been virtually eliminated, and exports only consist of fish taken as bycatch. The Northwest Atlantic stock is no longer overfished and is in recovery. However, recently established catch limits in the Northeast Atlantic by the EU exceed the catch limits recommended by the International Council for the Exploration of the Sea and, therefore, may not be sufficient for their conservation. The United States is undecided about whether to propose the spiny dogfish for inclusion in Appendix II and invites the public to provide additional information that might assist our decision making.

11. Requiem sharks (Carcharinidae) – Inclusion in Appendix II

HSUS and HSI recommended that the United States propose all species of requiem sharks

(Carcharinidae) for inclusion in Appendix II. There is currently not sufficient information to determine if the Carcharinidae as a family qualifies for inclusion in Appendix II. While the stock status of some species in this family is considered poor, in some cases it has not been determined whether international trade is affecting their status. The United States is unlikely to propose this family for inclusion in Appendix II unless we receive significant additional information about biological status and trade indicating that a proposal is warranted. However, individual species within the family, such as dusky (*Carcharhinus obscurus*), sandbar (*C. plumbeus*), or oceanic whitetip (*C. longimanus*) sharks, may meet the criteria for listing in CITES Appendix II. Further consultation with range countries is required to better understand their population status, threats to the species, and trade impacts. As a result, the United States remains undecided about proposing to include in Appendix II individual species within the Carcharinidae family, such as dusky, sandbar, or oceanic whitetip sharks, pending consultations with range countries and the availability of additional information.

12. Devil and manta rays (Mobulidae) – Inclusion in Appendix II

The Ocean Conservancy recommended that the United States propose all species of devil and manta rays (Mobulidae) for inclusion in Appendix II. Mobulidae are found in tropical and subtropical waters of every ocean, including those that surround the United States and its territories. Overfishing and habitat loss appear to be the primary threats to these species. Mobulidae life-history traits, such as late maturity, extremely low reproductive capacity, a long generation time, and predictable spawning behavior (high site fidelity and surface swimming), make them vulnerable to overexploitation. Some species, particularly in Indonesia, may be threatened by take for medicinal markets and subsistence, and as bycatch. Mobulidae species may meet the criteria for listing in Appendix II; however, data are lacking on the volume of international trade, the impacts of trade on Mobulidae, and general population status. The United States is undecided about whether to propose this family or individual species for inclusion in Appendix II, pending receipt of additional information about the species' population status, threats to these species, and trade impacts.

13. Freshwater stingrays (Potamotrygonidae) – Inclusion in Appendix II

HSUS and HSI recommended that the United States propose all species of freshwater stingrays (Potamotrygonidae) for inclusion in Appendix II. Freshwater stingrays are collected and traded for the ornamental aquarium market. While some data are available, there is currently not sufficient information to determine if the Potamotrygonidae as a family qualifies for inclusion in Appendix II. CITES convened a workshop in April 2009 to review the distribution and status of the wild populations of this taxon, and the role of captive breeding and trade records; advise on the development of methods for ensuring the sustainable utilization of and trade in these species; examine cross-border trade that may be facilitating illegal trade in consultation with all relevant range countries; and develop a cooperative strategy for monitoring and regulating trade within South America and to other countries. The information from the workshop is currently being reviewed. The United States is undecided about proposing the family for inclusion in Appendix II, pending the review of additional information from the workshop and any information about the biological and trade status of the family.

14. American eel (*Anguilla rostrata*) – Inclusion in Appendix II

WWF and TRAFFIC North America recommended that the United States propose the American eel (*Anguilla rostrata*) for inclusion in Appendix II, stating that “a generic listing is merited on ‘look-alike’ grounds alone.” The recommendation suggested that an Appendix-II listing of the entire genus *Anguilla* would also be appropriate for consideration by the CITES Parties. At CoP14, the European eel (*A. anguilla*) was included in Appendix II, with the effective date of the listing delayed until March 13, 2009.

The American eel inhabits fresh, brackish, and coastal waters along the Atlantic Ocean from the southern tip of Greenland to Brazil. It is a catadromous species, which is a species that inhabits fresh water and only migrates to salt water to spawn. After the adult eels spawn and die, the young larval or leptocephalus-stage eels continue to develop as they drift about as part of the oceanic planktonic community. After 1-3 years, the leptocephali metamorphose into glass eels or elvers, and can move about freely under their own power. The glass eels enter estuarine waters and continue to migrate until they reach freshwater tributaries, where they live until the proper combination of physiological changes and environmental cues result in the eels’ spawning migration. They travel downriver to the ocean and continue on to the Sargasso Sea, where they spawn. American eels metamorphose into several stages during their lifetime: glass eels, elvers, silver eels, and finally yellow eels. They have several life-history characteristics that make them particularly vulnerable to overexploitation. They are long-lived with a large body size; sexual maturity occurs late in life; all of each female’s offspring are produced at one time; and young eels experience high mortality rates.

Historically, American eels were abundant in Atlantic coastal streams, constituting more than 25 percent of the total fish biomass. Eel abundance had declined from historic levels, but remained relatively stable until the 1970s. Harvest data and limited stock-assessment data indicate that stock abundance continued to decline throughout the following decades. In November 2004, we and the National Oceanic and Atmospheric Administration (NOAA) were petitioned to list the American eel under the U.S. Endangered Species Act (ESA). In February 2007, after an extensive review of all available scientific and commercial information, we determined in our 12-month finding that listing the American eel under the ESA was not warranted. A stock assessment is planned for the summer of 2011.

The United States remains undecided about proposing the American eel or the entire genus *Anguilla* for inclusion in Appendix II, pending further consultations with the Atlantic States Marine Fisheries Commission, range countries, and our Regional offices to better understand the status of the stock and the domestic and international trade in the species.

