

November 7, 2006

CITES CoP14: ANNOUNCEMENT OF SPECIES PROPOSALS, PROPOSED RESOLUTIONS, PROPOSED DECISIONS, AND AGENDA ITEMS BEING CONSIDERED BY THE UNITED STATES; REQUEST FOR COMMENTS; ANNOUNCEMENT OF PUBLIC HEARING; OBSERVER INFORMATION

We, 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. We may also propose amendments to the CITES Appendices for consideration at meetings of the Conference of the Parties. The fourteenth regular meeting of the Conference of the Parties to CITES (CoP14) will be held in The Hague, Netherlands, June 3-15, 2007.

This posting provides material supplementary to a notice that we published in the *Federal Register* on November 7, 2006 (71 FR 65126). In that notice, we listed each issue that the United States is considering for CoP14 but did not describe each issue in detail or explain the rationale for the tentative U.S. position on each issue. In this posting we provide detailed background related to proposed resolutions, decisions, and agenda items that the United States is considering submitting for consideration at CoP14; and to proposed amendments to the CITES Appendices (species proposals) that the United States is considering submitting for consideration at CoP14. The November 7, 2006 *Federal Register* notice invited your comments and information on these potential proposals; announced a public meeting to discuss these potential proposals; and provided information on how non-governmental organizations based in the United States can attend CoP14 as observers.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as CITES or the Convention, 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, 169 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 list 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 amendments to Appendices I and II, resolutions, decisions, and/or agenda items for consideration by all the Parties.

I. Recommendations for Resolutions, Decisions, and Agenda Items for the United States to Consider Submitting for CoP14

In our *Federal Register* notice published on January 20, 2006 (71 FR 3319), we requested information and recommendations on potential resolutions, decisions, and agenda items for the United States to submit for consideration at CoP14. We received recommendations for

resolutions, decisions, and agenda items from the following organizations: Species Survival Network (SSN), International Environmental Law Project (IELP), and American Herbal Products Association (AHPA).

We considered all of the recommendations of the above organizations, as well as the factors described in the U.S. approach for CoP14 discussed in our January 20, 2006, *Federal Register* notice, when compiling a list of possible resolutions, decisions, and agenda items that the United States is likely to submit for consideration by the Parties at CoP14; and lists of resolutions, decisions, and agenda items for consideration at CoP14 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 on some of the issues for which it is currently undecided or not considering submitting at this time, depending on comments received and the outcome of discussions of these issues in the CITES Animals, Plants, and Standing Committees, or additional consultations with range country governments and knowledgeable 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 CoP14?

1. Use of annotations in Appendices II and III.

At the 15th meeting of the Plants Committee (PC15), the United States submitted a document which provided examples demonstrating significant variation and inconsistencies in interpretations of the provisions of the Convention pertaining to the listings of Appendix-II and -III plants that lack an annotation (see PC15 Doc. 18.1). In particular, we noted that the Parties and the Secretariat had on some occasions interpreted non-annotated listings of Appendix-II and -III plants as including all readily recognizable parts and derivatives, whereas on other occasions they had interpreted such listings as including only whole live or dead specimens. Similar inconsistencies in the interpretation of listing proposals lacking annotations had caused confusion at meetings of the Conference of the Parties, especially by causing disagreement over whether the amendment of such proposals would represent an expansion of scope and therefore not be allowed. At PC15, the United States suggested that the Plants Committee (PC) should discuss this issue and determine whether it might be appropriate to develop any formal proposals for submission to CoP14 to prevent such inconsistencies in the future.

A working group was established at PC15 to discuss this issue and make a recommendation to the Plants Committee on a course of action. The working group deliberated and concluded that, consistent with longstanding interpretations by the Conference of the Parties embodied in older resolutions (now repealed), listings without an annotation should be interpreted as including all readily recognizable parts and derivatives. It would follow, then, that proposals submitted to a Conference of the Parties (CoP) to list plant species in Appendix II should be similarly interpreted. To resolve this problem for Appendix-II plants, the working group recommended

that Resolution Conf. 11.21, Use of annotations in Appendices I and II, should be amended. For Appendix-III plants, they recommended that Resolution Conf. 9.25 (Rev.), Inclusion of species in Appendix III, should be amended. The PC agreed with the recommendations of the working group and requested that the group continue its work intersessionally and provide draft amendments to Resolution Conf. 11.21 and Resolution Conf. 9.25 (Rev.) for consideration at PC16. Draft amendments were drafted by the working group and considered at PC16 (see <http://www.cites.org/eng/com/PC/16/E-PC16-21-01.pdf>), as well as the 22nd meeting of the Animals Committee (AC22) (see <http://www.cites.org/eng/com/AC/22/E22-21-1.pdf>), since Resolution Conf. 9.25 (Rev.) and annotations of Appendix III pertain to animal listings in Appendix III as well.

The working group was chaired by the current North American Regional Representative, who is from the United States. The United States was asked to submit proposals to amend Resolutions Conf. 11.21 and Conf. 9.25 (Rev.) to CoP14 on behalf of the PC, and Animals Committee (AC).

2. A discussion document to call for a review of the effectiveness of the CITES universal crocodylian tagging system (Res. Conf. 11.12).

In November 1994, the CITES Parties adopted Resolution Conf. 9.22, Universal tagging system for the identification of crocodylian skins. This was revised at CoP11 and became Res. Conf. 11.12. This resolution established a universal tagging system for the tracking of international trade in crocodylian skins and parts, which includes: (1) universal tagging of raw and processed crocodylian skins with non-reusable tags for all crocodylian skins entering international trade, unless they have been further processed and cut into smaller pieces; (2) tagging of transparent containers for crocodylian parts; (3) use of non-reusable tags that include, as a minimum, the International Organization for Standardization two-letter code for the country of origin, a unique serial identification number, a standard species code, and the year of production or harvest; (4) registration of such non-reusable tags with the CITES Secretariat; (5) recording of the same information that appears on the tags on the export permit, re-export certificate, or other Convention document; and (6) implementation by the re-exporting countries of an administrative system that allows for effective matching of imports and re-exports, and ensures that the original tags are intact upon re-export and, if tags are broken, the re-tagging of skins is performed as described in the resolution.

The United States is considering submitting a discussion document to call for a review of the effectiveness of the CITES universal crocodylian tagging system (Res. Conf. 11.12). A dozen years have passed since the adoption of this resolution and it may be helpful to evaluate the benefits (effectiveness) derived from administering this resolution relative to the increasing costs of its implementation. Such a review would also highlight the ways Parties are using a tagging regime to benefit *in situ* conservation of wild crocodylians and it could recommend more modern identification tools and regimes to be used in place of the current system.

3. Review of purpose codes in Resolution Conf. 12.3 (Rev. CoP13).

Resolution Conf. 12.3 (Rev. CoP13) provides guidance on the format and standardization of permits and certificates issued by Parties. Among a variety of issues, this resolution identifies

the different types of permits and certificates the Parties may issue, what information should appear on the face of a permit or certificate, and the validity period of such documents. The resolution also identifies the source codes that Parties should use to describe the specimens moving in international trade and the purpose of such trade. As identified below, the Parties, through a joint working group of the Animals and Plants Committees, are addressing the definition and use of source codes. However, currently there is no resolution or decision on, or standardized methodology for, the use of purpose codes. Resolution Conf. 12.3 (Rev. CoP13) contains no definitions or guidance on the use of the different purpose codes. This lack of guidance has led to confusion by the Parties over the appropriate use of these codes. In addition, the inconsistent use of purpose codes appears to have led to inaccurate or misleading information being reported in the CITES Annual Reports.

The United States is considering submitting a proposed decision that would call on the Parties to develop guidelines on the definition and use of purpose codes to ensure greater consistency of their use by Parties and better data reporting in the Annual Reports. If submitted, the proposed decision would likely request a review of the use of current purpose codes, evaluation of the need to alter or amend the current purpose codes, definition of purpose codes, and the development of guidelines on the use of such codes.