15. Northern bluefin tuna (*Thunnus thynnus*) – Inclusion in Appendix I

TRAFFIC and WWF recommended that the United States propose northern bluefin tuna (*Thunnus thynnus*) for inclusion in Appendix I. ICCAT currently manages North Atlantic bluefin tuna as two separate stocks (eastern Atlantic-Mediterranean and western Atlantic) separated by the 45°W meridian. Unsustainable quota levels and overfishing, including illegal, unregulated, and unreported (IUU) fishing activities, are the primary threats to the eastern

Atlantic and Mediterranean stock and may be impacting the western Atlantic stock. Given the evidence of overharvest and analyses of trade data, illegal trade could be occurring. The United States is undecided about whether to propose the northern bluefin tuna for listing under CITES, pending consultations with range countries, and we seek additional information about the species' biological status and trade to assist in our decision making.

Reptiles

16. Common snapping turtle (*Chelydra serpentina*) – Inclusion in Appendix III

The IUCN/SSC Tortoise and Freshwater Turtle Specialist Group recommended that the United States propose inclusion of the common snapping turtle (*Chelydra serpentina*) in Appendix III of CITES. The Specialist Group stated that trade of mainly adult turtles coupled with a lack of consistency in U.S. State regulations is likely to cause localized population depletions, particularly at the periphery of the species' range. The common snapping turtle is a wide-ranging species occurring in the United States, Canada, throughout Mexico, and as far south as Ecuador. In the United States, its conservation status is reported as "secure." In Canada it is classified as a "Species of Special Concern." The species is characterized by delayed female maturation, relatively low fecundity, low recruitment, and long generation times. Most U.S. States regulate the harvest of turtles for commercial and/or personal use. More than a million and a half live common snapping turtles, primarily for consumption, were exported from the United States to Southeast Asia between 2005 and 2008. Approximately 52 percent of these specimens were reported as wild-harvested, and 48 percent were reported as captive-bred specimens (which may include wild-collected eggs and juvenile turtles).

Inclusion of a species in Appendix III is a unilateral decision and does not require a proposal to be brought forward to the CoP. According to CITES Resolution Conf. 9.25 (Rev. CoP14) (*Inclusion of species in Appendix III*), a Party should only include a native species in Appendix III if there are regulations in place to prevent or restrict exploitation and to control trade, and if the cooperation of other Parties is needed to control illegal trade. To determine if the common snapping turtle should be listed in Appendix III, we seek further information on its population status, threats to the species, and trade impacts, in particular information on illegal international commercial trade in the species. The United States remains undecided about including the species in Appendix III, pending the availability of additional information and consultation with the U.S. States and other range countries.

17. Spotted turtle (*Clemmys guttata*) – Inclusion in Appendix II

The Mid-Atlantic Turtle & Tortoise Society recommended that the United States propose the spotted turtle (*Clemmys guttata*) for inclusion in Appendix II, noting concern about the capture of wild individuals, especially adults, for the pet trade. The spotted turtle occurs in eastern North America, including 21 U.S. States and two Canadian provinces. The spotted turtle is relatively small, but long lived. The presumed primary threats to the spotted turtle are habitat fragmentation and alteration, grazing, draining and filling of wetlands, road mortality, collecting by hobbyists, artificial control of water levels, and water pollution. Canadian officials estimated a total population size of adult spotted turtles in that country of about 2000 individuals. The size

of the U.S. population has not been estimated. The short-term population size trend is declining to stable. Turtle populations in areas with heavy development likely have suffered the greatest declines in numbers.

Approximately 600-700 live specimens are exported from the United States per year and are primarily reported as captive-bred specimens (which may include wild-collected eggs and juvenile turtles). The United States proposed to include the spotted turtle in Appendix II at CoP11 and the proposal failed to gain the necessary two-thirds majority for adoption at that meeting. It is unclear whether harvest of specimens of spotted turtles from the wild for international trade is reducing wild populations to levels at which survival might be threatened by continued harvesting. As a result, the United States remains undecided about proposing to include the species in Appendix II. We seek further information about its population status, threats to the species, and, in particular, the impact to the species from international trade, and will consult with the U.S. States and Canada.

18. Diamondback terrapin (*Malaclemys terrapin*) – Inclusion in Appendix II

The IUCN/SSC Tortoise and Freshwater Turtle Specialist Group recommended that the United States propose the diamondback terrapin (*Malaclemys terrapin*) for inclusion in Appendix II because the species is “documented to be vulnerable to over-exploitation” and has an “intrinsic slow capacity to recover.” The diamondback terrapin is native to the United States and is found along the Atlantic Coast of the eastern United States from Cape Cod, Massachusetts, to the Florida Keys and west along the Gulf Coast to Texas. The species is characterized by delayed female maturation, small clutch size, low recruitment and low neonate survivorship, high site fidelity and limited dispersal, and habitat specialization. The diamondback terrapin occupies a large coastal range, but the status of the species differs in various areas throughout its range.

All 16 range States in the United States regulate the harvest of diamondback terrapins; 9 States prohibit harvest from the wild and 7 allow it (of which 4 allow harvest from the wild for commercial purposes). The total population size and trend is unknown. The species appears to be threatened by loss of nesting habitat and incidental mortality in crab pots. Currently, live specimens of the species are traded internationally, most likely for consumption and the pet trade. More than 10,000 specimens were exported from the United States between 2005 and 2008. More than 45 percent of international trade in live diamondback terrapins is reportedly wild-sourced specimens, while the remaining specimens are reported to be from captive sources and ranching operations (which may include wild-collected eggs and juvenile turtles). Historically, overharvest was a major threat to the species, with many of the diamondback terrapin populations, especially those near coastal metropolitan areas, being nearly extirpated by the 1920s.