4. Interpretation of the Appendices.

The official CITES Appendices, posted on the CITES Secretariat's Website, include lists of those animal and plant taxa subject to the provisions of CITES. These lists are preceded by an "Interpretation" section, which includes, among other things, a key to abbreviations used in the Appendices, an interpretation of how certain specimens are treated in the Appendices, and a list of standard annotations applying to a number of Appendix-II and -III taxa.

Several times over the years, the Secretariat has made changes to the "Interpretation" section in the Appendices that, in the opinion of the United States, changed or deleted particular interpretations originally adopted by the Parties. For example, several years ago the "Interpretation" section stated that the Parties interpreted any unannotated listing of an Appendix-II or -III plant, or an Appendix-III animal, as including all readily recognizable parts and derivatives, in addition to whole live or dead specimens. However, the more recent postings of the Appendices on the Secretariat's Website no longer include guidance on the interpretation of unannotated listings in the "Interpretation" section.

The information provided in the Appendices, including that found in the "Interpretation" section, should always reflect what has been adopted by the Parties, and changes should be made only if adopted by the Parties as these changes, if not so adopted, would be comparable to changing a listing without the full agreement of the Parties. Therefore, the United States is considering submitting a document on this issue for consideration at CoP14 and is seeking input from the public on an appropriate approach to addressing the subject.

5. Resolution on Cooperation between CITES and the International Tropical Timber Organization (ITTO).

The United States is considering submitting a draft resolution to recognize the importance of close cooperation between CITES and ITTO with respect to implementing CITES listings of tropical timber species, and to identify ways to further strengthen cooperation between CITES and ITTO, consistent with their respective mandates.

Cooperation between CITES and ITTO has increased in the past 4 years and ITTO is providing increasingly important capacity building and other assistance that enhances the ability of Parties to meet their CITES obligations for timber species listed in the Appendices. The United States has promoted and, along with other ITTO members, has provided financial support for policy and project work by ITTO to assist ITTO producer members in implementing CITES listings of tropical timber species. Examples of ITTO activities related to listings of bigleaf mahogany (*Swietenia macrophylla*) and ramin (*Gonystylus* spp.) have included: projects to assist Peru in conducting inventories of bigleaf mahogany and to strengthen Peru's Scientific Authority; a regional workshop involving governments, industry and non-governmental organizations to identify cooperative strategies for implementing Appendix-II requirements for mahogany; an ITTO-sponsored Expert Meeting on the Effective Implementation of the Uplisting of Ramin to Appendix II of CITES; and ITTO support for the CITES Mahogany Working Group.

Building on the success of this work, ITTO's biennial work program now includes a program focused on building capacity to effectively implement CITES listings of tropical timber species in all three tropical regions (Africa, Asia and Latin America). The United States has provided initial funding for this program and is collaborating with other ITTO members to seek additional funding. A resolution would reinforce these efforts to promote and support greater cooperation between ITTO and CITES.

6. Production systems and ranching

At PC15 and AC21 in May 2005, a joint working group was established to address the ongoing issue of production systems for specimens of CITES-listed species of animals and plants and associated CITES permit source codes. In response to CITES Decision 13.68, adopted at CoP13 in October 2004, the working group was directed to consider the body of work on this issue, focus on defining elements of the different production systems for specimens of CITES-listed animal and plant species, and, if appropriate, develop a list showing the specific production systems currently utilized by CITES Parties. The working group was asked to determine under which existing CITES permit source code each production system appropriately fits and whether the addition of any new source codes is necessary. The working group was also to consider the definition of "ranching" within the context of existing CITES resolutions.

The United States, as chair of the working group, prepared a document for discussion at PC16 and AC22, synthesizing the information from the various documents described in Decision 13.68. The working group deliberations in the preparation of this document have resulted in multiple, often competing, recommendations for some source codes. In addition to conflicting positions on the use of source codes A, C, F, and D, there is currently disagreement within the working group on the application of the term "ranching" and the use of its associated source code R. Our position going to PC16 and AC22 was that the source code R (for ranched specimens) was originally specifically created by CITES to refer to specimens that come from populations

that were transferred from Appendix I to Appendix II subject to ranching, according to CITES Resolution Conf. 11.16. The United States has taken the position in these discussions that ranching and the application of source code R should only occur within this very restricted context. However, a number of the members of the working group argued that the use of source code R should be expanded to apply to specimens of any Appendix-II species that have been produced in a “ranching” production system, although those specimens may have been taken from the wild.

After discussion of the production systems synthesis document in a working group at PC16 and AC22, chaired by the United States, no final agreement was reached. However, discussions began to indicate some consensus among working group members on the need to ensure that “ranching” is clearly defined and limited to very specific situations and species, and the use of source code R is appropriately applied. The Animals and Plants Committees agreed to have the working group continue its work through December 2006, when it is to report to the committees on its progress and whether it has reached consensus. If agreement is reached within the working group, the United States may submit a document for CoP14 on production systems that would contain recommendations pertaining to ranching and source code R as well as to the source codes pertaining to animals bred in captivity and artificially propagated plants (i.e., codes A, C, F, and D).

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

1. Strengthening the implementation of nationally established export quotas.

The United States is participating in the Standing Committee's Export Quota Working Group (EQWG). The EQWG is considering the nonscientific implementation, monitoring, and reporting aspects of nationally established Appendix-II export quotas. The option of submitting a document to CoP14 remains under consideration pending the output of the EQWG, in terms of what document the Standing Committee recommends for submission to the Conference of the Parties. At this time, the United States is undecided on whether to submit a document.

2. Document on wildlife trade and the spread of infectious diseases.

SSN suggested that the United States submit a document to acknowledge and highlight the potential for wildlife trade to spread infectious disease and recommend appropriate actions to prevent or reduce the disease transmission via international wildlife trade. While we recognize that this is an issue of concern to the general public as well as the international wildlife trade community, at this time the United States is undecided about submitting a document in this area pending new information demonstrating a specific need to address this issue in the context of CITES' roles and responsibilities.

3. Introduction from the sea.

Discussions to clarify certain aspects of the “introduction from the sea” provision of CITES have been ongoing for many years, and the United States has always been an active participant. At

CoP13, the Parties adopted Decision 13.18, directing the Standing Committee to convene a workshop on introduction from the sea to consider implementation and technical issues. The workshop took place November 30 through December 2, 2005, and, as outlined in the Decision, took into account reports from the two Expert Consultations held by the Food and Agriculture Organization of the United Nations on implementation and legal issues, as well as documents and discussions that occurred at previous CITES meetings. The United States contributed funding and participated in the workshop.

The Secretariat has prepared a report on the workshop and provided it to the Parties through Notification to the Parties No. 2006/023. Based on the report, and comments received on the report, the Secretariat will prepare a draft resolution and a discussion paper for consideration at the 54th meeting of the Standing Committee (SC54) and ultimately at CoP14. The United States believes that progress was made at the workshop and that it is important to continue to work to move forward on issues surrounding introduction from the sea. Based on the outcome of discussions at SC54, the United States may submit a document on this issue for consideration at CoP14.

4. The tiger conservation crisis

Reports in the last several years by the NGO community have highlighted a dramatic increase in the illegal hunting of and trade in tigers and tiger products. Additionally, recent census reports indicate critically low numbers of tigers in the wild. The United States submitted a discussion document on behalf of the North American Region for consideration at the 53rd meeting of the Standing Committee (SC53), held in June and July 2005. The discussion document called on the Standing Committee to reinvigorate and strengthen its efforts to halt the illegal trade in tigers. Among other recommendations, the document called on Parties to implement the recommendations of the CITES Tiger Enforcement Task Force and initiate unilateral and multilateral enforcement efforts to halt the illegal killing of and trade in tigers. The Standing Committee directed the Secretariat, in conjunction with the North American Wildlife Enforcement Group, to undertake an analysis of intelligence related to this trade and report on the subject at SC54. Additionally, the Committee agreed that all range States of Asian big cat species should submit reports for consideration at SC54 relating to their work in combating illegal trade in specimens of Asian big cat species, including relevant information on how the Parties have implemented the recommendations of the CITES Tiger Enforcement Task Force. Although the United States recognizes that this issue is the subject of ongoing work and discussions in the Standing Committee, we remain concerned over the slow progress in substantively addressing tiger conservation. Based on the outcome of discussions at SC54, the United States may consider submitting a document for consideration at CoP14 and invites the public to submit information relevant to this issue.