The diamondback terrapin may meet the criteria for listing in CITES Appendix II; however, further consultation with the U.S. States is required to better understand its population status and the circumstances surrounding wild-harvest and captive breeding of the species. As a result, the United States remains undecided about proposing this species for inclusion in Appendix II, pending consultation with the States and the availability of additional information.

19. Florida soft-shell turtle (*Apalone ferox*) – Inclusion in Appendix II

The IUCN/SSC Tortoise & Freshwater Turtle Specialist Group recommended that the United States propose the Florida soft-shell turtle (*Apalone ferox*) for inclusion in Appendix II based on concerns about overharvest due to the species' "distinctive reproductive physiology and slow recovery potential." This U.S.-endemic, freshwater turtle is characterized by delayed female maturation, a small clutch size (2-6 eggs per clutch), lengthy incubation period, and low neonate survivorship. The species occupies a small range (four U.S. States), is easily located by its distinctive burrowing, and shows little reaction to human disturbance when basking, all of which increase its susceptibility to trapping. It is protected in one State, and harvest is regulated in two States. Its status is reported as "secure" in two States, although population trends are unknown throughout its range.

The presumed primary threat to Florida soft-shell turtles is overharvest throughout its range. The species is internationally traded primarily as live specimens, as well as live and dead eggs, for the pet trade and consumption. More than one million specimens were exported from the United States between 2005 and 2008. More than nine percent of trade in live specimens is reportedly wild-sourced specimens and the other source reported is captive-bred (which may include wild-collected eggs and juvenile turtles). The Florida soft-shell turtle may meet the criteria for listing in CITES Appendix II; however, further consultation with the U.S. States is required to better understand its population status and the circumstances surrounding wild-harvest and captive breeding of this species. As a result, the United States remains undecided about proposing this species for inclusion in Appendix II, pending consultation with the States and the availability of additional information.

20. Smooth soft-shell turtle (*Apalone mutica*) – Inclusion in Appendix II

The IUCN/SSC Tortoise & Freshwater Turtle Specialist Group recommended that the United States propose the smooth soft-shell turtle (*Apalone mutica*) for inclusion in Appendix II based on concern for overharvest due to the species' "distinctive reproductive physiology & slow recovery potential." This U.S.-endemic, freshwater turtle is characterized by delayed female maturation, a small clutch size (but multiple clutches), high neonate parental involvement, and low neonate survivorship. Males bask in shallow water and nests are often in close proximity to each other, facilitating collection. Although the species is wide-ranging (22 U.S. States), its population status is largely unknown, and it is reportedly extirpated from Pennsylvania and possibly extirpated from West Virginia.

The presumed primary threats to smooth soft-shell turtles are overharvest and habitat loss or habitat degradation, some predation and bycatch, and periodic natural flooding. The species is internationally traded as live specimens, apparently for the pet trade and consumption. More than 12,000 specimens were exported from the United States between 2005 and 2008. Approximately one percent of these specimens are reported as wild-harvested, and the remainder as captive-bred or captive-held (which may include wild-collected eggs and juvenile turtles). The smooth soft-shell turtle may meet the criteria for listing in CITES Appendix II; however, further consultation with the U.S. States is required to better understand its population status and

the circumstances surrounding wild-harvest and captive breeding of this species. As a result, the United States remains undecided about proposing this species for inclusion in Appendix II, pending consultation with the States and the availability of additional information.

21. Spiny soft-shell turtle (*Apalone spinifera*) – Inclusion in Appendix II

The IUCN/SSC Tortoise & Freshwater Turtle Specialist Group recommended that the United States propose the spiny soft-shell turtle (*Apalone spinifera*) for inclusion in Appendix II based on concern for overharvest due to the species' "distinctive reproductive physiology and slow recovery potential." This freshwater turtle is native to Canada, the United States, and Mexico, and is characterized by a much-delayed female maturation, small clutch size (laying eggs perhaps twice a year), and a lengthy incubation period. Where habitat is limited, nests may be clumped, facilitating collection. The species is wide-ranging (37 U.S. States, 2 Canadian Provinces, and 4 Mexican States), and its conservation status is reported as "secure" or "apparently secure" throughout much of its U.S. range.

The presumed primary threats to spiny soft-shell turtles are overharvest or illegal harvest and habitat loss or degradation, as well as some predation and fishing bycatch. The species is traded internationally as live specimens, apparently for the pet trade and consumption. More than 252,000 specimens were exported from the United States between 2005 and 2008. Approximately two percent of these specimens are reported as wild-harvested, and the remainder as captive-bred or captive-held (which may include wild-collected eggs and juvenile turtles). The spiny soft-shell turtle may meet the criteria for listing in CITES Appendix II; however, further consultation with range States is required to better understand its population status and the circumstances surrounding wild-harvest and captive breeding of this species. As a result, the United States remains undecided about proposing this species, pending consultation with Canada, Mexico, and the U.S. States, and the availability of additional information.

22. Giant leaf-tailed gecko (*Uroplatus giganteus*) – Transfer from Appendix II to Appendix I

The United States is considering a proposal that would transfer the giant leaf-tailed gecko (*Uroplatus giganteus*) from Appendix II to Appendix I, because of concerns that the discovery of the new species will encourage illegal harvest. The giant leaf-tailed gecko was discovered in 2004 and is native to Madagascar. It is found only in Montagne d'Ambre National Park. It is a rainforest species that is morphologically very similar to the more widespread common flat-tailed gecko (*U. fimbriatus*). However, it is genetically distinct and is the largest gecko in Madagascar. Little is known about the population size or trend and it may be relatively abundant in the national park. While it is protected in the park, there is concern that its large size will make it a target of the pet industry. According to the UNEP-WCMC CITES Trade Database, only two specimens were exported and imported between 1998 and 2008. The reported trade occurred in 2007, when two bodies were shipped from Madagascar to Germany.