5. International trade in caviar.

Resolution Conf. 12.7 (Rev. CoP13), Conservation of and trade in sturgeons and paddlefish, calls on Parties to monitor the storage, processing and re-packaging of sturgeon caviar in customs free zones and for airline and cruiseline catering. Effective monitoring and control of caviar in customs-free zones and caviar for consumption on airlines and cruiselines could be facilitated by

agreement among Parties on procedures for handling these situations. The United States may submit a resolution for consideration at CoP14 concerning this issue.

6. Document welcoming the launch of the Coalition Against Wildlife Trafficking.

The United States is considering submitting a document welcoming the creation of the global Coalition Against Wildlife Trafficking (CAWT), which the United States Department of State launched in September 2005 with seven U.S.-based international environmental NGOs. It is the intention of the Coalition to complement and reinforce the work of CITES, and cooperate as appropriate with the CITES Secretariat. Its chief goals are (1) to strengthen regional and international law enforcement cooperation against illegal wildlife trafficking, and (2) to raise public awareness of and enhance public education on the deleterious effects of such trafficking. Additional partners in CAWT include the Governments of India and the United Kingdom, IUCN-the World Conservation Union, and 11 U.S.-based non-governmental organizations. The Government of the United Kingdom has expressed interest in co-sponsoring such a document.

7. Whaling and whale stocks.

The United States continues to participate in International Whaling Commission (IWC) efforts to develop a Revised Management Scheme (RMS) that includes an effective inspection and observation scheme for use in the event that the moratorium on commercial whaling is lifted. The development of an RMS is important to the deliberations of the CITES Parties because, in 1978, the IWC requested the assistance of CITES in enforcing its moratorium on commercial whaling. In response, the CITES Parties adopted Resolution Conf. 2.9, later incorporated into Resolution Conf. 11.4 (Rev. CoP12), Conservation of cetaceans, trade in cetacean specimens and the relationship with the International Whaling Commission, which recommends that Parties not issue import or export permits, or certificates for introduction from the sea for international commercial trade in whale species. The United States may submit for consideration at CoP14 a draft resolution or discussion document concerning whaling and whale stocks under the competence of the IWC.

C. What resolutions, decisions, and agenda items is the United States not planning to submit for consideration at CoP14 unless we receive significant additional information?

1. Submission of a document on making non-detriment findings when establishing export quotas.

SSN and IELP suggested that the United States submit a document to clarify the role of non-detriment findings in the process of establishing export quotas along with some suggested changes to current resolutions that mention quotas.

At CoP12 the United States submitted a document on the scientific principles associated with the setting of nationally established export quotas for Appendix-II species. The document did not receive a great deal of support from the Parties at that time. The United States is not planning to submit another document on this topic for CoP14, and is anxious to see what progress can be made by the Parties via the anticipated document submission through the Standing Committee's

EQWG process.

2. Guidelines for making non-detriment findings.

We received comments from IELP and SSN recommending that we submit a resolution to establish guidelines for making non-detriment findings for the import of specimens included in Appendix I, and export of specimens of species included in Appendices I and II. CITES requires scientific non-detriment findings for all exports and introductions from the sea of Appendix-I and -II species, and for all imports of Appendix-I species. We are highly committed to making scientifically based non-detriment findings based on biologically sound information. The United States agrees that the conservation of species subject to international trade would benefit greatly from increased attention by the CITES Parties to the bases for non-detriment findings. Towards that end, the United States has worked closely with the IUCN–World Conservation Union on this issue, including funding of and participation in an IUCN workshop on the CITES scientific decision-making process. However, the United States does not believe that it would be useful to submit a resolution at this time since our previous efforts in this area were not well received by a majority of the Parties (e.g., at CoP12). We will continue to support efforts to improve scientific decision-making by the Parties through the Animals and Plants Committees especially through the Review of Significant Trade, which is specifically designed to improve the bases for non-detriment findings for highly traded species.

3. Draft decision calling for National Enforcement Action Plans (NEAPs).

SSN recommended that the United States submit several draft decisions to require the submission of National Enforcement Action Plans (NEAP) to the Standing Committee for review, feedback, and subsequent monitoring of implementation. SSN also recommended that the United States submit draft decisions that would create a working group to provide guidance on the formulation of such action plans. At this time, the United States does not believe it is appropriate for CITES to mandate the development of national action plans and oversee their implementation. These proposed decisions would place a significant unfunded burden on both the Standing Committee and the Secretariat to review and monitor what could be a wide variety of approaches to the development and implementation of NEAPs. The United States believes that mandating the preparation of such plans is premature and that the intent of the recommendation at the time of adoption was not to create a mandatory, binding requirement.

4. Resolution to suspend exports of bigleaf mahogany from Peru.

SSN urged the United States to submit for CoP14 a proposed resolution to suspend exports of bigleaf mahogany (*Swietenia macrophylla*) from Peru until the Peruvian government takes certain actions to ensure that the required CITES legal acquisition and non-detriment findings are made prior to issuance of Peruvian CITES export permits for this species. SSN indicated that, although there have been a number of workshops in Peru since the Appendix-II listing of bigleaf mahogany became effective (November 15, 2003), they remain concerned that Peru is still not implementing the listing appropriately.

Since the mahogany Appendix-II listing became effective, the CITES Parties have paid

particular attention to trade in the species. As a result, there are a number of actions ongoing within CITES aimed at ensuring that the trade in mahogany is consistent with Convention standards. At CoP13, in October 2004, the CITES Parties adopted several decisions focused on bigleaf mahogany. Decisions 13.55 and 13.56 directed the Mahogany Working Group (MWG), composed primarily of the mahogany range countries and the principal importing countries, to continue working with the CITES Plants Committee and instructed the Plants Committee to report at CoP14 on the progress made by the MWG. Decision 13.58 directs the bigleaf mahogany range countries to adopt mahogany management plans at national and sub-regional levels; promote the conduct of forest inventories, as well as promote programs to determine and monitor the distribution, population size, and conservation status of mahogany; develop capacity-building programs in monitoring and management relating to CITES procedures and documents; and submit reports on progress in the above areas to PC16 in Lima, Peru, in early July 2006.

At PC15 in May 2005, bigleaf mahogany was proposed for inclusion in the Review of Significant Trade in specimens of Appendix-II species, a process whereby the CITES Parties review biological, trade, and other relevant information about particular Appendix-II species subject to significant levels of trade. Instead of including bigleaf mahogany in the Review of Significant Trade at PC15, the Plants Committee decided to extend the MWG and tasked it with promoting the actions directed to the mahogany range countries in Decision 13.58 and reporting the results at PC16. Peru was selected as the Chair of the MWG and the United States was selected as the Vice-Chair. The MWG met in Lima, Peru, in late June 2006, where the mahogany range countries reported on the progress they had made in accomplishing the goals set forth in Decision 13.58. The Chairman of the MWG produced a report of the results of the meeting, which was presented at PC16. The Plants Committee agreed at PC15 that it would analyze the report of the MWG at PC16 and, if it decided that progress made in the range countries to achieve the goals of Decision 13.58 was not sufficient, it would include the species in the Review of Significant Trade. A working group convened at PC16 to discuss the results of the MWG meeting. Subsequently, the Plants Committee did not place this species in the Review of Significant Trade, but rather adopted a series of recommendations, including continuing MWG work under the Plants Committee. PC16 also recommended that the CITES Secretariat raise the issue of enforcement and compliance at the upcoming meeting of the CITES Standing Committee (October 2006), and the Chair of the Plants Committee has been asked to include in her report to CoP14 progress by range States in fulfilling the recommendations in Decision 13.58.