The primary threat to the giant leaf-tailed gecko is likely to be deforestation. It is unclear whether this species qualifies for Appendix I of CITES. Further consultation with Madagascar is required to better understand the impacts of international trade on the species. As a result, the United States remains undecided about proposing the giant leaf-tailed gecko for transfer from

Appendix II to Appendix I, pending consultation with Madagascar and the availability of additional information.

Mammals

23. Polar bear (*Ursus maritimus*) – Transfer from Appendix II to Appendix I

WWF and TRAFFIC North America recommended that the United States propose the transfer of the polar bear (*Ursus maritimus*) from Appendix II to Appendix I due to trade impacts and climate change. The polar bear has been listed in CITES Appendix II since 1975. It occurs in the high northern latitudes. Polar bear distribution patterns reflect the annual occurrence of sea-ice cover. According to WWF and TRAFFIC North America, the main conservation threats are due to human activities (including harvest) and the potential loss of or reduction in sea ice as a consequence of climate change. The total population size is approximately 20,000-25,000 individuals of which approximately 15,000 occur in Canada. According to information presented in our May 15, 2008, final rule listing the polar bear as Threatened under the ESA (73 FR 28212), two polar bear populations are likely increasing, six are stable, five are declining, and six are data deficient with no estimate of trend. The two populations with the most extensive time series of data are both considered to be declining. Based on 10 general circulation models that took into account climatic and biological variables, analyses conducted by the U.S. Geological Survey concluded that the quantity, duration, and distribution of sea ice in the Arctic would deteriorate significantly over time. Projected out to 45 years, these analyses indicate greatly reduced polar bear numbers in the future.

In the United States, the polar bear has been protected under the Marine Mammal Protection Act (MMPA) since 1972, and was listed as Threatened under the ESA in 2008. In listing the polar bear under the ESA, we determined that the species is threatened by ongoing and projected changes in sea ice habitat, but that poaching and illegal international trade in bear parts do not threaten the species. According to information presented in our May 15, 2008, final rule, we have determined that the polar bear is threatened throughout its range by habitat loss (i.e., sea ice recession). We have also determined that there are no known regulatory mechanisms in place at the national or international level that directly and effectively address the primary threat to polar bears – the range-wide loss of sea ice habitat. In addition, we have determined that overutilization does not currently threaten the species throughout all or a significant portion of its range, but is exacerbating the effects of habitat loss for several populations and may become a more significant threat factor within the foreseeable future. Likewise, we have determined that disease and predation, in particular intraspecific predation, and contaminants do not currently threaten the species throughout all or a significant portion of its range, but may become more significant threat factors for polar bear populations, especially those experiencing nutritional stress or declining population levels, within the foreseeable future.

While the species may qualify for listing in Appendix I of CITES, further consultation with other range countries is required to better understand the relative role of international trade with respect to declines exhibited by some polar bear populations, particularly in the context of the future availability of sea ice. As a result, the United States remains undecided about proposing the polar bear for transfer from Appendix II to Appendix I, pending consultation with other

range countries and the availability of additional information.

24. Walrus (*Odobenus rosmarus*) – Inclusion in Appendix II

WWF and TRAFFIC recommended that the United States propose the inclusion of walrus (*Odobenus rosmarus*) in Appendix II due to trade impacts and climate change. In 1975, Canada listed walrus in Appendix III to monitor international trade levels. The walrus has a discontinuous distribution throughout the Arctic waters of the Northern Hemisphere. The species is characterized by delayed sexual maturation, low reproductive rate, and specialized habitat requirements. In the United States, the species is protected under the MMPA. An exception under the MMPA allows the taking by Alaska Natives for traditional subsistence and handicraft purposes. International trade in the species is dominated by trade in parts and derivatives, including ivory jewelry, ivory carvings, bone carvings, ivory pieces, and tusks. More than 16,000 specimens were imported and exported from the United States in 2008. The United States was the country of origin for more than 98 percent of the specimens. The walrus may meet the criteria for listing in CITES Appendix II; however, further consultation with other range countries is required to better understand its population status, possible threats to the species, and international trade impacts. As a result, the United States remains undecided about proposing to list the species in Appendix II, pending consultations with other range countries and the availability of additional information about the species' biological status and trade.

25. Narwhal (*Monodon monoceros*) – Transfer from Appendix II to Appendix I

WDCS, TRAFFIC, and WWF recommended that the United States propose the narwhal (*Monodon monoceros*) for transfer from Appendix II to Appendix I. Although this species is abundant globally, there are likely subpopulations with discrete and different ranges and movement patterns. The proponents of this recommendation are concerned that the current level of subsistence harvest is too high relative to some narwhal populations. They believe that an Appendix-I listing would likely benefit the conservation of the species because there is international trade resulting from the harvest, and that trade may be an incentive to continue a high harvest level in some areas. However, considerable new information on abundance, trends in abundance, movements, distribution, and harvest levels of narwhal was made available at a workshop in February 2009. We are currently reviewing this new information and assessing whether the current level of harvest is sustainable. At the time of this notice, the United States remains undecided about whether to propose this change in the listing of the narwhal, pending consultations with range countries.

C. What species proposals is the United States not likely to submit for consideration at CoP15, unless we receive significant additional information?