We believe that the best way to ensure that the Appendix-II listing of bigleaf mahogany is effectively implemented is by utilizing the existing CITES mechanisms. In addition, the United States has encouraged and provided funding for efforts, implemented by the International Tropical Timber Organization (ITTO), to assist Peru and other mahogany range countries to comply with the requirements of the Convention. The United States does not propose to submit a proposal at CoP14 to suspend exports of bigleaf mahogany from Peru.

5. Resolution to create an action plan on internet trade in wildlife.

SSN recommended that the United States submit a resolution to create an action plan on internet

wildlife trade. They proposed that the action plan would include the creation of a CITES internet wildlife trade enforcement task force; submission of reports by Parties participating in the task force on the scale and nature of the trade; implementation of public awareness campaigns; and development of a CITES code of practice by which all internet sites selling CITES species should abide.

The United States does not believe there is a need to propose a separate resolution on internet wildlife trade. Resolution Conf. 11.3 (Rev. CoP13) allows the Secretariat to establish ad hoc CITES enforcement task forces as needed. Work conducted by these task forces associated with various Appendix-I species already addresses the issue of illegal trafficking via the internet, as well as other means. The creation of a task force, with an expansive membership beyond enforcement experts, as recommended by SSN, would also cause concern within the enforcement community, because this could compromise the security of sensitive enforcement information. Resolution Conf. 11.3 (Rev. CoP13) addresses many of the other concepts proposed by SSN within a broader enforcement context, and we have therefore concluded that a new resolution would be redundant.

6. Verification of permit requirements

IELP recommended that the United States propose at CoP14 a revision to Resolution Conf. 12.3 (Rev. CoP13), the resolution on CITES permits and certificates, to include language that clarifies that importing countries have the discretion to detain shipments or reject permits when they have reason to believe that the required findings for CITES export permits have not been made appropriately by the exporting country. IELP urged this revision to the resolution because IELP believes that conflicting court opinions in recent cases in the United States, (*Castlewood Products L.L.C. et al. v. Norton et al.*, 264 F. Supp. 2d 9 (D.D.C. 2003), *aff'd* 365 F. 3d 1076 (D.C. Cir. 2004), hereinafter referred to as *Castlewood*) and the United Kingdom (U.K.) (*R (on the application of Greenpeace) v. Secretary of State for the Environment Food and Rural Affairs*, 1 WLR 3304 (Q.B. 2002), hereinafter referred to as *Greenpeace*), regarding import authorities detaining shipments of bigleaf mahogany (*Swietenia macrophylla*) from Brazil, cast doubt on the authority of importing countries to take appropriate action to verify that the exporting country is making its export permit findings.

In the case of *Castlewood*, in early 2002 IBAMA, the Brazilian CITES Management Authority, informed us that, although Brazil had established an export moratorium on bigleaf mahogany in October 2001, Brazilian courts had issued injunctions compelling IBAMA to issue CITES export permits for shipments of bigleaf mahogany wood. IBAMA asked us to help stem the illegal trade in bigleaf mahogany from Brazil while it appealed the injunctions. As shipments of bigleaf mahogany from Brazil accompanied by permits issued under these injunctions arrived at U.S. ports, they were detained by the U.S. inspection authorities while we sought confirmation from IBAMA that the permits were valid and that the required CITES legal acquisition findings had been made prior to issuance of the permits. *Castlewood Products*, along with a number of other U.S. mahogany importers, sued the U.S. Government for detaining their shipments of Brazilian bigleaf mahogany. The position of the U.S. importers was that the U.S. Government did not have the authority to question the validity of documents that, on their face, appeared to be valid CITES export permits. The U.S. court ruled that the Convention gives the U.S. Government the

discretion to “look behind” a foreign CITES document that appears to be valid on its face where the Government has reason to suspect that the document may in fact be invalid. In the *Greenpeace* case, in which Greenpeace sought an injunction prohibiting the U.K. Government from clearing a Brazilian bigleaf mahogany shipment through Customs, a U.K. court ruled that it would be inappropriate for the importing country to “look behind” a permit, and that a valid CITES permit is one that is complete on its face.

We believe that the Convention and existing resolutions are clear that an importing country has the discretion to detain a shipment of CITES-listed specimens while the CITES authorities in the importing country seek confirmation from the CITES authorities in the exporting country that the accompanying permit is valid and that the appropriate CITES findings were made prior to its issuance, even if the shipment concerned is accompanied by a document that appears on its face to be a valid CITES permit. We believe that the Convention and existing resolutions also make clear that an importing country can refuse entry of a shipment of CITES-listed specimens when it has sufficient evidence that the required CITES findings were not made and the CITES document is not valid. Therefore, the United States does not feel it is necessary to submit a proposal at CoP14 to revise Resolution Conf. 12.3 (Rev. CoP13) as IELP has recommended.

7. Amendment of Annotation #10 for plants listed in Appendix II or III.

The American Herbal Products Association (AHPA) has requested that the United States propose a revision to Annotation #10 to reflect the fact that some countries regulate finished plant products that contain herbal ingredients in non-pharmaceutical classifications. This issue was raised at PC16, which AHPA attended as an observer. The medicinal plant annotations working group, with the involvement of AHPA, proposed that the word "pharmaceutical" be removed from Annotation #10. This proposal will be included in a document regarding medicinal plant annotations to be submitted by Germany at CoP14 on behalf of the Plants Committee. Based on this outcome, the United States will not submit a proposal on this topic.

II. Recommendations for Species Proposals for the United States to Consider Submitting at CoP14

In our *Federal Register* notice of January 20, 2006 (71 FR 3319), we requested information and recommendations on potential species proposals for the United States to consider submitting for CoP14. We received recommendations from the public for possible proposals involving 18 taxa. We have undertaken initial assessments of the available trade and biological information on all of these taxa. Based on these assessments, we have made provisional determinations of whether or not to proceed with the development of proposals to list or delist species, or transfer them from one Appendix to another. These determinations were made 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 CoP14 discussed in our January 20, 2006, *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?

In addition to the species proposals recommended by the public, we are considering whether to submit proposals on five additional species based on work being done by the United States as part of the review of the Appendices by the CITES Animals and Plants Committees.

A. What species proposals is the United States likely to submit for consideration at CoP14?

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

Plants

1. *Taxus cuspidata* –Annotate to exclude specimens of the hybrid *Taxus x media* and all cultivars thereof.

We received a comment from Natural Pharmaceuticals, Inc. (NPI) requesting that the United States submit to CoP14 a proposal to exempt *Taxus x media* from the provisions of CITES. At CoP13, four Asian yew species, *Taxus chinensis*, *T. cuspidata*, *T. fuana*, and *T. sumatrana*, were included in Appendix II based on evidence that these Asian yew species are being wild-harvested for the extraction of chemical derivatives used in the production of anti-cancer drugs (i.e., paclitaxel). Since the listing of the four species, we have been informed that the man-made hybrid *Taxus x media* and its cultivars are also used for the production of paclitaxel and are traded internationally. *Taxus x media* is a hybrid of *T. cuspidata* and the European yew *T. baccata* developed in the early 1900s from cultivated plants growing in the United

States. *Taxus x media* and its cultivars are commercially artificially propagated for the horticultural industry, and are also used by pharmaceutical companies for the extraction of chemical derivatives. *Taxus x media* does not occur naturally in the wild. Therefore, trade in such specimens has no effect on wild species, and their use, particularly for the production of paclitaxel, may alleviate harvest pressure on wild species. We have communicated with Canada on this issue and will work with them on the development of the proposal.