The United States does not intend to submit proposals for the following taxa unless we receive significant additional information indicating that a proposal is warranted. Information currently available for each of the taxa listed below does not support a defensible listing proposal. For each taxon, we describe external factors that diminish the need for a U.S. listing proposal, as well as critical information gaps that prohibit us from developing a proposal. In addition to the taxa listed below, please note that the Animal Welfare Institute provided us with a tentative list

of taxonomic groups of animal species for which it was recommending that the United States consider amendments to the Appendices. These groups of species included “native and non-native species including freshwater turtles, sharks, furbearers, fish, and ungulates.” We do not have the resources to evaluate such a broad request in the timeframes necessary for decision-making for CoP15. Therefore, the United States does not intend to submit any proposals to the CoP as a result of this recommendation.

Fish

1. Gulper sharks (Centrophoridae) – Inclusion in Appendix II

HSUS and HSI recommended that the United States propose all species of gulper sharks (Centrophoridae) for inclusion in Appendix II. These deepwater sharks, found in waters throughout the world, exhibit high longevity and late age-at-maturity. They occur as bycatch in many deepwater fisheries. Although many countries have improved species-specific reporting of landings in recent years, many do not report catch at the species level and management is lacking. The level of international trade is not sufficiently documented to determine if a CITES listing would be appropriate. Therefore, the United States is unlikely to propose this family or individual species within the family for inclusion in Appendix II unless we receive significant additional information about biological status and trade indicating that a proposal is warranted.

2. Guitarfishes and shovelnose rays (Rhinobatidae) – Inclusion in Appendix II

HSUS and HSI recommended that the United States propose all species of guitarfishes and shovelnose rays (Rhinobatidae) for inclusion in Appendix II. Guitarfishes are found in the tropics and subtropics in shallow coastal waters on soft bottoms. Some species in this family have been subjected to intense coastal fishing pressure, and some are listed as endangered under the IUCN Red List. Although many countries have improved species-specific reporting of landings in recent years, many do not report catch at the species level and management is lacking. The level of international trade is not sufficiently documented to determine if a CITES listing would be appropriate. The United States is unlikely to propose this family or individual species within the family for inclusion in Appendix II unless we receive significant additional information about biological status and trade indicating that a proposal is warranted.

3. Beluga sturgeon (*Huso huso*) – Transfer from Appendix II to Appendix I

The Pew Institute for Ocean Conservation Science recommended that the United States propose to transfer the beluga sturgeon (*Huso huso*) from Appendix II to Appendix I. Historically, the beluga sturgeon inhabited the Adriatic, Azov, Black, and Caspian Seas. It is now considered extinct in the Adriatic Sea, and nearing extinction in the Azov Sea. Current population estimates for the Black Sea population are unavailable. A 10-year moratorium on harvest was implemented by Romania in 2006, in response to population declines and in an effort to promote recovery. The Caspian Sea beluga sturgeon population was sampled in 2001, and the population was extrapolated to be some 9 to 11 million. However, the scientific community has questioned the methodology used in the survey, and a 2008 Food and Agriculture Organization of the United Nations (FAO) workshop on Caspian Sea sturgeon stock assessment methodology

concluded that the methodology did not meet international standards. Although the Volga and Ural Rivers are currently the most important known reproductive areas for beluga sturgeon, the estimated number of migrating sturgeon is considered to be a few thousand individuals.

In 2004, we listed the species as Threatened under the ESA with a special rule that allows limited trade, provided the conditions of the rule are met. To date, the conditions of the special rule have not been met, and trade into or within the boundaries of the United States is strictly prohibited. While the species may warrant inclusion in Appendix I, the United States is unlikely to submit a proposal to transfer the beluga sturgeon from Appendix II to Appendix I unless significant additional information is received, or a range country requests our assistance.

Amphibians

4. Blue-sided frog (*Agalychnis annae*) – Inclusion in Appendix II

Defenders of Wildlife and SSN recommended that the United States propose the blue-sided frog (*Agalychnis annae*) for inclusion in Appendix II. The species is found only in Costa Rica and has been extirpated from streams mostly near San Jose. However, it seems to tolerate disturbance in polluted streams and in coffee plantations. Threats include susceptibility to predation of larvae by introduced fish and chytridiomycosis. The species is listed as endangered by IUCN with a declining population trend. Trade data for the species is unavailable. Since the species' range is limited to Costa Rica, we will consult with Costa Rica. But, the United States is unlikely to submit a proposal for inclusion of this species in Appendix II at CoP15 unless significant additional information is received about the species' biological status and trade, or Costa Rica requests our assistance.

5. Morelet's tree frog (*Agalychnis moreletii*) – Inclusion in Appendix II

Defenders of Wildlife and SSN recommended that the United States propose the Morelet's tree frog (*Agalychnis moreletii*) for inclusion in Appendix II. This species is found in Belize, El Salvador, Guatemala, Honduras, and Mexico. In Mexico, it has disappeared from former survey sites due to chytridiomycosis and is probably uncommon, except in breeding aggregations. Wild populations in Guatemala and Honduras appear to have declined due to habitat loss. The species is listed as critically endangered by IUCN with a declining population trend. While it was formerly common in the pet trade, recent trade data for 2005 to 2008 indicate that 188 specimens were imported into the United States: 173 of those specimens were wild-caught in Guatemala. Because the wild population is very small and fragmented and trade may exacerbate population decline caused by the chytrid fungus, we will consult with the range countries. However, the United States is unlikely to submit a proposal for inclusion of this species in Appendix II at CoP15 unless significant additional information is received about the species' biological status and trade, or a range country requests our assistance.

6. Rancho Grande harlequin frog (*Atelopus cruciger*) – Inclusion in Appendix II

Defenders of Wildlife and SSN recommended that the United States propose the Rancho Grande harlequin frog (*Atelopus cruciger*) for inclusion in Appendix II. This species is only found in the

Northern and Southern versants of the Corillera de la Costa of Venezuela. No specimens have been seen since 1986, except in 2004, when a small population was discovered in a cloud forest. Potential threats are acid rain, drought, chytridiomycosis, and over-collecting. Recent trade data for 2005 to 2008 do not specifically indicate the importation of the species into the United States. It is listed as critically endangered by IUCN with a declining population trend. We will consult with Venezuela, but the United States is unlikely to submit a proposal for inclusion of this species in Appendix II at CoP15 unless significant additional information is received about the species' biological status and trade, or Venezuela requests our assistance.

7. Helmeted water toad (*Caudiverbera caudiverbera*) – Inclusion in Appendix II

Defenders of Wildlife and SSN recommended that the United States propose the helmeted water toad (*Caudiverbera caudiverbera*) for inclusion in Appendix II. This species is found in Chile and possibly Argentina, in deep ponds and reservoirs. Threats include harvesting for local consumption, water pollution, and consumption by introduced trout, and pond drainage. Recent trade data for 2005 to 2008 do not specifically indicate the importation of the species into the United States. It is listed as vulnerable by IUCN with a declining population trend. There is no indication that trade is impacting the wild population. The United States is unlikely to submit a proposal for inclusion of this species in Appendix II at CoP15 unless significant additional information is received about the species' biological status and trade, or a range country requests our assistance.

8. Santa Fe frog (*Leptodactylus laticeps*) – Inclusion in Appendix II

Defenders of Wildlife and SSN recommended that the United States propose the Santa Fe frog (*Leptodactylus laticeps*) for inclusion in Appendix II. This species is found in the Gran Chaco of Paraguay, Bolivia, and Argentina. It is common in parts of Paraguay and Bolivia. Recent trade data for 2005 to 2008 do not specifically indicate the importation of the species into the United States. However, IUCN identifies overharvesting in Paraguay and Argentina for the international pet trade as a cause for its decline. The species is listed as near threatened by IUCN with a declining population trend. The United States is unlikely to submit a proposal for inclusion of this species in Appendix II at CoP15 unless significant additional information about the species' biological status and trade is received, or a range country requests our assistance.

9. Giant Asian river frog (*Limnonectes blythii*) – Inclusion in Appendix II

Defenders of Wildlife and SSN recommended that the United States propose the giant Asian river frog (*Limnonectes blythii*) for inclusion in Appendix II. This species is found in Southeast Asia, including Laos, Malaysia, Singapore, Thailand, and Viet Nam. It is considered very common to not common throughout its range. Local consumption and national and international trade threaten the species. Recent trade data for 2005 to 2008 indicate the importation of 107 specimens of the species into the United States. All were wild-caught. The species is listed as near threatened by IUCN with a declining population trend. The United States is unlikely to submit a proposal for inclusion of this species in Appendix II at CoP15 unless significant additional information is received about the species' biological status and trade, or a range country requests our assistance.

10. Fanged river frog (*Limnonectes macrodon*) – Inclusion in Appendix II

Defenders of Wildlife and SSN recommended that the United States propose the fanged river frog (*Limnonectes macrodon*) for inclusion in Appendix II. This species is found in Indonesia on Java and Sumatra. It is threatened by agricultural runoff, fuel wood collection, pollution, and the international trade for its parts and products. Recent U.S. import data do not specifically show imports of *L. macrodon*, but do show imports of *Limnonectes* spp. Between 2005 and 2008, these U.S. records indicate that 64,240 kilograms of legs, 917 skins, and 75 other products of *Limnonectes* spp. were imported into the United States. All of the specimens, except for the “other products,” were reported from captive-bred or farmed origin. The species is listed as vulnerable by IUCN with a declining population trend. The United States is unlikely to submit a proposal for inclusion of this species in Appendix II at CoP15 unless significant additional information is received about the species’ biological status and trade, or Indonesia requests our assistance.

11. Giant Philippine frog (*Limnonectes magnus*) – Inclusion in Appendix II

Defenders of Wildlife and SSN recommended that the United States propose the giant Philippine frog (*Limnonectes magnus*) for inclusion in Appendix II. This species is found in the Philippines and Indonesia. It is threatened by agriculture, logging, pollution, subsistence harvest, international export, and mine tailings. It is protected within protected areas in its range. Recent U.S. import data do not specifically show imports of *L. magnus*, but do show imports of *Limnonectes* spp. Between 2005 and 2008, these U.S. records indicate that 64,240 kilograms of legs, 917 skins, and 75 other products of *Limnonectes* spp. were imported into the United States. All of the specimens, except for the “other products,” were reported from captive-bred or farmed origin. The species is listed as near threatened by IUCN with a declining population trend. The United States is unlikely to submit a proposal for inclusion of this species in Appendix II unless significant additional information is received about the species’ biological status and trade, or a range country requests our assistance.

12. Albanian water frog (*Rana shqipERICA*) – Inclusion in Appendix II

Defenders of Wildlife and SSN recommended that the United States propose the Albanian water frog (*Rana shqipERICA*) for inclusion in Appendix II. This species is found in Albania, Serbia, and Montenegro in freshwater areas. It is threatened by wetland drainage, aquatic pollution, the introduction of non-native frogs, and overcollection for the commercial market. Recent U.S. trade data do not specifically show imports of this species. It is considered endangered by IUCN with declining population numbers, although IUCN indicates there is no information on the population status of the species. The United States is unlikely to submit a proposal for inclusion of this species in Appendix II at CoP15 unless significant additional information is received about the species’ biological status and trade, or a range country requests our assistance.