Invertebrates

2. Pink and red coral (*Corallium* spp.) – List in Appendix II.

SeaWeb recommended that the United States propose listing all *Corallium* species (red and pink coral) in Appendix II. The entire genus, rather than individual species, is included in the proposal because identifying individual species of dead *Corallium* is extremely difficult. *Corallium* spp. are located in tropical to temperate waters worldwide at depths of 20 to 400 meters. Some species have limited ranges; for example, *Corallium rubrum* is endemic to the Mediterranean and neighboring Atlantic rocky shores. *Corallium* spp. are characterized by slow growth, fragile structure, late age of maximum fecundity, low dispersal and recruitment rates, and high genetic heterogeneity. These characteristics make *Corallium* spp. particularly vulnerable to overexploitation.

The primary threat to *Corallium* spp. is overharvesting of these precious corals which are highly valued for use in jewelry, curios, and decorative objects. Intensive harvesting has been shown to significantly alter the size, age structure, and reproductive output of *Corallium rubrum* populations. Population estimates of *Corallium* spp. are not available; however, commercial harvest data suggest a worldwide pattern of discovery and overexploitation followed by dramatic population declines. Full recovery time for harvested shallow-water populations of *Corallium rubrum* is estimated at several decades to centuries. In addition, deep-sea fishing gear, such as trawls, can cause extensive damage to the remaining *Corallium* colonies.

Domestic laws and regional fisheries management plans provide limited regulation, management, or protection of *Corallium* populations in many parts of the world. In the United States, the only precious coral fishery, based in Hawaii, is currently dormant due to the high cost of the fishery's selective harvest requirements (e.g., use of submersibles). However, the United States is probably the top importer of worked and raw precious corals (including *Corallium* spp.) used for curios and jewelry. At this time, the United States plans to propose the entire genus for listing in Appendix II at CoP14.

Fish

3. Sawfishes (Pristidae) – List in Appendix I.

SSN recommended that the United States propose listing all sawfish species in CITES Appendix I. Sawfishes were once widespread in tropical to warm-temperate shallow, nearshore estuarine, and marine habitats, and some large rivers and lakes. Sawfish distribution is now severely

reduced and fragmented, with many populations extirpated from their former ranges.

Overfishing and habitat loss are the primary threats to this species. Sawfishes are characterized by late maturity, low reproductive capacity, and a long generation time that makes populations vulnerable to, and slow to recover from, overexploitation. Populations have become too low to support directed fisheries; however, bycatch in broad-spectrum fisheries is now the primary source of sawfish mortality. Although sawfishes are relatively hardy and could be successfully released in many cases, most are retained due to the high value of their products.

Considerable international trade in sawfish rostra for trophies and cockfighting spurs has been documented, with estimated retail values as high as US\$7,000. In addition, due to their high fin needle content, sawfish fins are valued and traded for shark fin soup in Asia. Although bycatch is the source of these products, some directed fisheries exist for the public and private aquarium trade. Small sawfish are priced as high as US\$5,000, whereas larger specimens can fetch considerably higher prices.

The United States listed *Pristis pectinata* as Endangered under the U.S. Endangered Species Act (ESA) in 2003. The U.S. Smalltooth Sawfish Recovery Team expressed their strong support for inclusion of all sawfishes in Appendix I. The Team believes this listing will complement conservation measures planned for smalltooth sawfish in U.S. waters and is essential for protecting other species of sawfishes around the world. All species within this Order have been listed on the IUCN Red List of Threatened Species as critically endangered globally based on the recent species assessment in 2006. At this time, the United States plans to submit a proposal for CoP14 to list these species in Appendix I. Such a listing would help to curtail international trade in sawfishes, raise awareness of their conservation status, allow collection of data concerning trade among public aquaria, and largely remove the financial incentive for the landing of sawfish bycatch in fisheries.

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 CoP14 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 detail. For each species, more detailed information is available in the Division of Scientific Authority than is presented in the summary below. We welcome your comments, especially any biological and trade information on these species. We delineate what additional information we are seeking or have sought to assist us in making our decision.

Plants

1. Dehesa bear-grass (*Nolina interrata*) – Transfer from Appendix I to Appendix II.

The United States was asked by the Plants Committee, as part of the Review of the Appendices,

to evaluate the current status of this species and determine whether its current listing under CITES is appropriate. This species was listed in Appendix I in 1983. Dehesa bear-grass is a large yucca-like plant that occurs in a limited area of southwestern San Diego County, California, and adjacent Baja California, Mexico. In California, about two-thirds of all populations, and 90–100 percent of all major populations, are protected on reserve lands owned and managed by The Nature Conservancy and by the California Department of Fish and Game. The few remaining populations in California are small and are located on private lands protected under provisions of the San Diego County Multiple Species Conservation Program. Dehesa bear-grass is listed by the State of California as endangered. Three small populations of the species are reported to occur in Mexico.

International demand for this species is largely nonexistent. CITES Annual Report data compiled by the Division of Management Authority for the years 1994–2005 show no export or import of specimens of Dehesa bear-grass. The UNEP–WCMC data show that, since 1990, there have been two artificially propagated specimens of *Nolina* species exported from Belgium to Switzerland, two artificially propagated specimens of *Nolina* species exported from China to Kazakhstan, and 12 artificially propagated specimens of *N. interrata* imported by Slovenia from The Netherlands. All trade occurred in 2002. For these reasons, the United States is considering submitting a proposal to transfer Dehesa bear-grass from Appendix I to Appendix II. Trade would still be controlled under an Appendix-II listing. We will consult with Mexico on the biological status of their wild populations and the potential effect that downlisting the species to Appendix II would have on wild populations.

2. Arizona agave or New River agave (*Agave arizonica*) – Transfer from Appendix I to Appendix II.

The United States is reviewing the Arizona agave, currently listed in Appendix I, as part of the Review of the Appendices by the Plants Committee. This species was listed in Appendix I in 1983, and is endemic to Arizona. We are consulting with experts to evaluate recent information indicating that this species may be a natural hybrid and to determine whether its biological and trade status indicates it should remain in Appendix I or be transferred to Appendix II. Under CITES, a natural hybrid may be included in the Appendices as a protected taxon; however, we need to determine if that is the appropriate course of action for Arizona agave. Any information from the public on the species' biological and trade status would be welcome.

3. Santa Cruz striped agave (*Agave parviflora*) – Transfer from Appendix I to Appendix II.

The United States is reviewing the Santa Cruz striped agave for the Review of the Appendices by the Plants Committee. This species was listed in Appendix I in 1983 and is native from Arizona to Mexico. We are currently consulting with experts and with Mexico to ascertain whether the species remains appropriately listed. Any information from the public on the species' biological and trade status would be welcome.

4. Oconee bells (*Shortia galacifolia*) – Remove from Appendix II.

The United States was asked by the Plants Committee to evaluate the current status of Oconee

bells (*Shortia galacifolia*) as part of the Review of the Appendices. The species was listed in Appendix II in 1983. It was proposed for delisting by Switzerland, as the Depository Government for CITES, at CoP11 in 2000. At that time, the United States opposed removing the species from Appendix II due to concerns of the U.S. Forest Service (USFS) about the status of the species on its lands. Subsequently, the proposal was withdrawn. Oconee bells is a small groundcover plant that has limited distribution along the escarpment gorges of the Southern Blue Ridge Mountains, on private and public lands, near the tri-state borders of North Carolina, South Carolina, and Georgia. It has been introduced in Tennessee and Virginia, but does not occur there naturally. *Shortia galacifolia* is listed as endangered in Georgia, and *Shortia galacifolia* var. *brevistyla* and *S. galacifolia* var. *galacifolia* are listed as Special Concern Endangered Plant Species by the North Carolina Plant Conservation Program. In North Carolina, anyone seeking to sell wild-collected specimens of the species is required by law to obtain a permit from the North Carolina Plant Conservation Program. The species is also listed as Sensitive by the Southeast Region (Region 8) of the USFS, and can only be collected for scientific purposes in National Forests. The USFS reports that there is no evidence of illegal collection of plants on its lands.