13. Rain frog (*Scaphiophryne boribory*) – Inclusion in Appendix II

Defenders of Wildlife and SSN recommended that the United States propose the rain frog

(*Scaphiophryne boribory*) for inclusion in Appendix II. This species is found in Madagascar in large flooded areas. It is threatened by forest loss through agricultural expansion, timber harvest, charcoal production, livestock grazing, and invasive eucalyptus. IUCN indicates that the species “might be over collected” for the international pet trade. Recent U.S. import data do not specifically show imports of *S. boribory*, but do show imports of *Scaphiophryne* spp. Between 2005 and 2008, the records indicate that 183 specimens were imported to the United States, mostly for scientific purposes. All were wild-caught and originated in Madagascar. This species is considered endangered by IUCN with a declining population. We will consult with Madagascar. However, the United States is unlikely to submit a proposal for inclusion of this species in Appendix II at CoP15 unless significant additional information is received about the species’ biological status and trade, or Madagascar requests our assistance.

14. Alto Verapaz salamander (*Bolitoglossa dofleini*) – Inclusion in Appendix II

Defenders of Wildlife and SSN recommended that the United States propose the Alto Verapaz salamander (*Bolitoglossa dofleini*) for inclusion in Appendix II. This species is found in Belize, Honduras, and Guatemala. It is extremely common in some areas. Chytridiomycosis is a potential threat, but has not yet been confirmed in wild populations. The international pet trade may be locally unsustainable due to slow maturation in the species (10-12 years). Between 2005 and 2008, U.S. trade data show 374 specimens, all wild-caught, imported into the United States from Honduras and Guatemala. The United States is unlikely to submit a proposal for inclusion of this species in Appendix II at CoP15 unless significant additional information is received about the species’ biological status and trade, or a range country requests our assistance.

15. Kaiser’s spotted newt (*Neurergus kaiseri*) – Inclusion in Appendix I or II

Defenders of Wildlife and SSN recommended that the United States propose the Kaiser’s spotted newt (*Neurergus kaiseri*) for inclusion in Appendix I, and TRAFFIC recommended the United States propose this species for inclusion in Appendix II. The Kaiser’s spotted newt is found in three streams in the southern Zorgo Mountains in Iran. There may be fewer than 1,000 mature individuals remaining due to dam construction and drought. Although the species has national protection, the illegal pet trade may affect the population through harvesting of mature individuals. IUCN has listed the species as critically endangered with a declining population trend.

Recent U.S. import data do not specifically show imports of *N. kaiseri*, but do show that, between 2005 and 2008, the United States imported 82 specimens of *Neurergus* spp., all of which were reported to be captive-bred in Europe. Citing TRAFFIC North America (2006), the proponents note that, in December 2004, 50 specimens were announced for sale via internet websites, and a European dealer allegedly traded approximately 200 specimens early in 2005 and claimed 250 more would be available in January 2006. Whether the specimens were wild-caught, captive-bred, or a mislabeled similar species is unclear. While there is no direct evidence that the species is traded either legally or illegally, the wild population is so small that trade in wild-caught specimens could constitute a major threat. The United States will consult with Iran. However, the United States is unlikely to submit a proposal for inclusion of this species in Appendix I or Appendix II at CoP15 unless additional information is received about

the species' biological status and trade, or Iran requests our assistance.

16. Kurdistan newt (*Neurergus microspilotus*) – Inclusion in Appendix II

Defenders of Wildlife and SSN recommended that the United States propose the Kurdistan newt (*Neurergus microspilotus*) for inclusion in Appendix II. It is found in four streams in the Avroman Mountains on the shared border of Iraq, Iran, and Turkey. The primary habitat, the Zagrosian oak forest, is generally protected through national legislation in Iran. The species is common in suitable habitat, but is threatened by agrochemical pollution and, possibly, the illegal pet trade. Recent U.S. import data do not specifically show imports of *N. microspilotus*, but, between 2005 and 2008, the records indicate that the United States imported 82 specimens of *Neurergus* spp., all of which were reported to be captive-bred in Europe. The species is listed as endangered by IUCN with a declining population trend. While there is no direct evidence that the species is traded either legally or illegally, the wild population is so small that trade in wild-caught specimens could constitute a major threat. The United States will consult with the range countries. However, the United States is unlikely to submit a proposal for inclusion of this species in Appendix II at CoP15 unless additional information is received about the species' biological status and trade, or a range country requests our assistance.

Reptiles

17. Alligator snapping turtle (*Macrochelys temminckii*) – Inclusion in Appendix II

The IUCN/SSC Tortoise and Freshwater Turtle Specialist Group recommended that the United States propose the alligator snapping turtle (*Macrochelys temminckii*) for inclusion in Appendix II. In addition to concerns about direct take for export, the Group was concerned that the harvest of adult breeding stock from the wild to supply commercial farming operations may significantly impact wild populations. The alligator snapping turtle is found only in the United States. It occurs primarily in freshwater river systems and associated fluvial habitats in the following 15 States: Alabama, Arkansas, Florida, Georgia, Illinois, Indiana (likely extirpated), Iowa (likely extirpated), Kansas (no evidence of a viable breeding population), Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. The alligator snapping turtle is large, heavy, and long lived. In addition to the capture of live young for the pet trade, adult turtles are harvested for consumption.