The United Nations Environment Program–World Conservation Monitoring Centre (UNEP–WCMC) data show that, since 1990, there has been no international trade in specimens of this species. In the 1960s, many specimens of *S. galacifolia* var. *galacifolia* were salvaged from an area where a dam was built. Many of those plants are believed to be the original source of plants in home gardens in the United States and plants commercially available today. Demand reportedly still exists for this species, particularly in the southern United States. In the past, at least some of this demand has been met with wild-collected plants. However, today there are plant nurseries propagating the species for landscape use. Because there is no evidence of U.S. exports in either wild-collected or artificially propagated specimens of this species, and, therefore, no apparent threat to the species due to international trade, we are considering submitting a proposal to remove Oconee bells from Appendix II. Any additional information from the public would be welcome.

Fish

5. Porbeagle shark (*Lamna nasus*) – List in Appendix II.

SSN recommended that we propose listing porbeagle shark (*Lamna nasus*) in Appendix II. Porbeagle is a highly migratory coastal and oceanic shark, occurring at depths up to 700 meters in the North and South Atlantic, Southern Pacific, South Indian, and Antarctic Oceans. Porbeagle shark life history (late maturity, low reproductive capacity, and a long generation time) make it vulnerable to overexploitation.

Overfishing, from directed and bycatch fisheries, is the primary threat to the porbeagle shark. The North Atlantic populations have been seriously overexploited in longline fisheries. Evidence of overfishing is seen in marked declines in North Atlantic landings over the past 60-70 years. In the Northwest Atlantic, the population is estimated at only 12-24 percent of its 1961 size. Stock assessments are not available for the Northeast Atlantic population, which is presumed to be even more depleted than the Northwest Atlantic stock. Porbeagle shark landing

data from the Mediterranean Sea population are extremely limited, and only 15 individuals have been reported over the last several decades of observation.

The United States manages the porbeagle shark under its Fishery Management Plan (FMP) for Atlantic Tunas, Swordfish, and Sharks. The FMP provides for trip limits, gear restrictions, minimum size restrictions, limited access, and a ban on shark finning for recreational and/or commercial fishers. The FMP provides an annual quota but no additional specific restrictions on porbeagle shark. On average, the United States has landed less than 1 metric ton of porbeagle sharks in the last 4 years, most of which was incidental, not directed, catch. Despite concerns over its status, the United States has not declared the species to be overfished. No countries have designated the porbeagle shark with endangered or threatened (or equivalent) status; however, Canada is considering listing this species as endangered under its Species at Risk Act. Additionally, the IUCN recently upgraded the status of the Northwest Atlantic stock to endangered and the Northeast Atlantic and Mediterranean stocks to critically endangered. Although some porbeagle shark products are likely traded, the United States does not have explicit information regarding the amount of trade involved.

Porbeagle sharks meet the criteria for inclusion in Appendix II. However, Canada and the United States both have in place management regimes which may have a positive impact on the status of the Northwest Atlantic stock. The United States may consider additional management actions in the near future as a result of public concern over the status of the species and the Canadian assessment. Concerns also exist regarding the difficulty in distinguishing porbeagle sharks from other species of sharks, which would make enforcement of a CITES listing problematic. Therefore, the United States remains undecided at this time.

6. Devil and manta rays (Family Mobulidae) – List in Appendix I or II.

The Ocean Conservancy and the Manta Network recommended that the United States consider proposing devil and manta rays (Family Mobulidae) for listing in CITES Appendix I or II at CoP14. Mobulidae, which consists of 10 species and 2 genera, has a circumglobal distribution in nearshore to pelagic tropical and subtropical waters. Anecdotal evidence suggests dramatic declines in many populations. However, due to the limited number of focused studies, data on population status and changes in distribution of these species are limited to specific regions.

Overfishing and habitat loss appear to be the primary threats to these species. Mobulidae life history traits (late maturity, extremely low reproductive capacity, and a long generation time) and behavior (high site fidelity and surface swimming) make them vulnerable to over-exploitation. Fishing mortality occurs in both directed and bycatch fisheries. In many regions, directed fisheries are driven by demand for meat in local markets or subsistence fishing. However, branchial filaments or gill rakers, livers, and fins are increasingly sought after in Asia for traditional medicines. Mobulidae skin is also dried and sold as sandpaper and durable leather goods. This rising demand has increased trade in Mobulidae, driving a shift from subsistence to commercial fishing in some regions. Fishing bans for all species of Mobulidae exist in Mexico and the United States (Hawaii), whereas in the Philippines, fishing bans exist only for some Mobulidae species. Even though these fishing bans exist, fishing and trade

continue to occur in many of these areas due to lack of enforcement.

Mobulidae species may meet the criteria for listing in CITES Appendix I or II; however, data are lacking on the volume of international trade, the relative role of trade in declines of Mobulidae, and general population status. As a result, the United States remains undecided about proposing these species, pending the availability of additional population and trade data.

7. Banggai cardinalfish (*Pterapogon kauderni*) – List in Appendix I or II.

Dr. Alejandro A. Vagelli of Rutgers University and the New Jersey Academy for Aquatic Sciences recommended that the United States propose listing the Banggai cardinalfish (*Pterapogon kauderni*) in Appendix I or II. The Banggai cardinalfish is an example of a marine species with an extremely limited geographic range (endemic to 30 Indonesian islands). Moreover, this species possesses biological characteristics that make it vulnerable to overexploitation, and collection for the marine aquarium trade is contributing to the decline of this species. It is estimated that 600,000 to 700,000 individuals (of a total estimated population of 2.4 million) are collected each year for the aquarium trade. Surveys conducted between 2001 (when the fishery started) and 2004 indicate large declines (80-98 percent) in population levels in fished areas, and dramatic declines in catch per unit effort (CPUE). In contrast, a single reference population in a no-take area exhibited densities 90 percent higher than those observed in the fished areas.

With the exception of a small number of individuals sold in local markets, most Banggai cardinalfish are exported to the United States, Europe, and other countries to supply the aquarium trade. Because overharvesting for the aquarium trade is the primary threat, this species would benefit from CITES protection. Although the Banggai cardinalfish meets the criteria for inclusion in Appendix II, the United States remains undecided, pending consultation with Indonesia.

Birds

8. Gyrfalcon (*Falco rusticolus*) – Transfer the North American population from Appendix I to Appendix II.

The CITES Management Authority of Qatar suggested that we should again propose the downlisting of the North American population of gyrfalcon. We proposed this action with a zero quota for wild birds at CoP11 (Gigiri 2000). The proposal was unsuccessful because the European Union was concerned that a split listing (i.e., adoption of our proposal while retaining other populations in Appendix I) could increase illegal take in Europe, and that imported gyrfalcons from the United States and Canada could escape and hybridize with the European population. The proposal was not adopted (35 Parties against, 31 for, 36 abstentions). Since 2000, the United States and Canada jointly used this species to evaluate the revised listing criteria (Resolution Conf. 9.24, CoP12 Com. 1.3) for the Animals Committee. Based on the information collected for that process, the species in North America does not meet the biological criteria for Appendix I. In addition, few wild birds remain in international trade. Between 1995 and 2004, the vast majority of exported gyrfalcon specimens were captive-bred. Furthermore,

few wild birds remain in international trade. We will consult with Canada before making a final decision.

Mammals

9. Bobcat (*Lynx rufus*) – Remove from Appendix II.

At CoP13, we submitted a proposal to remove bobcat from Appendix II. Although we withdrew the proposal, we did so with agreement of the Parties to have all Felidae (cats) placed in the Review of the Appendices by the Animals Committee, with priority given to the *Lynx* species complex. We have been leading a review of *Lynx* since AC21 by conducting range-country consultations and contracting with TRAFFIC North America to study the issue of similarity of appearance between bobcat and other *Lynx* species. In addition, Mexico is conducting field studies of bobcat within their borders to evaluate the status of the species there. We reported on our progress at AC22, which was held in Lima, Peru, July 8-13, 2006. We are considering submission of a proposal to remove the bobcat from Appendix II at CoP14, but range country consultations, the TRAFFIC study on similarity of appearance, and the Mexican status assessment will affect the development of such a proposal.

C. What species proposals is the United States not planning to submit for consideration at CoP14, 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. We welcome your comments, especially any biological and trade information on these species that may cause us to reconsider the submission of a proposal. For each species, more detailed information is available in the Division of Scientific Authority than is presented in the summary below. 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.

Plants

1. American ginseng (*Panax quinquefolius*) – Remove from Appendix II.

We received a comment from a private citizen requesting that we submit a proposal to remove American ginseng from Appendix II. During various public meetings in January–March 2006, we discussed with participants the likelihood of our being able to submit such a proposal. We do not intend to submit a proposal to remove American ginseng from Appendix II at CoP14 because available information does not support a defensible proposal. Information from the published literature and from consultation with other government agencies and experts, as well as that obtained at our public meetings, indicates that delisting American ginseng from Appendix II and removing export controls would likely result in extirpation of the species from significant portions of its range. Any such proposal would also likely meet with opposition from Canada, the other range country, where the species is listed as endangered and wild harvest is prohibited. Furthermore, the CITES Parties are reluctant to have a species listed in one country

and not another, so a proposal to delist the species only in the United States would face multiple obstacles. We are working with various stakeholders, including other Federal agencies, the States, university researchers, ginseng dealers, industry associations, and others to promote best harvest practices and to explore other avenues of achieving sustainable use of ginseng, which may eventually allow us to consider removing it from Appendix II.

2. Goldenseal (*Hydrastis canadensis*) – Remove from Appendix II.

We received a comment from AHPA requesting that we submit a proposal to remove goldenseal from Appendix II. AHPA cites CITES trade data for goldenseal as well as data from surveys of U.S. entities that trade in goldenseal. While we appreciate the efforts by AHPA to quantify harvest and trade in goldenseal within the United States, their proposal states that their data do not accurately represent the total U.S. harvest and trade in goldenseal. Furthermore, although only a small percentage of goldenseal collected from the wild in the United States is recorded in international trade (using AHPA's data, something less than 10 percent), this may be due to the current annotation to the listing, which allows the unregulated (and therefore unrecorded) export of processed (ground up) material. Only intact roots and rhizomes are regulated. We have been working with Canada, under the auspices of the Plants Committee, to revise the annotation to the goldenseal listing so that processed roots and rhizomes would be regulated, and so that we may better quantify the volume of goldenseal being exported. We believe it would be prudent to delay consideration of a proposal to remove goldenseal from the Appendices until we have had the opportunity to evaluate trade in the species with a revised annotation in place.

AHPA also has asserted that the original U.S. proposal to list goldenseal in Appendix II was flawed regarding information on abundance and distribution of the species. However, we have received recent anecdotal information indicating that, in some parts of its range, goldenseal may be subject to overharvest. As we attempt to obtain clarification of trade levels through the proposed revision of the annotation of the listing of goldenseal, we will also pursue additional information on the status of goldenseal in the wild.

As with American ginseng, Canada is the other range country for goldenseal. Although we have not consulted them, Canada may not support the removal of goldenseal from Appendix II because the species is listed as threatened there, and considering their involvement in the revision of the goldenseal annotation, we anticipate that Canada would also be reluctant to delist the species without clearer information on the extent of trade in wild-collected material. As stated previously, the CITES Parties are reluctant to have a species listed in one country and not another, so a proposal to delist the species only in the United States would face multiple obstacles.

Invertebrates

3. Perlemoen (*Haliotis midae*) – Action to protect the species.

SSN recommended that the United States “take action to protect perlemoen.” This abalone species, for which there are no detailed population surveys, is endemic to South Africa. It is in such great demand in China and other Asian countries that illegal harvest has persisted in spite of

enforcement efforts by the range State. Ninety percent of harvested perlemoen is exported, and in 2004, TRAFFIC recommended that South Africa list the species in Appendix III to enlist the assistance of other countries in prohibiting its illegal trade. The species has not been listed thus far. The United States will consult with our CITES counterparts in South Africa about possible plans for CITES regulation of perlemoen. The United States, because it is not a range State or major importer, is unlikely to submit a listing proposal for perlemoen at CoP14, but will consult with South Africa about the potential use of CITES to manage international trade in this species.

Fish

4. Spiny dogfish (*Squalus acanthias*) – List in Appendix II.

SSN and The Ocean Conservancy recommended that the United States propose spiny dogfish (*Squalus acanthias*) for listing in Appendix II. The spiny dogfish has a circumglobal distribution and is common in the temperate portions of the Atlantic and Pacific Oceans. Spiny dogfish life history (late maturity, low reproductive capacity, and a long generation time) make it vulnerable to overexploitation. Inadequate fisheries management and overfishing were historically the primary threats to this species. Northeast Atlantic populations are listed as critically endangered and populations in U.S. waters are listed as endangered (Northwest Atlantic) and vulnerable (Northeast Pacific) in the most recent IUCN Red List.

A Spiny Dogfish FMP was implemented in 2000 to eliminate overfishing and rebuild Northeast Atlantic stocks. The FMP requires elimination of direct take and tight restrictions on incidental catch in federal waters during an initial stock rebuilding period (estimated at 5 years). Restrictive quota and management measures were not implemented in State waters until 2004. In the Northeast Pacific, spiny dogfish are regulated under “other species” annual catch quotas and no species-specific regulatory measures are currently in place. However, fishing is limited in this region due to low demand for the species. For example, in 2004 only 3 vessels were granted exempted fishery permits for spiny dogfish harvest.

The United States is unlikely to propose spiny dogfish listing at this time because it believes rebuilding of the Northwest Atlantic stock can be accomplished under the current FMP. The FMP has virtually eliminated the directed fishery, and exports are primarily of spiny dogfish bycatch; Canada has also reduced spiny dogfish quotas.

5. Orange roughy (*Hoplostethus atlanticus*) – List in Appendix II.

SSN recommended that the United States propose listing orange roughy in Appendix II. Orange roughy is widely distributed in deep water (about 300–1500+ meters) in temperate latitudes of the Pacific, Atlantic, and Indian Oceans. The species is most common off the coasts of New Zealand, Australia, and southwestern Africa, where it supports a lucrative fishery.

The primary threat to this species is overfishing. Orange roughy is characterized by low fecundity, a long life span, and slow growth to full size. In addition, it congregates in schools over sea mounts. These characteristics make the species vulnerable to overexploitation and slow to recover or rebuild from overfishing. The species has been fished for over 20 years, resulting

in serious stock declines. Evidence of declines is seen in landings, which have decreased 78 percent from their peak in 1990. Orange roughy is currently exploited by 21 countries. New Zealand, Australia, and Namibia are the primary harvesters, and these countries export the vast majority of their landings. Major import markets include the United States, Europe, and Japan. Most of the major countries exporting orange roughy manage the fishery under national fishery management plans, and quotas and catches are gradually being reduced towards sustainable levels. However, we know little about the management systems of China, which has become a significant harvester of orange roughy, contributing 22 percent of U.S. imports in 2005.

While some populations of orange roughy may meet the criteria for inclusion in Appendix II, the decision of whether to propose this species for listing is influenced by the fact that local management plans are already in place. The United States is unlikely to propose this species for listing at CoP14 unless new information, particularly concerning illegal, unregulated, and undocumented fishing, becomes available.

Amphibians

6. Morelet's or black-eyed tree frog (*Agalychnis moreletii*) – Include in an Appendix.

Twan Leenders of Sacred Heart University and the Yale Peabody Museum of Natural History submitted a proposal to list this species in an Appendix. Mexico, Belize, El Salvador, Guatemala, and Honduras are range countries for this species. The United States referred this inquiry to Mexico for consideration, and Mexico indicated that they would do so. The United States is unlikely to submit a proposal on this species, but would consider co-sponsoring or otherwise supporting a proposal from a range country.