This species is protected in some manner by the majority of States within the species' distribution. However, levels of protection and conservation measures vary from State to State. The total population size is unknown, but presumably is at least a few thousand and likely exceeds 10,000 individuals. Substantial to moderate population declines have been reported throughout its range. The United States included the alligator snapping turtle in Appendix III on June 14, 2006. Recent trade data (2006 and 2007) indicate that the United States exports about 31,000 live specimens a year. Currently, we are monitoring trade in the species under the Appendix-III listing, assessing the effectiveness of the Appendix-III listing, and working with the States to ensure conservation of the species. Therefore, the United States is unlikely to submit a proposal for inclusion of this species in Appendix II at CoP15 unless significant additional information is received about the species' biological status and trade.

18. Map turtles (*Graptemys* spp.) – Inclusion in Appendix II

There are 12 species of North American map turtles (*Graptemys* spp.). Map turtles are popular in the pet trade and may also be sold for human consumption. Map turtles are protected to varying degrees by State laws within the United States. Two species of map turtles are protected under the ESA. The United States included map turtles in Appendix III on June 14, 2006. Recent trade data (2006 and 2007) indicate that the United States exports about 210,000 live specimens a year. Currently we are monitoring trade in these species under the Appendix-III listing, assessing the effectiveness of the Appendix-III listing, and working with the States to ensure conservation of these species. Therefore, the United States is unlikely to submit a proposal for inclusion of these species in Appendix II at CoP15 unless significant additional information is received about the species' biological status and trade.

In addition to the taxa listed above, Defenders of Wildlife and SSN suggested that more research be done on *Limnonectes* spp. frogs and the Laos wart newt (*Paramesotriton laoensis*). We need additional biological and trade information for both taxa to determine whether they meet the listing criteria in CITES Resolution Conf. 9.24 (Rev. CoP14). The IUCN categorizes *Limnonectes* spp. from least concern to endangered, depending upon the species. The U.S. trade data for 2005 to 2008 indicate that 2,391 specimens were imported into the United States, mostly for scientific purposes. *Paramesotriton laoensis* is categorized by IUCN as data deficient. It was recently described in two zones in Laos, where it appears to be common. The U.S. trade data do not specifically identify this species. However, for 2005 to 2008, 23,250 specimens of *Paramesotriton* spp. were imported into the United States. Most of these specimens were reported to be captive-bred from Hong Kong or Canada (17,916) and imported for scientific purposes. Whether or not the species that is found in Laos is in trade is unknown. The United States supports the collection of additional information by the range countries.

Request for Information and Comments

We invite any information and comments concerning any of the possible CoP15 species proposals and proposed resolutions, decisions, and agenda items discussed above. You must submit your information and comments to us no later than the date specified in "DATES" above, to ensure that we consider them. Comments and materials received will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at either the Division of Management Authority or the Division of Scientific Authority. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home addresses from the administrative record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all comments and materials submitted by organizations or businesses, and by individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Observers

Article XI, paragraph 7 of CITES states the following:

“Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:

(a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and

(b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located.

Once admitted, these observers shall have the right to participate but not to vote.”

Persons wishing to be observers representing international nongovernmental organizations (which must have offices in more than one country) at CoP15 may request approval directly from the CITES Secretariat. Persons wishing to be observers representing U.S. national nongovernmental organizations at CoP15 must receive prior approval from our Division of Management Authority. Once we grant our approval, a U.S. national nongovernmental organization is eligible to register with the Secretariat and must do so at least 6 weeks prior to the opening of CoP15 to participate in CoP15 as an observer. Individuals who are not affiliated with an organization may not register as observers. An international nongovernmental organization with at least one office in the United States may register as a U.S. nongovernmental organization if it prefers.

A request submitted to us for approval as an observer should include evidence of technical qualifications in protection, conservation, or management of wild fauna and/or flora, on the part of both the organization and the individual representative(s). The request should also include copies of the organization’s charter and/or bylaws, and a list of representatives it intends to send to CoP15. Organizations seeking approval for the first time should detail their experience in the protection, conservation, or management of wild fauna and/or flora, as well as their purposes for wishing to participate in CoP15 as an observer. An organization that we have previously approved as an observer at a meeting of the Conference of the Parties within the past 5 years must submit a request but does not need to provide as much detailed information concerning its qualifications as an organization seeking approval for the first time. These requests should be sent to the Division of Management Authority (see "ADDRESSES," above).

Once we approve an organization as an observer, we will send the organization instructions for registration with the CITES Secretariat in Switzerland, including a meeting registration form and travel and hotel information. A list of organizations approved for observer status at CoP15 will be available upon request from the Division of Management Authority just prior to the start of CoP15.

Future Actions

We expect the CITES Secretariat to provide us with a provisional agenda for CoP15 within the next several months. Once we receive the provisional agenda, we will publish it in a **Federal Register** notice and provide the Secretariat's website URL. We will also provide the provisional agenda on our website at <http://www.fws.gov/international>.

The United States will submit any species proposals, and proposed resolutions, decisions, and agenda items for consideration at CoP15 to the CITES Secretariat 150 days prior to the start of the meeting (i.e., tentatively by mid-October 2009). We will consider all available information and comments, including those received in writing during the comment period, as we decide which species proposals, and proposed resolutions, decisions, and agenda items warrant submission by the United States for consideration by the Parties. Approximately 4 months prior to CoP15, we will post on our website an announcement of the species proposals, and proposed resolutions, decisions, and agenda items submitted by the United States to the CITES Secretariat for consideration at CoP15.

Through an additional notice and website posting in advance of CoP15, we will inform you about preliminary negotiating positions on resolutions, decisions, and amendments to the Appendices proposed by other Parties for consideration at CoP15. We will also publish an announcement of a public meeting tentatively to be held approximately 2 months prior to CoP15, to receive public input on our positions regarding items submitted by other Parties.