7. Madagascar microhylid frogs (*Scaphiophryne* species) – Include in Appendix II.

SSN recommended that we submit a proposal to include Madagascar microhylid frogs in Appendix II. Madagascar proposed listing four species of microhylid frogs (*Scaphiophryne gottlebei*, *S. madagascariensis*, *S. marmorata*, and *S. pustulosa*) in Appendix II at CoP12 (Santiago, 2002). The Conference of the Parties agreed to list only the red rain frog (*S. gottlebei*). However, the Global Amphibian Assessment (participants include IUCN, Conservation International, and others) recommends that two other species (*S. boribory* and *S. marmorata*) be included in Appendix II. Generally, these species are affected by trade as well as habitat loss, although the information submitted by SSN stated that “There is limited information about the exact distribution and population size of *Scaphiophryne* species.” The United States will encourage Madagascar to consider a proposal to list these species in Appendix II, but due to workload and other priorities, we are unlikely to proceed with a proposal ourselves.

Reptiles

8. Central American river turtle (*Dermatemys mawii*) – Transfer from Appendix II to Appendix I

SSN recommended that, if Mexico decides to proceed with a proposal to transfer this species

from Appendix II to Appendix I, the United States should co-sponsor the proposal. This species is already being evaluated in the Review of the Appendices under the auspices of the Animals Committee. The review is being undertaken by Mexico, a range country, which presented a report on the status of the species at AC21. It determined that the species meets the biological criteria in Mexico for listing in Appendix I. Mexico presented a revised report at AC22 incorporating range-wide information based on a series of workshops. Based on an assessment of the trade in this species, which is largely regional for subsistence use, Mexico has recommended retaining this species in Appendix II but will work with neighboring range countries to address the conservation needs of the species. The United States supports this recommendation from Mexico, which was endorsed by the Animals Committee.

9. Parson's chameleon (*Calumma parsonii parsonii*) – Transfer from Appendix II to Appendix I.

SSN recommended that the United States submit a proposal to include *Calumma parsonii parsonii* in Appendix I. This species is endemic to the forests of eastern Madagascar. Forest loss due to urbanization and agriculture, as well as the popularity of Parson's chameleon in the pet trade, may threaten the viability of wild populations. However, there is little published information documenting population trends of this subspecies. In addition, CITES recommended that the Parties suspend imports of most chameleons from Madagascar, including Parson's chameleon (Notification 2004/028). This recommendation remains in effect (Notification 2006/034).

Birds

10. Timneh grey parrot (*Psittacus erithacus timneh*) – Transfer from Appendix II to Appendix I

The United States considered proposing the African grey parrot (*Psittacus erithacus*) for transfer from Appendix II to Appendix I at CoP13 (Bangkok, 2004). However, when we consulted range countries, only Cameroon was supportive of the proposal.

In the early 1990s, the African grey parrot was considered in Phase I of the Review of Significant Trade, which is conducted by the Animals Committee to ensure that range countries are making the necessary non-detriment findings to allow exports of Appendix-II species, per Article IV of the Convention. Eight range countries were included in the review. However, when the review was concluded, some of the recommendations of the Animals Committee were not fully addressed. Due to concern about the sustainability of the trade and illegal traffic, the European Community maintains a ban against the import of this species from Benin, Burundi, Liberia, Mali, Nigeria, Togo, Guinea (for *P. e. timneh* only), and Guinea Bissau (for *P. e. timneh* only).

Under the Wild Bird Conservation Act, no African grey parrots, of either subspecies, may enter the United States, except in limited circumstances.

Prior to AC21, we learned that the European Community was unlikely to support transfer of the African grey parrot from Appendix II to Appendix I for Angola, Cameroon, Central African Republic, Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon, Ivory Coast, Sao

Tome and Principe, Sierra Leone, and Tanzania. It was announced at AC21 that Ghana and Tanzania have banned trade in this species. This species is again being evaluated in the Review of Significant Trade in the Animals Committee. Based on the progress made on this review at AC22 in July 2006, including recommendations for reduced quotas or suspension of trade for major exporting countries, we have determined that it is not advisable to go forward with a proposal.

Request for Information and Comments

In our *Federal Register* notice of November 7, 2006, we invited any information and comments concerning any of the possible CoP14 species proposals and proposed resolutions, decisions, and agenda items discussed above. You must submit your information and comments to us no later than December 22, 2006, to ensure that we consider them.

Comments pertaining to proposed resolutions, proposed decisions, and/or agenda items should be sent to the Division of Management Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive; Room 700; Arlington, VA 22203; or via E-mail at: cop14@fws.gov; or via fax at: 703-358-2298. Comments pertaining to species proposals should be sent to the Division of Scientific Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive; Room 750; Arlington, VA 22203; or via E-mail at: scientificauthority@fws.gov; or via fax at: 703-358-2276. 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.

Announcement of Public Meeting

In our *Federal Register* notice of November 7, 2006, we announced that we will hold a public meeting to discuss with you species proposals, as well as proposed resolutions, decisions, and agenda items that the United States is considering submitting for consideration at CoP14. The public meeting will be held on December 11, 2006, at 1:30 p.m. in the Rachel Carson Room, in the Department of the Interior at 18th and C Streets, N.W., Washington, D.C. Directions to the building can be obtained by contacting the Division of Management Authority. Please note that the Rachel Carson Room is accessible to the handicapped and all persons planning to attend the meeting will be required to present photo identification when entering the building. Due to building security in the Department of the Interior, persons planning to attend the meeting must notify the Division of Management Authority by December 8, 2006, to allow us sufficient time to provide the building security staff with a list of persons planning to attend. Persons who plan to attend the meeting and who require interpretation for the hearing impaired should notify the Division of Management Authority as soon as possible.

Observer Information

In our *Federal Register* notice of November 7, 2006, we provided you with information regarding attending CoP14 as an observer.

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 non-governmental organizations (which must have offices in more than one country) at CoP14 may request approval directly from the CITES Secretariat. Persons wishing to be observers representing U.S. national non-governmental organizations at CoP14 must receive prior approval from our Division of Management Authority. Once we grant our approval, a U.S. national non-governmental organization is eligible to register with the Secretariat and must do so at least one month prior to the opening of CoP14 to participate in CoP14 as an observer. Individuals who are not affiliated with an organization may not register as observers. An international non-governmental organization with at least one office in the United States may register as a U.S. non-governmental 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 CoP14. 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. 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 CoP14 as an observer. These requests should be sent to the Division of Management Authority.

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 relevant travel and hotel information. A list of organizations approved for observer status at CoP14 will be available upon request from the Division of Management Authority just prior to the start of CoP14.

Future Actions

We expect the CITES Secretariat to provide us with a provisional agenda for CoP14 within the next several months. Once we receive the provisional agenda, we will announce it in a *Federal Register* notice and provide the CITES Secretariat's Website URL, as well as a link to it on our Website (<http://www.fws.gov/international>).

The United States will submit any species proposals and proposed resolutions, decisions, and agenda items for consideration at CoP14, to the CITES Secretariat 150 days prior to the start of the meeting (i.e., by January 4, 2007). We will consider all available information and comments, including those presented at the public meeting or received in writing during the comment period, in deciding which species proposals and proposed resolutions, decisions, and agenda items warrant submission by the United States for consideration of the Parties. Approximately 4 months prior to CoP14, 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 CoP14.

Through an additional notice and website posting in advance of CoP14, we will inform you about preliminary negotiating positions on resolutions, decisions, agenda items and amendments to the Appendices proposed by other Parties for consideration at CoP14. We will also publish an announcement of a public meeting tentatively to be held approximately 2 months prior to CoP14, to receive public input on our positions regarding items submitted by other Parties.